

HARBOR ACT

Wholly Amended by Act No.4358, Mar. 8,1991

Amended by Act No.4419, Dec. 14,1991

Act No.4429, Dec. 14,1991

Act No.4574, Aug. 5,1993

Act No.4925, Jan. 5,1995

Act No.5111, Dec. 29,1995

Act No.5453, Dec. 13,1997

Act No.5454, Dec. 13,1997

Act No.5807, Feb. 5,1999

Act No.5808, Feb. 5,1999

Act No.5835, Feb. 8,1999

Act No.5893, Feb. 8,1999

Act No.5911, Feb. 8,1999

Act No.5914, Feb. 8,1999

Act No.6254, Jan. 28,2000

Act No.6394, Jan. 29,2001

Act No.6406, Jan. 29,2001

Act No.6487, May. 24,2001

Act No.6656, Feb. 4,2002

Act No.6841, Dec. 30,2002

Act No.6893, May. 29,2003

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to provide for matters concerning designation, development, management and utilization of harbors to serve to develop the national economy through the promotion of the construction of harbors and ensuring the efficiency of management and operation thereof.

Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows: *<Amended by Act No. 4925, Jan. 5,*

1995; Act No. 5454, Dec. 13, 1997; Act No. 5807, Feb. 5, 1999; Act No. 6394, Jan. 29, 2001; Act No. 6487, May 24, 2001>

1. The term "harbor" means any establishment equipped with facilities installed for the entry and departure of ships, the embarkation and disembarkation of passengers on board ships, and the loading and unloading, storing and handling of cargoes, and such harbors shall be divided into designated harbors and local harbors;
2. The term "designated harbors" means the harbors which are closely related to the national economy and public interest and their names, locations and areas are designated by the Presidential Decree;
3. The term "local harbors" means harbors other than the designated harbors, and whose name, place and area are designated and announced by the Special Metropolitan City Mayor, the Metropolitan City Mayor or *Do* governor (hereafter referred to as the "Mayor/*Do* governor");
4. The term "harbor area" means any harbor area under the provisions of subparagraph 2 and 3;
5. The term "littoral zone" means zone under the provisions of Article 49 (1) and any facility protection districts (limited to those for the protection of harbor facilities) under the provisions of Article 33 (1) 7 of the Urban Planning Act;
6. The term "harbor facilities" means facilities falling under each of the following items within the harbor area and other facilities falling under each of the following items outside the harbor area, which have been designated and announced by the Minister of Maritime Affairs and Fisheries or the Mayor/*Do* governor (hereafter referred to as the "management agency"):
 - (a) Basic facilities:
 - (i) Water facilities, such as water ways, anchoring, mooring, turning places, etc.;
 - (ii) Contour facilities such as breakwaters, barricades erected to arrest erosion of sand, moles, tide, current-leading embankments, sluice gates, sea walls, etc.;
 - (iii) Harbor transportation facilities such as roads, bridges, railroads, tracks, canals, etc.; and
 - (iv) Mooring facilities such as quays, landing stages, piers, dolphins, ship landing places, ramps, etc.;
 - (b) Functional facilities:
 - (i) Deleted; *<by Act No. 6487, May 24, 2001>*
 - (ii) Nautical aids, such as beacons, signals, illuminations, communication systems for incoming and outgoing navigation of ships, etc.;
 - (iii) Cargo handling facilities, such as fixed or mobile loading and unloading equipment, conveying equipment and piping, etc.;
 - (iv) Facilities for passengers, such as waiting rooms, passenger's elevator facilities and luggage offices, etc.;
 - (v) Facilities for the distribution and sales of cargo such as warehouses, open storage yards,

- container equipment yards, container handling yards, silos, oil storage facilities and cargo terminals, etc.;
- (vi) Vessel supply facilities, such as oil pumping and water supply facilities and ice production and supply facilities, etc.;
- (vii) and (viii) Deleted; *<by Act No. 6487, May 24, 2001>*
- (ix) Harbor control, information, security facilities;
- (x) Deleted; *<by Act No. 4925, Jan. 5, 1995>*
- (xi) Deleted; *<by Act No. 6487, May 24, 2001>*
- (xii) Sites for harbor facilities;
- (xiii) Functional facilities under subparagraph 3 (b) of Article 2 of the Fishery Harbors Act (limited to those located in the fishery harbor zone);
- (xiv) Cultural and welfare facilities under subparagraph 3 (c) of Article 2 of the Fishery Harbors Act (limited to those located in the fishery harbor zone); and
- (xv) Pollution control facilities such as soundproof walls, dustproof nets, forest zones, etc.;
- (c) Support facilities:
- (i) Background distribution facilities, such as storing warehouses, collection and delivery places, complex cargo terminals, improvement warehouses;
- (ii) Facilities for storage, sale, exhibit, etc. of tools and materials for vessels, and ship supplies;
- (iii) Facilities for assembly, processing, packing, etc. for cargoes;
- (iv) Facilities for harbor-related business, such as public services, facility management, etc.;
- (v) Facilities for the welfare and convenience-providing, such as resting places, overnight accommodations, clinics, entertainment facility, training places, parking lots, customs clearance places for vehicles, etc. for the harbor facility users (hereafter referred to as "users"), passengers, etc. using harbor, and those engaging in harbor;
- (vi) Research facilities such as technological development of harborrelated industry, support to ventures, etc.; and
- (vii) Other facilities for supporting harbor functions as stipulated by the Ordinance of the Ministry of Maritime Affairs and Fisheries; and
- (d) Support facilities:
- (i) Basic facilities for marine leisure to accomodate fishing place, pleasure boat, fisher boat, motor boat, yacht and windsurfing, etc.;
- (ii) Facilities for marine culture and education, such as marine museum, fishing village folk hall, marine relics, performance places, study places, mud flat experiencing lots, etc.;
- (iii) Marine park facilities, such as marine observation platform, strolling pathways, beach greens, landscape facilities; and
- (iv) Artificial facilities created by recycling dredged soil, such as artificial beach, artificial

marsh, etc.;

7. The term "harbor background complexes" means the areas designated and developed under Article 36 in order to improve the harbor's value added and the harbor-related industrial activities, and to contribute to the elevation of conveniences for the harbor users by collectively install and foster the supporting facilities and the marina facilities in the harbor area and littoral zones;
8. Deleted; and *<by Act No. 6487, May 24, 2001>*
9. The term "harbor operational computer networks" means any general electronic data processing system installed and operated for the efficient management and operation of harbors, for supporting the policy-making for the scientific management of harbors, and for the convenience of harbor users.

Article 3 (Classification and Standards for Designation of Designated Harbors)

- (1) Designated harbors shall be classified and designated as follows:
 1. International trade harbors; and
 2. Coastal harbors.
- (2) The standards for designation under paragraph (1) shall be prescribed by the Presidential Decree.

Article 4 (Harbor Policy Council)

- (1) A Central Harbor Policy Council shall be established under the control of the Minister of Maritime Affairs and Fisheries in order to consider the following matters: *<Amended by Act No. 5454, Dec. 13, 1997; Act No. 5807, Feb. 5, 1999; Act No. 6487, May 24, 2001>*
 1. Matters concerning the formulation and alteration of basic harbor plans: *Provided*, That matters prescribed by the Presidential Decree shall be excluded;
 2. Matters concerning the designation and abolition of harbors;
 3. Matters concerning the designation and coordination of harbor areas;
 4. Matters concerning the device of integrated plans for the development of harbor background complexes under Article 35;
 5. Matters concerning the designation of harbor background complexes under Article 36; and
 6. Other matters referred to the Council by the Minister of Maritime Affairs and Fisheries, concerning the development, management and operation of harbors.
- (2) A local harbor policy council shall be established under the control of the Administrator of a Regional Maritime Affairs and Fisheries Office in order to provide advice and suggestions requested by the Administrator of the Regional Maritime Affairs and Fisheries Office and to consider the delegated matters among those under the jurisdiction of the Central Harbor Policy Council. *<Amended by Act No. 5454, Dec. 13, 1997>*

(3) The necessary matters concerning the organization, functions and operation of the Central Harbor Policy Council and local harbor policy councils under paragraphs (1) and (2) shall be determined by the Presidential Decree.

CHAPTER II BASIC HARBOR PLANS

Article 5 (Formation of Basic Harbor Plans)

(1) In order to promote the development of harbors and promote the efficiency of the operation thereof, the Minister of Maritime Affairs and Fisheries shall establish and enforce the basic harbor plans concerning the designated harbors, and the Mayor/*Do* governor shall establish and enforce the basic harbor plans concerning the local harbors, with a unit of ten years respectively.

<Amended by Act No. 5454, Dec. 13, 1997>

(2) The Minister of Maritime Affairs and Fisheries shall consult with the head of the central administrative agency concerned and the Mayor/ *Do* governor concerned, when he desires to establish the basic harbor plans under paragraph (1). *<Amended by Act No. 5454, Dec. 13, 1997>*

(3) The Mayor/*Do* governor shall obtain the approval of the Minister of Maritime Affairs and Fisheries, when he desires to establish the basic harbor plans concerning local harbors under paragraph (1). In this case, the Minister of Maritime Affairs and Fisheries shall, in approving it, consult with the head of the concerned central administrative agency. *<Amended by Act No. 4925, Jan. 5, 1995; Act No. 5454, Dec. 13, 1997>*

Article 6 (Contents of Basic Harbor Plans)

(1) The basic harbor plans under Article 5 shall include the following subparagraphs:

1. Mid-term and long-term development plan of harbors;
2. Annual development, management and operational plan of harbors;
3. Matters concerning designation, modification and abolishment of harbors;
4. Matters concerning designation of planned areas for developing harbors; and
5. Other matters which the management agency deems necessary.

