

PUBLIC WATERS MANAGEMENT AND RECLAMATION ACT

Act No.10272, Apr. 15, 2010
Amended by Act No.10331, May 31, 2010

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to promote public welfare and to contribute to improving the quality of life of the people by preserving and managing public waters for their continuous use and by allowing an efficient use of reclaimed land through environment-friendly reclamation of public waters.

Article 2 (Definitions)

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

1. The term "public waters" means as follows:
 - (a) Sea: Space from a coastline referred to in Article 6 (1) 4 of the Act on Land Survey, Waterway Survey and Cadastral Records to the outer limit of the exclusive economic zone under the [Exclusive Economic Zone Act](#);
 - (b) Seashores: Space from a coastline referred to in Article 6 (1) 4 of the Act on Land Survey, Waterway Survey and Cadastral Records to the area registered on the cadastral record;
 - (c) State-owned rivers, lakes, ditches, or water surfaces or water streams used for public purposes;
2. The term "submerged land" means any land submerged by erosion of such land registered on the public cadastral register;
3. The term "tideland" means any space from the high-water line to the low-water line;
4. The term "reclamation of public waters" means a formation (including reclamation in water area) of land by artificially filling the public waters with earth, rocks, stones and other objects.

Article 3 (Exclusion of Application, etc.)

(1) The provisions of this Act concerning the occupancy or use of public waters shall not apply to cases falling under any of the following subparagraphs:

1. Public waters applied or applicable *mutatis mutandis* under the [River Act](#);
2. Public waters applied or applicable *mutatis mutandis* under the [Small River Maintenance Act](#);
3. Public waters in any agricultural production infrastructure under subparagraph 6 of Article 2 of the Rearrangement of Agricultural and Fishing Villages Act;
4. Public waters constituting port facilities under subparagraph 5 of [Article 2 of the Harbor Act](#);
5. Public waters falling under fishing port facilities referred to in subparagraph 5 of

[Article 2 of the Fishing Villages and Fishing Harbors Act.](#)

(2) The provisions of this Act concerning the reclamation of public waters shall not apply to cases falling under any of the following subparagraphs:

1. Where reclamation is made to change a ditch or a reservoir pursuant to other Acts and subordinate statutes;
2. Where public waters are reclaimed pursuant to [Article 8 \(1\) 4.](#)

(3) The provisions of this Act concerning the reclamation of public waters shall apply *mutatis mutandis* to cases falling under any of the following subparagraphs:

1. Construction of fisheries farms;
2. Establishment of shipbuilding facilities;
3. Construction of installations relating to the exploitation of tidal power;
4. Construction of permanent establishment by subdividing public waters into parts.

CHAPTER II MANAGEMENT, ETC. OF PUBLIC WATERS

SECTION 1 Management of Public Waters

[Article 4 \(Management of Public Waters\)](#)

(1) The State or a local government that manages public waters shall manage them in an environmentally-friendly manner so that public waters may be preserved and used continuously.

(2) Public waters falling under any of the following cases shall be managed by the Minister of Land, Transport and Maritime Affairs, and other public waters shall be managed by the Governor of a Special Self-Governing Province, the head of a *Sil/Gun/Gu* (referring to the head of an autonomous *Gu*; hereinafter the same shall apply):

1. An exclusive economic zone under [Article 2 of the Exclusive Economic Zone Act](#);
2. Other public waters as prescribed by Presidential Decree.

[Article 5 \(Prohibited Acts\)](#)

Nobody shall perform any act falling under any of the following cases on public waters without any justifiable ground:

1. Dumping or discharging wastes, waste oil, wastewater, sewage, excreta, livestock excreta, polluted soil, poisonous substances, animal carcasses, or other pollutants prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs, on or into public waters;
2. Opening, closing or damaging any floodgate or installations for managing public waters;
3. Abandoning or leaving a ship derelict on public waters.

[Article 6 \(Removal of Derelict Ships, etc.\)](#)

(1) Where any capsized, sunken, neglected or moored ship, any derelict waste material, or other objects (hereinafter referred to as "derelict ship, etc.") fall under any of the following cases, the Minister of Land, Transport and Maritime Affairs, the Governor of a Special Self-Governing Province,

the head of a *Sil/Gun/Gu* (hereinafter referred to as "management agency of public waters") may order their owners or occupants to remove them, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs:

1. Where deemed that it impedes the efficient utilization of public waters;
2. Where deemed to risk generating water quality pollution.

(2) Where the management agency of public waters intends to order a removal pursuant to paragraph (1), it shall make in advance, as prescribed by the Minister of Land, Transport and Maritime Affairs, an investigation to confirm whether the derelict ships, etc. fall under any subparagraph of paragraph (1), and comprehensively consider the various situations, such as the status of relevant derelict ships, etc., a place of discovery, a sea accident due to the relevant derelict ships, etc., a risk of generating water quality pollution, whether existing any impediments in managing or utilizing the public waters.

(3) Where it falls under any of the following cases, the management agency of public waters may remove the derelict ships, etc., as prescribed by Presidential Decree:

1. Where the owner or occupant of the derelict ships, etc. has failed to execute the removal order under paragraph (1): *Provided*, That the foregoing shall not apply where any approval or consent of interested persons (limited to the person entered in the ship register pursuant to the [Ship Registry Act](#) and in the ship register, etc. pursuant to the Act on Mortgage on Automobiles and other Specific Movables; hereafter the same shall apply in this Article) of the ships subject to the order of removal has not been obtained in removing the ships;
2. Where the owner or occupant of a derelict ship, etc. is unknown.

(4) The management agency of public waters may require the interested persons under the proviso to paragraph (3) 1 to present in writing the opinion including the assertion, etc. of rights on the relevant ships, in relation to the removal of the relevant ships, as prescribed by Presidential Decree.

(5) When the management agency of public waters is provided with the opinion under paragraph (4), it shall make a reinvestigation to confirm whether there exists any propriety in the details of relevant opinion (including whether the assertion of such right is justifiable), as prescribed by Presidential Decree.

(6) Notwithstanding the proviso to paragraph (3) 1, in cases falling under any of the following subparagraphs, the management agency of public waters may remove the relevant ship, as prescribed by Presidential Decree:

1. Where the interested persons have not presented any opinion, notwithstanding the request for presenting an opinion under paragraph (4) by the management agency of public waters, or have indicated their intention of waiving the right stated in the ship registration ledger;
2. Where it falls under any of the following items as a result of re- investigation under paragraph (5):
 - (a) Where the ship under paragraph (1) is deemed likely to impede the safe navigation of other ships and the sea traffic order, in violation of a treaty and convention concluded with a foreign state, the [Public Order in Open Ports Act](#) or the

[Sea Traffic Safety Act](#);

- (b) Where any concerns exist over discharging from the ship under paragraph (1) the polluted materials under subparagraphs 4, 5, 7 through 10, 15 or 18 of [Article 2 of the Marine Environment Management Act](#) (referring to discharging under subparagraph 3 of [Article 2](#) of the same Act);
 - (c) Where there exist any risks of colliding with the fishing port facilities under subparagraph 5 of [Article 2 of the Fishing Village and Fishery Harbors Act](#), the port facilities, the facilities within the port or estuary under subparagraph 5 of [Article 2 of the Harbor Act](#), and other ships, etc. due to the drifting about of a ship under paragraph (1);
 - (d) Where other ships under paragraph (1) cause any impediments in the utilization of public waters and the remaining value of the said ships is less than the potential expenses that might be incurred for removal of the relevant ship.
- (7) The expenses incurred by the management agency of public waters for removal of a derelict ship, etc. pursuant to paragraphs (3) and (6) shall be borne by the owner or occupant of a derelict ship, etc., but where the owner or occupant cannot be ascertained, such expenses may be appropriated by disposing of the relevant derelict ships, etc., as prescribed by Presidential Decree.

