
	2002· 2· 4	Act No. 6656
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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to ensure a promotion of public welfare and a pertinent protection of property rights through an efficient implementation of the public works, by prescribing the matters for indemnity of any loss incurred by the acquisition or use of the land, etc. required for the public works through consultations or expropriation.

Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows:

- 1.The term "land, etc." means the land, goods and rights falling under any subparagraph of [Article 3](#);
- 2.The term "public works" means the projects falling under any subparagraph of [Article 4](#);
- 3.The term "project operator" means any person who implements the public works;
- 4.The term "landowner" means any owner of land required for the public works;
- 5.The term "person concerned" means any person holding the surface right, easement, lease right on a deposit basis, mortgage, right by a loan for use or lease, and any person holding other rights than the ownership for a land, or any person holding the ownership and other rights to goods located on the said land, with respect to the land to be acquired or used by the project operator: Provided, That any person who has acquired the rights after the project approval is published under [Article 22](#) shall not be included in the person concerned, except for any person who has succeeded to the existing rights;
- 6.The term "point of time for price" means the point of time to become the standard for computing the indemnity amount under [Article 67](#) (1); and
- 7.The term "project approval" means a determination of any public works as the project to expropriate or use the land, etc.

Article 3 (Those Subject to Application)

This Act shall apply to the case where any project operator acquires or uses the land, goods and rights falling under each of the following subparagraphs:

- 1.Lands and other rights than an ownership thereof;
- 2.Standing trees, buildings and other goods fixed on the land, and other rights than an ownership thereof, which are all required for the public works, concurrently with the land;
- 3.Mining concession, fishing right or the right to use water; and

4.Rights over the soil, stones, sand, or gravel belonging to the land.

Article 4 (Public Works)

Any project capable of acquiring or using the land, etc. under this Act shall be those falling under any of the following subparagraphs:

- 1.Projects for the national defense and military affairs;
- 2.Projects to be implemented for the public interest by obtaining the permission, authorization, approval and designation, etc. under the related Acts, with respect to the railroads, roads, airports, harbors, parking lots, public garages, cargo terminals, cable ways, rail tracks, rivers, dikes, dams, canals, tap-water system, sewerage system, terminal treatment of sewage, treatment of wastewater, erosion control, windbreak, fire prevention, tide embankment, water embankment, reservoirs, irrigation and drainage canals, petroleum reservation and oil supply, treatment of oil wastes, electricity, telecommunications, broadcasting, gas and meteorologic observations;
- 3.Projects with respect to the office buildings, plants, research institutes, test institutes, health or cultural facilities, parks, squares, athletic fields, markets, graveyards, crematories, slaughterhouses, and other public facilities to be installed by the State or local governments;
- 4.Projects with respect to the schools, libraries, museums and art galleries to be implemented for the purpose of the public interest, by obtaining the permission, authorization, approval and designation, etc. under the related Acts;
- 5.Projects with respect to the erection of housing, or creation of housing lots for the purpose of a rent or transfer, which are to be implemented by the State, local governments, government-invested institutions, local public corporations, or any persons designated by the State or local governments;
- 6.Projects with respect to the pathways, bridges, electric lines, material storages and other accessory facilities required for implementing the projects under subparagraphs 1 through 5; and
- 7.Other projects capable of expropriating or using the land, etc. under other Acts.

Article 5 (Succession to Rights and Duties, etc.)

(1) Rights and duties of the project operator under this Act shall be transferred to any person who has succeeded to the former's project.

(2) Any procedures taken and other acts performed under this Act shall take effect on any successor to the project operator, landowner and person concerned.

Article 6 (Method, etc. of Calculating Term)

Method of calculating any term under this Act shall be governed by the [Civil Act](#), and matters necessary for a notice and a delivery of documents shall be prescribed by the Presidential Decree.

Article 7 (Agent)

Any project operator, landowner or person concerned may designate a lawyer or any other person as his agent in performing such acts as an application for project approval, an application for adjudication, a submission of written opinions, etc.

Article 8 (Application for Issuance of Documents)

(1) Any project operator may, under the conditions as prescribed by the Presidential Decree, request the State or a local government to issue the documents necessary for an implementation of relevant public works, and the State or a local government shall comply with such request.

(2) The State or a local government shall not impose any service fees on the documents issued under paragraph (1).

CHAPTER II PREPARATION OF PUBLIC WORKS

Article 9 (Permission, etc. for Access to Prepare Public Works)

(1) When any project operator intends to make a measurement or investigate in order to prepare for the public works by gaining access to the land occupied by another person, he shall obtain a permission from the head of Si/Gun/Gu (referring to the head of autonomous Gu; hereinafter the same shall apply) by fixing the type of works, district of the land intended for gaining access, and the period thereof: Provided, That in case where the project operator is the State, the head of related central administrative agency to execute the relevant project shall notify the head of Si/Gun/Gu thereof, and in case where the said operator is the Special Metropolitan City, the Metropolitan City or the Do (hereinafter referred to as the "City/Do"), the Special Metropolitan City Mayor, the Metropolitan City Mayor or the Do governor (hereinafter referred to as the "Mayor/Do governor") shall do so, respectively.

(2) When the head of Si/Gun/Gu has granted a permission or received the notice under paragraph (1), he shall publicly notify the project operator, the type of works, district of the land intended for granting access, and the period thereof, and notify the land occupant thereof.

(3) Any project operator shall make the indemnity for any loss incurred by a measurement and investigation under paragraph (1) by gaining access to the land occupied by another person.

(4) No claim shall be lodged for the loss provided for in paragraph (3) after the lapse of one year from the day of becoming aware of such loss, or after the lapse of three years from the day of incurring such loss.

(5) The provisions of [Article 80](#) shall apply mutatis mutandis to the case of paragraph (3).

Article 10 (Notice of Land Access)

(1) Any person intending to gain access under [Article 9](#) to the land occupied by another person shall notify the head of Si/Gun/Gu of such date and place not later than 5 days before the date

intended for such access.

(2) When the head of Si/Gun/Gu has received the notice under the provisions of paragraph (1), he shall promptly make a public announcement of it, and notify the occupant of such land thereof.

(3) No one shall gain access to the residence of land occupant or the land surrounded by boundary marks and fences, etc. before sunrise or after sunset, without the consent of such land occupant.

Article 11 (Obligation for Acknowledgment by Land Occupant)

Any land occupant shall not hamper, without any justifiable reasons, any acts of gaining access and making a measurement or investigation after serving notice under [Article 10](#) (1), by any project operator who has obtained a permission or serving notice under [Article 9](#) (1).

Article 12 (Removal, etc. of Obstacles)

(1) When any project operator gains access to the land occupied by another person and makes a measurement or investigation under [Article 9](#), in case where there exist such unavoidable reasons that require him to remove obstacles or perform a trial digging (hereinafter referred to as "removal, etc. of obstacles"), he shall obtain the consent thereto by its owner and occupant: Provided, That when he fails to obtain any consent by its owner and occupant, he may perform a removal, etc. of obstacles by obtaining a permission from the head of Si/Gun/Gu.

(2) When the head of Si/Gun/Gu intends to grant a permission under the proviso of paragraph (1), he shall hear in advance the opinions of its owner and occupant.

(3) Any person intending to perform a removal, etc. of obstacles under paragraph (1) shall serve such notice to its owner and occupant not later than 3 days before the day intended for performing a removal, etc. of obstacles.

(4) Any project operator shall make the indemnity for any loss incurred by the removal, etc. of obstacles under paragraph (1).

(5) The provisions of [Articles 9](#) (4) and [80](#) shall apply mutatis mutandis to the case of paragraph (4).

Article 13 (Carrying Vouchers, etc.)

(1) Any person intending to gain access to the land occupied by another person by obtaining a permission from the head of Si/Gun/Gu under the text of [Article 9](#) (1), and any person intending to perform a removal, etc. of obstacles under [Article 12](#), shall carry the voucher indicating his identification and a written permission issued by the head of Si/Gun/Gu.

(2) Any person intending to gain access to the land occupied by another person after serving notice to the head of Si/Gun/Gu under the proviso of [Article 9](#) (1) shall carry the voucher indicating his identification.

(3) The voucher and a written permission under paragraphs (1) and (2) shall be shown to the owner and occupant of the land or obstacles and other interested parties.

(4) Matters necessary for the forms of a voucher and a written permission under paragraphs (1) and (2) shall be prescribed by the Ordinance of the Ministry of Construction and Transportation.

