

SPECIAL ACT ON LOCAL AUTONOMY AND DECENTRALIZATION, AND RESTRUCTURING OF LOCAL ADMINISTRATIVE SYSTEMS

Act No. 15501, Mar. 20, 2018
Amended by Act No. 16855, Dec. 31, 2019
Act No. 16888, Jan. 29, 2020
Act No. 17700, Dec. 22, 2020
Act No. 18851, Apr. 26, 2022

CHAPTER I GENERAL PROVISIONS

1

Article 1 (Purpose)

The purpose of this Act is to realize mature local autonomy, promote the development of regions, enhance the State's competitiveness, and ultimately improve citizens' quality of life by stipulating basic principles, tasks to be done, systems for the performance of such tasks, etc., in order to comprehensively, systematically, and methodically promote local autonomy and decentralization and restructuring of local administrative systems. *<Amended on Mar. 20, 2018>*

1 ()

가

2018. 3. 20.>

Article 2 (Definitions)

The terms used in this Act are defined as follows: *<Amended on Mar. 20, 2018>*

1. The term "local autonomy and decentralization" (hereinafter referred to as "autonomous decentralization") means the rational allocation of authority and responsibility to the State and local governments to ensure harmony between the State and local governments in their function, and to

- expand residents' direct participation in local governments' decision-making and execution process;
- 2. The term "local administrative systems" means a series of systems related to the hierarchical structure in local autonomy and local administration, the jurisdiction of each local government, and the allocation of functions to the Special Metropolitan City and each Metropolitan City and Do and each Si/Gun/Gu;
- 3. The term "consolidation of local governments" means the consolidation of two or more local governments, among the local governments defined in Article 2 (1) 2 of the Local Autonomy Act, to create a new local government;
- 4. The term "consolidated local government" means a local government established by consolidating two or more local governments, among the local governments defined in Article 2 (1) 2 of the Local Autonomy Act.

2 ()

- 1. “ ” (“ ”) 가
가
- 2. “ ” , ,
- 3. “ ” 「 」 2 1 2
2 가
- 4. “ ” 「 」 2 1 2
2 가

Article 3 (Obligations of the State and Local Governments)

- (1) The State shall collect opinions from local governments, the councils of the heads of local governments under Article 165 of the Local Autonomy Act, and people from all walks of life in formulating legislative and institutional measures necessary for autonomous decentralization and the restructuring of local administrative systems and shall comprehensively formulate legislative measures all together for the execution of policies for autonomous decentralization. <Amended on Mar. 20, 2018>
- (2) Each local government shall formulate measures for improving responsibility and efficiency in administration and finance to fulfill the policies implemented by the State for autonomous decentralization. <Amended on Mar. 20, 2018>
- (3) Each local government shall cooperate pro-actively with the State in the restructuring implemented by the State with regard to local administrative systems.

3 (가)

(4) The Committee shall report the comprehensive plan formulated for autonomous decentralization to the National Assembly. <Amended on Mar. 20, 2018>

5 ()
44 (“ ”)

. < 2018. 3. 20.>

. < 2018. 3. 20.>

- 1.
- 2.
- 3.
- 4.

. < 2018. 3. 20.>

. < 2018. 3. 20.>

Article 6 (Formulation and Implementation of Annual Implementation Plans)

The Committee shall formulate and implement an implementation plan for autonomous decentralization each year, consulting thereon with the heads of related central administrative agencies, in order to implement a comprehensive plan for autonomous decentralization formulated under Article 5. <Amended on Mar. 20, 2018>

6 ()
5

.

. < 2018. 3. 20.>

CHAPTER II AUTONOMOUS DECENTRALIZATION

2

SECTION 1 Basic Principles of Autonomous Decentralization

1

Article 7 (Basic Conception of Autonomous Decentralization)

The basic conception of decentralization of autonomy is to realize substantial local autonomy, through which the originality and diversity of each region shall be honored, by ensuring that each local

government is authorized to autonomously establish policies for the region within its jurisdiction with residents' voluntary participation therein and enforce such policies under its own responsibility and that the State and local governments reasonably share their roles between the State and local governments as well as among local governments. <Amended on Mar. 20, 2018>

7 ()

가

, 가

. < 2018. 3. 20.>

Article 8 (Enactment and Amendment of Statutes regarding Local Autonomy)

(1) The head of a central administrative agency who intends to enact or amend a statute regarding local autonomy shall ensure that the enactment or amendment conforms to the basic conception of autonomous decentralization and shall rearrange relevant statutes currently in force as early as possible. <Amended on Mar. 20, 2018>

(2) When the head of a central administrative agency intends to enact or amend a statute regarding local autonomy, he or she shall notify the Committee thereof.

(3) If the Committee deems it necessary for the advancement of local autonomy, it may present its opinion to the head of a central administrative agency on a statute that has been notified pursuant to paragraph (2) by the head of the central administrative agency.

8 ()

,

. < 2018. 3. 20.>

Article 9 (Principles of Allocation of Administrative Affairs)

(1) The State shall ensure that administrative affairs allocated to the State and each local government are not overlapped with one another between the State and local governments as well as among local governments, so that local governments are able to execute administrative affairs comprehensively and autonomously, taking into consideration the enhancement of residents' benefits, effects of execution, etc.

(2) In principle, when the State allocates administrative affairs under paragraph (1), it shall allocate administrative affairs closely related to the life of local residents to each Si/Gun/autonomous Gu

(hereinafter referred to as "Si/Gun/Gu"), administrative affairs that each Si/Gun/Gu is hardly capable of handling to the Special Metropolitan City or each Metropolitan City, Special Self-governing City/Do/Special Self-governing Province (hereinafter referred to as "City/Do"), and administrative affairs that each City/Do is hardly capable of handling to the State.

(3) When the State allocates administrative affairs to local governments or when a local government re-allocates its administrative affairs to other local governments, the State or such local government shall ensure that related administrative affairs are allocated inclusively so that each local government to whom such administrative affairs are allocated or re-allocated can handle the administrative affairs comprehensively under its own responsibility.

(4) When the State or a local government allocates administrative affairs pursuant to paragraphs (1) through (3), it shall minimize its involvement therein and shall expand the private sector's opportunities to participate in administration, respecting the autonomy of the private sector.