Article 7 (Subsidization of Project Costs)

The Minister of Land, Transport and Maritime Affairs may subsidize necessary project costs within budgetary limits to a local government that manages or operates public waters.

SECTION 2 Occupancy or Use Permit of Public Waters

Article 8 (Occupancy or Use Permit of Public Waters)

(1) Any person who intends to perform an act falling under any of the following cases shall obtain permission for occupancy or use (hereinafter referred to as "occupancy or use") (hereinafter referred to as "occupancy or use permit") from the management agency of public waters, as prescribed by Presidential Decree: *Provided*, That the foregoing shall not apply where any person who has obtained a reclamation license under [Article 28](#) intends to occupy or use his/her licensed public waters within the scope of purpose of receiving the reclamation license:

1. Newly constructing, renovating, extending, altering or removing a wharf, a breakwater, a bridge, a floodgate, a construction (referring to a construction under [Article 2 \(1\) 2 of the Building Act](#) which is installed without developing land on the public waters; hereafter the same shall apply in this Chapter) or other artificial structure on any public waters;
2. Excavating any land contiguous to public waters below the surface of the public waters;
3. Dredging or excavating the bottom of public waters;
4. Developing any submerged land determined by Presidential Decree or any tideland entitled to private ownership into land;
5. Drawing in water into public waters or flowing out water from public waters: *Provided*, That acts

provided by Ordinance of the Ministry of Land, Transport and Maritime Affairs shall be excluded herefrom;

6. Taking earth, sands or rocks from or on public waters;
7. Growing or cutting down plants from or on public waters;
8. Affecting the depth of public waters, such as dumping large quantities of earth or rocks on public waters;
9. Occupying or using installations, established on public waters by obtaining an occupancy or use permit, which are owned by the State or any local government;
10. Extracting minerals under subparagraph 1 of [Article 3 of the Mining Industry Act](#) from public waters;
11. Occupying or using public waters other than those listed in subparagraphs 1 through 10.

(2) In granting permission for the new construction, renovation and extension of a building referred to in paragraph (1) 1, the management agency of public waters shall grant permission only to building determined by Presidential Decree.

(3) Where the management agency of public waters intends to grant an occupancy or use permit, it shall consult in advance with the head of the related administrative agency, as prescribed by Presidential Decree.

(4) Where any person who has obtained an occupancy or use permit intends to change the matters, etc. prescribed by Presidential Decree, such as the period of occupancy or use and the purposes among matters permitted, he/she shall obtain permission on change from the management agency of public waters.

(5) Paragraph (3) shall apply *mutatis mutandis* to any permission on change under paragraph (4).

(6) Where the management agency of public waters grants an occupancy or use permit or permission on change under paragraph (4), it shall make a public announcement of the terms thereof, as prescribed by Presidential Decree.

(7) Where the management agency of public waters grants an occupancy or use permit, it may set additional clauses concerning the method of occupancy or use, and management, etc. if deemed necessary for protection of the marine environment, ecosystem, fisheries resources and natural landscape and prevention of damage to fishery or management or operation of public waters.

(8) A person who obtains an occupancy or use permit shall not have others occupy or use the permitted public waters: *Provided*, That the foregoing shall not apply where approval from the management agency of public waters is obtained because it is necessary for public interests such as national defense or prevention of natural disaster.

Article 9 (Report on Change in Matters for Occupancy or Use Permit)

Any person who has obtained an occupancy or use permit shall, where any matter falling under any of the following cases among matters for the occupancy or use permit changes, immediately report such change to the management authority of public waters, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs:

1. Name of a juristic person;
2. Representative of a juristic person;

3. Address (referring to the seat of the principal office in cases of a juristic person).

Article 10 (Consultations or Approval for Occupancy or Use of Public Waters)

(1) Notwithstanding [Article 8](#), where the State or any local government intends to occupy or use public waters directly for official or public purposes or for purpose of a non-profit project, it shall consult with or obtain approval from the management agency of public waters.

(2) Where the State or any local government which has held consultations or obtained approval pursuant to paragraph (1) intends to change the matters prescribed by Presidential Decree, such as the period of occupancy or use, and the purposes among the consulted or approved matters, it shall consult with or obtain approval from the management agency of public waters.

(3) [Article 8](#) (6) and (7) shall apply *mutatis mutandis* to the consultation or approval referred to in paragraphs (1) and (2).

Article 11 (Period, etc. of Occupancy or Use Permit)

The management agency of public waters shall grant an occupancy or use permit within the period prescribed by the following classifications, as prescribed by Presidential Decree:

1. 30 years, in cases of a wharf, a breakwater, a bridge, a floodgate, a building or other similar solid artificial structure;
2. 15 years, in cases of artificial structures other than those referred to in subparagraph 1;
3. 5 years, in cases of occupancy or use under [Article 8](#) (1) 2, 3, 5 through 11: *Provided*, That where the occupancy or use under [Article 8](#) (1) 5 is for an electric utility operator to install or operate electric resources under [Article 2 of the Electric Utility Act](#), the period shall be 30 years.

Article 12 (Standards for Occupancy or Use Permit, etc.)

Where a person has a right likely to be prejudiced due to such permit, consultations or approval, which is determined by Presidential Decree (hereinafter referred to as "person entitled to occupancy or use of public waters") in granting an occupancy or use permit or holding consultations or giving its approval referred to in [Articles 8](#) and [10](#), the management agency of public waters shall not grant a permit, hold consultations or give its approval: *Provided*, That the foregoing shall not apply to cases falling under any of the following subparagraphs:

1. Where the person entitled to occupancy or use of public waters gives his/her consent to the occupancy or use of the public waters;
2. Where it is necessary for the State or a local government to carry out public-service projects determined by Presidential Decree, such as national defense or prevention of natural disaster, etc.

Article 13 (Collection of Occupancy or Use Fees of Public Waters)

(1) The management agency of public waters shall collect occupancy or use fees of public waters (hereinafter referred to as "occupancy or use fees") every year from a person who has obtained an occupancy or use permit or the consultation or approval for occupancy or use of public waters, as prescribed by Presidential Decree: *Provided*, That it may reduce or exempt occupancy or use fees, as prescribed by Presidential Decree, in any of the following cases:

