

## Law Viewer

## ENFORCEMENT DECREE OF THE FOREST WELFARE PROMOTION ACT

Presidential Decree No. 27057, Mar. 25, 2016  
Amended by Presidential Decree No. 27252, Jun. 21, 2016  
Presidential Decree No. 28806, Apr. 17, 2018  
Presidential Decree No. 29107, Aug. 21, 2018  
Presidential Decree No. 29450, Dec. 31, 2018

## Article 1 (Purpose)

The purpose of this Decree is to prescribe matters mandated by the Forest Welfare Promotion Act and those necessary for enforcing said Act.

## Article 2 (Scope of Persons Alienated from Forest Welfare)

"Person prescribed by Presidential Decree, such as ... a person from the low-income bracket" in subparagraph 3 of Article 2 of the Forest Welfare Promotion Act (hereinafter referred to as the "Act") means any of the following persons: <Amended by Presidential Decree No. 29107, Aug. 21, 2018>

1. A beneficiary of disability allowances under Article 49 (1) of the Act on Welfare of Persons with Disabilities;
2. A beneficiary of allowances for children with disabilities under Article 50 (1) of the Act on Welfare of Persons with Disabilities;
3. A beneficiary of pensions for persons with disabilities under subparagraph 4 of Article 2 of the Act on Pensions for Persons with Disabilities;
4. The second-lowest income bracket under subparagraph 10 of Article 2 of the National Basic Living Security Act.

## Article 3 (Specialized Forest Welfare Business)

"Business prescribed by Presidential Decree" in subparagraph 7 of Article 2 of the Act means any of the following business: <Amended by Presidential Decree No. 29107, Aug. 21, 2018>

1. Forest healing business: Business of instructing forest healing pursuant to the Forestry Culture and Recreation Act (referring to forest healing under subparagraph 4 of Article 2 of that Act; hereinafter the same shall apply) or developing and disseminating forest healing programs under Article 11-2 (2) of that Act;
2. Forest interpretation business: Business of offering interpretation or providing guidance or education in order for the public to acquire knowledge of forest and to have the right values through activities regarding forestry culture and recreation (referring to forestry culture and recreation under subparagraph 1 of Article 2 of the Forestry Culture and Recreation Act; hereinafter the same shall apply);
3. Early childhood forest education business: Business of providing guidance or education in order for young children (referring to young children under subparagraph 1 of Article 2 of the Early Childhood Education Act; hereinafter the same shall apply) to cultivate emotion and grow into a well-rounded person through forest education (referring to forest education under subparagraph 1 of Article 2 of the Forest Education Promotion Act; hereinafter the same shall apply);

4. Forest path climbing guidance business: Business of offering interpretation or providing guidance or education in order for the public to go climbing or trekking (referring to the activity of experiencing the regional history or culture, enjoying the scenery, and promoting health; hereinafter the same shall apply) safely and pleasantly;

5. Comprehensive forest welfare business: Business of comprehensively providing forest welfare services including all of the following business:

(a) Forest healing business under subparagraph 1;

(b) At least one business among business prescribed in subparagraphs 2 through 4.

Article 4 (Scope of Forest Welfare Facility)

"Facilities prescribed by Presidential Decree" in subparagraph 9 (c) of Article 2 of the Act means the following facilities:

1. Camping sites in a forest under subparagraph 8 of Article 2 of the Forestry Culture and Recreation Act;

2. Leisure sports facilities in a forest under subparagraph 9 of Article 2 of the Forestry Culture and Recreation Act;

3. Woodland burial ground under subparagraph 14 of Article 2 of the Act on Funeral Services, Etc.;

4. Other facilities that provide forest welfare services, such as forest healing, forest culture and recreation, and forest education, based on forests and are publicly notified by the Minister of the Korea Forest Service after deliberation by the Forest Welfare Deliberative Committee (hereinafter referred to as the "Committee") under Article 8 (1) of the Act.

Article 5 (Alteration of Minor Matters of Forest Welfare Promotion Plans)

"Alteration of minor matters prescribed by Presidential Decree" in the proviso of Article 5 (4) of the Act means any of the following cases: <Amended by Presidential Decree No. 29107, Aug. 21, 2018>

1. Cases of altering the period of conducting business related to matters referred to in Article 5 (1) 2 or 3 of the Act within the period of implementing a forest welfare promotion plan under that paragraph (hereinafter referred to as "promotion plan");

2. Cases of altering a maximum of 10/100 of the number or area of forest welfare complexes or forest welfare facilities in a plan to expand forest welfare complexes or forest welfare facilities under the promotion plan;

3. Cases of altering a maximum of 10/100 of the total business expenses under the promotion plan;

4. Cases of reflecting any alteration made following the enactment of, amendment to, or repeal of other statutes;

5. Other cases of correcting simple mistakes, omissions, etc.

Article 6 (Entrustment of Basic Survey)

The Minister of the Korea Forest Service may entrust a basic survey under Article 6 (1) of the Act to the Korea Forest Welfare Institute under Article 49 of the Act, pursuant to Article 6 (2) of the Act.