9 ()
가 가 . 가
가 1
가 (“ . . ”) , . 가
가 가 가 가 가 가 가 가
가 가 가 가 가 가 가 가
가 1 3
가 ,

Article 10 (Implementation of Policies on Autonomous Decentralization on Trial Basis)

If it is necessary for implementing policies on autonomous decentralization, the State may implement such policies on a trial basis, varying the policies according to the actual situation of each local government.

<Amended on Mar. 20, 2018>

10 ()
가
 . < 2018. 3. 20.>

SECTION 2 Tasks for Promotion of Decentralization

2

Article 11 (Devolution of Power and Rearrangement of System for Classification of Administrative Affairs)

(1) The State shall pro-actively devolve its power and administrative affairs within its jurisdiction to local governments in accordance with the principles of the allocation of administrative affairs under Article 9 and shall abolish the delegation of administrative affairs to the head of each City/Do or to the head of each Si/Gun/Gu, among administrative affairs within jurisdiction of the State or of a City/Do, but shall classify administrative affairs into two categories instead: autonomous administrative affairs and State administrative affairs.

(2) The State shall formulate legislative measures necessary for the comprehensive and overall devolution of power and administrative affairs to local governments.

(3) The State shall provide administrative and financial assistance to local governments for the efficient handling of the authority and administrative affairs devolved to local governments. <Amended on Jan. 29, 2020>

(4) Each local government shall take necessary measures, such as efficient allocation of organizations and human resources and budget adjustment, for the efficient handling of the devolved authority and administrative affairs. <Newly Inserted on Jan. 29, 2020>

11 ()
가 9 , 가 . 가 . . .
가 가 .
가 가 .
. < 2020. 1. 29.>
. < 2020. 1. 29.>

Article 12 (Reorganization of Special Local Administrative Agencies)

(1) The State shall allocate some of administrative affairs executed by special local administrative agencies under Article 3 of the Government Organization Act to local governments if such administrative affairs can be executed more effectively by local governments, and shall make sure that any of the

functions of a new special local administrative agency that the State intends to establish is not similar to, or is not overlapped with, a function of any local government.

(2) The State shall endeavor to consolidate systems for autonomy in education and local government.

(3) The State shall introduce an autonomous police system to secure connectivity between local administration and security administration and provide security services fit for characteristics of each region.

(4) The implementation of autonomy in education and the autonomous police system shall be prescribed separately by statutes.

12 ()

가 「 」 3

가 가 ,

가

가

가

Article 13 (Expansion of Local Finance and Improvement of Soundness)

(1) The State shall secure new tax items for converting national taxes into local taxes in order to raise the ratio of local taxes and assume more responsibility for financial adjustment for underdeveloped regions.

(2) Each local government shall endeavor to promote stability in local finance by increasing its own revenue and secure rationality in budgetary expenditure in order to conduct autonomous administrative affairs smoothly and shall prepare schemes for the advancement of local finance, including schemes for the rational improvement of budgeting and accounting systems and for the improvement of soundness of such systems.

13 ()

가

Article 14 (Invigoration of Local Councils and Improvement of Local Election Systems)

(1) The State shall take legislative measures necessary for expanding the scope of matters subject to legislation of municipal ordinance in order to strengthen each local government's autonomous legislative power.

(2) The State and each local government shall prepare schemes for strengthening each local council's authority, including schemes for expanding each local council's authority to deliberate and resolve on major policies of each local government.

(3) The State and each local government shall prepare schemes for improving expertise of members of each local council and for strengthening the independent authority of the chairperson of each local council over personnel management of public officials who belong to the local council.

(4) The State and each local government shall prepare schemes for the improvement of local election systems, including schemes for the improvement of methods for the election of the head of each local government and members of each local council, the reasonable adjustment of electoral districts, and the expansion of the public election management system.

14 ()

가

가

가

가



Article 15 (Expansion of Resident Participation)

(1) The State and each local government shall improve the local referendum system, the resident recall system, the resident litigation system, the resident initiative system and shall enhance systems for residents' direct participation.

(2) The State and each local government shall prepare schemes for raising citizens' awareness for participation by encouraging citizens' voluntary activities and assisting them in such activities.

15 ()

가

가

Article 16 (Enhancement of Competency for Autonomous Administration)

(1) Each local government shall take necessary measures for securing fairness and transparency in administration and raising the sense of accountability and efficiency to improve the quality of administrative services.

(2) In order to secure the uniformity in the national administration and the sense of responsibility for local administration, the State may prepare standards for reasonable evaluation of administration and financial management of local governments and may conduct examinations and evaluations according to the standards.

(3) In order to improve expertise and competency of local public officials, the State and each local government shall take necessary measures for promoting personnel exchange of public officials between the State and local governments or between local governments and improve systems for education and training of public officials.

16 ()

가

가

가

가

가

Article 17 (Establishment of System for Cooperation between State and Local Governments)

(1) In order to establish a firm relationship with local governments for mutual cooperation, the State shall pro-actively assist them in operating a consultative council and shall ensure that opinions of local governments on the consultative council are fully reflected in the national administration.

(2) In order to efficiently settle disputes arising between the State and a local government or between local governments, the State and each local government shall strengthen functions for the mediation of disputes such as invigorating the functions of organizations for the mediation of disputes and improving systems for the mediation of disputes.

(3) In order to pro-actively respond to rapid changes in the circumstances of local administration and to realize local autonomy in diverse forms, the State and each local government shall endeavor to adopt and utilize a special local government system.

17 (가)

가

가

가

가

CHAPTER III RESTRUCTURING OF LOCAL ADMINISTRATIVE SYSTEMS

3

SECTION 1 Standards and Tasks for Restructuring of Local Administrative Systems

1

Article 18 (Basic Direction for Restructuring of Local Administrative Systems)

The following matters shall be reflected in restructuring local administrative systems in order to enhance residents' benefits and strengthen national and local competitiveness:

1. Rationalization of local autonomy and of the hierarchy of local administration;
2. Adjustment of autonomous districts for the enhancement of convenience in the life of residents;
3. Assignment of roles and functions fit for the size of each local government and for the competency of each local government for autonomy;
4. Invigoration of neighborhood autonomy by units of residential community.

18 ()
 , 가

- 1.
- 2.
- 3.
- 4.

Article 19 (Consolidation of Excessively Small Gus)

The Special Metropolitan City and each Metropolitan City shall remain as a local government, but Gus that have excessively small population or small area, among Gus within jurisdiction of the Special Metropolitan City or a Metropolitan City shall be consolidated to form a local government on an adequate scale.