CHAPTER III ACQUISITION OR USE UNDER CONSULTATIONS

Article 14 (Preparation of Protocols of Land and of Goods)

(1) When any project operator is in need of an acquisition or use of the land, etc. under consultations prior to a project approval under [Article 20](#) for the implementation of public works, he shall prepare a protocol of land and that of goods and affix his signature or seal thereon, and make the landowner and person concerned to affix their signatures or seals thereon: Provided, That the same shall not apply to the case where it is impossible to make the landowner and person concerned to affix their signatures or seals due to the refusal of the landowner and person concerned without any justifiable reasons, or the impossibility to know of the landowner and person concerned, or the impossibility to know of their addresses or whereabouts, etc.; but the said project operator shall enter such reasons in the relevant protocols of land and goods.

(2) Matters necessary for the entry items in the protocols of land and goods and their preparations, such as the location of land and goods, the landowner and person concerned, etc., shall be prescribed by the Presidential Decree.

Article 15 (Perusal, etc. of Indemnity Plan)

(1) When the project operator has prepared the protocols of land and goods under [Article 14](#), he shall publicly notify the indemnity plan stating the outline of his public works, the contents of protocols of land and goods, the time, method and procedures for indemnity, etc. in the nationally circulated dailies, and notify the landowner and person concerned thereof respectively: Provided, That in case where there exist 20 or less landowners and person concerned, such publication may be omitted.

(2) When the project operator has made a public notice or a notification under paragraph (1), he shall make their details available for the public perusal for not less than 14 days: Provided, That in case where the project area extends over two or more Sis/Guns/Gus (referring to the autonomous Gus) or the project operator is not an administrative agency, he shall also forward their copies to the heads of relevant Sis/Guns/Gus and request to offer such copies for the public perusal.

(3) Any landowner or person concerned who are dissatisfied with the contents of the protocols of land and goods which have been published or notified under paragraph (1), may raise an objection in writing to the project operator within the perusal period under paragraph (2).

(4) The project operator shall make an additional note of the objection raised under paragraph (3) in the relevant protocols of land and goods, and take appropriate steps when he deems that such objection is well-grounded.

Article 16 (Consultations)

Any project operator shall hold a faithful consultation with the landowner and person concerned on the indemnity for the land, etc., and matters necessary for the consultations, such as their procedures and methods, etc., shall be prescribed by the Presidential Decree.

Article 17 (Conclusion of Contract)

Any project operator shall enter into a contract with the landowner and person concerned, when the consultations under [Article 16](#) has yielded any agreement.

Article 18 (Special Case for Indemnity for Land, etc. Void of Preservation Registration, etc.)

(1) In paying the indemnity for the land, etc. required for execution of the public works, when there exists the land, etc. void of any preservation registration of ownership or any transfer registration to its actual owner, any project operator shall pay, under the conditions as prescribed by the Presidential Decree, the indemnity to such person as deemed to be a rightful claimant by a confirmation document issued by the head of Si/Gu or Eup/Myeon having jurisdiction over relevant areas (including the head of Eup/Myeon of the city in the urban and rural complex form; hereafter in this Article, the same shall apply).

(2) The head of Si/Gu or Eup/Myeon in receipt of a request for issuance of the confirmation document under paragraph (1) shall issue such confirmation document, after making a public notice of such fact for not less than 30 days under the conditions as prescribed by the Presidential Decree.

(3) Any person who is dissatisfied with the content of public notice under paragraph (2) may raise an objection in writing to the head of Si/Gu or Eup/Myeon within the public notice period under paragraph (2).

(4) When any objection has been raised under paragraph (3), the head of Si/Gu or Eup/Myeon shall, after an investigation and confirmation of the fact, issue a confirmation document or dismiss the said application within 20 days from the day the public notice period under paragraph (2) has expired.

(5) The provisions of Article 10 of the Addenda of the [Civil Act](#), Act No. 471 (including what have been amended by the amendment to the [Civil Act](#), Act No. 1668) shall not apply to the land, etc. of the person who has been confirmed as a rightful claimant under paragraph (1).

(6) Any document attesting the cause of registration provided for in [Article 40 \(1\) 2 of the Registration of Real Estate Act](#), which is to be submitted by the project operator in filing an application for the transfer registration or the preservation registration of his ownership in order to acquire the land, etc. after a payment of indemnity under paragraph (1), may be substituted by the documents falling under each of the following subparagraphs; and the registration certificate for the right of an obligator for registration under subparagraph 3 of the same paragraph shall not be submitted:

1. Confirmation documents issued by the head of Si/Gu or Eup/Myeon under paragraph (1);
and

2.Documents attesting the payment of indemnity.

(7) Notwithstanding the provisions of [Article 28 of the Registration of Real Estate Act](#), any holder of the right of registration may file an application for the transfer registration of ownership provided for in paragraph (6).

CHAPTER IV ACQUISITION OR USE BY EXPROPRIATION

SECTION 1 Procedures for Expropriation or Use

Article 19 (Expropriation or Use of Land, etc.)

(1) Any project operator may expropriate or use the land, etc. under the conditions as prescribed by this Act, when it is necessary for implementing the public works.

(2) The land, etc. which has been expropriated or used for the public works shall not be expropriated or used for other public works, unless it is specially required.

Article 20 (Project Approval)

(1) When any project operator intends to expropriate or use the land, etc. pursuant to [Article 19](#), he shall obtain a project approval of the Minister of Construction and Transportation, under the conditions as prescribed by the Presidential Decree.

(2) Any person intending to file an application for the project approval under paragraph (1) shall pay the service fees fixed by the Ordinance of the Ministry of Construction and Transportation.

Article 21 (Hearing of Opinions, etc.)

When the Minister of Construction and Transportation intends to grant a project approval, he shall hold a consultation with the heads of related central administrative agencies and the Mayor/Do governor, and hear in advance the opinions of the Central Land Expropriation Committee and persons interested in the project approval, under the conditions as prescribed by the Presidential Decree.

Article 22 (Public Announcement of Project Approval)

(1) When the Minister of Construction and Transportation has granted a project approval under [Article 20](#), he shall promptly notify its purports to the project operator, landowner, person concerned and the related Mayor/Do governor, and publicly announce in the Official Gazette the name or title of the project operator, types of the project, project areas, and the particulars of the land to be expropriated or used.

(2) The Mayor/Do governor in receipt of a notification of the fact of a project approval under paragraph (1) shall serve notice to the head of related Si/Gun/Gu.

(3) The project approval shall take effect from the day of public announcement under paragraph (1).

Article 23 (Invalidation of Project Approval)

(1) When any project operator has failed to file an application for an adjudication under [Article 28](#) (1) within one year from the day a public announcement of the project approval under [Article 22](#) (1) has been made (hereinafter referred to as "public announcement of project approval"), his project approval shall lose its validity on the day next to that on which one year lapses from the day a project approval has been publicly announced.

(2) A project operator shall indemnify the landowner or person concerned for any losses incurred by the invalidation of his project approval under paragraph (1).

(3) The provisions of [Articles 9](#) (4) and [80](#) shall apply mutatis mutandis to the case of paragraph (2).

Article 24 (Discontinuation and Alteration of Project)

(1) When the whole or part of the land, etc. becomes unnecessary to be expropriated or used, since the whole or part of the project has been discontinued or altered after the project approval was publicly announced, the relevant project operator shall promptly file a report thereon with the Mayor/Do governor having jurisdiction over the project area, and serve notice thereof to the landowner and person concerned.

(2) When there exists any report filed under paragraph (1), the Mayor/Do governor shall publicly announce in the Official Gazette that there exists a discontinuation or alteration of the whole or part of the project.

(3) Even in case where there exists no report under paragraph (1), when the Mayor/Do governor becomes aware that it has no longer been necessary to expropriate or use the land since the project operator discontinued or altered the whole or part of the project, he shall hear in advance the opinions of the project operator, and make a public announcement under paragraph (2).

(4) When the Mayor/Do governor has made a public announcement under paragraphs (2) and (3), he shall promptly file a report thereon with the Minister of Construction and Transportation.

(5) From the day a public announcement has been made under paragraphs (2) and (3), the whole or part of a project approval shall lose its validity pursuant to the contents of such public announcement.

(6) A project operator shall indemnify the land owner or person concerned for any losses incurred by his discontinuation or alteration of the whole or part of the project under paragraph (1).

(7) The provisions of [Articles 9](#) (4) and [80](#) shall apply mutatis mutandis to the case of paragraph (6).

Article 25 (Preservation of Land, etc.)

- (1) Subsequent to a public announcement of project approval, no one shall make an alteration of form and quality in the land announced publicly which has a concern over hampering the project, or make any damage, destruction or removal of goods provided for in subparagraph 2 or 4 of [Article 3](#).
- (2) Subsequent to a public announcement of project approval, any person intending to erect buildings, make large repairs, install structures, or add or increase goods on the land announced publicly, shall obtain an approval of the head of Si/Gun/Gu. In this case, the head of Si/Gun/Gu shall hear in advance the opinions of the project operator.
- (3) Any landowner or person concerned, who has erected buildings, made large repairs, installed structures, added or increased goods in contravention of paragraph (2), shall restore the relevant buildings, structures, or goods to the original state, and shall not file a claim for the indemnity of any loss incurred thereby.