Article 7 (Matters Subject to Deliberation and Decision of the Committee)

"Matters prescribed by Presidential Decree" in Article 8 (1) 6 of the Act means the following matters: <Amended by Presidential Decree No. 29107, Aug. 21, 2018>

1. The scope of a forest welfare facility under subparagraph 4 of Article 4;

2. Matters regarding the relaxation of the detailed standards for ecologically sustainable use under Article 34 (2);
3. Other matters necessary for the promotion of forest welfare, which are brought before the Committee by the Minister of the Korea Forest Service for deliberation.

#### Article 8 (Disqualification of, Challenge to, or Refrainment by, Committee Members)

- (1) Any member of the Committee who falls under any of the following subparagraphs shall be disqualified from deliberations and decisions of the Committee: <Amended by Presidential Decree No. 29107, Aug. 21, 2018>
1. Where the member, or a person who is or was in a relative relationship, is a party to the relevant agenda (where a party is a corporation or an organization, including the executive officers thereof; hereafter in this Article, the same shall apply) or is holding any right or duty jointly with the party to such agenda;
  2. Where the member (where the member belongs to any corporation or organization, including such corporation or organization; hereafter in this Article, the same shall apply) is or was an agent of a party to the relevant agenda;
  3. Where the member is in an employment relationship with a party to the relevant agenda or was in an employment relationship over the recent three years.
- (2) If the circumstances indicate that it would be impracticable to expect fair deliberations and decisions of a member of the Committee, any party to the relevant agenda may file a request for a challenge to the member with the Committee, which shall make a decision on such request by its resolution. In such cases, the member subject to the request for a challenge shall not participate in such decision.
- (3) Where a member of the Committee finds that he or she is subject to disqualification for any ground under the subparagraphs of paragraph (1), the member shall voluntarily refrain from deliberation and decision on the relevant agenda.

#### Article 9 (Removal or Dismissal of Committee Members from Office)

- (1) Where a Committee member under Article 8 (3) 1 or 8 of the Act falls under any of the following cases, the Minister of the Korea Forest Service may remove or dismiss such member from his or her office:
1. Where the member becomes incapable of performing his or her duties due to mental or physical disability;
  2. Where the member engages in misconduct in connection with his or her duties;
  3. Where the member is deemed unsuitable as a member due to neglect of duty, injury to dignity, or any other reason;
  4. Where the member fails to refrain himself or herself despite falling under any subparagraph of Article 8 (1);
  5. Where the member voluntarily admits that it is impracticable for him or her to perform his or her duties.
- (2) A person who recommends or appoints a member pursuant to Article 8 (3) 2, 4 through 7, or 9 of the Act may revoke such recommendation or appointment, where the member falls under any subparagraph of paragraph (1).

#### Article 10 (Duties of the Chairperson)

- (1) The Chairperson of the Committee shall represent the Committee and have general supervision and control of its affairs.

(2)Where the Chairperson is unable to perform his or her duties due to any unavoidable cause, the Vice-Chairperson and a member designated in advance by the Chairperson shall act on behalf of the Chairperson in the order named.

#### Article 11 (Operation of the Committee)

(1)The Chairperson shall convene and preside over meetings of the Committee.

(2)A majority of the members of the Committee shall constitute a quorum, and any decision thereof shall require the concurring vote of a majority of those present.

(3)If deemed necessary for deliberation, the Chairperson may require a relevant person or an expert in the relevant area to attend the meetings to hear their opinions.

#### Article 12 (Establishment of Subcommittees and Matters to Be Deliberated)

(1)Subcommittees established under the Committee pursuant to Article 8 (5) of the Act (hereinafter referred to as "subcommittee") shall be categorized into subcommittee I and subcommittee II.

(2)Subcommittees shall deliberate on the following:

##### 1.Subcommittee I:

(a)Matters regarding the establishment and change of a promotion plan;

(b)Other matters that the Committee shall refer to the subcommittee I for deliberation;

##### 2.Subcommittee II:

(a)Matters regarding the designation of a forest welfare district and the cancellation thereof;

(b)Matters regarding the approval of a plan to create a forest welfare complex under Article 33 (1) of the Act (hereinafter referred to as "creation plan") and an implementation plan to create a forest welfare complex under Article 35 (1) of the Act (hereinafter referred to as "implementation plan");

(c)Matters regarding the scope of a forest welfare facility under subparagraph 4 of Article 4;

(d)Other matters that the Committee shall refer to the subcommittee II for deliberation.