19 ()

Article 20 (Status of Gus and Guns within Jurisdiction of Special Metropolitan City or Metropolitan City, etc.)

The Committee shall prepare schemes for the restructuring of the status, functions, etc. of Gus and Guns within jurisdiction of the Special Metropolitan City or a Metropolitan City.

20 ()

Article 21 (Redefinition of Status and Functions of Dos)

(1) Each Do shall remain as a local government, but the Committee shall prepare schemes for the restructuring of Dos, including the redefinition, etc. of the status and functions of each Do, in relation to the consolidation, etc. of Sis and Guns under this Act.

(2) The status and functions of each Do shall be redefined separately by statutes.

21 ()

Article 22 (Restructuring of Sis/Guns/Gus)

(1) The State shall assist local governments in the consolidation of local governments in the regions where consolidation is necessary, when taking into comprehensive consideration the population of each Si/Gun/Gu, geographical conditions, neighborhood zones, economic zones, characteristics of each region, historical and cultural homogeneity, etc.

(2) The consolidation of Sis/Guns/Gus under paragraph (1) shall not be restricted by jurisdictional boundary of each City/Do or each Si/Gun/Gu.

22 (. .)
 가 . . , , . , 가 , ,
 .
 1

Article 23 (Establishment of Consolidated Local Governments)

- (1) A consolidated local government shall be established in the form of a local government defined in Article 2 (1) 2 of the Local Autonomy Act.
- (2) A consolidated local government may establish non-autonomous Gus, branch offices, etc. in the area within the jurisdiction of the local governments abolished as a consequence of consolidation, as prescribed by relevant statutes.
- (3) A consolidated local government shall establish Dongs in an area formed into a city and Eups/Myeons in other areas; it may establish Eups/Myeons/Dongs in a non-autonomous Gu, notwithstanding Article 3 (3) of the Local Autonomy Act.

23 ()
 「 」 2 1 2
 .
 가
 「 」 3 3 가 . .

Article 24 (Procedure for Consolidation of Sis/Guns/Gus)

- (1) The Committee shall search for local governments subject to consolidation in accordance with the standards for the consolidation of Sis/Guns/Gus.
- (2) The head of a local government, a local council, or residents at least the number specified by Presidential Decree, which shall be at least 1/100 but not more than 1/50 of the total number of residents with a voting right under Article 5 of the Residents' Voting Act, may make a proposal to the Committee for the consolidation with a neighboring local government.
- (3) The Committee shall prepare schemes for the consolidation of Sis/Guns/Gus and shall take into consideration proposals made pursuant to paragraph (2).
- (4) The Minister of the Interior and Safety may recommend the consolidation of local governments to the heads of relevant local governments in accordance with a scheme prepared pursuant to paragraph (3) for the consolidation of Sis/Guns/Gus. <Amended on Nov. 19, 2014; Jul. 26, 2017>

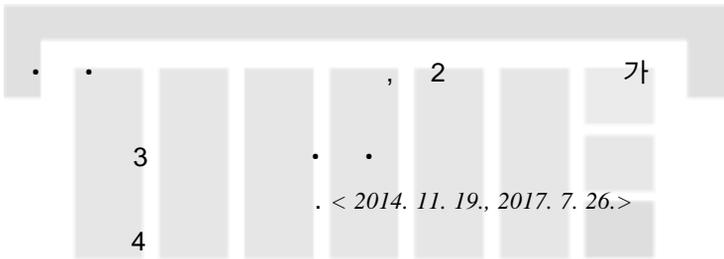
(5) The Minister of the Interior and Safety shall hear opinions from the competent local councils on a recommendation of the consolidation of local governments under paragraph (4): Provided, That the foregoing shall not apply to the case where the Minister of the Interior and Safety deems it necessary to put it to a local referendum and requests the heads of the local governments involved to hold a local referendum pursuant to Article 8 of the Residents' Voting Act. <Amended on Nov. 19, 2014; Jul. 26, 2017>

(6) Upon receipt of a request to hold a local referendum with regard to the consolidation of Sis/Guns/Gus under this Act, the head of a local government shall make a public announcement thereof and shall hold a local referendum, notwithstanding Article 8 (2) and (3) and Article 13 (1) 1 of the Residents' Voting Act.

(7) Except as otherwise provided for in this Act, local referendums held under paragraph (5) shall be governed by the Residents' Voting Act.

24 (. . .)

. . . , 「 」 5
100 1 50 1



가
3 . . .
< 2014. 11. 19., 2017. 7. 26.>
4
8
KLRI KOREA LEGISLATION RESEARCH INSTITUTE

11. 19., 2017. 7. 26.>

. < 2014.

「 」 8 2 . 3 13 1 1

5

「 」

Article 25 (Joint Committee for Promotion of Consolidation)

(1) When it is confirmed by collecting opinions from local councils or through local referendums prescribed in Article 24 that some local governments are willing to be consolidated with one another, the heads of the local governments involved shall jointly establish a committee for the promotion of consolidation in order to deliberate on matters regarding consolidation in detail, including the name of the new local government, the location of its office building, its administrative affairs, etc.

(2) Members of the joint committee established pursuant to paragraph (1) for the promotion of consolidation shall be recommended by the heads of the local governments involved and the local councils involved, but the number of committee members from each local government shall be equal.

(3) The committee members shall be commissioned jointly by the heads of the local governments involved, and the chairperson of the committee shall be elected by and from among the committee members.

(4) A joint committee for the promotion of consolidation may establish a secretariat, which shall take charge of administrative affairs.

(5) The organization of a joint committee for the promotion of consolidation, matters subject to deliberation by such joint committee, the operation of such joint committee, its secretariat, and other necessary matters shall be prescribed by Presidential Decree.

25 ()
24

가

1

가

Article 26 (Name of Consolidated Local Government)

(1) A joint committee for the promotion of consolidation established pursuant to Article 25 shall deliberate on and resolve the name of the consolidated local government and the location of its office building within 60 days from the date on which the committee is formed and shall present the resolution to the Minister of the Interior and Safety. <Amended on Nov. 19, 2014; Jul. 26, 2017>

(2) If a joint committee for the promotion of consolidation fails to adopt a resolution on the name of the consolidated local government and the location of its office building within the period prescribed in paragraph (1), the Committee may propose a recommendation thereof to the joint committee for the promotion of consolidation.