1. Where the State, a local government or other person determined by Presidential Decree directly occupies or uses public waters for any non-profit project for the purpose of public interests;
2. Where he/she occupies or uses them for an act falling under [Article 8 \(1\) 4](#);
3. Where he/she occupies and uses them in order to install a silt protector for the purpose of preventing expansion of pollutants generated by the acts falling under each subparagraph of [Article 8 \(1\)](#) or works executed on public waters under other Acts;
4. Where an implementor of development projects occupies or uses them in order to execute development projects in a free economic zone under subparagraph 1 of [Article 2 of the Special Act on Designation and Management of Free Economic Zones](#);
5. Where he/she occupies or uses them in order to perform a public-private partnership project under subparagraph 5 of [Article 2 of the Act on Public-Private Partnerships in Infrastructure](#);
6. Where the operator of an industrial complex development project under subparagraph 6 of [Article 2 of the Industrial Sites and Development Act](#) occupies or uses them, in reclaiming public waters for such industrial complex development project, in order to take and dredge earth and rocks;
7. Where he/she occupies or uses them for any licensed, permitted or reported fishery under the [Fisheries Act](#) in the relevant fishing areas (including cases where a person who intends to conduct land and seawater fish farming or seed production fishery under [Article 41 \(3\) 2 and 3](#) of the same Act installs a waterline for drawing water or drainpipe outside of the relevant fishing areas for an act referred to in [Article 8 \(1\) 5](#));
8. Where an implementor of development projects under [Article 229 of the Special Act on the Establishment of Jeju Special Self-Governing Province and the Development of Free International Cities](#) occupies or uses them for executing the development projects in the *Jeju* investment promotion zone designated by [Article 217 \(1\)](#) of the same Act;
9. Where he/she occupies or uses them to establish and maintain private navigational aids under [Article 5 \(4\)](#) of the Navigation Aids Act;
10. Where he/she occupies or uses them in order to install removal equipment or materials prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs for the purpose of preventing the proliferation of the substances under subparagraphs 4, 5, 7 through 10, 15 and 18 of [Article 2 of the Marine Environment Management Act](#);
11. Where he/she occupies or uses them in order to form and operate a marina facility or marina facility complex under subparagraphs 2 and 4 of [Article 2 of the Act on the Development, Management, etc. of Marinas](#) within the marina zones designated and publicly announced under [Article 10](#) of the same Act;
12. Where he/she occupies or uses them in order to install or operate energy facilities falling under [Article 2 of the Act on the Promotion of the Development, Use and Diffusion of New and](#)

Renewable Energy.

(2) Occupancy or use fees collected pursuant to the occupancy or use permit of the Minister of Land, Transport and Maritime Affairs shall be appropriated to the National Treasury, and occupancy or use fees pursuant to the occupancy or use permit of the Governor of a Special Self-Governing Province or the head of a *Sil/Gun/Gu* shall be appropriated to the relevant local government.

(3) Notwithstanding paragraph (2), in cases of collecting occupancy or use fees for any act falling under any of the following cases in the exclusive economic zone under

[Article 2 of the Exclusive Economic Zone Act](#), the amount equivalent to 50/100 of occupancy or use fees shall be appropriated to the metropolitan local government which is closest to the relevant permitted area:

1. Extraction of aggregate under Article 2 (1) 1 of the Aggregate Extraction Act;
2. Extraction of minerals under subparagraph 1 of

[Article 3 of the Mining Industry Act](#).

(4) A Special Metropolitan City Mayor, Metropolitan City Mayors or *Do* Governors (hereinafter referred to as the "Mayor/*Do* Governor") shall equally distribute the revenues under paragraph (3) to less than three basic local governments near to relevant exclusive economic zone so that they may use such revenues in order to nurture fishery resources and develop the fishing industry.

(5) The Governor of a Special Self-Governing Province or the head of a *Sil/Gun/Gu* shall use not less than 50/100 of the revenues from the occupancy or use fees collected due to the aggregate extraction under the Aggregate Extraction Act or the extraction of minerals under the

[Mining Industry Act](#) in the project for creation of fishery resources under each subparagraph of Article 41 (1) of the Fishery Resources Management Act: *Provided*, That the Minister of Land, Transport and Maritime Affairs may separately set the rate of such revenues to be used in the project for creation of fishery resources below 50/100 by taking into account the characteristics of each management agency of public waters, and the revenues from occupancy or use fees.

(6) The management agency of public waters may allow occupancy or use fees to be paid in installments, as prescribed by Presidential Decree. In such cases, where the annual occupancy or use fees exceed the amount determined by Presidential Decree, it shall have a person who obtains an occupancy or use permit deposit security money within the amount determined by Presidential Decree or take measure for performance guarantee at the time of granting the occupancy or use permit (including the authorization of change in cases of extending the permission period).

(7) The management agency of public waters may collect occupancy or use fees in the same manner as delinquent national or local taxes are collected.

Article 14 (Adjustment of Occupancy or Use Fees)

Where the same person (including the person who takes over or succeeds to the rights and duties under [Article 16](#)) continuously occupies or uses the same public waters for not less than two years and the annual occupancy or use fees for the period concerned increases by not less than 10/100 than the previous year, the management agency of public waters may collect the amount adjusted according to the formula determined by Presidential Decree as the occupancy or use fees for the year concerned.

Article 15 (Collection of Indemnification)

(1) The management agency of public waters shall collect an amount equivalent to 120/100 of occupancy or use fees as an indemnification from any person who occupies or uses public waters without an occupancy or use permit or beyond the permitted period without obtaining permission of change in the occupancy or use period under [Article 8](#) (4), as prescribed by Presidential Decree. In such cases, where a person who should pay indemnification fails to do so by the deadline, additional dues may be collected within 3/100 of the delayed indemnification, as prescribed by Presidential Decree.

(2) The former part of [Article 13](#) (6), and (7) shall apply *mutatis mutandis* to the payment in installments and collection of indemnifications and additional dues referred to in paragraph (1).

Article 16 (Transfer, etc. of Rights and Duties)

(1) Any rights and duties arising from an occupancy or use permit may be transferred or succeeded to, as prescribed by Presidential Decree.

(2) Persons who take over or succeed to any rights and duties pursuant to paragraph (1) shall report the details of transfer or succession of the rights and duties to the management agency of public waters, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs.

(3) Persons who report the transfer or succession of the rights and duties under paragraphs (1) and (2) shall be deemed to have obtained an occupancy or use permit under this Act.

SECTION 3 Implementation Plan for Occupancy or Use

Article 17 (Authorization, etc. of Implementation Plan for Occupancy or Use)

(1) Any person who has obtained an occupancy or use permit for performing an act determined by Presidential Decree from among acts falling under [Article 8](#) (1) 1 through 4, such as scale of artificial structure and total construction expenses, shall obtain authorization of implementation plan for occupancy or use of public waters (hereinafter referred to as "implementation plan for occupancy or use") in advance from the management agency of public waters before starting related work. The same shall apply where he/she intends to change matters determined by Presidential Decree from among the authorized matters.

(2) Any person who has obtained an occupancy or use permit for performing an act falling under any subparagraph of [Article 8](#) (1) (excluding an act subject to authorization of implementation plan for occupancy or use pursuant to the former part of paragraph (1)) or who has obtained the consultation or approval for occupancy or use of public waters under [Article 10](#) shall report an implementation plan for occupancy or use in advance to the management agency of public waters before starting related work. The same shall apply where he/she intends to change matters determined by Presidential Decree from among the reported matters.

(3) Any person who intends to obtain authorization of implementation plan for occupancy or use as referred to in paragraph (1) shall obtain such authorization from the management agency of public waters within one year from the date of obtaining the occupancy or use permit and any person who intends to report an implementation plan for occupancy or use referred to in paragraph (2) shall

report such plan to the management agency of public waters within six months after the date of obtaining the occupancy or use permit or the consultation or approval for occupancy or use.

(4) Notwithstanding paragraph (3), where any unavoidable cause exists such as natural disaster, the management agency of public waters may extend the period referred to in paragraph (3) only once for a period of up to one year (referring to six months in cases of reporting), as prescribed by Presidential Decree.

(5) Where the management agency of public waters authorizes an implementation plan for occupancy or use or receives any report thereon as referred to in paragraphs (1) and (2), it shall publicly announce the details of such authorization or report as prescribed by Presidential Decree.

(6) Matters necessary for the authorization and report on an implementation plan for occupancy or use referred to in paragraphs (1) and (2) shall be determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs.

Article 18 (Inspection on Completion, etc.)