(3)Notwithstanding paragraph (2), the Chairperson may adjust matters to be deliberated by each subcommittee through decision by the Committee, if necessary to efficiently perform the affairs of the Committee.

#### Article 13 (Organization and Operation of Subcommittees)

(1)A subcommittee shall be comprised of not less than 10 but not more than 15 members, including one chairperson.

(2)The Deputy Minister of the Korea Forest Service shall serve as the chairperson of subcommittees, and the members of each subcommittee shall be persons appointed by the Chairperson from among the members of the Committee.

(3)A majority of the members of a subcommittee shall constitute a quorum, and any decision thereof shall require the concurring vote of a majority of those present.

#### Article 14 (Executive Secretary)

The Committee shall have one executive secretary, who shall be appointed by the Minister of the Korea Forest Service from among public officials of the Korea Forest Service.

#### Article 15 (Expert Members)

(1)Expert members assigned to the Committee pursuant to Article 8 (5) of the Act

(hereinafter referred to as "expert member") shall be appointed by the Minister of the Korea Forest Service from among any of the following persons:

1. A person who has worked in a forest-related research institute of the State or a local government for at least five years or has served as a public official in the area of forestry for at least five years;
  2. A person who satisfies all of the following requirements:
    - (a) A person who has acquired a master's degree or higher in the area of forest welfare;
    - (b) A person who has at least five years of work experience in the area of forest welfare;
  3. An executive officer or employee of the Korea Forest Welfare Institute under Article 49 of the Act who is recommended by the President of the Korea Forest Welfare Institute.
- (2) Expert members may attend a meeting to state their opinions, upon the request from the Chairperson, or the Committee or subcommittees.
- (3) Expert members shall perform each of the following affairs regarding specialized surveys and research on the affairs of the Committee:
1. Reviewing agenda items submitted to the Committee or subcommittees;
  2. Reviewing a plan to implement matters decided by the Committee or subcommittees;
  3. Collecting data related to deliberation of the Committee or subcommittees;
  4. Surveying and researching other matters requested by the Committee or subcommittees.

#### Article 16 (Detailed Guidelines for Operation)

Except as provided in this Decree, matters necessary for the operation of the Committee shall be determined by the Chairperson following decisions by the Committee.

#### Article 17 (Details of Plan to Provide Forest Welfare Service Vouchers)

- (1) A plan to provide forest welfare service vouchers under Article 9 (1) of the Act (hereinafter referred to as "plan to provide forest welfare service vouchers") shall include the following matters:
1. Direction-setting for promoting a project for forest welfare service vouchers;
  2. Methods for promoting a project for forest welfare service vouchers, including the following:
    - (a) A plan to issue forest welfare service vouchers, such as the details and procedures for issuance;
    - (b) The criteria for the issuance of forest welfare service vouchers;
    - (c) Matters regarding cost sharing of forest welfare service voucher users;
  3. Other matters necessary for the promotion of a project for forest welfare service vouchers.
- (2) The Minister of the Korea Forest Service shall formulate and announce a plan to provide forest welfare service vouchers for the following year, by December 31 of each year.
- (3) The Minister of the Korea Forest Service may change a plan to provide forest welfare service vouchers, if deemed necessary, such as where any change is made to the supply and demand of forest welfare services. In such cases, he or she shall announce such change.

#### Article 18 (Criteria for Registration of Forest Welfare Service Providers)

“Criteria for facilities and human resources prescribed by Presidential Decree” in Article 10 (2) of the Act means the criteria for facilities and human resources specified in attached Table 1.

Article 19 (Detailed Criteria for Revocation of Registration of Forest Welfare Service Provider)

The detailed criteria for the revocation, etc. of registration of a forest welfare service provider under Article 11 (1) of the Act shall be as specified in attached Table 2.

Article 20 (Institutions Specializing in Evaluation, Education, and Training of Forest Welfare Service Providers)

(1) Pursuant to the former part of Article 12 (4) of the Act, the Minister of the Korea Forest Service may entrust the affairs related to evaluation referred to in paragraph (1) of that Article and education and training referred to in the former part of paragraph (3) to the following specialized institutions: <Amended by Presidential Decree No. 29107, Aug. 21, 2018>

1. The Korea Forest Welfare Institute under Article 49 of the Act (excluding where the Korea Forest Welfare Institute as a forest welfare service provider undergoes an evaluation under Article 12 (1) of the Act);
2. The Korea Forest Conservation Association under Article 46 of the Mountainous Districts Management Act.