(3) If a joint committee for the promotion of consolidation fails to adopt a resolution on the name of the consolidated local government and the location of its office building within 30 days from the date on which it receives a recommendation, the Committee may mediate in the matters in accordance with the guidelines prescribed by Presidential Decree.

(4) The guidelines and procedures for recommendation and mediation by the Committee and other necessary matters shall be prescribed by Presidential Decree.

26 ()
25

60

2017. 7. 26.>

. < 2014. 11. 19.,

가 1

2

가

30

Article 27 (Establishment of Residents' Autonomous Councils)

In order to invigorate grass-root autonomy and increase awareness of importance of participating in democracy, a residents' autonomous council may be established in each Eup/Myeon/Dong with residents within its administrative jurisdiction.

27 ()

Article 28 (Functions of Residents' Autonomous Council)

(1) When a residents' autonomous council is established pursuant to Article 27, administrative affairs of the competent local government may be partially delegated or entrusted to the residents' autonomous council, as prescribed by relevant statutes or by municipal ordinances or rules.

(2) A residents' autonomous council shall perform the following:

1. Matters for the harmony of residents and improvement within the jurisdiction of the residents' autonomous council;
2. Matters concerning execution of administrative affairs delegated or entrusted by the competent local government;
3. Other matters delegated or entrusted by relevant statutes or by municipal ordinances or rules.

28 ()
27 가

- 1.
2. 가
3. ,

Article 29 (Composition of Residents' Autonomous Council)

- (1) Members of a residents' autonomous council shall be commissioned by the head of the competent local government, as prescribed by municipal ordinance.
- (2) Each council member commissioned pursuant to paragraph (1) shall remain politically neutral as a servant of the community and shall not abuse his or her authority in performing his or her duty.
- (3) The timing, composition, and finance of a residents' autonomous council and other necessary matters regarding the establishment and operation of a residents' autonomous council shall be prescribed separately by statutes.
- (4) For reference in the establishment and operation of a residents' autonomous council, the Minister of the Interior and Safety may establish and operate residents' autonomous councils on a trial basis and may provide administrative and financial assistance therefor. <Amended on Nov. 19, 2014; Jul. 26, 2017>

29 ()
1



. < 2014. 11. 19., 2017. 7.

26.>

SECTION 2 Special Provisions for Consolidated Local Governments

Article 30 (Principle of Protection from Disadvantageous Treatment)

The consolidation of local governments shall not result in the deprivation of any benefit, in administration or finance, of a former local government or of a specific area nor in the addition of a new burden on residents within jurisdiction of any local government.

30 ()

가

Article 31 (Guarantee of Equal Treatment of Public Officials)

- (1) An excess in the prescribed number of public officials resulting from the consolidation of local governments shall be deemed an exception to the prescribed number, but the local governments involved shall endeavor to solve the problem as early as possible.
- (2) A consolidated local government shall treat public officials from an abolished local government equally in personnel management.

31 ()

Article 32 (Budgetary Subsidization and Special Provisions therefor)

- (1) The State may subsidize local governments in the course of consolidation or a consolidated local government, within budgetary limits, for the direct cost incurred in the consolidation of the local governments involved.
- (2) The State may grant a subsidy to a consolidated local government out of some of operating expenses reduced as a consequence of the consolidation of the local governments involved (limited to such expenses from the budget borne by the State).
- (3) The initial budget of a consolidated local government shall be the combination of budgets by accounts and by budget items, which have been formulated and established by a resolution of each former local government involved.

32 ()
가

가 (가가)

가

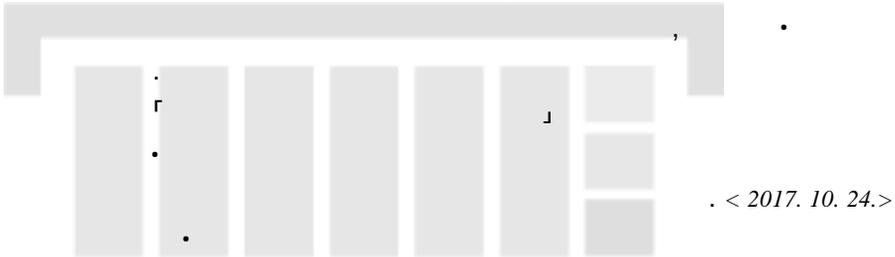
Article 33 (Special Subsidies to Consolidated Local Governments)

(1) The head of a central administrative agency or the Special Metropolitan City Mayor, a Metropolitan City Mayor, or a Do Governor (hereinafter referred to as "Mayor/Do Governor") may grant subsidies to, make financial investments in, lend loans to, or provide special financial support to, a consolidated local government, as prescribed by Presidential Decree.

(2) The head of a central administrative agency may give priority to designating part of a consolidated local government's area or an area within its jurisdiction as a district or zone for the development of a specific area, such as a regional development project zone under the Regional Development Assistance Act, as prescribed by Presidential Decree. <Amended on Oct. 24, 2017>

(3) When the head of a central administrative agency or a Mayor/Do Governor implements various projects as policy measures, he or she may preferentially assist a consolidated local government with such projects, as prescribed by Presidential Decree.

33 () (" . ")



Article 34 (Special Provisions regarding Calculation of Local Subsidies)

(1) Notwithstanding Article 7 of the Local Subsidy Act, if the financial deficit of a consolidated local government is less than the aggregate of financial deficits of the local governments abolished in the year in which the consolidated local government is established (a deficit means an amount by which the standard financial revenue calculated in accordance with the Local Subsidy Act falls short of the standard financial requirement), the ordinary subsidies granted to the consolidated local government may be adjusted by adding the difference to the standard financial requirement of the consolidated local government each year during four years from the first fiscal year that begins after the consolidated local government is established (or from the following year, if the consolidated local government is established on January 1).

(2) The conditions, period, and standards of the compensation for standard financial requirements under paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of the Interior and Safety. <Amended on Nov. 19, 2014; Jul. 26, 2017>

34 ()
 가 「 7
 (「)
 가
 (가 1 1)
 4
 1
 . < 2014. 11. 19., 2017. 7. 26.>

Article 35 (Financial Subsidization to Consolidated Local Governments)

In addition to the ordinary subsidies granted pursuant to Article 4 (2) 1 of the Local Subsidy Act, the State shall grant to a consolidated local government the amount equivalent to 6/100 of the total amount of ordinary subsidies, which were granted to former local governments abolished in the year immediately before the year in which the consolidated local government is established, each year for 10 years (or by December 31, 2025 for Changwon-si, Gyeongsangnam-do), as prescribed by Presidential Decree.
 <Amended on Dec. 22, 2020>

35 ()
 가 「 4 2 1
 가 100 6
 10 (2025 12 31)
 가 . < 2020. 12. 22.>

Article 36 (Special Provisions regarding Budget)

A consolidated local government shall endeavor to maintain the ratio of expenditure budgets of the local governments abolished for a period specified by Presidential Decree from the date on which the consolidated local government is established.