Article 26 (Mutatis Mutandis Application of Procedures Such as Consultations, etc.)

- (1) Any project operator subjected to the project approval under [Article 20](#) shall go through such procedures as the preparation of protocols of land and goods, the public announcement, notification and perusal of an indemnity plan, the computation of indemnity amount, and the consultations with the landowner and person concerned. In this case, the provisions of [Articles 14](#) through [16](#) and [68](#) shall be applied mutatis mutandis.
- (2) When the protocols of land and goods remain unchanged for the project subjected to the project approval under [Article 20](#), since no agreement is yielded even though it has gone through the procedures under [Articles 14](#) through [16](#) and [68](#) prior to the project approval, it may not go through the procedures under [Articles 14](#) through [16](#), notwithstanding the provisions of paragraph (1): Provided, That when the project operator, landowner or person concerned demands the consultations under [Article 16](#), such consultations shall be held.

Article 27 (Right, etc. to Investigate Land and Goods)

- (1) Subsequent to a public announcement of project approval, in case where it is necessary for being ready for the project, or for the preparation of protocols of land and goods, notwithstanding the provisions of [Article 9](#), a project operator may gain access to the relevant land or goods, and measure or investigate thereof. In this case, the provisions of [Articles 10](#), [11](#) and [13](#) shall be applied mutatis mutandis.
- (2) Subsequent to a public announcement of project approval, except for the case where any landowner or person concerned raises an objection against the contents of protocols of land and goods within the perusal period pursuant to [Article 15](#) (3) to be applied mutatis mutandis under [Article 26](#) (1), no objection shall be raised against the contents of protocols of land and goods which have been prepared pursuant to [Article 14](#) to be applied mutatis mutandis under [Article 26](#) (1): Provided, That the same shall not apply to the case where it is attested that the contents of protocols of land and goods are contrary to the truth.

(3) A project operator shall indemnify for any losses incurred by gaining access to the land occupied by others and measuring or investigating under paragraph (1).

(4) The provisions of [Articles 9](#) (4) and [80](#) shall apply mutatis mutandis to the case of paragraph (3).

Article 28 (Application for Adjudication)

(1) When the consultations under [Article 26](#) fail to yield any agreement, or are impossible to be held (including the case where no request is made for consultations under the proviso of [Article 26](#) (2)), a project operator may, under the conditions as prescribed by the Presidential Decree, file an application for adjudication with the competent land expropriation committee within one year from the day the project approval has been publicly announced.

(2) Any person who files an application for adjudication pursuant to paragraph (1) shall pay the service fees, under the conditions as prescribed by the Ordinance of the Ministry of Construction and Transportation.

Article 29 (Confirmation of Yielding Agreement)

(1) When an agreement is yielded by going through the procedures under [Article 26](#) among the project operator, landowner and person concerned, the project operator may, under the conditions as prescribed by the Presidential Decree, file an application for the confirmation of yielding an agreement with the competent land expropriation committee within the period of application for an adjudication under [Article 28](#) (1), by obtaining the consent of the relevant landowner and person concerned.

(2) The provisions of [Articles 28](#) (2), [31](#), [32](#), [34](#), [35](#), [52](#) (7), [53](#) (4), [57](#) and [58](#) shall apply mutatis mutandis to the confirmation of yielding an agreement under paragraph (1).

(3) When any project operator has filed an application for the confirmation of yielding an agreement under paragraph (1) by obtaining an authentication under the [Notary Public Act](#) with respect to matters prescribed by the Presidential Decree, such as the location, parcel number, land category and area of the land on which an agreement has been yielded, the yielding of an agreement shall be deemed to have been confirmed by an acceptance of such application by the competent land expropriation committee.

(4) The confirmation under paragraphs (1) and (3) shall be deemed an adjudication under this Act and any project operator, landowner and person concerned shall not contest the yielding and contents of the confirmed agreement.

Article 30 (Request for Filing Application for Adjudication)

(1) When the consultations have failed to yield any agreement subsequent to a public announcement of project approval, any landowner and persons concerned may request in writing any project operator to file an application for adjudication, under the conditions as prescribed by the Presidential Decree.

(2) Any project operator in receipt of the request under paragraph (1) shall, under the conditions as prescribed by the Presidential Decree, file an application for adjudication with the competent land expropriation committee within 60 days from the day such request has been made. In this case, the provisions of [Article 28](#) (2) shall apply mutatis mutandis to the service fees.

(3) When any project operator has filed an application for adjudication after the expiration of the period under paragraph (2), the amount computed by applying the legal rate of interest under [Article 3 of the Act on Special Cases concerning Expedition, etc. of Legal Proceedings](#) to such lapsed period shall be paid in addition to the indemnity adjudicated by the competent land expropriation committee.

Article 31 (Perusal)

(1) The land expropriation committee in receipt of a written application for adjudication under [Article 28](#) (1) shall, under the conditions as prescribed by the Presidential Decree, promptly make a public announcement of it, and make the copies of related documents available for the public perusal for not less than 14 days from the day of the public announcement.

(2) When the land expropriation committee has made a public announcement under paragraph (1), any landowner or person concerned may present his opinions during the period for a perusal of the relevant documents.

Article 32 (Examination)

(1) When the perusal period under [Article 31](#) (1) has expired, the land expropriation committee shall promptly investigate and examine the relevant application.

(2) The land expropriation committee may, when deemed necessary to conduct an examination, have the project operator, landowner and person concerned appear before it, and let them state their opinions.

(3) In case where the land expropriation committee has the project operator, landowner and person concerned appear before it under the provisions of paragraph (2), it shall notify in advance the project operator, landowner and person concerned of the date and place of such examination.

Article 33 (Advice on Conciliation)

(1) The land expropriation committee may let its subcommittee composed of its 3 members advise the project operator, landowner and person concerned to seek a conciliation, prior to making any adjudication. In this case, the subcommittee shall consist of such members as are designated by the chairman or selected from among its members, but other matters necessary for the composition of the subcommittee shall be prescribed by the Presidential Decree.

(2) When the conciliation under paragraph (1) has been achieved, the relevant land expropriation committee shall prepare a protocol of conciliation, and let the members, project operator, landowner and person concerned taking part in such conciliation to affix their

signatures or seals thereon.

(3) In case where the signatures or seals have been affixed on the protocol of conciliation under paragraph (2), it shall be deemed that an agreement with the contents identical with the protocol of conciliation has been reached among the parties concerned.

Article 34 (Adjudication)

(1) Any adjudication of the land expropriation committee shall be made in writing.

(2) Any written adjudication under paragraph (1) shall contain the text of a judicial decision and the reasons and the date of adjudication, and the chairman and members present at the meeting shall affix their names and seals thereon; and thereafter its authentic copy shall be served on the project operator, landowner and person concerned.

Article 35 (Adjudication Period)

The land expropriation committee shall render its adjudication within 14 days from the day the examination under [Article 32](#) has been commenced: Provided, That when there exist any special grounds, such period may be extended only once within the limit of 14 days.

Article 36 (Rectification of Adjudication)

(1) When it is evident that there exist the errors in calculations or entries or other errors similar thereto in the adjudication, the land expropriation committee may, either ex officio or upon request from the parties, render an adjudication of its rectification.

(2) Any adjudication of rectification shall be added to the original copy and authentic copy of the principal adjudication: Provided, That when it is impossible to add it to the authentic copy, the said committee shall prepare the authentic copy of the adjudication of rectification, and serve it on the parties concerned.

Article 37 (Omission of Adjudication)

When the land expropriation committee has omitted its adjudication on a part of the applications, the application for such omitted portion shall continuously remain pending in the relevant land expropriation committee.

Article 38 (Use of Land at Time of Natural Disaster)

(1) When it becomes in urgent need of the public works to maintain the public safety due to natural disasters or other exigencies, any project operator may immediately use, under the conditions as prescribed by the Presidential Decree, the land of other persons by obtaining a permission from the head of Si/Gun/Gu: Provided, That when the project operator is the State, the head of relevant central administration agency to execute the relevant project, and when the project operator is the City/Do, the Mayor/Do governor, may use such land by serving

notice to the head of Si/Gun/Gu, respectively.

(2) When the head of Si/Gun/Gu has granted a permission or received the notice under paragraph (1), he shall promptly notify the owner and occupant of such land of the matters prescribed by the Presidential Decree.

(3) The period of using the land under paragraph (1) shall not exceed 6 months.

(4) Any project operator shall indemnify for any losses incurred by his use of other persons' land under paragraph (1).

(5) The provisions of [Articles 9](#) (4) and [80](#) shall apply mutatis mutandis to the case of paragraph (4).