(2) When the Minister of the Korea Forest Service entrusts the affairs pursuant to paragraph (1), he or she shall publicly notify an institution entrusted with such affairs and the details of entrustment.

Article 21 (Restitution of Unjust Enrichment)

(1) Where the Minister of the Korea Forest Service intends to restitute forest welfare service fees that a forest welfare service provider has received from forest welfare service users by fraud or other improper means pursuant to Article 15 (1) of the Act, he or she shall notify in writing the relevant forest welfare service provider of the fact that any ground for restitution occurs, the amount of restitution, the payment deadline, a receiving institution, the methods of filing an objection, etc.

(2) The payment deadline under paragraph (1) shall be not less than 30 days from the date of notification.

(3) Where forest welfare service fees that a forest welfare service provider has received from forest welfare service users by fraud or other improper means are determined, the Minister of the Korea Forest Service shall notify such fact to the relevant forest welfare service users and reissue a forest welfare service voucher. In such cases, the amount of the forest welfare service voucher reissued by the Minister of the Korea Forest Service shall correspond to the amount of forest welfare service fees that the forest welfare service provider has received from forest welfare service users by fraud or other improper means.

Article 22 (Types of Facilities for Mobility Disadvantaged Persons)

The types of and establishment criteria for facilities that a forest welfare service provider shall have to give consideration to mobility disadvantaged persons pursuant to Article 16 (1) of the Act shall be as specified in attached Table 3.

Article 23 (Projects for Supporting Mountain Village Residents)

(1) The type of a project for supporting mountain village residents under Article 17 (1) of

the Act (hereinafter referred to as “project for supporting mountain village residents”) shall be the project for establishing transport and convenience facilities, such as an access road to a village, a well, and a public toilet.

- (2) Where a person who establishes and operates a forest welfare facility intends to implement a project for supporting mountain village residents, the person shall formulate a plan for the project for supporting mountain village residents, including the following matters:
  1. The objectives and necessity of a project for supporting mountain village residents;
  2. A detailed implementation plan by each project;
  3. Other matters necessary for the promotion of a project for supporting mountain village residents.
- (3) Where a person who establishes and operates a forest welfare facility intends to formulate a plan for the project for supporting mountain village residents under paragraph (2), the person shall hear in advance opinions on the project details from local residents in an Eup or Myeon in which the relevant project for supporting mountain village residents is to be conducted and the relevant administrative agencies.
- (4) If necessary to hear the opinions of residents in a region in which the project for supporting mountain village residents is to be conducted pursuant to paragraph (3), a person who establishes and operates a forest welfare facility may hold a briefing session or request local residents to submit a written opinion on the project for a specified period.
- (5) Where a person who establishes and operates a forest welfare facility is the State or a local government, the person shall in advance consult with the head of the relevant administrative agency on the necessity of the project for supporting mountain village residents, the budget incurred in conducting such project, etc.

#### Article 24 (Assignment of Forest Welfare Experts)

The criteria for assigning forest welfare experts under Article 20 (1) of the Act shall be as specified in attached Table 4.

#### Article 25 (Registration of Specialized Forest Welfare Business)

- (1) The scope of specialized forest welfare business under Article 21 (1) of the Act and the requirements for registering specialized forest welfare business shall be as specified in attached Table 5.
- (2) A person who intends to file for registration of specialized forest welfare business pursuant to Article 21 (1) of the Act shall submit an application for registration prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs to the Minister of the Korea Forest Service, along with documents verifying whether the person meets the requirements specified in attached Table 5.
- (3) Other necessary matters, such as the issuance of a certificate of registration of specialized forest welfare business and the application for change of registered matters, shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

#### Article 26 (Detailed Criteria for Revocation of Registration of Specialized Forest Welfare Business)

The detailed criteria for the revocation of registration of specialized forest welfare business under Article 22 (1) of the Act shall be as specified in attached Table 6.

## Article 27 (Burden of Expenses Borne by Forest Welfare Service Users)

(1) The scope of expenses that a forest welfare service provider may have forest welfare service users bear pursuant to Article 23 (1) of the Act (hereinafter referred to as "usage fee") shall be as follows:

1. Entrance fees to forest welfare facilities;
2. Fees for using forest welfare facilities;
3. Experience fees;
4. Other expenses necessary for providing forest welfare services.