36 ()
 가

Article 37 (Special Provisions regarding Prescribed Number of Vice Chairpersons of Local Councils)

(1) Notwithstanding Article 48 (1) of the Local Autonomy Act, where a consolidated local government is established, the competent local council shall elect one chairperson and vice chairpersons, the number of whom shall be equal to the number of the abolished local governments, by a secret ballot for a term of

office that shall expire when a new local council is formed by the first election held upon the expiration of the term of office after the local government is established. In such cases, one vice chairperson shall be elected for each abolished local government, from among members of the local council of the abolished local government.

(2) The term of office of the chairperson and vice chairpersons elected pursuant to paragraph (1) shall coincide with the remaining term of the chairperson and vice chairpersons of the local council of the abolished local government.

37 () 가
가 「 48 1
1
1

Article 38 (Special Provisions regarding Prescribed Number of Council Members)

In demarcating local electoral districts for the first election held in order to form the council of a consolidated local government, the prescribed number of council members to be elected from the jurisdiction of each abolished local government shall be determined in a manner to ensure the equivalency to population in the prescribed number of council members.

38 () 가

Article 39 (Special Provisions to the Passenger Transport Service Act)

(1) The standards and rates applicable by a consolidated local government to freight charges and fares under Article 8 of the Passenger Transport Service Act for passenger transport services shall conform to the standards and rates that have been applied by the abolished local governments to freight charges and fares under Article 8 of the Passenger Transport Service Act for passenger transport services: Provided, That the consolidated local government shall adjust such standards and rates within one year from the date on which it is established.

(2) Notwithstanding paragraph (1), surcharges that have been applied for crossing boundaries between local governments for taxi transport services before the consolidation of the local governments shall be

over, such a large city, special provisions may be prescribed by relevant statutes, taking features of such a city into consideration: Provided, That a local government with a population of at least 300,000 and with an area of at least 1,000 square kilometers shall be deemed a large city with a population of at least 500,000: <Amended on Apr. 26, 2022>

1. A large city with a population of at least 500,000;
 2. A large city with a population of at least one million (hereinafter referred to as "Special Si").
- (2) The Committee shall search for special cases under paragraph (1) and shall prepare a scheme for the implementation of special provisions therefor.

40 ()

가

, 30 1
50 . < 2022. 4. 26.>

1. 50
2. 100 (" ")
1

Article 41 (Special Provisions regarding Administrative Affairs of Special Sis)

The head of a Special Si, which is neither the Special Metropolitan City nor Metropolitan City, may handle the following administrative affairs, notwithstanding provisions of other relevant statutes:

<Amended on Apr. 26, 2022>

1. Issuance of local development bonds pursuant to Article 19 (2) of the Local Public Enterprises Act; in such cases, the issuance of bonds shall be subject to prior approval from the competent local council;
2. Permission for a building granted under Article 11 (2) 1 of the Building Act: Provided, That permission for any of the following buildings shall be subject to prior approval from the competent Do Governor:
 - (a) A building with at least 51 floors (including cases where a building has 51 or more floors as a result of the extension of its total floor area by at least 30/100);
 - (b) A building with a total floor area of at least 200,000 square meters (including cases where the total floor area increases to at least 200,000 square meters as a result of the extension of the total floor area by at least 30/100);
3. Designation of a housing site development zone under Article 3 (1) of the Housing Site Development Promotion Act. Designation in such cases shall be subject to prior consultation with the competent Do Governor;
4. Fire prevention, fire surveillance, firefighting, investigation, and rescue, relief, etc. from a fire, accident, disaster or other emergency under Articles 3 and 6 of the Framework Act on Firefighting

Services;

5. Submission of an application for permission for diversion of farmland under Article 34 of the Farmland Act without reporting it to the competent Do Governor;

6. Determination of the prescribed number of Grade-V or lower-ranking public officials per job class and per agency within the prescribed number of personnel for each local government under Article 112 of the Local Autonomy Act;

7. Request for the determination of a revision of an Si/Gun management plan in regard to the designation of a development restriction zone or the cancellation of such designation under Article 4 of the Act on Special Measures for Designation and Management of Development Restriction Zones without reporting it to the competent Do Governor. In such cases, the competent Do Governor shall be consulted thereon in advance;

8. Imposition and collection of environmental improvement charges under Articles 9 (5) and 22 of the Environmental Improvement Cost Liability Act;

9. Administrative affairs regarding the development and management of a port performed by a City/Do as an administrative authority or by a Mayor/Do Governor as a management authority, in a regional trade port under subparagraph 6 (b) of Article 2 of the Harbor Act; administrative affairs regarding the arrival, departure, etc. of ships performed by a City/Do as an administrative authority or by a Mayor/Do Governor as a management authority, in a regional trade port under subparagraph 2-2 (b) of Article 2 of the Act on the Arrival and Departure of Ships; administrative affairs regarding the registration or management of or reporting, etc. on harbor transport business and harbor transport-related business performed by a City/Do as an administrative authority or by a Mayor/Do Governor as a management authority, in a regional trade port under Article 2 (7) 2 of the Harbor Transport Business Act; and affairs regarding the reporting on marine facilities and reporting on changes under Article 33 (1) 2 of the Marine Environment Management Act, affairs regarding the entrance for inspection, reporting, etc. under Article 115 (2) of that Act, and affairs regarding the imposition and collection of administrative fines (limited to administrative fines under Article 132 (2) 2) under Article 133 of that Act;

10. Management of public waters, such as removal of derelict ships within a regional trade port zone and permission to occupy and use public waters, under Articles 6, 8 through 10, 13 through 21, 55, 57, 58, and 66 of the Public Waters Management and Reclamation Act;

11. Affairs regarding the procedures for, and examinations of, permission for the diversion of mountainous districts under Article 14 (1) of the Mountainous Districts Management Act (limited to mountainous districts in the state forests, public forests, or private forests not under the control of the Minister of the Korea Forest Service, the area of which subject to permission for the diversion of mountainous districts is at least 500,000 square meters but less than two million square meters (in cases of preserved mountainous district, at least 30,000 square meters but less than one million square meters));

- 12. Affairs regarding the organization and function, operation of a local deliberation committee on construction technology under Article 5 (1) of the Construction Technology Promotion Act;
- 13. Affairs regarding the designation and cancellation of the designation, development, operation, etc. of a logistics complex under Articles 22, 22-2, 22-3, 22-5 through 22-7, 26 through 28, 44, 46, 50-3, 52-2, 52-3, 53, 54, and 57 of the Act on the Development and Management of Logistics Facilities.