Article 39 (Land Use in Need of Urgency)

(1) When the land expropriation committee in receipt of an application for adjudication under [Article 28](#) deems that, if such adjudication were to be waited, there could exist a concern over causing a difficulty in preventing the disasters or significantly hampering other public interests, it may at once grant a permission for using the relevant land, upon request from the project operator and under the conditions as prescribed by the Presidential Decree, after letting him to provide collaterals: Provided, That in case where the State or local government is the project operator, such collaterals may not be provided.

(2) The period of using the land under paragraph (1) shall not exceed 6 months.

(3) The provisions of [Article 38](#) (2) shall apply mutatis mutandis when the land expropriation committee has granted a permission under paragraph (1).

SECTION 2 Effect of Expropriation or Use

Article 40 (Payment or Deposit of Indemnity)

(1) Except for the case of using the land under [Article 38](#) or [39](#), a project operator shall pay the indemnity adjudicated by the competent land expropriation committee not later than the day of commencing the expropriation or use (referring to the day of commencing the expropriation or use decided by the land expropriation committee by its adjudication; hereinafter the same shall apply).

(2) When it falls under any of the following subparagraphs, a project operator may deposit the indemnity at the deposit office in the location of the land, etc. intended for the expropriation or use, not later than the day of commencing the expropriation or use:

1. When a person entitled to the indemnity refuses to receive it or is unable to receive it;

2. When a person entitled to the indemnity is unable to be known without any negligence by the project operator;

3. When a project operator objects to the indemnity adjudicated by the competent land expropriation committee; and

4. When the payment of indemnity is banned by any seizure or provisional seizure.

(3) When there exists any change in the right subsequent to a public announcement of project approval, any person who succeeds to such right shall receive the indemnity under paragraph (1) or the deposit under paragraph (2).

(4) Any project operator shall, in the case of paragraph (2) 3, pay the indemnity computed by himself to the person entitled to the indemnity, and deposit the difference between the amount paid by him and the indemnity adjudicated by the land expropriation committee. In this case, any person entitled to the indemnity shall not receive the deposited indemnity not later than when the procedures for such objection are to be completed.

Article 41 (Indemnity for Land Use in Need of Urgency)

(1) In case where the land is used pursuant to [Article 39](#), if there exists any demand from the landowner or person concerned before the land expropriation committee adjudicates thereon, the project operator shall pay the indemnity computed by himself to the landowner or person concerned.

(2) When any project operator fails to pay the indemnity not later than the payment period of indemnity under adjudication by the land expropriation committee, the landowner or person concerned shall acquire the whole or part of collateral provided under [Article 39](#).

Article 42 (Invalidation of Adjudication)

(1) When any project operator has failed to pay or deposit the indemnity adjudicated by the competent land expropriation committee not later than the day of commencing the expropriation or use, the adjudication by the relevant land expropriation committee shall lose its validity.

(2) Any project operator shall indemnify the landowner or person concerned for any losses incurred by an invalidation of the adjudication under paragraph (1).

(3) The provisions of [Articles 9](#) (4) and [80](#) shall apply mutatis mutandis to the case of paragraph (2).

Article 43 (Transfer, etc. of Land or Goods)

Any person holding the right over the land to be expropriated or used or the goods fixed thereon, who is the landowner, person concerned or any other person not included in a landowner or person concerned, shall transfer or relocate the relevant land or goods to the project operator not later than the day of commencing the expropriation or use.

Article 44 (Vicarious Transfer or Relocation)

(1) The head of Si/Gun/Gu shall vicariously transfer or relocate the land or goods upon request from the project operator, when it falls under any of the following subparagraphs:

1. When any person liable to transfer or relocate the land or goods is unable to perform such liability without any intention or negligence; and

2. When any project operator is unable to identify the person liable to transfer or relocate the land or goods without any negligence.

(2) In case where the head of Si/Gun/Gu vicariously transfers or relocates the land or goods under paragraph (1), any expenses incurred thereby shall be borne by the person liable to do so.

Article 45 (Acquisition, Termination and Limit of Right)

(1) Any project operator shall acquire the ownership of the land or goods on the day of commencing the expropriation, and other rights over such land or goods shall be terminated simultaneously therewith.

(2) Any project operator shall acquire the right of using the land or goods on the day of commencing the use, and other rights over the land or goods shall not be exercised during the period of such using.

(3) Any right admitted by the land expropriation committee by adjudication shall not be terminated or suspended from its exercise, notwithstanding the provisions of paragraphs (1) and (2).

Article 46 (Responsibility for Risk)

In case where the land or goods to be expropriated or used are demolished or damaged without any intention or negligence by the landowner or person concerned after the land expropriation committee adjudicates thereon, any losses incurred thereby shall be borne by the project operator.

Article 47 (Real Rights Granted by Way of Security, and Indemnity)

In case where the objects of the real rights granted by way of security have been expropriated or used, the relevant real rights granted by way of security may be exercised on the indemnity to be received by the debtor due to the expropriation or use of the objects: Provided, That such indemnity shall be seized before its payment.

Article 48 (Obligation for Return and Restoration to Original State)

(1) When the period of using the land or goods has expired, or they have become unnecessary to be used due to the discontinuation or change of the project and other causes, the project operator shall promptly return the relevant land or goods to the owner of the land or goods, or any successor thereto.

(2) In the case of paragraph (1), when there exists any demand from the landowner for the restoration to the original state, the project operator shall return the relevant land by restoring it to its original state, except for the case where such losses have been indemnified in advance.

CHAPTER V LAND EXPROPRIATION COMMITTEE

Article 49 (Establishment)

In order to render an adjudication on the expropriation and use of the land, etc., the Central Land Expropriation Committee shall be established under the Ministry of Construction and Transportation, and the local land expropriation committee under the City/Do, respectively.

Article 50 (Matters to Be Adjudicated)

(1) Matters to be adjudicated by the land expropriation committee shall be as follows:

1. Zone of the land to be expropriated or used, and methods of its use;
2. Indemnity for losses;
3. Commencing date of the expropriation or use, and its period; and
4. Other matters prescribed by this Act and other Acts.

(2) The land expropriation committee shall render an adjudication within the scope requested by the project operator, landowner, or person concerned: Provided, That in the indemnity for the losses under paragraph (1) 2, the said committee may render an adjudication on increase of indemnity.

Article 51 (Jurisdiction)

(1) The Central Land Expropriation Committee shall take charge of the matters concerning the adjudication of projects falling under each of the following subparagraphs:

1. Projects whose project operator is the State or the City/Do; and
2. Projects whose land to be expropriated or used extends over two or more Cities/Dos.

(2) The local land expropriation committee shall take charge of the matters concerning the adjudication of projects other than each subparagraph of paragraph (1).

Article 52 (Central Land Expropriation Committee)

(1) The Central Land Expropriation Committee shall consist of not more than 20 members including one chairman, but the members in the number as prescribed by the Presidential Decree from among its members shall be permanent.

(2) The Minister of Construction and Transportation shall be the chairman of the Central Land Expropriation Committee, and if the chairman is unable to perform his duties due to unavoidable reasons, the member designated by the chairman shall act on behalf of the chairman.

(3) The chairman of the Central Land Expropriation Committee shall represent the Committee and exercise the overall control of its affairs.

(4) Permanent members of the Central Land Expropriation Committee shall be appointed by the President on the recommendation of the Minister of Construction and Transportation from among persons falling under any of the following subparagraphs:

1. Persons who have served not less than 15 years as judges, prosecutors or lawyers;

2. Persons who have taught the jurisprudence or public administration science as associate professors or higher in universities or colleges not less than 5 years; and

3. Persons who have served not less than 2 years as the public officials of Grade III or higher in the administrative agencies.

(5) Nonpermanent members of the Central Land Expropriation Committee shall be commissioned by the Minister of Construction and Transportation from among the persons of profound learning and experience in land expropriation.

(6) Meetings of the Central Land Expropriation Committee shall be convoked by the chairman, and shall consist of the chairman, one permanent member and seven members designated by the chairman for each and every meeting.

(7) Meetings of the Central Land Expropriation Committee shall resolve with the attendance of a majority of its consisting members under paragraph (6) and concurrent votes of a majority of those present.

(8) The Central Land Expropriation Committee shall have the secretariat to deal with its affairs.

(9) Matters concerning the classification of permanent members and the organization of the secretariat of the Central Land Expropriation Committee shall be prescribed by the Presidential Decree.

Article 53 (Local Land Expropriation Committee)

(1) Local land expropriation committee shall consist of 9 members, including one chairman.

(2) The Mayor/Do governor shall be the chairman of the local land expropriation committee, and if the chairman is unable to perform his duties due to unavoidable reasons, a member designated by the chairman shall act on behalf of the chairman.