(2) In case where the harbor construction plan is included in the development plan for industrial complexes established under Articles 6 through 7-2 of the Industrial Sites and Development Act, the harbor construction plan shall be reflected in the basic harbor plan under paragraph (1).

<Amended by Act No. 4574, Aug. 5, 1993; Act No. 5111, Dec. 29, 1995; Act No. 6406, Jan. 29, 2001>

Article 7 (Modification, etc. of Basic Harbor Plans)

(1) Management agencies can modify the basic harbor plans if such modification is necessary.

(2) The provisions of Article 5 (2) and (3) shall apply *mutatis mutandis* to the modification of the basic harbor plans: *Provided*, That the same shall not apply to the modification of insignificant

matters prescribed by the Presidential Decree.

(3) The management agency shall consider the feasibility of the basic harbor plans a unit of 5 years beginning from the establishment thereof.

Article 8 (Notification of Basic Harbor Plan)

When the management agency formulates or modifies the basic harbor plans under Articles 5 and 7, it should provide notification thereof under the Ordinance of the Ministry of Maritime Affairs and Fisheries. *<Amended by Act No. 5454, Dec. 13, 1997>*

CHAPTER III DEVELOPMENT OF HARBOR

Article 9 (Executors, etc. of Harbor Facilities Works)

(1) Except as otherwise specifically prescribed in this Act or any other Acts concerning the works of establishment, reconstruction, maintenance, repair and dredging, etc. of harbor facilities (hereafter referred to as the "harbor works"), the works on the designated harbor shall be executed by the Minister of Maritime Affairs and Fisheries and the works on the local harbors shall be executed by the Mayor/*Do* governor respectively. *<Amended by Act No. 5454, Dec. 13, 1997>*

(2) Any person other than the management agency (hereafter referred to as the "non-management agency") who intends to execute the harbor works shall prepare a plan of harbor work therefor under the conditions as prescribed by the Presidential Decree and shall obtain permission from the management agency: *Provided*, That the same shall not apply to the maintenance and repair work of harbor facilities which are not set to revert to the State or a local government under the provisions of proviso of Article 17 (1). *<Amended by Act No. 4925, Jan. 5, 1995; Act No. 5807, Feb. 5, 1999>*

(3) Deleted. *<by Act No. 6254, Jan. 28, 2000>*

(4) If the management agency directly executes the harbor works or gives permission to the non-management agency to execute such works, it shall issue a notification thereof.

Article 10 (Establishment and Approval, etc. of Implementation Plan)

(1) Any person who executes the harbor works shall draw up an implementation plan for harbor works and shall make public notice thereof before the initiation of the harbor works under the conditions as prescribed by the Presidential Decree: *Provided*, That in case where the executor of harbor works is a non-management office, the management office shall make public notice of the relevant implementation plans.

(2) The non-management agency shall obtain approval from the management agency under the conditions as prescribed by the Presidential Decree, if it intends to draw up an implementation plan for harbor works under paragraph (1). The same shall apply when it changes the approved plan.

(3) Any non-management agency, if it intends to draw up a harbor work implementation plan for

harbor facilities which are not set to revert to the State or a local government under the proviso of Article 17 (1) and are prescribed by the Presidential Decree, shall file a report thereon to the management agency as prescribed by the Presidential Decree notwithstanding paragraph (2).

<Newly Inserted by Act No. 5807, Feb. 5, 1999>

(4) An application or a report for permission under paragraphs (2) and (3) shall be filed within one year from the date on which the permission is obtained under the main sentence of Article 9 (2): *Provided*, That in case that the grounds exist that are prescribed by the Presidential Decree, the period may be extended once within the scope of one year. *<Newly Inserted by Act No. 5807, Feb. 5, 1999>*

Article 10-2 (Implementation of Harbor Work by Non-Management Agency)

Any non-management agency shall, if it has obtained approval for or filed a report on its harbor work implementation plan under Article 10 (2) or (3), commence such harbor work to complete it within a period set by the Minister of Maritime Affairs and Fisheries: *Provided*, That in case that the grounds exist that are prescribed by the Ordinance of the Ministry of Maritime and Fisheries, the Minister of Maritime and Fisheries may, upon receiving an application from the non-management agency, extend such period.

[This Article Newly Inserted by Act No. 5807, Feb. 5, 1999]

Article 11 (Relation with Other Acts)

(1) If the management agency issues a notification of matters concerning the implementation or permission of harbor works under Article 9 (4), it shall be deemed that all required permissions, authorization, licenses, approvals, consultations or consents in the following subparagraphs (hereinafter referred to as the "permissions, etc.") have been obtained and notifications or public announcements therefor have been made in accordance with the Acts applicable in the following subparagraphs: *<Amended by Act Nos. 4419 & 4429, Dec. 14, 1991; Act No. 4925, Jan. 5, 1995; Act No. 5454, Dec. 13, 1997; Act Nos. 5893, 5911 & 5914, Feb. 8, 1999; Act No. 6394, Jan. 29, 2001; Act No. 6841, Dec. 30, 2002; Act No. 6893, May 29, 2003>*

1. Designation of the executor of urban planning facility works under the provisions of Article 59 of the Urban Planning Act and the authorization on the implementation plan of urban planning facility works under the provisions of Article 61 of the said Act;
2. Authorization on the water works under Articles 12 and 33-2 of the Water Supply and Waterworks Installation Act and the authorization on the installation of exclusive supply water pipes under the provisions of Articles 36 and 38 of the said Act;
3. Permission for public sewage works under the provisions of Article 13 of the Sewerage Act;
4. Permission for occupying and using public waters under the provisions of Article 5 of the Public

- Waters Management Act, and authorization of or a report of the implementation plan under the provisions of Article 8 of the same Act;
5. Reclamation license under the provisions of Article 9 of the Public Waters Reclamation Act and the consultation with or approval of the Minister of Maritime Affairs and Fisheries under the provisions of Article 38 (1) of the said Act;
 6. Permission on the implementation of river works under the provisions of Article 30 of the River Act and the permission for the occupation of rivers under the provisions of Article 33 of the same Act;
 7. Permission on the implementation of road works under the provisions of Article 34 of the Road Act and the permission for the occupation of roads under the provisions of Article 40 of the said Act;
 8. Permission on the conversion of farmland under the provisions of Article 36 of the Farmland Act;
 9. Permission for and report on the diversion of the use of mountainous districts as referred to in Articles 14 and 15 of the Management of Mountainous Districts Act, permission for timber-cutting in a reserved forest as referred to in Article 62 (1) of the Forestry Act, and permission for the cutting of standing timber as referred to in Article 90 (1) of the same Act;
 10. Permission for logging, for living trees and bamboos in erosion control area under the provisions of Article 14 of the Work against Land Erosion or Collapse Act;
 11. Permission for the establishment of a factory, etc. under the provisions of Article 6 (1) of the Safety Control of Dangerous Substances Act; and
 12. Permission for the occupation and use of parks under the provisions of Article 23 (1) of the Natural Parks Act and consultation with the Park Management Agency under the provisions of Article 50 of the said Act.
- (2) Public announcement on establishment or modification of a basic harbor plan pursuant to Articles 5 through 8 shall be, within the limits thereof, deemed to be the public announcement pursuant to Article 7 of the Public Waters Reclamation Act on establishment or modification of the corresponding basic plan of public water surface reclamation pursuant to Articles 4 and 8 of the same Act. <Newly Inserted by Act No. 4925, Jan. 5, 1995; Act No. 5911, Feb. 8, 1999>
- (3) The management agency shall consult with the head of the administrative agency concerned regarding the compliance with the related Acts and subordinate statutes in accordance with each subparagraph of paragraph (1), when it executes harbor works directly or permits the implementation of the works by the non-management agency in accordance with the provisions of Article 9.

Article 12 (Completion Confirmation)

- (1) The non-management agency shall submit work completion report to the management agency

and shall obtain a completion confirmation immediately after completing the harbor work.

(2) The management agency, upon receiving an application for the confirmation of the completion of the work under paragraph (1), shall conduct an inspection of the completion of the work as prescribed by the Presidential Decree and issue a certificate confirming the completion of the work to an applicant as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries when it recognizes that the work has been performed in accordance with the terms of the permission. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 5807, Feb. 5, 1999>

(3) When the completion confirmation certificate is issued under the provisions of paragraph (2), it shall be deemed that the inspection of completion or authorization for the completion of such work, etc. is obtained in accordance with the permission, etc. under the provisions of each subparagraph of Article 11 (1).

(4) Before a certificate confirming the completion of the work is issued under the provisions of paragraph (2), no land or facilities resulting from such work shall be used: *Provided*, That the same shall not apply to the case where a report with respect to the use of such land or facilities prior to the completion of the work is filed with the management agency as prescribed by the Presidential Decree or the management agency grants permission for the use of such land or facilities prior to the completion of the work. <Amended by Act No. 5807, Feb. 5, 1999>

Article 13 (Implementation of Incidental Works)

With the implementation of the harbor works, the management and nonmanagement agencies may regard incidental works which are directly related to the harbor works as harbor works and execute them concurrently.

Article 14 (Vicarious Implementation, etc. of Works for Mayor/Do Governor)

When it is necessary for the balanced development of the national territory and the promotion of welfare of local residents, the Minister of Maritime Affairs and Fisheries can vicariously execute the harbor works to be executed by the Mayor/Do governor, or may subsidize the necessary expenses for the works in accordance with the provisions of the Presidential Decree. <Amended by Act No. 5454, Dec. 13, 1997>

Article 15 (Vicarious Implementation of Harbor Works for Non-Management Agency)

When it is necessary for the efficient implementation of the harbor works, the management agency may vicariously execute the harbor works for the non-management agency which was permitted by the provisions of Article 9 (2), at the expenses of the non-management agency but in accordance with prior consultations.