(2) "Persons prescribed by Presidential Decree" in Article 23 (2) 2 of the Act means any of the following persons: Provided, That subparagraphs 8 through 10 and 12 shall apply only where a forest welfare service provider is the State or a local government:

<Amended by Presidential Decree No. 27252, Jun. 21, 2016; Presidential Decree No. 29107, Aug. 21, 2018; Presidential Decree No. 29450, Dec. 31, 2018>

1. A person not more than the age of six or not less than the age of 65;
2. A person with a disability registered pursuant to Article 32 of the Act on Welfare of Persons with Disabilities (in cases of a person with a severe disability, including his or her guardians);
3. A person who has rendered distinguished service to the State and his or her bereaved family registered pursuant to Article 6 of the Act on the Honorable Treatment of and Support for Persons, etc. of Distinguished Service to the State;
4. A person of distinguished services to national independence and his or her bereaved family registered pursuant to Article 6 of the Act on the Honorable Treatment of Persons of Distinguished Service to Independence;
5. A war veteran registered pursuant to Article 5 of the Act on Honorable Treatment of War Veterans and Establishment of Related Associations;
6. A person of distinguished service to the May 18 Democratization Movement and his or her bereaved family registered pursuant to Article 7 of the Act on the Honorable Treatment of Persons of Distinguished Service to the May 18 Democratization Movement;
7. A person of distinguished services during special military missions and his or her bereaved family registered pursuant to Article 6 of the Act on Honorable Treatment of Persons of Distinguished Service during Special Missions and Establishment of Related Organizations;
8. A voluntary forest instructor commissioned pursuant to Article 46 (1) of the Forest Protection Act;
9. A member of the Green Rangers under Article 16 of the Forest Education Promotion Act;
10. A person residing in an Eup or Myeon in which a forest welfare service provider is located;
11. A person who uses the relevant facility to perform his or her public duties;
12. Other persons publicly notified by the Minister of the Korea Forest Service or the head of a local government who deems it necessary to exempt the relevant usage fees.

(3) The scope of expenses that a forest welfare service provider may exempt pursuant to Article 23 (2) of the Act shall be entrance fees to forest welfare facilities under

paragraph (1) 1.

(4) Except as provided in paragraphs (1) through (3), the detailed criteria for collecting usage fees for forest welfare facilities established by the State shall be determined and publicly notified by the Minister of the Korea Forest Service; the detailed criteria for forest welfare facilities established by local governments shall be prescribed by municipal ordinances; and the detailed criteria for forest welfare facilities established by persons other than the State or local governments shall be determined by the relevant forest welfare service provider.

Article 28 (Disclosure of Information of Forest Welfare Service Providers)

“Matters prescribed by Presidential Decree” in Article 25 (3) 4 of the Act means the following matters:

1. The types and details of forest welfare services provided by a forest welfare service provider;
2. The current status of assignment of forest welfare experts;
3. Other matters that the Minister of the Korea Forest Service deems it necessary to disclose regarding the choice and use of forest welfare services by forest welfare service voucher users.

Article 29 (Hearing Opinions from Residents)

(1) Where the Minister of the Korea Forest Service intends to hear opinions of the relevant local residents to designate or alter the designation of a forest welfare district pursuant to Article 27 (3) of the Act, he or she shall submit a copy of documents verifying the details referred to in Article 27 (4) of the Act to a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu (the head of a Gu refers to the head of an autonomous Gu; hereafter in this Article referred to as “head of a Si/Gun/ Gu”).

(2) Upon receipt of the copy of documents under paragraph (1), the head of a Si/Gun/Gu shall publicly announce the following matters in at least two general daily newspapers for which the whole nation or the relevant region has been registered as main circulation districts pursuant to Article 9 (1) of the Act on the Promotion of Newspapers, Etc. or on the website of the relevant Special Self-Governing City, Special Self-Governing Province, or Si/Gun/Gu (a Gu refers to an autonomous Gu) and shall make them available to the general public for inspection for at least 14 days:

1. The outline of designation or alteration of forest welfare districts;
2. The basic direction-setting for creating a forest welfare district;
3. The period of disclosure to the general public for inspection;
4. Other matters deemed necessary by the Minister of the Korea Forest Service.

(3) A person who has any opinion on the details publicly announced pursuant to paragraph (2) may submit a statement of opinion to the head of a Si/Gun/Gu within the period prescribed in paragraph (2) 3.

(4) The head of a Si/Gun/Gu shall compile opinions submitted pursuant to paragraph (3) and submit them to the Minister of the Korea Forest Service; and where no opinion has been submitted, he or she shall notify such fact to the Minister of the Korea Forest Service.

(5) The Minister of the Korea Forest Service shall notify the results of review of opinions

submitted pursuant to paragraph (4) to the head of the relevant Si/Gun/Gu or the persons who submitted such opinions within 30 days from the date the period of disclosure ends.