(3) Local land expropriation committee shall consist of one member appointed by the Mayor/Do governor from among his public officials and 7 members commissioned by him from among persons of profound learning and experience in land expropriation.

(4) Meetings of the local land expropriation committee shall be convoked by the chairman, and resolve with the attendance of not less than 5 members including the chairman, and concurrent votes of a majority of those present.

(5) The provisions of [Article 52](#) (3) shall apply mutatis mutandis to the local land expropriation committee.

Article 54 (Disqualifications for Members)

(1) Persons falling under any of the following subparagraphs shall not become a member of the land expropriation committee:

1. Incompetents, quasi-incompetents or persons declared bankrupt and not reinstated as yet;
2. Person for whom 2 years have not elapsed since the day his imprisonment without labor or heavier punishment sentenced by a court was completely executed (including a case where its execution is deemed terminated) or exempted;
3. Person who is under the suspension of the execution of imprisonment without labor or a heavier punishment as declared by a court; and
4. Person for whom 2 years have not elapsed since the day he has been sentenced to a fine.

(2) When a member falls under any subparagraph of paragraph (1), he shall deservedly resign from his office.

Article 55 (Term of Office)

Term of office for the permanent members and commissioned members of the land expropriation committee shall be three years respectively, and the consecutive reappointment or recommissioning may be permitted.

Article 56 (Guarantee of Status)

Except for the case where the relevant land expropriation committee deems by its resolution that there exists a ground falling under any of the following subparagraphs, any commissioned member shall not be dismissed against his will during his incumbency:

1. When he is unable to perform his duties due to his physical or mental impediments; and
2. When he has violated his duties.

Article 57 (Exclusion, Challenge and Avoidance of Members)

(1) Any member of the land expropriation committee who falls under any of the following subparagraphs shall be prohibited from attending any relevant meeting of the land expropriation committee:

1. Project operator, landowner or person concerned;
2. Spouse, relative or agent of the project operator, landowner or person concerned; and
3. In case where the project operator, landowner or person concerned is a corporation, any officer of the relevant corporation or any person who performs the former's duties.

(2) In case where there exists any situation whereunder it is difficult for the project operator, landowner and person concerned to expect that any member makes a fair deliberation and resolution, they may file an application for challenge, by writing such reasons. In this case, the chairman of the land expropriation committee shall decide on whether or not to accept the social application, without going through a resolution by the committee.

(3) When any member falls under the grounds of paragraph (1) or (2), he may voluntarily avoid participating in the deliberation and resolution of the relevant case.

(4) The provisions of paragraphs (1) through (3) shall apply mutatis mutandis to the staff-members who are not the members involved in the affairs of deliberation and resolution on the case.

Article 58 (Authorities Regarding Deliberation or Investigation)

(1) When deemed necessary for the deliberation, the land expropriation committee may perform the act falling under each of the following subparagraphs:

1. Act to let any project operator, landowner, person concerned or witness attend the committee and make the statement, or to request them to provide their written opinions or the data;

2. Act to request any appraisal business operator and other appraiser to perform the appraisal and assessment, or to let them attend the committee and make the statement; and

3. Act to let any member of the land expropriation committee, any staff-members of the secretariat under [Article 52](#) (8), or any staff-members in charge of the affairs of the local land expropriation committee, conduct the on-site investigations.

(2) The provisions of [Article 13](#) shall apply mutatis mutandis to the case where any member or staff-member conducts the on-site investigations under paragraph (1) 3.

(3) The land expropriation committee may pay to the witness, appraisal business operator or other appraiser under paragraph (1), the per diem, travel expenses and appraisal fees at a charge of the project operator, under the conditions as prescribed by the Ordinance of the Ministry of Construction and Transportation.

Article 59 (Allowances and Travel Expenses for Members)

The land expropriation committee may pay to its members the allowances and travel expenses under the conditions as prescribed by the Ordinance of the Ministry of Construction and Transportation: Provided, That the same shall not apply to the case where any members who are the public officials have attended in direct connection with their duties.

Article 60 (Detailed Rules for Operation)

Matters necessary for the operation, etc. of the land expropriation committee shall be prescribed by the Presidential Decree.

CHAPTER VI INDEMNITY FOR LOSSES, ETC.

SECTION 1 Principle of Indemnification for Losses

Article 61 (Indemnity by Project Operators)

The project operator shall indemnify the landowner or person concerned for any losses incurred by the acquisition or use of the land, etc. required for the public works.

Article 62 (Prior Indemnity)

Any project operator shall pay the full amount of indemnity to the landowner and person concerned before undertaking his works for the relevant public works: Provided, That the same shall not apply to the cases where the land is used at the time of natural disasters under [Article 38](#), where it is used in need of urgency under [Article 39](#), or where there exist the consents of the landowner and person concerned.

Article 63 (Cash Indemnity, etc.)

(1) Except as otherwise provided for in other Acts, the indemnity for losses shall be paid in cash.

(2) In case where the project operator is the State, local government or other government-invested institution or public organization as prescribed by the Presidential Decree, which falls under any of the following subparagraphs, the indemnity may be paid with the bonds issued by the relevant project operator, notwithstanding the provisions of paragraph (1):

1. Where the landowner or person concerned so desires; and

2. Where for the public work whose project approval is granted the indemnity for the land of the absentee real estate owner as prescribed by the Presidential Decree exceeds the specific amount set by the Presidential Decree, and where the indemnity is paid for such amount in excess.

(3) In case where the indemnity is paid with the bonds under the provisions of paragraph (2), the time limit for redemption of bonds shall be fixed within the limit not exceeding 5 years, and the interest rate thereof shall be that applied to the time deposit with three-year maturity (the interest rate to be applied to the cases where such interest rate fluctuates during the relevant calculation period, or where such interest rate is different depending upon the banks, shall be the interest rate obtained by averaging the interest rates to be applied by the banks with the nation wide business areas, from among the financial institutions established pursuant to the [Banking Act](#) as of January 1 of such year).

Article 64 (Indemnity by Individual)

The indemnity for losses shall be paid individually to the land owner or person concerned: Provided, That the same shall not apply to the case where it is impossible to compute the indemnity amount by individual.

Article 65 (Lump Sum Indemnity)

In case where there exist, within the same project area, several lands, etc. under the same ownership but with the different indemnity period, the project operator shall ensure to make a lump sum payment of indemnity, when the landowner or person concerned requests so.

Article 66 (Prohibition on Offsetting Losses by Gains Accruing from Project Implementation)

In case where any project operator acquires or uses a part of the group of lands that belong to the same landowner, even when the price of remaining lands is raised, or when any gains have been accrued due to an implementation of relevant public works, he shall be prohibited from offsetting any losses incurred by such acquisition or use by the said gains.

Article 67 (Point of Time for Price of Indemnity Amount)

(1) Computation of the indemnity amount shall be based on the price at the time of yielding an agreement in the case depending upon the consultation, and that at the time of adjudicating on the expropriation or use in the case depending upon the adjudication.

(2) When there exist any fluctuations in the price of lands, etc. due to the relevant public works, they shall not be taken into account for the computation of indemnity amount.

Article 68 (Computation of Indemnity Amount)

(1) In case where any project operator intends to compute the indemnity amount for the land, etc., he shall entrust the appraisal of lands, etc. to not less than two appraisal business operators under the [Public Notice of Values and Appraisal of Lands, etc. Act](#) (hereinafter referred to as "appraisal business operator"): Provided, That the same shall not apply to the case where the project operator is able to compute the indemnity amount by himself according to the standards as set by the Ordinance of the Ministry of Construction and Transportation.

(2) In selecting the appraisal business operators under paragraph (1), in case where any landowner makes a request under the conditions as prescribed by the Presidential Decree, one appraisal business operator recommended by such landowner may be selected in addition to the appraisal business operators referred to in paragraph (1).

(3) Matters necessary for the procedures and methods for entrusting the appraisal and the standards for computing the indemnity amount, etc. under paragraphs (1) and (2), shall be prescribed by the Ordinance of the Ministry of Construction and Transportation.

Article 69 (Issuance of Indemnity Bonds)

(1) In case where the State pays the indemnity with the bonds under [Article 63](#) (2) in order to indemnify the landowner and person concerned for any losses incurred by the acquisition or use of lands, etc. for the road works under the [Road Act](#), the industrial complex development projects under the [Industrial Sites and Development Act](#), the construction or improvement works for the public railroads under the Public Railroad Construction Promotion Act, the harbor works under the [Harbor Act](#), and other public works prescribed by the Presidential Decree, the State may issue the indemnity bonds at a charge of the accounts falling under any

of the following subparagraphs:

1. General account;
2. Special account for the traffic facilities; and
3. Special account for the railroad business.

(2) Indemnity bonds shall be issued by the Minister of Finance and Economy at the request of the heads of related central administrative agencies in charge of the management of the accounts under each subparagraph of paragraph (1).