Article 16 (Vicarious Exercise of Authority)

When the Minister of Maritime Affairs and Fisheries vicariously executes the harbor works pursuant to the provisions of Article 14, or when the Mayor/Do governor manages a harbor existing

outside of the jurisdictional area pursuant to the agreement under Article 23, they may exercise the authority of the management agency, respectively, in accordance with the provisions of the Presidential Decree. <Amended by Act No. 5454, Dec. 13, 1997>

Article 17 (Revert, etc. of Harbor Facilities)

(1) The land and facilities which were made or installed by the nonmanagement agency according to the provisions of Article 9 (2) shall be reverted to the State or the local government simultaneously upon its completion: *Provided*, That harbor facilities which are prescribed by the Presidential Decree shall not be subject to this provision. <Amended by Act No. 4925, Jan. 5, 1995>

(2) Notwithstanding the language in paragraph (1), the Korea Container Wharf Corporation which is established by the Korea Container Wharf Corporation Act can acquire the ownership of the remaining land from the land or facilities that were made or installed by the harbor works. In this case, the range of acquiring ownership is limited within the amount of total working expenses which are prescribed by the Presidential Decree.

(3) The non-management agency can use free of charge the harbor facilities which have reverted to the State or the local government under paragraph (1), within the limit of total working expenses, under the conditions as prescribed by the Presidential Decree.

(4) Those who can use free of charge the harbor facilities which have reverted to the State or the local government under the provisions of paragraph (3) may allow others to use these facilities as well.

Article 18 (Management Right of Harbor Facilities)

(1) When the non-management agency has installed the harbor facilities with permission in accordance with the provisions of Article 9 (2), the Minister of Maritime Affairs and Fisheries can establish a right (hereafter "management right of the harbor facilities") which enables him to preserve and/or manage the facilities and to collect the rental fee from the users of the harbor facilities. <Amended by Act No. 5454, Dec. 13, 1997>

(2) Any non-management agency, when it is granted the management right of harbor facilities pursuant to the provisions of paragraph (1), shall register such right with the Minister of Maritime Affairs and Fisheries as prescribed by the Presidential Decree. The same shall apply to the case where the non-management agency intends to alter the registered matters. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 5807, Feb. 5, 1999>

Article 19 (Nature of Management Right over Harbor Facilities)

(1) The management right over the port facilities is regarded as a real right and the provisions regarding real estate out of the Civil Act shall be applied *mutatis mutandis* except as otherwise specifically provided for in this Act.

(2) and (3) Deleted. <by Act No. 5807, Feb. 5, 1999>

Article 20 (Special Provisions for Mortgage Settlement)

The management right over the harbor facilities with a mortgage should not be disposed of without the consent of the mortgagee.

Article 21 (Alteration, etc. of Right)

(1) The establishment, alteration, extinguishment and restriction of the disposition of the management right over the harbor facilities or mortgage for the purpose thereof shall have effect by such registered in the registration ledger, kept in the Ministry of Maritime Affairs and Fisheries, for the management right over the harbor facilities. <Amended by Act No. 5454, Dec. 13, 1997>

(2) Matters concerning the registration of the management right over the harbor facilities under the provisions of paragraph (1) shall be prescribed by the Presidential Decree.

CHAPTER IV MANAGEMENT AND USE OF HARBORS

Article 22 (Management of Harbors)

The designated harbors shall be managed by the Minister of Maritime Affairs and Fisheries, and the local harbors shall be managed by the Mayor/Do governor. <Amended by Act No. 5454, Dec. 13, 1997>

Article 23 (Management of Harbors Lying on Administrative Boundary)

(1) With regard to a local harbor lying on the administrative boundary, the method of management thereof may be determined separately by an agreement between the Mayor/Do governor.

(2) If an agreement mentioned in paragraph (1) has not been made, the Mayor/Do governor concerned may request the Minister of Maritime Affairs and Fisheries to decide thereon.

<Amended by Act No. 5454, Dec. 13, 1997>

(3) When a decision under paragraph (2) has been made, it shall be considered that an agreement in accordance with paragraph (1) has been made.

(4) The Mayor/Do governor concerned shall announce the details of the agreement reached. The same shall apply with any alterations or revocations thereto.

Article 24 (Harbor Ledger)

(1) The management agency shall prepare and keep a harbor ledger for the management and operation of the harbor under its management.

(2) Necessary matters for the preparation, keeping of and entries in the harbor ledger shall be prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries or by Municipal Ordinance of the local government concerned. <Amended by Act No. 5454, Dec. 13, 1997>

Article 25 (Report of Facilities and Equipment)

(1) Any person who uses and manages (excluding the management agency and hereafter referred to as the "facilities and equipment manger") harbor facilities (hereafter referred to as "facilities and equipment") from among floodgates, canals, loading and unloading equipment and other harbor facilities necessary to operate the facilities and equipment which are all prescribed by the Presidential Decree shall, when he installs or removes the facilities and equipment, make a report thereof in advance to the management agency.

(2) Necessary matters concerning procedures for making the report referred to in paragraph (1) shall be determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries.

[This Article Wholly Amended by Act No. 6254, Jan. 28, 2000]

Article 25-2 (Self-Checkup of Facilities and Equipment)

(1) The facilities and equipment manager shall make the self-checkup of the facilities and equipment he uses and manages not less than once every year as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries and promptly take necessary measures for the facilities and equipment which require upgrading and repairs as a result of such self-checkup.

(2) The facilities and equipment manger shall make and manage records with respect to self-checking upgrading and repairs of the facilities and equipment he uses and manages as prescribed by the Ordinance of the Ministry of the Maritime Affairs and Fisheries.

[This Article Newly Inserted by Act No. 6254, Jan. 28, 2000]

Article 25-3 (Tests, etc. of Facilities and Equipment)

(1) The facilities and equipment manager shall make the facilities and equipment he uses and manages undergo tests made by the management agency according to the classification falling under each of the following subparagraphs:

1. Manufacture Tests: The tests are conducted when the facilities and equipment are manufactured;
2. Installation Tests: The tests are conducted when the facilities and equipment are installed in the finished-product form;
3. Regular Tests: The tests are regularity conducted to confirm the safety conditions of the facilities and equipment in use in every period prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries from the date on which the manufacture tests and installation tests are conducted, respectively; and
4. Irregular Tests: The irregular tests are conducted when fixed facilities and equipment are relocated or the structure of the facilities and equipment are altered.

(2) Necessary matters concerning the scope of the facilities and equipment subject to the tests by test type and method of tests, etc. shall be prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries.

(3) Any person who intends to undergo the tests referred to in paragraph (1) shall pay service fees to the management office as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries.

[This Article Newly Inserted by Act No. 6254, Jan. 28, 2000]

Article 25-4 (Exemptions from Tests, etc.)

(1) The facilities and equipment which have undergone tests, checkups and checks falling under any of the following subparagraphs shall be exempted from tests described in the provisions of Article 25-3 (1) according to the classification prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries:

1. Regular tests conducted in accordance with the provisions of Article 37 of the Electricity Business Act;
2. Safety checkups and thorough safety checks conducted in accordance with the provisions of Article 6 or 7 of the Special Act on the Safety Control of Installations; and
3. Other tests, checkups and checks under other Acts and subordinate statutes prescribed by the Presidential Decree.

(2) Where the facilities and equipment manager who has technology, manpower and facilities prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries self-tests the facilities and equipment he uses and manages and then furnishes the results of such self-tests in writing to the management office for examination, his self-tests shall be deemed to have undergone the regular tests under the provisions of Article 25-3 (1) 3.

[This Article Newly Inserted by Act No. 6254, Jan. 28, 2000]

Article 25-5 (Vicarious Conduct of Tests)

(1) The management office may permit any person designated by itself (hereafter referred to as the "vicarious test conductor") to vicariously perform the business of conducting the tests under the provisions of Article 25-3 (1).

(2) Any person who intends to be designated as the vicarious test conductor shall have technology, manpower and facilities in conformity with standards prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries.

(3) Where a vicarious test conductor vicariously performs the business of conducting tests, the fees described in the provisions of Article 25-3 (3) shall be paid to such vicarious test conductor.

(4) Any fees collected by the vicarious test conductor in accordance with the provisions of paragraph (3) shall be made the income of such vicarious test conductor.

(5) The management office may, when any vicarious test conductor falls under any of the following subparagraphs, revoke his designation: *Provided*, That where he falls under subparagraph 1, his designation shall be revoked:

1. When he is found to have obtained his designation in a fraudulent and illegal manner;
 2. When he is found to fall short requirements for designation under the provisions of paragraph (2); and
 3. When he is found to have violated this Act or orders given under this Act.
- (6) The management office may confirm and check the test business of the vicarious test conductor once every year, and take necessary measures including an order given to upgrade the test business.
[This Article Newly Inserted by Act No. 6254, Jan. 28, 2000]

Article 26 (Technical Standards of Harbor Facilities)

- (1) Water facilities, contour facilities, mooring facilities, and other harbor facilities prescribed by the Presidential Decree shall be installed and maintained suitable to the technical standards determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries except as otherwise specially prescribed in other Acts and subordinate statutes. *<Amended by Act No. 5454, Dec. 13, 1997>*
- (2) The implementer of a harbor work, when he designs harbor facilities, shall make such design in conformity with the standards for earthquakeproof design which are set and published by the Minister of Maritime Affairs and Fisheries. *<Newly Inserted by Act No. 5807, Feb. 5, 1999>*

Article 27 (Harbor Facilities and Service Fees, etc.)