(1) Any person who has obtained authorization of an implementation plan for occupancy or use as referred to in [Article 17](#) (1) shall, upon completion of the relevant work, apply for inspection on completion to the management agency of public waters without delay, as prescribed by Presidential Decree.

(2) Any person who has reported an implementation plan for occupancy or use as referred to in [Article 17](#) (2) shall, upon completion of the relevant work, report completion to the management agency of public waters without delay, as prescribed by Presidential Decree.

(3) As a result of conducting the inspection on completion referred to in paragraph (1) as prescribed by Presidential Decree, where the management agency of public waters recognizes that the relevant work has been performed as provided for in the implementation plan for occupancy or use that has obtained authorization referred to in [Article 17](#) (1), it shall issue a certificate of inspection on completion as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs.

(4) Where the management agency of public waters has received a report on completion of work or conducted an inspection on completion as referred to in paragraphs (2) and (3), it shall publicly announce the details thereof as prescribed by Presidential Decree.

SECTION 4 Disposition, etc. related to Occupancy or Use

Article 19 (Cancellation, etc. of Occupancy or Use Permit)

(1) Where any person who has obtained an occupancy or use permit or who has obtained the consultation or approval for occupancy or use of public waters as referred to in [Articles 8](#) and [10](#) falls under any of the following cases, the management agency of public waters may cancel such permission, consultation or approval, suspend his/her occupancy or use, or order him/her to take necessary measures, such as renovating or relocating any artificial structures, installations, earth, rocks or other things:

1. Where he/she obtains the occupancy or use permit by fraud or illegal means;
2. Where a person who has obtained the occupancy or use permit violates permitted matters;

3. Where he/she fails to perform additional clauses referred to in [Article 8](#) (7) without any justifiable grounds;
4. Where he/she fails to pay occupancy or use fees;
5. Where he/she fails to obtain the authorization of an implementation plan for occupancy or use or to report an implementation plan for occupancy or use referred to in [Article 17](#) (1) and (2);
6. Where he/she has refused an investigation into interested persons, related documents, etc., any entry to or temporary use of land, etc., or alteration or removal of obstacles referred to in [Article 55](#);
7. Where all or part of a project related to the occupancy or use permit or consultation or approval for occupancy or use of public waters has been discontinued.

(2) Where the management agency of public waters cancels an occupancy or use permit or the consultation or approval for occupancy or use, suspends the occupancy or use, or orders to take necessary measures, such as renovating or relocating any artificial structures, installations, earth, rocks or other things referred to in paragraph (1), it shall publicly announce such fact and install a sign determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs in the place from where the relevant public waters or artificial structures, etc. are clearly visible.

(3) No one may refuse or obstruct the installation of the sign referred to in paragraph (2) or damage any installed sign.

Article 20 (Disposition in Public Interests)

The management agency of public waters may order the cancellation of an occupancy or use permit, suspension of occupancy or use, or renovation or relocation of any artificial structure, installation, and others in any of the following cases:

1. Where necessary due to any change in conditions directly related to public waters, such as changes in the development of related industry and the related plan of the State or any local government;
2. Where necessary to eliminate or reduce any public danger and injury, such as preservation of public waters and prevention of disaster;
3. Where necessary to maintain and protect any floodgate or other installations for managing public waters;
4. Where necessary to carry out projects in public interests, referred to in [Article 4 of the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor](#).

Article 21 (Reinstatement, etc.)

(1) Any person falling under any of the following cases (hereafter referred to as "person responsible for reinstatement" in this Article) shall remove artificial structures, installations, earth and rocks or other things established on any public waters and reinstate such public waters: *Provided*, That the foregoing shall not apply to a case where he/she has obtained the occupancy or use permit in order to perform an act falling under [Article 8](#) (1) 4:

1. A person who occupies or uses public waters without obtaining an occupancy or use permit or the consultation or approval for occupancy or use of public waters;

2. A person who occupies and uses public waters exceeding the area obtained an occupancy or use permit, consultation or approval for occupancy or use of public waters obtained;
3. A person for whom the period of occupancy or use expires;
4. A person for whom the project related to the occupancy or use permit or the consultation or approval for occupancy or use of public waters is discontinued;
5. A person for whom the occupancy or use permit is cancelled;
6. A person for whom the consultation or approval for occupancy or use of public waters is cancelled.

(2) Where a person responsible for reinstatement fails to take necessary measures for reinstatement referred to in paragraph (1), the management agency of public waters may order him/her to reinstate public waters, specifying a certain period.

(3) Where the person who has been issued an order for reinstatement referred to in paragraph (2) fails to fulfil it, the management agency of public waters may take measures necessary for reinstatement pursuant to the

[Administrative Vicarious Execution Act](#).

(4) Notwithstanding paragraph (1), where it is impossible to reinstate public waters, or there exist other reasons determined by Presidential Decree, the management agency of public waters may exempt the obligation to reinstate upon the application of a person responsible for reinstatement or *ex officio*.

(5) Where the management agency of public waters receives the application for exemption referred to in paragraph (4), it shall notify the applicant as to whether to exempt him/her within 20 days from the date of receiving the application, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs.

(6) The management agency of public waters may gratuitously revert artificial structures, installations, earth and rocks or other things on such public waters to the State or any local government, as prescribed by Presidential Decree in any of the following cases:

1. Where any person who occupies or uses public waters without obtaining an occupation or use permit fails to fulfill an order for reinstatement referred to in paragraph (2);
2. Where a person is exempted from the obligation to reinstate referred to in paragraph (4).

(7) Where it is necessary in order to secure the fulfillment of the obligation to reinstate referred to in paragraph (1) and an order for the obligation to reinstate referred to in paragraph (2), the management agency of public waters may have a relevant person deposit an amount equivalent to the costs incurred in the reinstatement at the time of authorizing an implementation plan for occupancy or use referred to in [Article 17](#) (1) or receiving the report referred to in [Article 17](#) (2), as prescribed by Presidential Decree.

CHAPTER III RECLAMATION OF PUBLIC WATERS

Section 1 Basic Plan for Reclamation of Public Waters

Article 22 (Establishment of Basic Plan for Reclamation of Public Waters)

(1) The Minister of Land, Transport and Maritime Affairs shall establish a basic plan for reclamation of public waters (hereinafter referred to as "basic plan for reclamation") following deliberation by the National Coastal Management Council referred to in

[Article 30 of the Coast Management Act](#) (hereinafter referred to as the "Council") every ten years in order to reclaim and manage public waters so that they can serve the overall functions and uses of national land and are environment-friendly.

(2) A basic plan for reclamation under paragraph (1) shall be established in conformity with the integrated coastal management plan under the Coast Management Act, the comprehensive plan for national land under the

[Framework Act on the National Land](#), and the urban management planning under the [National Land Planning and Utilization Act](#).

(3) Where the Minister of Land, Transport and Maritime Affairs intends to establish a basic plan for reclamation pursuant to paragraph (1), he/she shall consult in advance with the head of the related central administrative agency and seek opinions from the related Mayor/Do Governor.

(4) Opinions presented by the Mayor/Do Governor pursuant to paragraph (3) shall be accompanied by opinions on a basic plan for reclamation from the head of a *Sil/Gun/Gu* and the local council established in the *Sil/Gun/Gu* (referring to an autonomous *Gu*).

(5) In establishing a basic plan for reclamation, the Minister of Land, Transport and Maritime Affairs may consult with relevant experts.

Article 23 (Request, etc. for Reflection in Basic Plan for Reclamation)

(1) The head of any administrative agency, local government or any other person who intends to reclaim public waters may request the Minister of Land, Transport and Maritime Affairs to reflect any public waters, if they are not included in a basic plan for reclamation but need to be reclaimed.