(3) In case where the Minister of Finance and Economy intends to issue the indemnity bonds, he shall obtain a resolution of the National Assembly by account.

(4) Indemnity bonds shall be issued by making delivery to the landowners and persons concerned.

(5) Indemnity bonds may be transferred or provided as a collateral.

(6) Method of issuing indemnity bonds, method of determining interest rates, method of making redemption, and other matters necessary for the issuance of indemnity bonds shall be prescribed by the Presidential Decree.

(7) Issuance of indemnity bonds shall be governed by the [State Bond Act](#), except for the case as otherwise provided for in this Act.

SECTION 2 Types and Standards, etc. of Loss Indemnity

Article 70 (Indemnity for Land Acquired)

(1) With respect to the land acquired under any consultation or adjudication, the indemnity shall be made based upon the publicly-announced land prices under the [Public Notice of Values and Appraisal of Lands, etc. Act](#), but such indemnity shall be made under the reasonable prices as assessed by taking account of the plan for utilizing relevant land under the related Acts and subordinate statutes from the standard date of such public announcement to the point of time for price, the fluctuation rate of land price prescribed by the Presidential Decree for the area whose price is not affected by relevant public works, the increase rate of producer's price (referring to the rate computed based on the producer price index surveyed and published by the Bank of Korea under [Article 86 of the Bank of Korea Act](#)), and also the location, shape, environment, utilization status, etc. of the relevant land.

(2) Indemnity amount for the land shall be computed by taking account of the realistic utilization status at the point of time for price and the objective situation judged by the general utilization methods, but the situations of temporary land utilization, the subjective value conceived by the landowner or person concerned, and the case of premising that the land would be used for special purposes, etc., shall not be taken into account.

(3) In the acquisition by consultations prior to the project approval, the publicly-announced land price referred to in paragraph (1) shall be that announced publicly at the point of time nearest to the point of time for price, from among those announced publicly at the point of time for price of the relevant land: Provided, That in case where it is deemed that the price of land to be acquired has fluctuated due to a public notice or announcement of the plan for, or

the implementation of, the public works, it shall be the publicly-announced land price published at the point of time nearest to the date of public notice or announcement of the relevant public works, from among the publicly-announced land prices published at the point of time for price of the relevant land, which are such publicly-announced land prices making the point of time prior to the date of relevant public notice or announcement as their standard date of public announcement.

(4) In the acquisition subsequent to the project approval, the publicly-announced land price referred to in paragraph (1) shall be that announced publicly at the point of time nearest to the date of public announcement of the relevant project approval, from among the publicly-announced land prices published at the time of yielding an agreement or adjudication on the relevant land, which are such publicly-announced land prices making the point of time prior to the date of public announcement of project approval as their standard date of public announcement.

(5) Definite methods for computing or assessing the indemnity amount for the land to be acquired and for other rights than its ownership shall be prescribed by the Ordinance of the Ministry of Construction and Transportation by taking account of the investment costs, expected gains and transaction prices, etc.

Article 71 (Indemnity, etc. for Land to be Used)

(1) With respect to the land to be used under any consultation or adjudication, the indemnity shall be made with the proper price assessed by taking account of the land rents, lease rent, methods of use, period of use, and prices, etc. of such land and adjacent one similar thereto.

(2) Definite methods for computing or assessing the indemnity amount for the land to be used and the use of space underground and surface thereof shall be prescribed by the Ordinance of the Ministry of Construction and Transportation by taking account of the investment costs, expected gains and transaction prices, etc.

Article 72 (Request for Purchase, etc. of Land to be Used)

When it falls under any of the following subparagraphs subsequent to a public announcement of project approval, the owner of relevant land may either request the project operator to purchase his land, or request the competent land expropriation committee to expropriate his land. In this case, person concerned may request the project operator or the competent land expropriation committee to have his right kept up:

1. When the land use period is 3 years or more;
2. When the form and quality of the land is changed by its use; and
3. When the landowner's buildings stand on his land intended to be used.

Article 73 (Indemnity for Loss of Remaining Land and Costs for Work)

When there exists any decrease in the price of remaining land or other losses due to the acquisition or use of a part of the group of lands belonging to the same landowner, or when it is necessary to newly install any passage, ditch, fence, etc. or to implement other works on the remaining land, the project operator shall make an indemnity for such losses or the costs for

such works under the conditions as prescribed by the Ordinance of the Ministry of Construction and Transportation.

Article 74 (Request for Purchase and Expropriation of Remaining Land)

(1) When it is remarkably difficult to use the remaining land for its customary purposes due to a purchase or expropriation by consultations of a part of the group of lands belonging to the same landowner, the relevant landowner may request the project operator to purchase the whole of the group of lands, and subsequent to a project approval, he may request the competent land expropriation committee to expropriate it. In this case, the request for expropriation shall be limited to the case where the consultations on the purchase fail to yield any agreement, and it shall be made not later than before the competent land expropriation committee renders an adjudication for a part of such group of land.

(2) Any person who holds the right over the remaining land and any goods thereon, for which a request has been made for their purchase or expropriation under paragraph (1), may request the project operator or the competent land expropriation committee to have his right kept up.

(3) In case where the project operator acquires the remaining land under paragraph (1) subsequent to a public announcement of project approval, it shall be deemed that there exists the project approval under [Article 20](#) and the public announcement of project approval under [Article 22](#), with respect to such remaining land.

(4) The provisions of [Articles 70, 75](#) through [77](#) and [78](#) (4) through (6) shall apply mutatis mutandis to the computation of definite indemnity amount for the remaining land and goods thereon and the methods of assessment, etc.

Article 75 (Indemnity for Goods, Such as Buildings, etc.)

(1) For the buildings, standing trees, structures and other goods fixed to the land (hereinafter referred to as "buildings, etc."), any indemnity shall be made in the amount of costs necessary for their transfer (hereinafter referred to as "transfer costs"): Provided, That in the case falling under any of the following subparagraphs, such indemnity shall be made at the price of the relevant goods:

1. Where it is difficult to transfer the buildings, etc., or where such transfer makes it impossible to use the buildings, etc. in pursuance of its customary purposes;
2. Where the transfer costs of buildings, etc. are in excess of the price of such goods; and
3. Where the project operator acquires them for the purpose of a direct use in his public works.

(2) Any losses incurred to farm crops shall be indemnified by taking comprehensive account of their types and the extent of their growth, etc.

(3) For the soil, stones, sand or gravel belonging to the land (limited to the case where the soil, stones, sand or gravel become the objects for acquisition or use separately from the relevant land), any indemnity shall be made at the proper price assessed by taking account of the transaction prices, etc.

(4) For the graves, any indemnity shall be made by computing the expenses required for changing their burial sites.

(5) Definite computation of the indemnity amount for goods prescribed in paragraphs (1) through (4) and for other goods, and the assessment methods and indemnity standards, shall be prescribed by the Ordinance of the Ministry of Construction and Transportation.

Article 76 (Indemnity for Rights)

(1) For the mining concession, fishing right and the right to use water (including the water facilities), etc., any indemnity shall be made at the proper price assessed by taking account of the investment costs, expected gains and transaction prices, etc.

(2) Definite computation of the indemnity amount under paragraph (1) and the assessment methods shall be prescribed by the Ordinance of the Ministry of Construction and Transportation.

Article 77 (Indemnity for Business Losses, etc.)

(1) For any business losses incurred by the discontinuation or suspension of business, any indemnity shall be made by taking account of the business profits, the transfer expenses, for facilities, etc.

(2) For the farm losses, any indemnity shall be made by taking account of the revenues, etc. per unit area of the farmland.

(3) For the wage losses suffered by the workers temporarily laid off or unemployed, any indemnity shall be made by taking account of the average wage, etc. under the [Labor Standards Act](#).

(4) Definite computation of the indemnity amount under paragraphs (1) through (3) and the assessment methods and indemnity standards shall be prescribed by the Ordinance of the Ministry of Construction and Transportation.

Article 78 (Formulation, etc. of Plans for Moving)

(1) Any project operator shall either formulate and implement a plan for moving or pay the resettlement funds, under the conditions as prescribed by the Presidential Decree, for persons who become to lose their basis for living by providing the residential buildings due to an implementation of public works (hereinafter referred to as "persons subject to a plan for moving").

(2) When any project operator intends to formulate a plan for moving under paragraph (1), he shall hold in advance a consultation with the head of competent local government.

(3) The State or local governments shall primarily grant assistances to the National Housing Fund under the Housing Act for the creation of housing lots and the construction of housing in pursuance of an implementation of the plan for moving. <Amended by Act No. 6916, May 29,

2003>

(4) A plan for moving shall contain the basic facilities for living suitable for the relevant areal conditions, such as roads, water-supply facilities, sewerage facilities and other public facilities, etc. with respect to the resettlement land; and the costs required therefor shall be borne by the project operator: Provided, That in case where any project operator who is not an administrative agency formulates and implements a plan for moving, the local government may subsidize a part of such costs.