- (1) To use harbor facilities (excluding beacons of sea route: hereafter the same in this Article shall apply), any person shall obtain permission from the management agency, enter into a contract with the management agency or the person who has been delegated or entrusted with the operation of harbor facilities by the management agency (hereafter referred to as the "operator of harbor facilities") or obtain a consent from the person who has concluded a rental contract (hereafter referred to as the "rental contractor") with the operator, as prescribed by the Presidential Decree. The persons who intend to use harbor facilities designated by the management agency shall report to the management agency. *<Amended by Act No. 5808, Feb. 5, 1999>*
- (2) The operator or rental contractor of harbor facilities may collect service fees from those who use harbor facilities pursuant to paragraph (1): *Provided*, That any person prescribed by the Presidential Decree shall be exempted from such service fees in whole or in part.
- (3) The management agency may, where any person, including the operator of the business of transporting maritime cargoes, etc., prescribed by the Presidential Decree, transports simultaneously cargoes for many persons, files a report to the management agency and pays service fees in a lump sum for the use of harbor facilities to the management agency on behalf of such persons in accordance with the provisions of the proviso of paragraph (1), pay expenses required for the vicarious payment of such service fees to such operator of the business as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. *<Newly Inserted by Act No. 6254,*

Jan. 28, 2000>

(4) The operator or the rental contractor of harbor facilities who is not the management agency shall report in advance matters concerning the rates of service fees referred to in paragraph (2) and the method of collecting such service fees to the management agency.

(5) With respect to the method of using harbor facilities and the service fees shall be determined by the operator or the rental contractor of harbor facilities except otherwise provided for in orders given under or in accordance with this Act.

[This Article Wholly Amended by Act No. 4925, Jan. 5, 1995]

Article 28 (Rental Fees to be Collected by Non-Management Agency)

(1) The person who has had another person use the harbor facilities pursuant to the provisions of Article 17 (4) may collect rental fees from such person. In this case, matters concerning the method of use, the rate of rental fees and the collection thereof shall, in advance, be reported to the management agency.

(2) If the rate of rental fees under paragraph (1) is unreasonable and disturbs the convenience of the user, the management agency may issue an order concerning alteration of the said rate, alteration of the method of use or other matters necessary for the management and operation of the harbors.

(3) The period of collection pursuant to paragraph (1) shall be prescribed by the Presidential Decree.

Article 29 (Registration, etc. of Tugboating Business)

(1) A person who intends to engage in the tugboating business to assist the entry and departure of vessels (hereafter referred to as the "tugboating business") shall register with the Minister of Maritime Affairs and Fisheries. *<Amended by Act No. 5454, Dec. 13, 1997>*

(2) The registration of a tugboating business referred to in paragraph (1) shall be made by harbor, and the criteria for registration shall be determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries. *<Amended by Act No. 5454, Dec. 13, 1997>*

(3) Where it falls under any one of the following subparagraphs, notwithstanding the provisions of paragraph (2), a registration of a tugboating business may be made for not less than two harbors:

1. Where a small number of vessels enter or depart from a harbor; and
2. Where not less than 2 ports adjoin.

[This Article Wholly Amended by Act No. 4925, Jan. 5, 1995]

Article 30 Deleted. *<by Act No. 4925, Jan. 5, 1995>*

Article 31 Deleted. *<by Act No. 5807, Feb. 5, 1999>*

Article 31-2 (Restriction on Registration of Tugboating Business)

(1) No person who falls under any of the following subparagraphs may register for a tugboating business:

1. Shipper of crude oil, steel material, liquefied gas and coal for generating electricity;
2. Outward scheduled and non-scheduled liner transporter under the Marine Transport Act;
3. Shipbuilding businessman; and
4. Juristic person virtually owned or dominated by a person (hereafter referred to as the "related juristic person") who falls under any of subparagraphs 1 through 3 and a person having a special relationship therewith (hereafter referred to as the "specially related person").

(2) The scope, etc. of related juristic persons and specially related persons shall be prescribed by the Presidential Decree.

(3) The provisions of paragraph (1) shall apply *mutatis mutandis* to the person who takes over the tugboating business pursuant to Article 34-4.

[This Article Newly Inserted by Act No. 4925, Jan. 5, 1995]

Article 32 (Revocation, etc. of Registration)

(1) When a person who has made a registration for tugboating business (hereafter referred to as the "tugboat business operator") falls under any one of the following subparagraphs, the Minister of Maritime Affairs and Fisheries may revoke the registration or may suspend the business for a fixed period not exceeding 6 months: *Provided*, That in case that he falls under subparagraphs 1 through 3, the registration shall be revoked: *<Amended by Act No. 5454, Dec. 13, 1997; Act No. 5807, Feb. 5, 1999; Act No. 6394, Jan. 29, 2001>*

1. When the registration has been made by deception or improper means, etc.;
2. When he falls short of the standards for registration in accordance with Article 29 (2);
3. When he falls under any of each subparagraph of Article 31-2 (1);
4. Deleted; *<by Act No. 6394, Jan. 29, 2001>*
5. When he rejects the request for using a tugboat without a justifiable cause in violation of Article 34-5; and
6. When he violates this Act, or orders or dispositions stipulated under this Act.

(2) Deleted. *<by Act No. 6394, Jan. 29, 2001>*

[This Article Wholly Amended by Act No. 4925, Jan. 5, 1995]

Article 33 (Imposition of Penalty)

(1) The Minister of Maritime and Fisheries, in case that he intends to suspend the business of the tugboat operator after such tugboat operator is found to fall under subparagraph 5 or 6 of Article 32 and no tugboat exists which can be used in conformity with the standards for using tugboat under Article 34-6 (2), may impose a penalty not exceeding two million won in lieu of the suspension of his business. *<Amended by Act No. 5454, Dec. 13, 1997; Act No. 5807, Feb. 5, 1999; Act No. 6394, Jan. 29, 2001>*

(2) The types of violations to which a penalty is imposed under paragraph (1), the amounts of the

penalty to be imposed according to the degrees thereof and other necessary matters shall be prescribed by the Presidential Decree.

(3) The Minister of Maritime Affairs and Fisheries may collect the penalty under paragraph (1) based on the examples of disposition on the national taxes in arrears as stipulated by the Presidential Decree. *<Amended by Act No. 5454, Dec. 13, 1997>*

Article 34 Deleted. *<by Act No. 6394, Jan. 29, 2001>*

Articles 34-2 and 34-3 Deleted. *<by Act No. 5807, Feb. 5, 1999>*

Article 34-4 (Succession of Rights and Duties)

In case that a tugboat operator dies or transfers his business or a corporation is merged with another corporation, a successor, a transferee, a corporation that survives such merger, or a corporation established through such merger shall succeed rights and duties with respect to the registration of the tugboat business.

[This Article Wholly Amended by Act No. 5807, Feb. 5, 1999]

Article 34-5 (Matters to be Complied with by Tugboat Service Operators)

The tugboat service operator shall not refuse requests for tugboat service, except for the cases falling under any of the following subparagraph: *<Amended by Act No. 5807, Feb. 5, 1999>*

1. Where he is restricted from operating vessels under other Acts and subordinate statutes;
2. Where a serious obstacle exists to his performance of tugboat service due to a natural disaster or other compelling causes; or
3. Where there exists a justifiable cause prescribed by the Tugboat Operation Consultative Council established pursuant to Article 70-2.

[This Article Newly Inserted by Act No. 4925, Jan. 5, 1995]

Article 34-6 (Obligation to Use Tugboats)

(1) Where deemed necessary for protection of harbor facilities and safety of vessels, the Minister of Maritime Affairs and Fisheries may order mobile vessels larger in size than those as determined and announced by the Minister of Maritime Affairs and Fisheries to use the tugboats. *<Amended by Act No. 5454, Dec. 13, 1997>*

(2) The Minister of Maritime Affairs and Fisheries may determine and announce the standards for use of tugboats (hereafter referred to as the "standards for use of tugboats") in order that the vessel which is given such duty under paragraph (1) shall use a compatible tugboat based on size of the vessel. *<Amended by Act No. 5454, Dec. 13, 1997>*

[This Article Newly Inserted by Act No. 4925, Jan. 5, 1995]

Article 34-7 Deleted. *<by Act No. 5807, Feb. 5, 1999>*

Article 34-8 (Exclusion from Application)

With respect to the tugboats owned and managed by a shipyard to move or navigate the vessels, etc. for the shipbuilding, repair or test trial, the provisions of this Act regarding the shipbuilding business shall not apply.

[This Article Newly Inserted by Act No. 4925, Jan. 5, 1995]

CHAPTER V HARBOR BACKGROUND COMPLEXES

Article 35 (Devising Integrated Plans for Development of Harbor Background Complexes)

(1) The Minister of Maritime Affairs and Fisheries shall devise the integrated plans for harbor background complexes (hereinafter referred to as the "integrated plans") with a unit of 5 years, aiming at the trade harbor deemed to be in need of the development of harbor background complexes.

(2) The integrated plans shall contain matters falling under one of the following subparagraphs:

1. Matters pertaining to the sites for the development of harbor background complexes, and to the demand for harbor facilities;
2. Matters pertaining to the premeditated creation and provision of the sites for the development of harbor background complexes, such as the reclaimed land of public water area and the idle sites, etc.;
3. Matters pertaining to the designation and development of harbor background complexes;
4. Matters pertaining to the directions of development of the harbor background complexes by trade harbor;
5. Matters pertaining to the maintenance and adjustment of harbor facilities installed in the harbor background complexes; and
6. Other matters as prescribed by the Presidential Decree.