Article 30 (Matters regarding Public Notice of Designation as Forest Welfare Districts)  
“Matters prescribed by Presidential Decree” in Article 27 (4) 3 of the Act means the following matters:

- 1.The name of a forest welfare district;
- 2.The objectives of designation as a forest welfare district;
- 3.The date of designation as a forest welfare district or the date of alteration thereof;
- 4.A person who creates a forest welfare district.

Article 31 (Designation Standards for Forest Welfare Districts)

(1)The size of a forest welfare district designated under Article 28 (1) 3 of the Act shall meet the following standards:

- 1.Where the State or a local government creates a forest welfare district: The area of forest shall be at least 800,000 square meters;
- 2.Where a person other than the State or a local government creates a forest welfare district: The area of forest shall be at least 500,000 square meters.

(2)An area subject to designation as a forest welfare district shall satisfy all of the following requirements in order not to affect the water quantity or quality of water sources, water intake stations, etc. pursuant to Article 28 (1) 5 of the Act: Provided, That the same shall not apply where sewage generated from the forest welfare district is flowed into or treated in a public sewage treatment plant under subparagraph 9 of Article 2 of the Sewerage Act:

- 1.The area shall be located more than 10 kilometers in flow distance from water-source protection areas towards the upper stream (20 kilometers where the capacity of a water intake facility is at least 200,000 cubic meters per day, or 15 kilometers where a water intake station has not been designated or publicly notified as a water-source protection area);
- 2.The area shall be located more than 500 meters from the boundary of both banks of a river.

Article 32 (Cancellation of Designation as Forest Welfare District)

When the Minister of the Korea Forest Service cancels the designation of a forest welfare district pursuant to Article 29 (2) of the Act, he or she shall publicly notify the following matters:

- 1.The name of a forest welfare district;
- 2.The date the designation as a forest welfare district is canceled;
- 3.Grounds for canceling the designation as a forest welfare district.

Article 33 (Principles for Creating Forest Welfare Complexes)

“Matters prescribed by Presidential Decree” in subparagraph 8 of Article 30 of the Act means the following matters:

- 1.A forest welfare complex shall be created by making the best use of forest welfare facilities that have been already created pursuant to the Forestry Culture and Recreation Act and the Forest Education Promotion Act;
- 2.A forest welfare complex shall be created to make the best use of resources in the

relevant region, such as history, culture, and tourism.

Article 34 (Detailed Standards for Ecologically Sustainable Use of Mountainous Districts Applicable to Forest Welfare Complexes)

(1) The detailed standards for ecologically sustainable use of mountainous districts applicable to create a forest welfare complex under Article 31 (2) of the Act shall be as specified in attached Table 7.

(2) Notwithstanding paragraph (1), where deemed unreasonable to apply the detailed standards for ecologically sustainable use of mountainous districts for forest welfare complexes under attached Table 7 due to the topographic conditions of mountainous districts or in conducting business affairs, the Minister of the Korea Forest Service may relax such detailed standards after deliberation by the Committee.

Article 35 (Implementer of Project for Creating and Operating Forest Welfare Complex) "Institution prescribed by Presidential Decree" in subparagraph 3 of Article 32 of the Act means any of the following institutions:

1. The Government Employees Pension Service under the Public Officials Pension Act;
2. The Korea Land and Housing Corporation under the Korea Land and Housing Corporation Act;
3. The Korea Workers' Compensation and Welfare Service under the Industrial Accident Compensation Insurance Act.

[This Article Wholly Amended by Presidential Decree No. 29107, Aug. 21, 2018]

Article 36 (Formulation of Creation Plans)

"Matters prescribed by Presidential Decree" in Article 33 (2) 6 of the Act means the following matters:

1. A plan to invest in a forest welfare complex;
2. Matters regarding the lot number, land category, land registration, and land owner of a site to create a forest welfare complex and the areas for each facility;
3. An aerial view including the allocation of facilities;
4. Other matters necessary to create a forest welfare complex.

Article 37 (Feasibility Study on Creation Plan)

(1) A project implementer who intends to request a feasibility study on a creation plan (hereinafter referred to as "feasibility study") pursuant to Article 34 (1) of the Act (referring to an implementer of the project for creating and operating a forest welfare complex under Article 32 of the Act; hereinafter the same shall apply) shall submit an application for a feasibility study to an institution specializing in conducting a feasibility study, along with documents prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(2) "Specialized institution prescribed by Presidential Decree" in Article 34 (1) of the Act means any of the following institutions:

1. The Korea Forest Welfare Institute under Article 49 of the Act (where the Korea Forest Welfare Institute is a project implementer, it shall be excluded);
2. The Korea Forest Conservation Association under Article 46 of the Mountainous Districts Management Act;
3. Other corporations that the Minister of the Korea Forest Service deems an institution specializing in conducting a feasibility study and publicly notifies.