(2) Where the Minister of Land, Transport and Maritime Affairs is requested to reflect the public waters in a basic plan for reclamation under paragraph (1) shall investigate or survey the status of marine environment, ecosystem, feasibility of reclamation and a land use plan of the relevant public waters and other matters determined by Presidential Decree, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs.

(3) The Minister of Land, Transport and Maritime Affairs may request the head of the related administrative agency to provide data necessary for the investigation or survey referred to in paragraph (2). In such cases, the head of the related administrative agency required shall provide the relevant data unless any special ground exists otherwise.

(4) Where it is necessary for an efficient investigation or survey, the Minister of Land, Transport and Maritime Affairs may ask the specialized organization to conduct the relevant investigation or survey referred to in paragraph (2). In such cases, the Minister of Land, Transport and Maritime Affairs may have a person who has requested for the reflection of the public waters in a basic plan for reclamation under paragraph (1) (hereinafter referred to as "requester for reflection in a basic plan for reclamation") pay all or part of the expenses incurred in the relevant investigation or survey, as prescribed by Presidential Decree.

(5) Where the Minister of Land, Transport and Maritime Affairs conducts an investigation or survey under paragraph (2), he/she shall immediately notify the requester for reflection in a basic plan for reclamation of the result.

(6) Where there are several requestors for reflection in a basic plan for reclamation on the same public waters, the Minister of Land, Transport and Maritime Affairs may reflect the public waters in a basic plan for reclamation according to the priorities determined by Presidential Decree.

Article 24 (Details of Basic Plan for Reclamation)

(1) A basic plan for reclamation shall include a reclamation plan for each predetermined lands to be reclaimed (hereinafter referred to as "predetermined land to be reclaimed") specifying the matters falling under the following subparagraphs by public waters to be reclaimed:

1. Location and size of predetermined land to be reclaimed;
2. Purpose of reclamation;
3. Land use plan for predetermined land to be reclaimed;
4. Matters on the necessity of reclamation and how to reclaim;
5. Matters on those determined by Presidential Decree among changes in the environment and ecosystem due to reclamation and countermeasures thereon;
6. Matters on the comparison of economic efficiency before and after reclamation relating to the land use plan of predetermined land to be reclaimed.

(2) The reclamation plan for each predetermined land to be claimed under paragraph (1) shall be prepared every five years pursuant to a basic plan for reclamation.

Article 25 (Cancellation, etc. of Reclamation Plan for each Predetermined Land to be Reclaimed)

(1) A person who intends to obtain a reclamation license shall obtain the reclamation license referred to in [Article 28](#) for a period of up to five years pursuant to the reclamation plan for each predetermined land to be reclaimed which is established or publicly announced under [Articles 24](#) and [26](#).

(2) Where a reclamation license is not obtained within the period referred to in paragraph (1), the relevant reclamation plan for each predetermined land to be reclaimed shall be deemed to have been cancelled from the day following the lapse of the relevant period.

(3) Where the relevant reclamation plan for each predetermined land to be reclaimed is cancelled under paragraph (2), the Minister of Land, Transport and Maritime Affairs shall notify the requester for reflection in a basic plan for reclamation of the relevant fact for each predetermined land within 14 days from the day when the plan is cancelled and publicly announces it as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs.

Article 26 (Public Notice, etc. of Basic Plan for Reclamation)

(1) Where the Minister of Land, Transport and Maritime Affairs establishes a basic plan for reclamation, he/she shall without delay publicly announce such and notify the head of the related central administrative agency and the related Mayor/*Do* Governor of such.

(2) The Mayor/*Do* Governor who has received a notification referred to in paragraph (1) shall have the head of a *Sil/Gun/Gu* allow the public to inspect a basic plan for reclamation for 14 days or more.

(3) A basic plan for reclamation shall not restrict any right already created for the use of public waters subject to predetermined land to be reclaimed.

(4) The head of the related administrative agency shall not create any new right in predetermined land to be reclaimed except as otherwise provided for in Presidential Decree.

Article 27 (Change, etc. in Basic Plan for Reclamation)

(1) The Minister of Land, Transport and Maritime Affairs shall review the feasibility of any basic plan for reclamation established and publicly announced under [Articles 22](#) and [26](#) every five years and shall take necessary measures, such as any change in the basic plan for reclamation, if any reason falling under the following subparagraphs exists as a result of the review:

1. Addition or cancellation of reclamation plan by predetermined land to be reclaimed;
2. Expansion of the area of predetermined land to be reclaimed;
3. Change of purpose of reclamation.

(2) Notwithstanding paragraph (1), the Minister of Land, Transport and Maritime Affairs may, *ex officio* or upon receipt of a request, change a basic plan for reclamation as necessary due to development of industry related to reclamation of public waters, a change in the plan established under the Acts and subordinate statutes, other changes in surrounding conditions, etc. In such cases, a person who requests for a change shall conduct an inspection and survey under [Article 23](#) (2).

(3) The provisions of [Articles 22](#) through [26](#) shall apply *mutatis mutandis* to the change in a basic plan for reclamation referred to in paragraphs (1) and (2).

SECTION 2 Reclamation License, etc. of Public Waters

Article 28 (Reclamation License)

(1) Anyone who intends to reclaim public waters shall obtain a reclamation license of public waters (hereinafter referred to as "reclamation license") from the Minister of Land, Transport and Maritime Affairs, the Mayor/Do Governor or the Governor of a Special Self-Governing Province (hereinafter referred to as "reclamation license agency") according to the following classifications by explicitly indicating the purposes of reclamation, as prescribed by Presidential Decree:

1. The reclamation of public waters in a harbor area provided for in any subparagraph of [Article 3 \(1\) of the Harbor Act](#): The Minister of Land, Transport and Maritime Affairs;
2. The reclamation of public waters, the area of which is not less than 100,000m²: The Minister of Land, Transport and Maritime Affairs;
3. The reclamation of public waters other than public waters referred to in subparagraphs 1 and 2: The Mayor/Do Governor or the Governor of a Special Self-Governing Province.

(2) Where the predetermined land to be reclaimed includes both the public waters provided for in paragraph (1) 1 and public waters provided for in paragraph (1) 3, a reclamation licence shall be obtained from the Minister of Land, Transport and Maritime Affairs.

(3) Where the predetermined land to be reclaimed for the reclamation of public waters provided for in paragraph (1) 3 straddles not less than two jurisdictions of Special Metropolitan Cities,

Metropolitan Cities, *Dos*, or Special Self-Governing Provinces, a reclamation license shall be obtained from the Mayor/*Do* Governor or the Governor of a Special Self-Governing Province who is resolved upon through the consultations of the Mayors/*Do* Governors or Governors of Special Self-Governing Provinces concerned: *Provided*, That where no agreement is reached in the consultations, such reclamation license shall be obtained from the Mayor/*Do* Governor or Governor of a Special Self-Governing Province who is designated by the Minister of Land, Transport and Maritime Affairs.

(4) Where the reclamation license agency intends to grant the reclamation license pursuant to paragraph (1), it shall consult beforehand with the heads of central administrative agencies concerned and the Mayor/*Do* Governor or Governor of a Special Self-Governing Province concerned thereabout.

(5) The reclamation license agency shall grant a license to the extent applicable of a basic plan for reclamation.

(6) The reclamation license agency may not grant a license by dividing the predetermined land to be reclaimed which has been reflected in the basic plan for reclamation: *Provided*, That the same shall not apply to reclamation conducted by the State, a local government or the Korea Land and Housing Corporation under the Korea Land and Housing Corporation Act.