(3) In case where the Minister of Maritime Affairs and Fisheries devises the integrated plans, he shall prepare such plans, listen to the opinions of Mayor/*Do* governor, consult with the head of related central administrative agency, and notify thereof on the Official Gazette after going through a deliberation of the Central Harbor Policy Council under Article 4. It shall also apply where he intends to alter the integrated plans: *Provided*, That it shall not apply to the case of alteration in the minor matters as prescribed by the Presidential Decree.

(4) The Minister of Maritime Affairs and Fisheries may, under the conditions as prescribed by the Presidential Decree, request the related agencies to furnish the data required for the device and alteration of integrated plans, or their cooperations; and the related agencies shall, upon receipt of such requests, comply with them unless there exist any justifiable grounds.

(5) Matters necessary for the device of integrated plans shall be prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 6487, May 24, 2001]

Article 36 (Designation of Harbor Background Complexes)

(1) The harbor background complexes shall be designated by the Minister of Maritime Affairs and Fisheries.

(2) In case where the Minister of Maritime Affairs and Fisheries designates the harbor background complexes, he shall prepare the plan for development of harbor background complexes, listen to the opinions of Mayor/*Do* governor, consult with the head of related central administrative agency, and go through a deliberation of the Central Harbor Policy Council under Article 4. It shall also apply to the case of alteration in the important matters as prescribed by the Presidential Decree, from among the contents of designation of the harbor background complexes.

(3) The related administrative agency, the head of competent local government and those as prescribed by the Presidential Decree, such as the local corporation under the Local Public Enterprises Act, may prepare their opinions on the device of plans for the development of harbor background complexes, and request the Minister of Maritime Affairs and Fisheries to make a designation of harbor background complexes.

(4) The Minister of Maritime Affairs and Fisheries shall, where he intends to designate the harbor background complexes by including therein the whole or part of lands which are not reverted to the State or local government under Article 17 (1) (proviso) in terms of lands created by the harbor works of a non-management office, accept a submission of plans for land utilization and plans for facility business from the owner of relevant lands (hereinafter referred to as the "land owner"), and devise the plans for development of harbor background complexes, on the basis of them. The land owner may, where deemed necessary for the smooth development and utilization of harbor background complexes, request the Minister of Maritime Affairs and Fisheries to alter the plans for development of harbor background complexes.

(5) The plans for development of harbor background complexes under paragraph (2) shall contain matters falling under one of the following subparagraphs: *Provided*, That where deemed to be inevitable in devising the plans for development of harbor background complexes, matters of subparagraph 7 may be included in the plans for development of harbor background complexes, after the designation of harbor background complexes:

1. Title, location and size of the harbor background complexes;
2. Purpose of designation of the harbor background complexes;
3. Execution entity, period and method of execution of the development project for the harbor background complexes;
4. Plans for utilization of sites, and plans for major basic facilities;
5. Major induced facilities, and matters concerning the criteria for their installation;
6. Plans for raising the financial resources;

7. In case where there exist any admitted or utilized lands, structures and other goods or rights, their details; and

8. Other matters as prescribed by the Presidential Decree.

[This Article Wholly Amended by Act No. 6487, May 24, 2001]

Article 37 (Public Notice, etc. of Harbor Background Complexes)

(1) The Minister of Maritime Affairs and Fisheries shall, where he has designated any harbor background complex or altered the contents of designation, publicly notify the matters as prescribed by the Presidential Decree on the Official Gazette or on the official bulletin of Special Metropolitan City, Metropolitan City or *Do*, and forward the copy of related documents to the competent head of *Si/Gun/Gu* (referring to the head of autonomous *Gu*; hereinafter the same shall apply).

(2) In case where there exist any lands, structures and other goods or rights to be admitted or utilized in the area to be designated as the harbor background complex, the details of such lands, etc. shall be included in the content of public notices under paragraph (1).

[This Article Wholly Amended by Act No. 6487, May 24, 2001]

Article 38 (Restrictions on Activities, etc.)

(1) A person who intends to alter the form and quality of lands, erect the building, install the structures, collect the earth and rock or sand, and make other activities as prescribed by the Presidential Decree, in the area designated and noticed as the harbor background complex, shall obtain permit from the Minister of Maritime Affairs and Fisheries (limited to the public water managed by the said Minister under the Public Waters Management Act), or the head of *Si/Gun/Gu*: *Provided*, That it shall not apply to the matters for which permit, authorization, approval, etc. have been obtained under other Acts and subordinate statutes from the Minister of Maritime Affairs and Fisheries or the head of *Si/Gun/Gu*.

(2) In case where intending to alter the matters permitted under paragraph (1), permit from the Minister of Maritime Affairs and Fisheries (limited to the public water managed by the said Minister under the Public Waters Management Act; hereafter in this Article, the same shall apply), or the head of *Si/Gun/Gu* shall be obtained.

(3) The provisions of paragraph (1) or (2) shall not apply to the person who has obtained permit, authorization, approval, etc. for the alteration of form and quality of lands, erection of the building, etc. under the related Acts and subordinate statutes at the time of designation and public notice of the harbor background complex (including the person who has undertaken the alteration of form and quality of lands, erection of the building, etc. in case where there exists no need for obtaining permit, authorization, approval, etc. under the related Acts and subordinate statutes).

(4) The Minister of Maritime Affairs and Fisheries and the head of *Si/ Gun/Gu* may order the

person who has violated paragraph (1) or (2) to make a restoration to original status. In this case, if he has failed to comply with such order, the Minister of Maritime Affairs and Fisheries and the head of *Si/Gun/Gu* may perform an administrative vicarious execution under the Administrative Vicarious Execution Act.

[This Article Wholly Amended by Act No. 6487, May 24, 2001]

Article 39 (Termination of Designation of Harbor Background Complex)

(1) In case where an implementation plan for harbor works under Article 10 on the whole or part of harbor background complex has not been devised in the period as prescribed by the Presidential Decree within the limit of 5 years after the date of designation and notification of harbor background complex, such designation of harbor background complex on the relevant area shall be considered to have been terminated on the date following the expiration of the such period.

(2) The Minister of Maritime Affairs and Fisheries may, where the development of the whole or part of harbor background complex has been finished or where deemed that there exists no prospect for such development, terminate the designation of harbor background complex on the relevant area under the conditions as prescribed by the Presidential Decree.

(3) The Minister of Maritime Affairs and Fisheries shall, where the designation of harbor background complex has been terminated fictitiously or terminated under paragraph (1) or (2), notify thereof to the Mayor/ Do governor and the head of related administrative agency, and publicly notify thereof.

[This Article Wholly Amended by Act No. 6487, May 24, 2001]

Article 40 (Rights of Land Owners)

(1) The landowner shall, in executing the harbor works within the relevant land, become the executor of the harbor works of non-management agency by obtaining permit from the management agency under Article 9 (2).

(2) The land owner may execute the harbor works by leasing the whole of part of the relevant land to others, or by entrusting others with the whole of part of harbor works for which he becomes the executor.

[This Article Newly Inserted by Act No. 6487, May 24, 2001]

Article 41 (Subsidy for Costs)

(1) The State or local government may, where the development of harbor background complex is made by the harbor works executed by the nonmanagement agency under Article 9 (2), subsidize or finance a part of costs required for the development project of harbor background complex under the conditions as prescribed by the Presidential Decree.

(2) The State or local government shall preferentially support the installation of basic facilities as prescribed by the Presidential Decree, such as the road, railway, water facility, etc., required for the

smooth development of harbor background complex.

(3) Facilities for electricity, electric communications, gas supply, and local heating shall be installed by the persons supplying the electricity, electric communications, gas, or heating to the relevant area under the conditions as prescribed by the Presidential Decree.

[This Article Wholly Amended by Act No. 6487, May 24, 2001]

Article 42 (Installation, etc. of Public Facilities)

The Minister of Maritime Affairs and Fisheries or the Mayor/*Do* governor may have the non-management agency executing the harbor works within the harbor background complex install the road, park, green zone and other public facilities as prescribed by the Presidential Decree, or preserve the existing park and green zone.

[This Article Newly Inserted by Act No. 6487, May 24, 2001]

Article 43 Deleted. <by Act No. 6487, May 24, 2001>

CHAPTER VI PRESERVATION OF HARBORS AND PUBLIC CHARGE

Article 44 (Prohibited Acts)

No person shall commit the following acts in a harbor without any justifiable cause:

1. An act of throwing out poisonous substance or animals carcasses into a harbor;
2. An act which is likely to affect the depth of the harbor such as throwing out a large quantity of soil and stone or trash, etc.; and
3. Any other act as prescribed in the Presidential Decree which is likely to cause an impediment to the preservation or utilization of the harbor.

Article 45 (Entry or Use, etc. of Land)

(1) The management agency (including a person ordered or commissioned by the management agency) or a person who has obtained the permit of the implementation of harbor works, may enter into another person's land or use temporarily another person's land which is not being put to any particular use as a material piling yard for harbor works, a road or a temporary road if it is necessary for the investigation or the measuring of a harbor and other implementations of harbor works, and may alter or remove bamboos, trees and other obstacles if necessary for the performance of the harbor works.

(2) Any person who intends to enter another person's land pursuant to the provisions of paragraph (1) shall in advance notify the owner or the occupant of the land, and any person who intends to remove or alter obstacles shall in advance notify the owner and occupant of the land and hear their opinion: *Provided*, That the same shall not apply under unavoidable circumstances.