(5) For the residents of the residential buildings, any indemnity shall be made by computing the expenses required for moving the residence and those required for a transport of movables, such as the household effects, etc.

(6) In case where there exist no indemnity amounts to be paid to farmers or fishermen who are to move to other area, since they have become unable to continue carrying on their farming or fishing due to an implementation of public works, or the total amount of such indemnity falls short of the amount prescribed by the Ordinance of the Ministry of Construction and Transportation, such amount or such difference shall be indemnified.

(7) Indemnities under paragraphs (5) and (6) shall be governed by the standards set by the Ordinance of the Ministry of Construction and Transportation.

Article 79 (Indemnity for Costs, etc. for Other Land)

(1) When any project operator requires a new installation of the passages, ditches, fences, etc. and other works on the land other than those acquired and used due to an implementation of public works (including the remaining land), he shall indemnify the whole or part of such expenses.

(2) Other indemnities for the losses incurred by an implementation of public works shall be governed by the standards set by the Ordinance of the Ministry of Construction and Transportation.

(3) No claims shall be filed against the indemnity for the expenses under paragraph (1) after an elapse of one year from the day the works for relevant project has been completed.

Article 80 (Consultations and Adjudication on Indemnity for Losses)

(1) Indemnities for the losses or costs provided for in [Article 79](#) (1) shall be determined by the consultations between the project operator and persons who have suffered such losses.

(2) When the consultations under paragraph (1) fail to yield any agreement, the project operator or persons who have suffered the losses may, under the conditions as prescribed by the Presidential Decree, request the competent land expropriation committee to render an adjudication thereon.

Article 81 (Entrustment of Indemnity Affairs, etc.)

(1) Any project operator may entrust the institutions falling under any of the following subparagraphs with the affairs concerning the indemnity or a plan for moving:

1. Local governments; and

2. Any institutions as prescribed by the Presidential Decree, which are the government-invested institutions or government-contributed institutions having the actual record of indemnities or the expertise in the indemnity affairs.

(2) Matters necessary for the scope of affairs, service fees, etc. at the time of an entrustment under paragraph (1) shall be prescribed by the Presidential Decree.

Article 82 (Indemnity Council)

(1) The head of competent local government wherein the public works are implemented may, if deemed necessary, set up the indemnity council in order to make a consultation on the matters falling under any of the following subparagraphs:

1. Matters concerning the prior convergence of opinions for the assessment of indemnity amount;

2. Matters concerning the scope of remaining land and the formulation of plan for moving;

3. Matters concerning the relocation of public facilities within the relevant project area;

4. Matters deemed to be necessary by the head of local government from among the matters requested by the landowner or person concerned, etc.; and

5. Other matters referred by the head of local government.

(2) Members of the indemnity council shall be appointed or commissioned by the head of relevant local government from among persons falling under any of the following subparagraphs:

1. Landowners and persons concerned;

2. Judges, lawyers, notary publics or persons having experiences in the business of appraisal and assessment or of indemnities for not less than 5 years;

3. Public officials of the relevant local government; or

4. Project operators.

(3) Matters necessary for the establishment, composition and operation, etc. of the indemnity council shall be prescribed by the Presidential Decree.

CHAPTER VII RAISING OBJECTIONS, ETC.

Article 83 (Raising Objections)

(1) Any person who is dissatisfied with an adjudication rendered by the Central Land Expropriation Committee under [Article 34](#) may raise an objection to the said Committee.

(2) Any person who is dissatisfied with an adjudication rendered by the local land expropriation committee under [Article 34](#) may raise an objection to the Central Land Expropriation Committee by going through the relevant local land expropriation committee.

(3) Raising objections under paragraphs (1) and (2) shall be made within 30 days from the day of receiving the authentic copy of a written adjudication.

Article 84 (Adjudication on Raising Objections)

(1) In case where there exists an objection raised under [Article 83](#), the Central Land Expropriation Committee, when it is deemed that the adjudication under [Article 34](#) is illegal or unjustifiable may either revoke the whole or part of such adjudication, or alter the indemnity amount.

(2) In case where the indemnity amount has been increased under paragraph (1), any project operator shall pay such increased indemnity to the person entitled to the indemnity within 30 days from the day of receiving the authentic copy of a written adjudication revoking or altering the original adjudication; Provided, That when it falls under [Article 40](#) (2) 1, 2 or 4, such indemnity may be deposited.

Article 85 (Institution of Administrative Litigation)

(1) Any project operator, landowner or person concerned, when he was dissatisfied with an adjudication under [Article 34](#), may institute an administrative litigation within 60 days from the day he has received a written adjudication and within 30 days from the day he has received a written adjudication on his objection in case where he has raised an objection, respectively. In this case, the project operator shall deposit the increased indemnity pursuant to [Article 84](#) before he institutes an administrative litigation, and the person entitled to the indemnity shall be prohibited from receiving the deposited indemnity until not later than when the litigation is closed.

(2) In case where an administrative litigation intended to institute under paragraph (1) is over the increase or decrease in the indemnity, its defendant shall be the project operator when the litigant instituting such litigation is a landowner or a person concerned, and it shall be either the landowner or person concerned when the said litigant is the project operator, respectively.

Article 86 (Effect of Adjudication on Objection)

(1) When the adjudication on any objection has been determined due to an absence of institution of any litigation within the period fixed under [Article 85](#) (1) or any other causes, it shall be deemed that a final and conclusive judgement under the [Civil Procedure Act](#) has been rendered, and the authentic copy of a written adjudication shall have the same effect as that of a written judgement with executive force.

(2) When the adjudication on any objection has been determined, any project operator, landowner or person concerned may, under the conditions as prescribed by the Presidential

Decree, request the competent land expropriation committee to issue a certificate of determination of adjudication.

Article 87 (Payment Including Legal Rate of Interest)

In case where an administrative litigation instituted under [Article 85](#) (1) by any project operator has been rejected, dismissed, or withdrawn, such project operator shall pay, in addition to the indemnity, the amount computed by applying the legal rate of interest under [Article 3 of the Act on Special Cases concerning Expedition, etc. of Legal Proceedings](#) to the period from the day falling under any of the following subparagraphs to the date of adjudication or that of withdrawal:

1. Date of receiving the authentic copy of adjudication, when an administrative litigation has been instituted after such adjudication was rendered; and
2. Date of receiving the authentic copy of adjudication, when an administrative litigation has been instituted after such adjudication was rendered on the objection.

Article 88 (Non-Suspension of Disposition Effect)

Any raising of objection under [Article 83](#) or any institution of administrative litigation under [Article 85](#) shall not suspend the progress of project or the expropriation or use of land.

Article 89 (Vicarious Execution)

(1) In case where any person liable to perform an obligation under this Act or any disposition taken thereunder fails to perform the obligation, or faces any difficulty in completing such obligation within the fixed period, or where there exist any grounds for deeming that it is remarkably detrimental to the public interest to let him perform such obligation, the project operator may request the Mayor/Do governor or the head of Si/Gun/Gu to make a vicarious execution under the conditions as prescribed by the [Administrative Vicarious Execution Act](#). In this case, the Mayor/Do governor or the head of Si/Gun/Gu in receipt of such request shall comply with it unless there exist any justifiable grounds.

(2) In case where the project operator is the State or a local government, it may by itself make the vicarious execution under the conditions as prescribed by the [Administrative Vicarious Execution Act](#), notwithstanding the provisions of paragraph (1).

Article 90 (Compulsory Collection)

When any obligator under [Article 44](#) (2) fails to pay such costs, the head of Si/Gun/Gu may collect such costs by referring to the practices of dispositions on default of local taxes.

CHAPTER VIII RIGHT OF REPURCHASE

Article 91 (Right of Repurchase)

(1) In case where the whole or part of acquired lands becomes unnecessary due to a discontinuation or alteration of the relevant project and any other causes within 10 years from the day the land has been acquired under consultations or the day commencing the expropriation of land (hereafter in this Article referred to as the "acquisition date"), the landowner at the time of acquisition date or his general successor (hereinafter referred to as the "repurchase right holder") may repurchase such land by paying to the project operator the amount equivalent to the indemnity paid for such land, within one year from when the whole or part of relevant land became unnecessary, or within 10 years from the acquisition date.

(2) The provisions of paragraph (1) shall apply mutatis mutandis to the case where the whole acquired lands have not been used for the relevant project within 5 years from the acquisition date, but in this case, the right of repurchase shall be exercised within 6 years from the acquisition date.

(3) Remaining land purchased or expropriated under [Article 74](#) (1) shall not be repurchased unless it is the case where a group of lands adjacent to the remaining land has become unnecessary.