- (3)The detailed criteria for the feasibility study shall be as specified in attached Table 8.
- (4)A specialized institution requested to conduct a feasibility study shall calculate fees necessary for conducting a feasibility study according to the standards determined and publicly notified by the Minister of the Korea Forest Service and shall notify such fees to the person who requested the feasibility study.
- (5)Fees under paragraph (4) may be paid to a specialized institution in cash or by means of electronic currencies, electronic payment, etc. using the information and communications network.

#### Article 38 (Modification to Minor Matters in Implementation Plans)

“Modification to minor matters prescribed by Presidential Decree” in the proviso of Article 35 (1) of the Act means any of the following cases:

- 1.Cases of modifying a maximum of 10/100 of the area of a forest welfare complex under Article 35 (3) 1 of the Act;
- 2.Cases of modifying annual plans to implement the creation project within the implementation period for the project under Article 35 (3) 11 of the Act;
- 3.Cases of reflecting matters determined or modified pursuant to other statutes after approval of the implementation plan;
- 4.Cases of modifying matters that do not affect the basic directions of the implementation plan, of which the grounds for modification are clear;
- 5.Cases of correcting any error in measurement or books, or other similar errors.

#### Article 39 (Matters to Be Included in Implementation Plans)

“Matters prescribed by Presidential Decree” in Article 35 (3) 12 of the Act means the following matters:

- 1.Connectivity to a creation plan;
- 2.Other matters necessary for implementation plans.

#### Article 40 (Officially Assessed Land Price)

“Where the requirements prescribed by Presidential Decree are satisfied, such as where the price of land to be acquired is deemed to fluctuate” in Article 42 (5) of the Act means where the requirements referred to in each subparagraph of Article 38-2 (1) of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects are satisfied.

#### Article 41 (Establishment and Implementation of Relocation Measures)

Article 40 (1) and (5) of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects shall apply mutatis mutandis to the establishment and implementation of relocation measures under Article 43 (1) of the Act. <Amended by Presidential Decree No. 28806, Apr. 17, 2018>

#### Article 42 (Establishment of the Korea Forest Welfare Institute)

Matters regarding the establishment registration of the Korea Forest Welfare Institute under Article 49 of the Act (hereinafter referred to as the “Institute”) shall be as follows:

- 1.Objectives;
- 2.The name;
- 3.The seat of the principal office;
- 4.Names and addresses of executive officers;
- 5.The total amount of assets.

#### Article 43 (Articles of Incorporation)

“Matters prescribed by Presidential Decree” in Article 50 (1) 11 of the Act means the following matters:

1. Matters regarding business;
2. Matters regarding the composition and operation of the organization;
3. Matters regarding dissolution and merger;
4. Other important matters regarding the operation of the Institute.

#### Article 44 (Business)

“Business ... prescribed by Presidential Decree” in subparagraph 11 of Article 53 of the Act means the following business:

1. Comprehensive management and provision of information, system, etc. necessary for the promotion of forest welfare;
2. Development and distribution of forest welfare services;
3. Training for forest welfare experts and management of the requirements therefor;
4. Operation of forest welfare complexes and forest welfare facilities created by persons other than the State, such as local governments;
5. Evaluation of persons who received education in a training institution of forest healing instructors under Article 11-4 of the Forestry Culture and Recreation Act;
6. Fact-finding surveys for the designation as cultural assets in a forest and the revocation of designation thereof under Article 29 of the Forestry Culture and Recreation Act;
7. Other business designated by the Minister of the Korea Forest Service or necessary to achieve the objectives of the Institute.

#### Article 45 (Support for Persons Alienated from Forest Welfare)

- (1) Facilities that the Institute may provide to persons alienated from forest welfare pursuant to Article 54 (1) of the Act shall be facilities specified in attached Table 2 of the Enforcement Decree of the Act on Guarantee of Promotion of Convenience of Persons with Disabilities, the Aged, Pregnant Women, Etc.
- (2) The details and methods of forest welfare services that the Institute provides to persons alienated from forest welfare pursuant to Article 54 (1) of the Act shall be as prescribed in a plan to provide forest welfare service vouchers. In such cases, the Institute may request that the Minister of the Korea Forest Service include necessary details, such as the preferential provision of forest welfare services to persons alienated from forest welfare, in the plan to provide forest welfare service vouchers.