(3) No person shall enter another person's residence or land surrounded by a fence without the

consent of the occupant of the land concerned before sunrise and after sunset.

(4) Any person who intends to enter another person's land pursuant to the provisions of paragraph (1) shall carry with him a certificate identifying his authority, and shall present it to the persons concerned.

(5) Matters concerning the certificate mentioned in paragraph (4) shall be prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. *<Amended by Act No. 5454, Dec. 13, 1997>*

Article 46 (Use of Land, etc. at Time of Extraordinary Disasters)

The management agency may, if it is deemed to be necessary for preventing dangers to the use of harbor facilities or harbors due to extraordinary disaster, request the inhabitants in the vicinity of that harbor or the person at the scene of the disaster to provide labor service, or may temporarily use necessary land, houses, ships or other structures, or may alter or remove the structures and other obstacles, or may use or expropriate soil, stones, bamboos, trees, conveyers and other things (excluding structures).

Article 47 Deleted. *<by Act No. 5807, Feb. 5, 1999>*

Article 48 (Expropriation of Land, etc.)

(1) If it is necessary for the operation of the harbor works, the management agency may expropriate or use land, buildings or fixtures on the land which are in the harbor area, or rights other than ownership thereof, mining right, fishing right, right concerning water use.

(2) When there is the public notification about the implementation plan for the harbor works under the provisions of Article 10, it shall be regarded there to be an approval of project and notification thereof under Articles 20 (1) and 22 of the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor; an application for adjudication may be filed within the period fixed in the implementation plan of harbor works, notwithstanding Articles 23 (1) and 28 (1) of the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor. *<Amended by Act No. 6656, Feb. 4, 2002>*

(3) With regard to the expropriation or use under paragraph (1), the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor shall apply *mutatis mutandis* unless otherwise specified in this Act. *<Amended by Act No. 6656, Feb. 4, 2002>*

Article 49 (Establishment of Littoral Zones, etc.)

(1) The management agency may establish a littoral zone which is necessary for the efficient development, management and operation of an harbor outside urban planning zones.

(2) If it is necessary for the efficient development, management and operation of a harbor, the management agency may establish any district according to the following subparagraphs out of the harbor zone and the littoral zone in accordance with the provisions of the Presidential Decree:

1. Commercial harbor district;
2. Industrial harbor district;
3. Fishing harbor district;
4. Passenger harbor district;
5. Supply and support harbor district;
6. Dangerous article harbor district;
7. Security harbor district; and
8. Leisure harbor district.

(3) The limitation on establishment of buildings or specific acts within the littoral zone shall be imposed as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries or the Municipal Ordinance of the local government concerned in accordance with the provisions of the Urban Planning Act. *<Amended by Act No. 5454, Dec. 13, 1997; Act No. 6394, Jan. 29, 2001>*

(4) Article 33 (1) of the Urban Planning Act shall apply *mutatis mutandis* to the establishment of a littoral zone under paragraph (1). In this case, the "Minister of Construction and Transportation" is regarded as the "Minister of Maritime Affairs and Fisheries". *<Amended by Act No. 5454, Dec. 13, 1997; Act No. 6394, Jan. 29, 2001>*

CHAPTER VII EXPENSE AND PROFIT CONCERNING HARBOR

Article 50 (Principles of Bearing Expenses)

(1) Except as otherwise specifically prescribed in this Act or any other Acts, the expenses required for designated harbors and their facilities shall be borne by the State, and those for the local harbors and their facilities shall be borne by the local government concerned.

(2) The expenses for the harbor works enforced by the non-management agency under Article 9 (2) shall be borne by the executor of such harbor works concerned.

Article 51 (Expenses for Substitutive Works)

(1) Expenses required for the harbor works vicariously executed by the Minister of Maritime Affairs and Fisheries pursuant to the provisions of Article 14 shall be borne by the State.

<Amended by Act No. 5454, Dec. 13, 1997>

(2) Expenses, which shall be borne by the State under paragraph (1), shall be born partially by the local government concerned in accordance with the Presidential Decree.

Article 52 (Expenses for Harbors Lying on Boundary)

(1) Expenses required for harbors lying on a boundary under Article 23 shall be borne according to the agreement of negotiation by the Mayor/ Do governor concerned.

(2) The provisions of Article 23 (2) and (3) shall apply *mutatis mutandis* to the agreement mentioned in paragraph (1).

Article 53 (Compensation for Damages)

- (1) When any person commits acts, including a construction project of damaging the harbor facilities, the management agency shall have the person concerned bear the whole or part of the expenses for repair of the damages or preservation, or prevention from further damages.
- (2) The necessary matters concerning the amount and collection of the compensation to be imposed under paragraph (1) shall be prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries or municipal ordinance of the local government concerned. *<Amended by Act No. 5454, Dec. 13, 1997>*

Article 54 Deleted. *<by Act No. 6487, May 24, 2001>*

Article 55 (Repair Expenses by Public Organization or Natural Person)

When a public organization or a natural person gives insignificant repairs, etc. for its own necessity, the expenses shall be borne by the public organization or the natural person concerned.

Article 56 (Expenses for Performance of Duties)

Expenses required for performance of the duties under this Act or orders, conditions or by the Municipal Ordinance pursuant to the provisions of this Act or dispositions taken thereunder, shall be borne by the persons to perform the duties, except as otherwise specifically prescribed in this Act.

Article 57 (Belonging of Charge, etc.)

Expenses to be borne, occupation fee, rental fee or other profits made in connection with a harbor shall belong to the revenue of the State, if they have been caused to be borne or have been collected by the Minister of Maritime Affairs and Fisheries, and they shall belong to the revenue of the local government concerned, if they have been caused to be borne or have been collected by the Mayor/Do governor. *<Amended by Act No. 5454, Dec. 13, 1997>*

Article 58 (Coercive Collection of Charge, etc.)

With regard to the person who has failed to fulfil his payment of any charge, occupation fee, rental fees or other dues which becomes a duty by the provisions of this Act or by an order, condition or by the Municipal Ordinance under this Act, or a disposition taken thereunder, the management agency shall collect it in accordance with the examples of disposition on the national taxes or the local taxes in arrear.

CHAPTER VIII SUPERVISION

Article 59 (Supervisory Disposition against Violation of Acts and Subordinate Statutes, etc.)

- (1) Where a person falls under any one of the following subparagraphs, the management agency may cancel or alter an order under this Act or a disposition or Municipal Ordinance under this Act,

or may take necessary disposition such as suspension or alteration of harbor works, remodeling, alteration, transfer, removal, restoration of the original state or the suspension of the use of the facilities and equipment: *<Amended by Act No. 6254, Jan. 28, 2000>*

1. A person who has obtained permit granted by this Act or an order or a Municipal Ordinance under this Act by deception or any other fraudulent means; or
2. A person who has violated this Act, an order or a regulation under this Act, or a disposition taken thereunder.

(2) Deleted. *<by Act No. 4925, Jan. 5, 1995>*

Article 60 (Supervisory Disposition for Public Interests)

(1) When any one of the following subparagraphs occurs, the management agency may take dispositions prescribed in Article 59 (1) to the person who has obtained permit under this Act or an order or a Municipal Ordinance under this Act:

1. If it is necessary for change of situation of a harbor or for efficient management and operation of a harbor;
2. If it is necessary for performance of harbor works; and
3. If it is necessary for a project beneficial to public interests.

(2) Deleted. *<by Act No. 4925, Jan. 5, 1995>*

Article 61 (Supervisory Disposition to Mayor/Do Governor)

When any one of the following subparagraphs occurs, the Minister of Maritime Affairs and Fisheries may cancel or alter the disposition done by Mayor/Do governor as the management agency, or may order suspension, alteration or other necessary measures for harbor works permitted by the Mayor/Do governor as the management agency: *<Amended by Act No. 5454, Dec. 13, 1997>*

1. Where a disposition taken or the harbor works executed by the management agency who is the Mayor/Do governor has violated the Acts and subordinate statutes concerning harbors or a disposition taken by a supervisory agency pursuant thereto; and
2. Where it is necessary for preservation of a harbor.

Article 62 (Approval of Designation of Local Harbors, etc.)

When the Mayor/Do governor intends to do an action which falls under one of the following subparagraphs, he shall obtain an approval from the Minister of Maritime Affairs and Fisheries in accordance with the provisions of the Presidential Decree. The same shall be applied with regard to alteration, abolition or cancellation thereof: *<Amended by Act No. 5454, Dec. 13, 1997>*

1. Designation of local harbors;
2. Construction or remodeling of harbor facilities above a certain scale prescribed by the Presidential Decree; and

3. Establishment of a district as prescribed in Article 49 (2).

Article 63 (Report and Inspection)

(1) The management agency may instruct the person, who has obtained permit or an approval under this Act or received an order or is subject to a municipal ordinance under this Act, to report on matters necessary for the management and operation of a harbor, or within the extent necessary for enforcement of this Act, the management agency may have public officials belonging to the agency enter the office, business place, tugboats and other necessary places to inspect the situation, installations, articles and related documents concerning harbor works. *<Amended by Act No. 4925, Jan. 5, 1995>*

(2) The provisions of Article 45 (4) and (5) shall apply *mutatis mutandis* to the entry and inspection provided in paragraph (1).

Article 64 (Handling of Long-Term Unclaimed Cargo)

(1) The management agency, in case that cargoes which have remained unclaimed for not less than two months after they were cleared of customs formalities (including domestic cargoes which have been stored unclaimed for not less than two months) are deemed to hinder the management and operation of harbor facilities, shall notify the owners of such cargoes that they shall claim such cargoes out of harbor facilities within one month as prescribed by the Presidential Decree, and shall again urge the owners to claim such cargoes for a fixed period of one month when the owners fail to claim them within one month: *Provided*, That the management agency, when it is unable to file a urge notice due to the ignorance of whereabouts of the owners, shall put the fact on public notice as prescribed by the Presidential Decree.