(4) In case where the land price has remarkably fluctuated as compared with the land price as of the acquisition date, the project operator and the repurchase right holder shall hold a mutual consultation on the repurchase amount, but when such consultation fails to yield any agreement, they may request the court to render a decision on the increase or decrease in the said amount.

(5) Repurchase rights under paragraphs (1) through (3) may be contested against any third party when the registration of an acquisition under consultations or expropriation of the land required for the public works has been made under the conditions as prescribed by the [Registration of Real Estate Act](#).

(6) Subsequent to an acquisition under consultations or expropriation of the land by the State, local government or government-invested institution, which are required for the public works, by obtaining the project approval, in case where the relevant public works have been altered into other public works as stipulated in subparagraphs 1 through 4 of [Article 4](#), the period of exercising the repurchase right under paragraphs (1) and (2) shall be reckoned from the day an alteration of the relevant public works has been publicly announced in the Official Gazette. In this case, the State, local government or government-invested institution shall, under the conditions as prescribed by the Presidential Decree, notify the repurchase right holder of the fact of an alteration of public works.

Article 92 (Notice, etc. of Repurchase Right)

(1) When any land to be repurchased under [Article 91](#) (1) and (2) happened to come by the project operator shall promptly notify the repurchase right holder thereof: Provided, That when the project operator is unable to learn, without any negligence, the whereabouts of such a right holder, he shall make a public notice under the conditions as prescribed by the Presidential Decree.

(2) Subsequent to an elapse of 6 months from the day of receiving the notice under paragraph (1) or the public notice has been made, any repurchase right holder shall be prohibited from exercising a repurchase right, notwithstanding the provisions of [Article 91](#) (1) and (2).

CHAPTER IX PENAL PROVISIONS

Article 93 (Penal Provisions)

(1) Any person who has received the indemnity by falsity and other illegal means, or any one who has delivered such indemnity while he knows of such fact, shall be punished by imprisonment with prison labor for not more than 5 years or by a fine not exceeding 30 million won.

(2) An attempt to commit a crime provided in paragraph (1) shall be punished.

Article 94 (Penal Provisions)

Any person who has been subjected to an issuance of a written confirmation under [Article 18](#) (1) or exercised it by falsity and other illegal means shall be punished by imprisonment with prison labor for not more than 3 years or by a fine not exceeding 20 million won.

Article 95 (Penal Provisions)

Any appraisal business operator or any other appraisers entrusted with the appraisal and assessment under [Article 58](#) (1) 2, who have performed the appraisal and assessment by falsity and other illegal means shall be punished by imprisonment with prison labor for not more than 2 years or by a fine not exceeding 10 million won.

Article 96 (Penal Provisions)

Any person who has violated the provisions of [Article 25](#) (1) or the former part of paragraph (2) shall be punished by imprisonment with prison labor for not more than one year or by a fine not exceeding 5 million won.

Article 97 (Penal Provisions)

Any person falling under any of the following subparagraphs shall be punished by a fine not exceeding 2 million won:

1. Project operator who has gained access to the land occupied by other person or let others do likewise without obtaining a permission from the head of Si/Gun/Gu in violation of the text of [Article 9](#) (1);
2. Land occupant who has obstructed the activities of a project operator in violation of [Article 11](#) (including the case of mutatis mutandis application under [Article 27](#) (1));
3. Person who has performed a removal, etc. of the obstacles in violation of [Article 12](#) (1); and
4. Person who has failed to deliver or transfer the land or goods in violation of [Article 43](#).

Article 98 (Joint Penal Provisions)

If the representative of a juristic person, or an agent, an employee or any other employed person of a juristic person or an individual has committed an act falling under any of the

provisions of [Articles 93](#) through [97](#), in connection with the affairs of said juristic person or individual not only shall such an actor be punished accordingly, but the juristic person or individual shall be punished by a fine under the same Articles.

Article 99 (Fine for Negligence)

(1) Any person falling under any of the following subparagraphs shall be punished by a fine for negligence not exceeding 2 million won:

1. Person prescribed in [Article 58](#) (1) 1, who has failed to appear or make statement without any justifiable grounds, or who has made the false statement;

2. Person, in case where subjected to the request for a submission of a written opinion or the data under [Article 58](#) (1) 1, who has failed to submit them without any justifiable grounds, or submitted the false written opinion or data;

3. Appraisal business operator or any other appraiser, in case where entrusted with the appraisal and assessment or subjected to the request for attendance and statement under [Article 58](#) (1) 2, who has failed to comply with it without any justifiable grounds; and

4. Person who has rejected, obstructed or avoided the on-site investigations provided for in [Article 58](#) (1) 3.

(2) The fine for negligence referred to in paragraph (1) shall be imposed and collected by the Minister of Construction and Transportation or the Mayor/Do governor (hereinafter referred to as "authority to take disposition") under the conditions as prescribed by the Presidential Decree.

(3) Any person who is dissatisfied with the disposition of a fine for negligence may raise an objection to the authority to take disposition within 30 days from the day of receiving a notice of such disposition.

(4) Where any person subjected to a disposition of a fine for negligence under the provisions of paragraph (2) makes an objection under the provisions of paragraph (3), the authority to take disposition shall promptly notify the competent court thereof, and the court in receipt of such notice shall bring the case to trial under the [Non-Contentious Case Litigation Procedure Act](#).

(5) If neither an objection is raised nor is a fine for negligence paid within the period as prescribed in paragraph (3), the fine shall be collected by referring to the practices of dispositions on default of national taxes or local taxes.

ADDENDA

Article 1 (Enforcement Date)

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

Article 2 (Abrogation of Other Acts)

The Land Expropriation Act and the Act on Special Cases concerning the Acquisition of Lands for Public Use and the Compensation for Their Loss shall be hereby abrogated.

Article 3 (General Transitional Measures)

Any disposition, procedures and other acts that are each taken, followed and performed under the previous Land Expropriation Act and the Act on Special Cases concerning the Acquisition of Lands for Public Use and the Compensation for Their Loss at the time of enforcement of this Act shall be deemed to be taken, followed and performed under this Act.

Article 4 (Transitional Measures concerning Public Works)

Any projects to be publicly notified, announced or executed as they correspond to the public works pursuant to the previous provisions before the enforcement of this Act, shall be deemed the public works under the provisions of [Article 4](#).

Article 5 (Application Example and Transitional Measures concerning Indemnity Procedures Prior to Project Approval)

The provisions of [Articles 14](#) through [16](#) shall apply, starting with any public works to be publicly notified or announced or executed after the enforcement of this Act, and any public works having already been publicly notified or announced or executed at the time of enforcement of this Act shall be governed by the previous Act on Special Cases concerning the Acquisition of Lands for Public Use and the Compensation for Their Loss and the enforcement decree thereof.

Article 6 (Application Example and Transitional Measures concerning Indemnity Procedures Subsequent to Project Approval)

The provisions of [Articles 26](#) through [29](#) shall apply, starting with any project subjected to a project approval after the enforcement of this Act, but any projects already subjected to a project approval at the time of enforcement of this Act, shall be governed by the previous Land Expropriation Act and the enforcement decree thereof.

Article 7 (Transitional Measures concerning Previous Adjudication)

With respect to any adjudication against which no litigation has been instituted at the time of enforcement of this Act, for which the period for raising an objection under the previous provisions has already elapsed, the litigation under [Article 85](#) shall not be instituted.

Article 8 (Transitional Measures concerning Standing to Be Sued in Pending Litigation)

The previous Land Expropriation Act shall, notwithstanding the provisions of [Article 85](#) (2), govern the standing to be sued in the litigation case for the increase or decrease in an indemnity, which is pending before the court at the time of enforcement of this Act.

Article 9 (Transitional Measures concerning Repurchase)

The previous Act on Special Cases concerning the Acquisition of Lands for Public Use and the Compensation for Their Loss shall govern the case where an application for adjudication has been filed with the competent land expropriation committee, since the consultations on the repurchase amount have failed to yield any agreement at the time of enforcement of this Act.

Article 10 (Transitional Measures concerning Penal Provisions)

The previous Land Expropriation Act shall govern any application of the penal provisions and the fine for negligence to the acts committed prior to the enforcement of this Act.

Article 11

Omitted.

Article 12 (Relations with Other Acts)

In case where the Act on Special Cases concerning the Acquisition of Lands for Public Use and the Compensation for Their Loss, the Land Expropriation Act, or their provisions are cited in other Acts at the time of enforcement of this Act, if there exist any corresponding provisions in this Act, this Act or the corresponding provisions in this Act shall be deemed to have been cited.

ADDENDA <Act No. 6916, May 29, 2003>

Article 1 (Enforcement Date)

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

Articles 2 through 13

Omitted.