(7) Public waters in the harbor zone referred to in each subparagraph of [Article 3 \(1\) of the Harbor Act](#) and public waters in the State-owned fishery harbor referred to in subparagraph 3 (a) of [Article 2 of the Fishing Villages and Fishery Harbors Act](#) shall be reclaimed only by the State or a local government: *Provided*, That the foregoing shall not apply where they are reclaimed by taking into account the purpose and size of reclamation or conditions of location, as prescribed by Presidential Decree.

(8) Where applications compete for a reclamation license for public waters in the same location, the reclamation license agency may grant a license according to the priorities determined by Presidential Decree.

Article 29 (Additional Clauses to Reclamation License)

The reclamation licensing agency may set additional clauses to matters necessary for the protection of those falling under each subparagraph of [Article 31](#) or for public interests or other matters determined by Presidential Decree in granting a license.

Article 30 (Standards for Reclamation License)

(1) Where a person has a right to any public waters in a predetermined land to be reclaimed and a neighboring zone of the predetermined land to be reclaimed are likely to suffer injury due to reclamation (hereinafter referred to as "person entitled to reclamation of public waters"), the reclamation license agency shall not grant any reclamation license except any following cases:

1. Where the person entitled to reclamation of public waters gives his/her consent to reclamation and it is deemed that such reclamation is made in full consideration of changes in the environment and ecosystem;
2. Where benefits accruing from reclamation considerably exceed its losses;

3. Where reclamation is necessary for a project capable of expropriating or using land pursuant to Acts and subordinate statutes;
 4. Where it is otherwise necessary for public interests, such as national defense or prevention of disaster, which is determined by Presidential Decree.
- (2) The scope of a neighboring zone of the predetermined land to be reclaimed which is likely to suffer damage due to reclamation referred to in paragraph (1) shall be determined by Presidential Decree.

Article 31 (Scope of Rightholder Entitled to Reclamation of Public Waters)

A rightholder entitled to reclamation of public waters referred to in [Article 30](#) (1) means a person falling under any of the following cases:

1. A person who has obtained an occupancy or use permit of public waters pursuant to Article 8, or consultation or approval for occupancy or use of public waters pursuant to [Article 10](#);
2. A piscary holder referred to in subparagraph 11 of [Article 2 of the Fisheries Act](#);
3. A person who has obtained a fishery license under [Article 8 of the Fisheries Act](#);
4. A person who has obtained a license for sectional fisheries, cultivation of fisheries in inland sea water and seed production fisheries referred to in [Article 41 \(3\) 1 through 3 of the Fisheries Act](#);
5. A person who obtains a permit pursuant to other Acts and subordinate statutes or draws water from or drains water into any public waters according to custom.

Article 32 (Prevention of Losses, Compensation, etc. due to Reclamation)

(1) A person who has obtained a reclamation license (hereinafter referred to as "reclamation licensee") under [Article 28](#) shall compensate for losses which he/she causes to the rightholder entitled to reclamation of public waters or install facilities for preventing such losses, as prescribed by Presidential Decree.

(2) A reclamation licensee shall consult with the rightholder entitled to reclamation of public waters about compensation referred to in paragraph (1).

(3) Where an agreement referred to in paragraph (2) is not reached or cannot be reached, a reclamation licensee may apply for a ruling to the competent land tribunal, as prescribed by Presidential Decree.

(4)

[Articles 83 through 86 of the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor](#) shall apply *mutatis mutandis* to the objections against the ruling by the competent land tribunal referred to in paragraph (3).

(5)

[Articles 20 \(2\), 28 \(2\), and 58 \(3\) of the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor](#) shall apply *mutatis mutandis* to the expenses such as fees in connection with a ruling referred to in paragraphs (3) and (4).

(6) Paragraph (1) shall not apply to a person under any subparagraph of [Article 31](#) or facilities

installed by the person after the public notification date of a reclamation license under [Article 33](#).

Article 33 (Public Notice for Reclamation License)

Where the reclamation license agency grants a reclamation license, he/she shall publicly announce such fact, as prescribed by Presidential Decree.

Article 34 (Reclamation License Fees)

Where the reclamation license agency grants a reclamation license, he/she may collect reclamation license fees from a reclamation licensee, as prescribed by Presidential Decree: *Provided*, That he/she may exempt reclamation license fees in cases falling under any of the following subparagraphs:

1. Reclamation carried out by a public-service corporation or a public organization determined by Presidential Decree;
2. Construction of fisheries farms referred to in [Article 3 \(3\) 1](#).

Article 35 (Reclamation Executed by State, etc.)

(1) Notwithstanding [Article 28](#), where the State or a local government intends to reclaim public waters or where the Korea Land and Housing Corporation under the Korea Land and Housing Corporation Act intends to reclaim public waters for an industrial complex development project under the

[Industrial Sites and Development Act](#), it shall consult in advance with or obtain approval from the reclamation license agency.

(2) Any person who consults on his/her reclamation or obtains approval for his/her reclamation pursuant to paragraph (1) shall be prohibited from relinquishing his/her reclamation right before it undergoes an inspection on completion pursuant to paragraph (3): *Provided*, That where the right on reclamation is relinquished to the State or a local government, it may be relinquished after reporting to the reclamation license agency as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs, and the reclamation license agency (excluding the Minister of Land, Transport and Maritime Affairs) shall consult in advance with the Minister of Land, Transport and Maritime Affairs before accepting the report.

(3) Where the person who has consulted or obtained approval for his/her reclamation under paragraph (1) completes the relevant reclamation works, he/she shall apply for an inspection on completion without delay to the reclamation license agency by determining the land category under Article 67 of the Act on Land Survey, Waterway Survey and Cadastral Records.

(4) The person who has consulted or obtained approval for his/her reclamation under paragraph (1) shall acquire such reclaimed land's ownership on the date of receipt of an inspection on completion under paragraph (3).

(5) [Articles 28 \(1\) through \(5\)](#), [29 through 33](#), [38 through 42](#), [44 through 46](#) (excluding [Article 46 \(1\) 3](#)), [48, 49 \(1\), \(3\), \(5\)](#), and (6), [51 through 54](#) (excluding [Article 54 \(9\)](#)), and [56 through 58](#) shall apply *mutatis mutandis* to reclamation of public waters conducted by a person who has consulted or obtained approval under paragraph (1).

Article 36 (Small-Scale Reclamation Executed by State, etc.)

(1) When the State or any local government intends to undertake reclamation of public waters of not more than 1,000 square meters in its area (hereinafter referred to as the "small-scale reclamation") for official or public purposes prescribed by Presidential Decree, the State or the local government may undertake such small-scale reclamation pursuant to [Article 35](#) (excluding [Article 28](#) (4) and (5) that are applied *mutatis mutandis* under paragraph (5) of the same Article), irrespective of the basic plan for reclamation.

(2) When the reclamation license agency intends to hold consultations on or grant approval for the small-scale reclamation pursuant to paragraph (1), it shall consult in advance with the heads of administrative agencies concerned thereabout.

Article 37 (Transfer of Control over Reclaimed Land)

Where the Minister of Land, Transport and Maritime Affairs completes reclamation works executed as a government project, he/she shall promptly transfer the reclaimed land to the head of the relevant central administrative agency according to the purpose of reclamation, as prescribed by Presidential Decree. In such cases, where any flood control or seawall institution works is completed in reclamation works having agriculture for its principal purpose, he/she shall promptly transfer it to the Minister of Food, Agriculture, Forestry and Fisheries.