#### Article 46 (Guidance on and Supervision of Business Affairs)

- (1) In order to provide guidance on and supervision of business affairs of the Institute pursuant to Article 57 (1) of the Act, the Minister of the Korea Forest Service may order the submission of relevant data or require public officials under his or her authority to conduct on-site checks, examine documents, or ask questions to relevant persons, or may order the report on such business affairs.
- (2) The Minister of the Korea Forest Service may issue an order regarding the operation of the Institute, etc., if necessary, in consideration of the results of guidance and supervision under paragraph (1).
- (3) Upon receipt of an order under paragraph (2), the Institute shall comply with such order and report the results to the Minister of the Korea Forest Service.
- (4) Any public official who conducts on-site checks or examines documents pursuant to

paragraph (1) shall carry an identification indicating his or her authority and present it to relevant persons.

#### Article 47 (Delegation and Entrustment of Authority)

(1) Pursuant to Article 61 (1) of the Act, the Minister of the Korea Forest Service shall delegate the authority over guidance on, order for, or inspection on forest welfare service providers and persons who have specialized forest welfare business registered under Article 26 of the Act to the director general of a regional office of forest service, the Director of the National Recreation Forest Management Office, the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Do Governor, or a Special Self-Governing Province Governor according to the following classification:

1. Guidance on, order for, or inspection on forest welfare service providers and persons who engage in specialized forest welfare business in forest welfare facilities created and operated by the State or the Institute (excluding forest welfare facilities created and operated by the Director of the National Recreation Forest Management Office): The director general of a regional office of forest service;
2. Guidance on, order for, or inspection on forest welfare service providers and persons who engage in specialized forest welfare business in forest welfare facilities created and operated by the Director of the National Recreation Forest Management Office: The Director of the National Recreation Forest Management Office;
3. Guidance on, order for, or inspection on forest welfare service providers and persons who engage in specialized forest welfare business in forest welfare facilities other than those referred to in subparagraphs 1 and 2: The Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Do Governor, or a Special Self-Governing Province Governor.

(2) The Minister of the Korea Forest Service shall entrust the following business affairs to the Institute pursuant to Article 61 (2) of the Act: <Amended by Presidential Decree No. 29107, Aug. 21, 2018>

1. Basic surveys for formulating a promotion plan under Article 6 of the Act;
2. Affairs regarding the registration, management, and evaluation of and education and training for forest welfare service providers under Articles 10 and 12 of the Act;
3. Affairs regarding registration and evaluation of specialized forest welfare business and education and training under Articles 21 and 22-2 of the Act;
4. Affairs regarding the issuance, use, etc. of forest welfare service vouchers under Articles 24 and 25 of the Act.

(3) The Minister of the Korea Forest Service shall require the Institute to conduct business affairs regarding the establishment and operation of the forest welfare information system under Article 7 of the Act on his or her behalf pursuant to Article 61 (2) of the Act.

#### Article 48 (Management of Personally Identifiable Information)

If inevitable to perform affairs regarding the issuance of forest welfare service vouchers under Article 24 of the Act, the Minister of the Korea Forest Service (including persons entrusted with business affairs of the Minister pursuant to Article 61 (2) of the Act) may

manage data containing resident registration numbers under subparagraph 1 of Article 19 of the Enforcement Decree of the Personal Information Protection Act.

#### Article 49 (Administrative Fines)

The criteria for imposing administrative fines under Article 66 (1) of the Act shall be as specified in attached Table 9.

#### ADDENDA

##### Article 1 (Enforcement Date)

This Decree shall enter into force on March 28, 2016.

##### Article 2 (Special Cases concerning Formulation of Plans to Provide Forest Welfare Service Vouchers)

Notwithstanding Article 17 (2), the Minister of the Korea Forest Service shall formulate and announce a plan to provide forest welfare service vouchers for the year in which the enforcement date of this Decree falls, within six months after this Decree enters into force.

##### Article 3 Omitted.

#### ADDENDA <Presidential Decree No. 27252, Jun. 21, 2016>

##### Article 1 (Enforcement Date)

This Decree shall enter into force on June 23, 2016.

##### Article 2 Omitted.

#### ADDENDA <Presidential Decree No. 28806, Apr. 17, 2018>

##### Article 1 (Enforcement Date)

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

##### Articles 2 and 3 Omitted.

#### ADDENDUM <Presidential Decree No. 29107, Aug. 21, 2018>

This Decree shall enter into force on August 22, 2018.

#### ADDENDA <Presidential Decree No. 29450, Dec. 31, 2018>

##### Article 1 (Enforcement Date)

This Decree shall enter into force on July 1, 2019.

##### Articles 2 and 3 Omitted.

PC Version

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