(2) The management agency, if the owners fail to claim such cargoes out of harbor facilities within the period given in the urge notice and public notice, may sell them off, scrap them or make them revert to the State or a local government as prescribed by the Presidential Decree.

(3) The operator or rental contractor of harbor facilities may, in case that cargoes have been stored unclaimed in harbor facilities for not less than two months since they were cleared of customs formalities under the Customs Act, hindering the management of harbor facilities, ask the management agency to take measures pursuant to the provisions of paragraphs (1) and (2).

[This Article Wholly Amended by Act No. 5807, Feb. 5, 1999]

CHAPTER IX COMPENSATION

Article 65 (Compensation for Losses Due to Public Service)

(1) Where a person has suffered losses caused by an act or a disposition prescribed in Articles 45 (1) and 46, fair compensation for losses shall be made respectively by the State, if the losses have been caused by an action or a disposition taken by the Minister of Maritime Affairs and Fisheries,

and by the local government concerned, if the losses have been caused by an action or a disposition by the Mayor/Do governor. <Amended by Act No. 5454, Dec. 13, 1997>

(2) The management agency shall consult with the loss sufferer when it compensates for losses under paragraph (1).

(3) When the management agency fails to reach an agreement mentioned in paragraph (2), it shall pay an amount assessed by itself to the loss sufferer: *Provided*, That if it is impossible to pay the above to the loss sufferer, the management agency shall deposit and notify the loss sufferer of this fact.

(4) A person who is not satisfied with the compensation mentioned in paragraph (3) may request adjudication of the case to the competent land expropriation committee in accordance with the provisions of the Presidential Decree within 30 days from the date of receipt of the compensation or notification of the deposit of the compensation.

Article 66 (Compensation for Losses Due to Disposition for Public Interests)

(1) The provisions of Article 65 shall apply *mutatis mutandis* to the losses caused by a disposition prescribed in Article 60 (1).

(2) The provisions of Article 65 shall apply *mutatis mutandis* to the losses caused by the cancellation or alteration of a disposition by the management agency who is the Mayor/Do governor due to a disposition or the order of the Minister of Maritime Affairs and Fisheries pursuant to Article 61. <Amended by Act No. 5454, Dec. 13, 1997>

(3) If, under paragraph (1), the loss has been caused by a disposition prescribed by Article 60 (1) 3, the management agency may have the person who bears the expenses for the project compensate for the whole or part of the losses.

Article 67 (Compensation for Losses Due to Harbor Works)

(1) When there is a person who suffers losses for implementation of harbor works pursuant to the Article 9, the person who executes the harbor works concerned shall compensate for the losses or establish facilities to prevent the losses.

(2) The provisions of Article 65 (2) through (4) shall apply *mutatis mutandis* to the compensation for losses prescribed in paragraph (1).

CHAPTER X SUPPLEMENTARY PROVISIONS

Article 68 (Relation, etc. with Other National Projects)

(1) When the State or local government intends to carry out a project concerning matters which require permit from the management agency under this Act, the administrative agency which executes the project shall consult with the management agency or obtain approval thereof under the conditions as determined by the Presidential Decree.

(2) When the State or the local government intends, within the harbor area, to formulate a basic plan of reclamation under the Public Waters Reclamation Act, or designate the facility protection district (limited to those for the protection of harbor facilities) under the provisions of the Urban Planning Act, or designate the industrial complex under the provisions of the Industrial Sites and Development Act, he shall consult with the management agency in advance. *<Amended by Act No. 5111, Dec. 29, 1995; Act No. 6394, Jan. 29, 2001>*

(3) The head of a government agency concerned, when he intends to establish a mining right, etc. or to take a disposition under the provisions of the Mining Industry Act, the Fisheries Act, the Public Waters Management Act, and other Acts and subordinate statutes within the harbor area or other area planned to be developed as a harbor pursuant to the provisions of Article 6 (1) 4, shall consult in advance with the management agency. *<Amended by Act No. 5807, Feb. 5, 1999>*

Article 68-2 (Hearing)

Where the management agency intends to take a disposition falling under any of the following subparagraphs, it shall hold a hearing: *<Amended by Act No. 6254, Jan. 28, 2000>*

1. The revocation of the designation under the provisions of Article 25-5 (5);
2. Revocation of registration referred to in Article 32 (1); and
3. Revocation of approval for an implementation plan, of permission for the use of harbor facilities, or of permission for occupation referred to in Article 59 or 60.

[This Article Wholly Amended by Act No. 5453, Dec. 13, 1997]

Article 69 (Transfer of Rights and Obligations)

Any person who intends to transfer his rights and obligation shall obtain authorization from the management agency as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries: *Provided*, That the same shall not apply to the case prescribed by the Presidential Decree. *<Amended by Act No. 6254, Jan. 28, 2000>*

Article 70 (Harbor Management Corporation)

(1) If it is necessary for the management of harbor facilities and the guard of cargoes, the Minister of Maritime Affairs and Fisheries may establish a corporation for the management of harbors.

<Amended by Act No. 5454, Dec. 13, 1997>

(2) The necessary matters concerning the designation and supervision of the corporation under paragraph (1) shall be prescribed by the Presidential Decree.

Article 70-2 (Tugboat Operators Consultative Council)

(1) The Minister of Maritime Affairs and Fisheries may establish and operate a Tugboat Operation Consultative Council for the smooth operation of tugboats participated in by those representing the tugboat business and those representing the tugboat users. *<Amended by Act No. 5454, Dec. 13, 1997>*

(2) Necessary matters for the function, composition and operation, etc. of the Tugboat Operation Consultative Council referred to in paragraph (1) shall be prescribed by the Presidential Decree.

(3) The Minister of Maritime Affairs and Fisheries may, where an agreement or a decision is not made at the Tugboat Operation Consultative Council, adjust them or request to preconsult them.

<Amended by Act No. 5454, Dec. 13, 1997>

[This Article Newly Inserted by Act No. 4925, Jan. 5, 1995]

Article 70-3 (Organization and Operation of Harbor Operational Computer Networks)

(1) The management agency may, where necessary for the information management and civil affairs administration, etc. related to the operation of harbors, organize and operate the harbor computer operational networks. *<Amended by Act No. 5835, Feb. 8, 1999>*

(2) Where the management agency or the user of harbor operational computer networks has processed the civil administration affairs such as report, approval, permission, delivery and notice under this Act by using the harbor operational computer networks, they shall be deemed to have been processed under the provisions of this Act.

(3) Matters necessary for the organization, operation and use, etc. of the harbor operational computer networks shall be prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. *<Amended by Act No. 5454, Dec. 13, 1997>*

[This Article Newly Inserted by Act No. 4925, Jan. 5, 1995]

Article 71 (Delegation of Authority)

The Minister of Maritime Affairs and Fisheries shall delegate part of the authority under this Act to the Administrator of a Regional Maritime Affairs and Fisheries Office or the Mayor/Do governor in accordance with the provisions of the Presidential Decree. *<Amended by Act No. 5454, Dec. 13, 1997>*

Article 72 (Fees)

Any person who wishes to obtain permit or to resister or report under the provisions of this Act shall pay such fees as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. *<Amended by Act No. 5454, Dec. 13, 1997>*

Article 72-2 (Exemption of Taxes)

The State or local government may exempt the taxes under the conditions as determined by the Restriction of Special Taxation Act or the Local Tax Act in order to promote the harbor works by the non-management agency.

[This Article Newly Inserted by Act No. 6487, May 24, 2001]

CHAPTER XI PENAL PROVISIONS

Article 73 (Penal Provisions)

Any person who reduces the utility of a harbor or causes danger to the entry and departure of vessels by altering or damaging the structure or location of the harbor facilities shall be punished by imprisonment for not more than five years or a fine not exceeding ten million won.

Article 74 (Penal Provisions)

Any person who falls under one of the following subparagraphs shall be punished by imprisonment for not more than two years or a fine not exceeding ten million won: *<Amended by Act No. 4925, Jan. 5, 1995>*

1. A person who has executed harbor works without permit under the provisions of Article 9 (2);
2. A person who has obtained permit or registered under Articles 9 (2), 27 (1), 29 (1) and 36 (1) by fraud or other unjust means;
3. A person who has used the harbor facilities without permit under Article 27 (1);
4. A person who has engaged in tugboating business without permit under Article 29 (1);
5. A person who has committed the forbidden behaviors in a harbor under Article 44; and
6. A person who has refused or interfered with an action or a disposition of the management agency prescribed in Article 46 without justifiable cause.

Article 75 (Penal Provisions)

Any person falling under each of the following subparagraphs shall be punished by imprisonment with prison labor for not more than one year or by a fine not exceeding five million won:

<Amended by Act No. 4925, Jan. 5, 1995; Act No. 5807, Feb. 5, 1999>

1. A person who has executed a harbor work without obtaining permission for or filing a report on the harbor work implementation plan under Article 10 (2) or (3);
2. A person who has used land created or facilities installed by a harbor work without obtaining permission or filing a report in contravention of the provisions of Article 12 (4);
3. and 4. Deleted; *<by Act No. 5807, Feb. 5, 1999>*
5. A person who refuses to carry out the tugboating business without justifiable causes in violation of Article 34-5;
6. A person who violates the duty to use the tugboats or uses the tugboats which fall short of the standards for use of tugboats referred to in Article 34-6 (1) and (2);
7. Deleted; and *<by Act No. 5807, Feb. 5, 1999>*
8. A person who violates the supervisory dispositions or orders for public interests referred to in Articles 59 and 60.