SECTION 3 Reclamation Works

Article 38 (Authorization of Implementation Plan for Reclamation of Public Waters)

(1) A reclamation licensee shall prepare an implementation plan for reclamation of public waters (hereinafter referred to as "implementation plan for reclamation") and obtain authorization thereof from the reclamation license agency, as prescribed by Presidential Decree. The foregoing shall apply to cases where he/she intends to alter such authorized implementation plan for reclamation.

(2) A reclamation licensee shall obtain authorization of an implementation plan for reclamation within one year from the date of receiving the reclamation license: *Provided*, That where any unavoidable cause exists prescribed by Presidential Decree, such as natural disaster, he/she may obtain the authorization by extending the period just once for a period of up to one year from the reclamation license agency.

(3) After obtaining consent on the commencement of reclamation works from a rightholder related to reclamation of public waters or after making a compensation or installing facilities referred to in [Article 32](#), the reclamation licensee shall apply for authorization of an implementation plan for reclamation.

(4) When the reclamation license agency grants authorization or authorization for alteration to an implementation plan for reclamation pursuant to paragraph (1), he/she shall publicly announce such fact, as prescribed by Presidential Decree.

Article 39 (Legal Fiction of Authorization or Permission, etc.)

(1) If an implementation plan for reclamation is authorized, a reclamation licensee shall be deemed to have obtained the following authorization, permission, approval, cancellation, consultation, report (hereinafter referred to as "authorization or permission, etc."), and if authorization of an

implementation plan for reclamation is publicly announced under [Article 38](#) (4), it shall be deemed that public announcement or notice of authorization or permission, etc. under related Acts is given or made: <Amended by Act No. 10331, May 31, 2010>

1. Permission on aggregate extraction referred to in Article 22 of the Aggregate Extraction Act, and permission on aggregate extraction in the aggregate extraction complex under Article 34 (1) of the same Act;
2. Determination of the urban management planning referred to in [Article 30 of the National Land Planning and Utilization Act](#), permission on change in the form and quality of land or division referred to in [Article 56](#) (1) 2 and 4 of the same Act, designation of the implementor of the urban planning facility project referred to in [Article 86](#) of the same Act, and authorization for an implementation plan for undertaking the urban planning facility project referred to in [Article 88](#) of the same Act;
3. Approval for use other than purposes of agricultural production infrastructure referred to in Article 23 of the Rearrangement of Agricultural and Fishing Villages Act;
4. Permission on farmland conversion referred to in [Article 34 of the Farmland Act](#);
5. Consultation with or approval by the road management agency referred to in [Article 5 of the Road Act](#) (limited to permission on the execution of road works referred to in [Article 34](#) of the said Act, and permission on occupancy of roads referred to in [Article 38](#) of the said Act by the person other than the road management agency);
6. Permission to open private roads referred to in [Article 4 of the Private Road Act](#);
7. Permission on deforestation, etc. in an erosion control area referred to in Article 14 of the Work against Land Erosion or Collapse Act and any cancellation of designation as an erosion control area referred to in Article 20 of the said Act;
8. Permission and report on deforestation referred to in [Articles 36 \(1\) and \(4\) of the Creation and Management of Forest Resources Act](#), permission and report on activity in the forest reserve under Article 9 (1) and (2) of the Forest Protection Act (excluding the forest genetic resources reserve) and cancellation of designation as a forest reserve referred to in Article 11 (1) 1 of the same Act;
9. Permission on conversion of mountainous districts referred to in Article 14 of the Management of Mountainous Districts Act, report on conversion of mountainous districts referred to in Article 15 of the same Act, and permission or report on temporary use of mountainous districts referred to in Article 15-2 of the same Act;
10. Permission on the execution of small river works referred to in [Article 10 \(1\) of the Small River Maintenance Act](#) and permission on the occupancy of small rivers referred to in [Article 14](#) of the same Act;

11. Approval for the execution of works in a protected water zone referred to in Article 47 (2) of the Fishery Resources Management Act;
12. Approval for the implementation plan for a new harbor construction project under Article 8 (1) of the New Harbor Construction Promotion Act;
13. Permission to perform the act in a park area referred to in [Article 23 of the Natural Parks Act](#) and consultation with the park management agency referred to in [Article 71](#) of the same Act;
14. Permission for reburying graveyards under Article 27 (1) of the Funeral Services, etc. Act;
15. Authorization or report on construction scheme of private-use electric equipment referred to in [Article 62 of the Electric Utility Act](#);
16. Permission to change the form and quality, etc. of land referred to in Article 21-2 of the Grassland Act and permission, report or consultation on grassland conversion referred to in Article 23 of the said Act;
17. Permission on the occupancy or use of public sewerage referred to in [Article 24 of the Sewerage Act](#);
18. Consultations with or approval by the river management agency referred to in [Article 6 of the River Act](#), permission on the execution of river works referred to in [Article 30](#) of the said Act, and permission on the occupancy or use of rivers referred to in [Article 33](#) of the said Act;
19. Permission on the installation of navigation aids under Article 8 (2) of the Navigational Aids Act;
20. Permission on the execution of harbor construction works under [Article 9 \(2\) of the Harbor Act](#) and approval for the implementation plan for harbor construction under [Article 10 \(2\)](#) of the same Act.

(2) Where a reclamation licensee obtains the authorization of implementation plan for reclamation, he/she shall be deemed to have obtained an occupancy or use permit referred to in [Article 8](#), obtained the consultation or approval for occupancy or use of public waters referred to in [Article 10](#), and reported on or obtained the implementation plan for occupancy or use referred to in [Article 17](#), and where the authorization of implementation plan for reclamation referred to in [Article 38 \(4\)](#) is publicly announced, it shall be deemed that a public announcement referred to in [Article 17 \(5\)](#) is given.

(3) Where the reclamation license agency intends to grant authorization to an implementation plan for reclamation, he/she shall be equipped with related documents presented by the reclamation licensee and consult in advance with the head of the related administrative agency if the plan includes the matters listed in any subparagraph of paragraph (1) or (2). In such cases, the head of the related administrative agency shall submit his/her opinion within 20 days after receiving a request for consultation.

(4) Where the head of the related administrative agency that has the right to authorization or permission, etc. referred to in each subparagraph of paragraph (1) has determined or revised

standards, procedures, etc. therefor, he/she shall notify the Minister of Land, Transport and Maritime Affairs of the details thereof without delay.

(5) The Minister of Land, Transport and Maritime Affairs shall, upon receipt of notification of standards, procedures, etc. therefor referred to in paragraph (4), integrate and announce such publicly. The same shall apply where the publicly announced matters are changed.

Article 40 (Reclamation Works)

A reclamation licensee shall execute reclamation works in accordance with the details of the authorized implementation plan for reclamation.

Article 41 (Entry, etc. to Land, etc.)

(1) Where a person intends to obtain a reclamation license or a reclamation licensee intends to perform an act falling under any of the following cases for an investigation and survey on reclamation or reclamation works, etc., he/she shall obtain prior consent from the owner, occupant or manager: *Provided*, That this shall not apply where the owner, occupant or manager cannot be ascertained:

1. Where he/she intends to enter another person's land or public waters;
2. Where he/she intends to alter trees, earth and rocks or other obstacles on another person's land or public waters;
3. Where he/she intends to temporarily use another person's land or public waters as a materials yard or a temporary road.

(2) Any person who intends to obtain a reclamation license or reclamation licensee shall compensate for any loss caused by his/her entry to the land, etc. referred to in paragraph (1) or use, etc.