41 ()

가

. < 2022. 4. 26.>

1. 「 」 19 2 .
2. 「 」 11 2 1 가. ,
- 가. 51 (100 30 가 51)
- 가 20 (100 30)
3. 「 」 3 1 (가
4. 「 」 3 6 , .
5. 「 」 34 가
6. 「 」 112 5
7. 「 」 4
8. 「 」 9 5 22 .
9. 「 」 2 6 . 가 .
- 가 「 」 2 2 2 . 가
- 가 「 」 2 7 2 . 가 .
- 가 「 」 33 1 2 , 115 2 . 133 (132 2 2) .

10. 「 」 6 , 8 10 , 13
21 , 55 , 57 , 58 66
가

11. 「 」 14 1 가 [50 200 (3 100) ,]

12. 「 」 5 1 .

13. 「 」 22 , 22 2, 22 3, 22 5
22 7 , 26 28 , 44 , 46 , 50 3, 52 2,
52 3, 53 , 54 , 57 . .

Article 42 (Auxiliary Agencies of Special Sis)

(1) Notwithstanding Article 123 (1) of the Local Autonomy Act, a Special Si shall have two deputy mayors. In such cases, one deputy mayor may be appointed from among local public officials in general service or special service or local public officials elected for a fixed term. <Amended on Apr. 26, 2022>

(2) Where a Special Si has two deputy mayors appointed pursuant to paragraph (1), the titles of such deputy mayors shall be the First Deputy Mayor and the Second Deputy Mayor respectively, and the allotment of duties between the deputy mayors shall be prescribed by ordinance of the relevant local government.

(3) Notwithstanding Articles 68, 102, and 125 of the Local Autonomy Act, the administrative organs and the prescribed number of personnel of a Special Si may be prescribed by Presidential Decree, taking into consideration its population, features, size of the area, etc. <Amended on Apr. 26, 2022>

42 ()

「 」 123 1 2 .

1 「 」 123 4 ,

(補) . < 2022. 4. 26.>

1 2 1 2 ,

「 」 68 , 102 125

, , . < 2022. 4. 26.>

Article 43 (Special Provisions regarding Finance of Large Cities)

(1) In addition to the grants-in-aid for adjustment that shall be distributed under Article 29 of the Local Finance Act, a Do Governor shall set aside an amount at a rate not exceeding 10/100 of Do taxes collected from a large city as provided for in Article 40 (1) (excluding the local resource and facility tax on nuclear power generation, the local resource and facility tax appropriated for firefighting facilities, and the local

education tax) and shall grant the amount additionally to the large city. <Amended on Mar. 20, 2018; Dec. 31, 2019>

(2) The rate of Do taxes that shall be granted additionally to a large city pursuant to paragraph (1) shall be prescribed by Presidential Decree, taking into consideration the scale and scope of devolution of administrative affairs, etc.

(3) In cases of a Special Si, the local resource and facility tax appropriated for firefighting facilities under Article 142 (1) of the Local Tax Act shall be classified as a Si tax, notwithstanding Article 8 (2) 2 (a) of the Framework Act on Local Taxes. <Amended on Dec. 31, 2019; Apr. 26, 2022>

43 ()
「 」 29 40 1
(, 가
) 100 10 가
. < 2018. 3. 20., 2019. 12. 31.>

1 가
「 」 142 1 「
」 8 2 2 가 . < 2019. 12. 31., 2022. 4. 26.>

CHAPTER IV IMPLEMENTING ORGAN AND IMPLEMENTATION PROCEDURE



Article 44 (Establishment of Committee on Autonomous Decentralization)

In order to implement autonomous decentralization and the restructuring of local administrative systems, the Committee on Autonomous Decentralization shall be established as an organ affiliated to the President of the Republic of Korea. <Amended on Mar. 20, 2018>

44 ()
. <
2018. 3. 20.>

Article 45 (Functions)

The Committee shall deliberate on and resolve the following matters: <Amended on Mar. 20, 2018; Jan. 29, 2020>

1. Formulation of comprehensive plans and annual implementation plans for autonomous decentralization;
2. Implementation of the tasks specified in Articles 11 through 17;
- 2-2. Management of human and financial resources necessary for the efficient handling of the authority and administrative affairs devolved to local governments pursuant to Article 11;
3. Inspection and evaluation of matters specified in subparagraphs 1, 2, and 2-2;
4. Guidelines for the consolidation of local governments, schemes for consolidation, and mediation thereon;
5. State's assistance to consolidated local governments and special provisions therein;
6. Collection of opinions from local governments and residents with regard to the restructuring of local administrative systems;
7. Establishment of residents' autonomous organizations in Eups/Myeons/Dongs and functions and operation of such organizations;
8. Foundation for residents' autonomy in Eups/Myeons/Dongs;
9. Collection of opinions from local governments and residents;
10. Submission of opinions under Article 8 when the head of a central administrative agency intends to enact or amend a statute;
11. Submission made by the heads of central administrative agencies or the heads of local governments regarding matters prescribed in subparagraphs 1, 2, 2-2, and 3 through 10;
12. Other matters that the chairperson deems necessary for autonomous decentralization, the restructuring of local administrative systems, and the advancement of local autonomy.

45 ()



• < 2018. 3. 20., 2020. 1. 29.>

- 1.
2. 11 17
- 2 2. 11
3. 1 , 2 2 2 가
4. • •
5. 가
- 6.
7. • • ,
8. • •
- 9.
10. 8

11. 1 , 2 , 2 2 3 10

12.

Article 46 (Composition and Operation of Committee)

(1) The Committee shall be comprised of 27 members, including one chairperson and two vice chairpersons, and the members shall consist of ex officio members and commissioned members.