Article 76 (Fine for Negligence)

(1) Any person falling under any of the following subparagraphs shall be punished by a fine for negligence not exceeding two million won: *<Amended by Act No. 5807, Feb. 5, 1999; Act No.*

6254, Jan. 28, 2000>

1. A person who has failed to file a report under the provisions of Article 25 (1);
2. A person who has failed to conduct his self-checkup or to take promptly necessary measures for the facilities and equipment which are found to require upgrading and repairs as a result of such self-checkup;
3. A person who has failed to make and keep records with respect to the self-checkup under the provisions of Article 25-2 (2);
4. A person who has failed to undergo the tests under the provisions of Article 25-3 (1);
5. A person who has refused or hindered without any justifiable reasons any act performed by any person who has obtained permission from a harbor work or the management agency under the provisions of Article 45 (1) (including any person delegated by the management agency); and
6. A person who has filed a false report, rejected, hindered or avoided an inspection under the provisions of Article 63 (1).

(2) The fine for negligence referred to in paragraph (1) shall be imposed and collected by the Minister of Maritime Affairs and Fisheries under the conditions as prescribed by the Presidential Decree. *<Amended by Act No. 5454, Dec. 13, 1997>*

(3) A person who is dissatisfied with the disposition of the fine for negligence shall make a objection with the Minister of Maritime Affairs and Fisheries within 30 days from the date of receipt of notice of the disposition. *<Amended by Act No. 5454, Dec. 13, 1997>*

(4) Where a person who has been subject to the disposition of the fine for negligence referred to in paragraph (2) makes an objection referred to in paragraph (3), the Minister of Maritime Affairs and Fisheries shall notify the competent court of it without delay, and such court shall bring the case of the fine for negligence to trial under the Non-Contentious Case Litigation Procedure Act.

<Amended by Act No. 5454, Dec. 13, 1997>

(5) Where no objection is made or no fine for negligence is paid within the period specified under paragraph (3), it shall be collected by the examples of the disposition on default of national taxes in arrears.

[This Article Wholly Amended by Act No. 4925, Jan. 5, 1995]

Article 77 (Joint Penal Provisions)

Where a representative of a juristic person, or an agent, servant or other employees of a juristic person or an individual has committed an act falling under Articles 73 through 76 with regard to the business of the juristic person or the individual, the juristic person or the individual as well as the persons who actually committed such violation shall be punished by a penalty of fine under the relevant Articles concerned.

ADDENDA

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures)

The approval, permit, report, authorization and supervisory disposition, etc. conducted in accordance with the previous provisions at the time of enforcement of this Act shall be considered to be conducted in accordance with this Act.

Article 3 *Omitted.*

ADDENDA <Act No. 4419, Dec. 14, 1991>**Article 1 (Enforcement Date)**

This Act shall enter into force on July 1, 1992. (Proviso Omitted.)

Articles 2 through 8 *Omitted.*

ADDENDA <Act No. 4429, Dec. 14, 1991>**Article 1 (Enforcement Date)**

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

Articles 2 through 6 *Omitted.*

ADDENDA <Act No. 4574, Aug. 5, 1993>**Article 1 (Enforcement Date)**

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

Articles 2 through 4 *Omitted.*

ADDENDA <Act No. 4925, Jan. 5, 1995>**Article 1 (Enforcement Date)**

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

Article 2 (Transitional Measures on Permission, etc. of Tugboating Business)

The tugboating businessmen who have been granted the permission pursuant to the previous provisions at the time of entry into force of this Act (hereafter referred to as the "previous tugboating businessmen") shall be deemed to have registered for the tugboating business under the amended provisions of Article 29. In this case, the previous tugboating businessmen who fall short of the standards for registration referred to in the amended provisions of Article 29 (2) shall be brought into conformity with such amended provisions within two years from the date of entry into force of this Act, and the previous tugboating businessmen who fall short of the standards for registration

referred to in the amended provisions of Article 31-2 shall be brought into conformity with such amended provisions within three years from the date of entry into force of this Act, respectively.

Article 3 *Omitted.*

Article 4 (Transitional Measures on Penal Provisions)

The application of the penal provisions to the acts prior to entry into force of this Act shall be governed by the previous provisions.

ADDENDA <Act No. 5111, Dec. 29, 1995>

Article 1 (Enforcement Date)

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

Articles 2 through 7 *Omitted.*

ADDENDA <Act No. 5453, Dec. 13, 1997>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

Article 2 *Omitted.*

ADDENDUM <Act No. 5454, Dec. 13, 1997>

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

ADDENDA <Act No. 5807, Feb. 5, 1999>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: *Provided*, That the provisions of the proviso of Article 9 (2), Article 19 (2) and (3), Article 25, Articles 31 through 33, Articles 34-2 through 34-5, Article 34-7, Article 40, Article 42, Article 47, subparagraphs 3, 4 and 7 of the Article 75, and Article 76 (1) 1 shall enter into force on the date of its promulgation.

Article 2 (Application Example of Commencement and Completion Date of Harbor Work)

The amended provisions of Article 10-2 shall apply starting with the harbor work implementation plan for which approval is granted or a report is filed for the first time after the enforcement of this Act.

Article 3 (Application Example of Procedures for Work Completion Confirmation)

The amended provisions of Article 12 (2) shall apply starting with an application for the confirmation of the completion of a harbor work, which is filed for the first time after the enforcement of this Act.

Article 4 (Application Example of Earthquake-Proof Design)

The amended provisions of Article 26 (2) shall apply starting with a harbor work for which the harbor work implementation plan is formulated or altered for the first time after the enforcement of this Act.

Article 5 (Application Example of Handling of Long-term Unclaimed Cargoes)

The amended provisions of Article 64 shall apply starting with cargoes of which customs formalities are cleared for the first time after the enforcement of this Act.

Article 6 (Transitional Measures concerning Approval for Harbor Work Implementation Plan)

A person who is under an obligation to file a report under the amended provisions of Article 10 (3) from among persons who have their harbor work implementation plans approved or reported under the previous provisions at the time of enforcing this Act shall be deemed to file a report under the amended provisions of the same Article and same paragraph.

Article 7 (Transitional Measures concerning Permission for Pre-Completion Use)

Any person who obtains permission or files a report with respect to the use of harbor facilities prior to the completion of a harbor work under the previous provisions of the proviso of Article 12 (4) at the time of enforcing this Act shall be deemed to obtain permission or file a report under the amended provisions of the proviso of the same Article and same paragraph.

Article 8 (Transitional Measures concerning Penal Provisions)

The application of the penal provisions to any act performed prior to the enforcement of this Act shall be dealt with according to the previous provisions.

ADDENDA <Act No. 5808, Feb. 5, 1999>

- (1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.
(2) through (4) Omitted.

ADDENDA <Act No. 5835, Feb. 8, 1999>**Article 1 (Enforcement Date)**

This Act shall enter into force on July 1, 1999. (Proviso Omitted.)

Articles 2 through 4 Omitted.

ADDENDA <Act No. 5893, Feb. 8, 1999>**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. 5911, Feb. 8, 1999>

Article 1 (Enforcement Date)

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

Articles 2 through 8 Omitted.

ADDENDA <Act No. 5914, Feb. 8, 1999>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDA <Act No. 6254, Jan. 28, 2000>

Article 1 (Enforcement Date)

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

Provided, That the amended provisions of Article 27 (3) shall enter into force on January 1, 2001.

Article 2 (Transitional Measures concerning Installation, Removal and Report, etc. of Facilities and Equipment)

(1) Any person who files a report with respect to the installation or the removal of the facilities and equipment in accordance with the previous public notice of the Ministry of Maritime Affairs and Fisheries at the time that this Act is enforced shall be deemed to file such report in accordance with the amended provisions of Article 25.

(2) Any facilities and equipment which undergo the tests in accordance with the previous public notice of the Ministry of Maritime Affairs and Fisheries at the time that this Act is enforced shall be deemed to undergo such tests in accordance with the amended provisions of Article 25-3 (1).

(3) Any person who has himself designated as a vicarious test conductor in accordance with the previous public notice of the Ministry of Maritime Affairs and Fisheries at the time that this Act is enforced shall be deemed to have himself designated as a vicarious test conductor in accordance with the amended provisions of Article 25-5 (1).

ADDENDUM <Act No. 6394, Jan. 29, 2001>

This Act shall enter into force six months after the date of its promulgation: *Provided*, That the amended provisions of subparagraphs 6 (b) and 8 of Article 2 shall enter into force on the enforcement date of the amended provisions of Article 2 of Act No. 6487, the amended Act of the Harbor Act. *<Amended by Act No. 6487, May 24, 2001>*

ADDENDA <Act No. 6406, Jan. 29, 2001>

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2001.

Articles 2 and 3 *Omitted.*

ADDENDUM <Act No. 6487, May 24, 2001>

This Act shall enter into force six months after the date of its promulgation: *Provided*, That the amended provisions of Article 2 shall enter into force on the date of its promulgation.

ADDENDA <Act No. 6656, Feb. 4, 2002>

Article 1 (Enforcement Date)

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

Articles 2 through 12 *Omitted.*

ADDENDA <Act No. 6841, Dec. 30, 2002>

Article 1 (Enforcement Date)

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

Articles 2 through 12 *Omitted.*

ADDENDA <Act No. 6893, May 29, 2003>

Article 1 (Enforcement Date)

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

Articles 2 through 6 *Omitted.*