(2) The Minister of Economy and Finance, the Minister of the Interior and Safety, and the Minister of the Office for Government Policy Coordination shall serve as ex officio members. <Amended on Nov. 19, 2014; Jul. 26, 2017>

(3) The Committee may, where deemed necessary to conduct its affairs, request the following persons to attend meetings of the Committee: <Newly Inserted on Mar. 20, 2018>

1. The Minister of Education;
2. The Minister of Culture, Sports and Tourism;
3. The Minister of Agriculture, Food and Rural Affairs;
4. The Minister of Health and Welfare;
5. The Minister of Land, Infrastructure and Transport;
6. The Minister of Government Legislation;
7. The heads of central administrative agencies deemed necessary by the Committee to attend its meetings in relation to relevant agenda items.

(4) Commissioned members shall consist of six persons recommended by the President of the Republic of Korea, 10 persons recommended by the Speaker of the National Assembly, and eight persons, two persons of whom shall be recommended respectively by the representative of each consultative council of the heads of local governments under Article 165 of the Local Autonomy Act, from among persons who have abundant knowledge and experience and receive strong confidence from people, but all of them shall be commissioned by the President of the Republic of Korea. <Amended on Mar. 20, 2018>

(5) The chairperson and one vice chairperson shall be commissioned by the President of the Republic of Korea, and the Minister of the Interior and Safety shall serve as the other vice chairperson. <Amended on Nov. 19, 2014; Jul. 26, 2017>

(6) The term of office of each commissioned member shall be two years but may be renewed consecutively: Provided, That the term of office of a member newly commissioned in replacement of a resigning member shall coincide with the remaining term of office of the predecessor.

(7) In order to efficiently deliberate on business affairs of the Committee, the Committee may establish subcommittees.

(8) In order to conduct research on and to review matters to be deliberated on in advance by field, the Committee may establish expert committees. <Newly Inserted on Mar. 20, 2018; Jan. 29, 2020>

Article 46-2 (Participation of General Public)

- (1) The Committee shall create an environment in which the general public can participate with regard to policies on autonomous decentralization.
- (2) A Mayor/Do Governor or the head of a Si/Gun/Gu may establish a consultative council for each region to exchange information, to make policy recommendations, and to collect opinions regarding tasks of autonomous decentralization, as prescribed by municipal ordinance.

46 2 ()

Article 47 (Secretariat of Committee on Autonomous Decentralization)

- (1) The Committee may establish a secretariat in order to efficiently handle its administrative affairs.
- (2) Matters necessary for the composition and operation of the secretariat under paragraph (1) shall be prescribed by Presidential Decree.

47 ()

1

Article 47-2 (Autonomous Decentralization Support Group)

- (1) An autonomous decentralization support group may be established under the Ministry of the Interior and Safety to assist the Committee in efficiently performing its business affairs.
- (2) Matters necessary for the composition and operation of the autonomous decentralization support group shall be prescribed by Presidential Decree.

47 2 ()

Article 48 (Report on Progress of Implementation)

- (1) The Committee shall report to the President of the Republic of Korea regularly on the matters on which it deliberated and resolved pursuant to Article 45 and on the implementation of policies on autonomous decentralization and the restructuring of local administrative systems. <Amended on Mar. 20, 2018>

(2) When the Committee completes reporting pursuant to paragraph (1), it shall notify the heads of related central administrative agencies and the heads of the competent local government of details of the report without delay.

(3) Upon receipt of the notice under paragraph (2), the head of a related central administrative agency and the head of a local government shall formulate an action plan, submit it to the Committee promptly, and take necessary measures, such as enactment or amendment of relevant statutes.

48 ()

45 .

. < 2018. 3. 20.>

1

2

Article 49 (Inspection and Evaluation of Progress of Implementation)

(1) In order to ensure that an action plan formulated pursuant to Article 48 (3) is implemented as scheduled, the Committee shall inspect and evaluate the progress of implementation of such action plan by the related central administrative agency and the head of the competent local government and then report the results thereof to the President of the Republic of Korea after undergoing a review by the State Council thereon.

(2) The Committee may recommend the head of a related central administrative agency or a local government to take necessary measures according to the results of the evaluation conducted pursuant to paragraph (1): Provided, That the Committee may recommend the head of a central administrative agency to take necessary measures within a period specified by it, if it finds that the central administrative agency has delayed the devolution of its authority, on which the Committee resolved under Article 11 or 45.

(3) Upon receipt of a recommendation under the latter part of paragraph (2), the head of a central administrative agency shall take necessary measures, including amendment of relevant statutes, within the period specified by the Committee and shall notify the Committee of the results of the measures.

49 (. 가)

48 3

. 가

1 가

. , 11 45 가

Article 50 (Cooperation with Local Governments)

- (1) If the Committee deems it necessary for executing its affairs, it may hear opinions from the local governments concerned, residents, etc. or may request related agencies, corporations, organizations, etc. to furnish it with data or present their opinions or cooperate otherwise with it as necessary.
- (2) The representative of a consultative council of the heads of local governments under Article 165 of the Local Autonomy Act or the head of a local government may attend a meeting of the Committee to express his or her opinion or may submit a written opinion to the Committee.
- (3) The Committee may request a person that is recognized to have expertise or experience necessary for executing the Committee's affairs to attend a meeting to hear his or her statements.
- (4) Upon receipt of a request for an opinion or data or a request for cooperation under paragraph (1), agencies, corporations, organizations, etc. shall comply with such request without delay.

50 ()



가

1

Article 51 (Legislative Measures by National Assembly)

The National Assembly shall enact or amend relevant statutes on the basis of the comprehensive plan for autonomous decentralization reported pursuant to Article 5 (4) but shall respect the Committee's opinion thereon. <Amended on Mar. 20, 2018>

51 ()

5 4

. < 2018. 3. 20.>

Article 52 Deleted. <Mar. 20, 2018>

52 <2018. 3. 20.>

ADDENDA <Act No. 11829, May 28, 2013>

Article 1 (Enforcement Date)

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

Article 2 (Repeal of other Acts)

The following Acts shall be hereby repealed:

1. The Special Act on the Promotion of Decentralization;
2. Special Act on the Restructuring of Local Administrative Systems.

Article 3 (Applicability)

(1) Articles 30 through 39 shall apply to consolidated local governments established on or after January 1, 2010: Provided, That Article 35 shall apply only to consolidated local governments established on or before January 1, 2015.

(2) Subparagraph 6 of Article 41 and Article 43 (3) shall apply only to Changwon-si, Gyeongsangnam-do on a trial basis.

Article 4 (Transitional Measures concerning Transfer of Administrative Affairs, etc.)

(1) The Committee for the Advancement of Local Autonomy under Article 44 shall succeed to the administrative affairs assigned to the former Decentralization Promotion Committee and the former Local Administrative System Restructuring Promotion Committee (hereinafter referred to as the "two former Committees") before this Act enters into force.

(2) Matters on which the two former Committee deliberated and resolved shall be deemed matters on which the Committee for the Advancement of Local Autonomy under Article 44 has deliberated and resolved.

(3) The basic plan presented to the President of the Republic of Korea and the National Assembly pursuant to Article 9 of the former Special Act on the Restructuring of Local Administrative Systems shall be deemed effective.

Article 5 (Transitional Measure for Clearance of Administrative Affairs)

Notwithstanding Article 2 of the Addenda, the organizations established exclusively for assistance under Article 20 of the Special Act on the Promotion of Decentralization and Article 7 of the Special Act on the Restructuring of Local Administrative Systems shall continue to exist for a period necessary for clearing administrative affairs pending with the two former Committees, which shall not exceed three months from the enforcement date of this Act.

<11829, 2013. 5. 28.>

1 ()

2 ()

1.

2.

3 ()

30 39 2010 1 1

, 35 2015 1 1

41 6 43 3

4 ()

”)

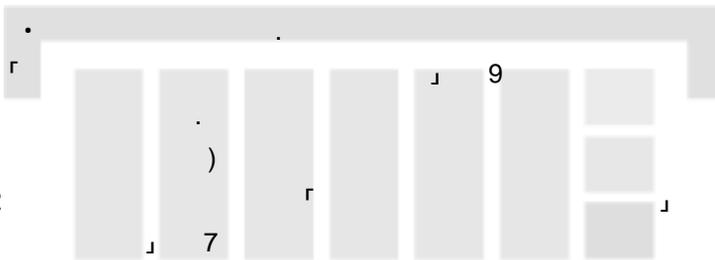
44

가

가

44

가



5 ()

@

2

20

3

KLRI KOREA LEGISLATION RESEARCH INSTITUTE

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

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. Provided, That among the Presidential Decrees amended in accordance with Article 6 of the Addenda, amendments to Presidential Decrees, which were promulgated before this Decree enters into force, but the dates on which they are to enter into force have yet to arrive, shall enter into force on the enforcement dates of the respective Decrees.

Articles 2 through 7 Omitted.

<12844, 2014. 11. 19.>

1 ()

ADDENDA <Act No. 14839, Jul. 26, 2017>

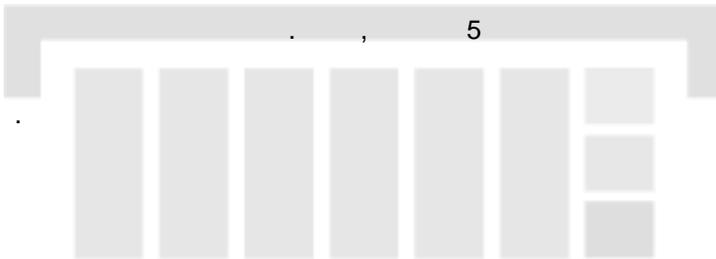
Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That among the Acts amended in accordance with Article 5 of these Addenda, the amended provisions of each Act which was promulgated before this Act enters into force but the enforcement date of which has yet to arrive shall enter into force on the enforcement date of each relevant Acts.

Articles 2 through 6 Omitted.

<14839, 2017. 7. 26.>

1 ()



2 6

ADDENDUM <Act No. 14918, Oct. 24, 2017>

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

<14918, 2017. 10. 24.>

ADDENDA <Act No. 15501, Mar. 20, 2018>

Article 1 (Enforcement Date)

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

Article 2 (Period of Existence of Committee)

The Committee on Autonomous Decentralization established under Article 44 shall continue to exist for five years from the date this Act enters into force.

Article 3 (Transitional Measures following Transfer of Affairs, etc.)

(1) The Committee on Autonomous Decentralization established under Article 44 shall succeed to the affairs falling under the jurisdiction of the former Committee for Advancement of Local Autonomy as at the time this Act enters into force.

(2) The matters deliberated on and resolved by the former Committee for Advancement of Local Autonomy as at the time this Act enters into force shall be deemed deliberated on and resolved by the Committee on Autonomous Decentralization established under Article 44.

(3) Persons recommended or commissioned as members of the Committee for Advancement of Local Autonomy in accordance with the former Article 46 (3) as at the time this Act enters into force shall be deemed recommended or commissioned as members of the Committee on Autonomous Decentralization established under Article 44.

<15501, 2018. 3. 20.>

1 ()

2 ()

44

3 ()

가

가

44

46

3

5

가

44

44

ADDENDA <Act No. 16855, Dec. 31, 2019>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2020. (Proviso Omitted)

1. Omitted.

2. The amended provisions of Articles 128 (3) and (4), and 141 through 147, and Articles 17 and 18 of the Addenda: January 1, 2021.

Articles 2 through 18 Omitted.

<16855, 2019. 12. 31.>

1 ()
2020 1 1 . < >

1.

2. 128 3 • 4 , 141 147 , 17

18 : 2021 1 1

2 18

ADDENDUM <Act No. 16888, Jan. 29, 2020>

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

<16888, 2020. 1. 29.>

ADDENDA <Act No. 17700, Dec. 22, 2020>

Article 1 (Enforcement Date)

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

Article 2 (Special Cases concerning Financial Subsidization to Consolidated Local Governments)

Notwithstanding the amended provisions of Article 35, the amount to be granted to Changwon-si, Gyeongsangnam-do in addition to the ordinary subsidies shall be 6/100 of the total amount of ordinary subsidies, which were granted to former local governments abolished in the year immediately before the year in which Changwon-si, Gyeongsangnam-do was established in 2021, 5/100 in 2022, 4/100 in 2023, 2/100 in 2024, and 1/100 in 2025, respectively.

<17700, 2020. 12. 22.>

1 ()

2 ()

35 가

2021 100 6, 2022 100 5, 2023 100 4, 2024 100
2, 2025 100 1 .

ADDENDUM <Act No. 18851, Apr. 26, 2022>

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

<18851, 2022. 4. 26.>

1

Last updated : 2023-05-12