Article 42 (Conveyance, etc. of Disused State and Public Land)

(1) Where public facilities determined by Presidential Decree, such as any State or public road and bank become obsolete due to any execution of reclamation works, they may be conveyed or sold to the reclamation licensee according to the following classifications notwithstanding the [State Property Act](#), and the Public Property and Commodity Management Act:

1. Conveyance: In cases of the new establishment of public facilities reverting to the State or any local government pursuant to [Article 46](#) (1) 1 in lieu of any public facilities becoming obsolete;
2. Sale: In other cases except subparagraph 1.

(2) Public facilities referred to in paragraph (1) shall include state-owned water surface and water stream.

(3) Where any seashores are used as site for facilities for public use or public facilities newly established due to the execution of reclamation works, the State may, notwithstanding the [State Property Act](#), convey the seashores to the management agency which will manage such facilities for public use or public facilities.

Article 43 (Transfer, etc. of Rights and Duties of Reclamation of Public Waters)

(1) Any rights and duties arising from a reclamation license may be transferred or succeeded to, as prescribed by Presidential Decree.

(2) Persons who take over or succeed to any rights and duties pursuant to paragraph (1) shall report the details of transfer or succession to the rights and duties to the reclamation license agency, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs.

(3) In cases of transferring or succeeding to any rights and duties arising from the license referred to in paragraphs (1) and (2), such rights and duties may not be divided.

(4) A person who reports the transfer or succession to the rights and duties referred to in paragraph (2) shall be deemed a reclamation licensee under this Act.

Article 44 (Use of Reclaimed Land)

(1) A reclamation licensee may not use reclaimed land by installing structures, installations, or other artificial structures on reclaimed land before an inspection on its completion pursuant to [Article 45](#): *Provided*, That the same shall not apply where an use permit before inspection on completion is obtained from the reclamation license agency so as not to create obstacles to the accomplishment of the purpose for reclamation, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs.

(2) Where the reclamation license agency grants an use permit before inspection on completion referred to in the proviso to paragraph (1), it shall grant it only where the use of reclaimed land is fit into the purpose of reclamation referred to in [Article 24](#) (1) 2 and the land use plan referred to in [Article 24](#) (1) 3.

(3) Where a person who intends to use the reclaimed land before inspection on completion obtains the permit referred to in the proviso to paragraph (1), he/she shall be deemed to have obtained the authorization, report, permission or inspection (hereinafter referred to as "authorization, etc.") falling under any of the following cases:

1. Building permit or report on temporary building referred to in [Article 20 \(1\) and \(2\) of the Building Act](#);
2. Authorization or report of plan of works for setting up electric installations for private use referred to in [Article 62 of the Electric Utility Act](#);
3. Pre-use inspection referred to in [Article 36 of the Information and Communication Work Business Act](#).

(4) When the reclamation license agency grants the permit referred to in the proviso to paragraph (1), if matters falling under any subparagraph of paragraph (3) are included, a person who intends to obtain the use permit before inspection on completion shall consult in advance with the head of the related administrative agency by preparing the related documents. In such cases, the head of the related administrative agency shall submit his/her opinion within 20 days from the date of receiving the request for consultation.

Article 45 (Inspection on Completion)

(1) Where a reclamation licensee completes his/her reclamation works, he/she shall, as prescribed by Presidential Decree, determine location land category (referring to land category referred to in Article 67 of the Act on Land Survey, Waterway Survey and Cadastral Records) and apply for inspection on completion to the reclamation license agency.

(2) After the reclamation license agency that receives the application for inspection on completion as referred to in paragraph (1) conducts an inspection on completion as prescribed by Presidential Decree, where it recognizes that the relevant work has been performed as approved in the implementation plan for reclamation, it shall issue a certificate of inspection on completion as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs and publicly announce the relevant fact. Where the work has not been performed as approved in the implementation plan for reclamation, the reclamation license agency shall promptly order necessary measures such as supplemental works.

(3) Any person who applies for inspection on completion referred to in paragraph (1) obtains a certificate of inspection on completion referred to in paragraph (2), he/she shall be deemed to have undergone an inspection on completion or authorization on completion of the relevant project pursuant to authorization, permission, etc. falling under the subparagraphs of [Article 39](#) (1). In such cases, the reclamation license agency shall consult in advance with the heads of the related administrative agencies concerning the inspection on completion.

(4) Any person who intends to attain deemed inspection on completion or authorization on completion as referred to in paragraph (3) shall also submit the related documents determined in the relevant Acts at the time of applying for inspection on completion as referred to in paragraph (1).

SECTION 4 Acquisition etc. of Reclaimed Land's Ownership

Article 46 (Acquisition, etc. of Reclaimed Land's Ownership)

(1) Where a reclamation licensee obtains the certificate of inspection on completion referred to in [Article 45](#) (2), the State, a local government or a reclamation licensee shall acquire a reclaimed land's ownership according to the following classifications:

1. Necessary reclaimed land to be used for official or public purposes as determined by Presidential Decree reverts to the State or a local government;
2. Reclaimed land of an area (excluding an area of seashores included in site for facilities for public use or public facilities newly installed due to the execution of reclamation works from among reclaimed seashores) equivalent to reclaimed seashores reverts to the State. In this case, the location of reclaimed land, the ownership of which the State acquired shall be a place other than reclaimed land as determined by the reclamation licensee;
3. Reclaimed land equivalent to the overhead expenses (referring to a total amount of investigation, design, net construction compensation expenses or other expenses as determined by Presidential Decree) incurred for such reclamation works from among reclaimed land except reclaimed land, the ownership of which the State or a local government acquired pursuant to subparagraphs 1 and 2 reverts to the reclamation licensee;
4. Remaining reclaimed land except reclaimed land, the ownership of which the State, a local government or the reclamation licensee acquired pursuant to the provisions of subparagraphs 1 through 3 (hereinafter referred to as "remaining reclaimed land") goes to the State.

(2) When a person who has acquired any reclaimed land's ownership falling under paragraph (1) 3

and 4 applies for registration for maintenance of ownership for such reclaimed land, he/she shall enter matters determined by Presidential Decree in respect of any restrictions on the exercise of ownership (hereinafter referred to as "matters on any restrictions on the exercise of ownership") in the application and the registration official shall write in addition, *ex officio*, matters on any restrictions on the exercise of ownership in effecting a registration for maintenance of ownership.

(3) Where a limitation period for changes to the purpose for reclamation referred to in the main sentence of [Article 48](#) (1) expires, a person who has acquired any reclaimed land's ownership falling under paragraph (1) 3 and 4 may apply for a registration of erosion on the matters on restrictions on the exercise of ownership written in addition in the registration for maintenance of ownership pursuant to paragraph (2) to the competent registry office.

(4) Where the State, a local government or a reclamation licensee has obtained the ownership referred to in paragraph (1), it shall notify the related administrative agency, such as the competent tax office and registry office of the ownership of the reclaimed land, as prescribed by Presidential Decree.

Article 47 (Request, etc. for Purchase of Remaining Reclaimed Land)

(1) A reclamation licensee may make a request for his/her purchase of remaining reclaimed land, the ownership of which the State acquired within one year from the date of receipt of inspection on its completion pursuant to [Article 46](#) (1), and the State shall not refuse such request except where using it for official or public purposes. In such cases, if the requester is the operator of an industrial complex development project under the [Industrial Sites and Development Act](#), the selling price of such remaining reclaimed land may, notwithstanding

[Article 44 of the State Property Act](#), be determined by Presidential Decree.

(2) Where the State leases reclaimed land, the ownership of which it acquired pursuant to [Article 46](#) (1) 2, and remaining reclaimed land, the ownership of which it acquired pursuant to [Article 46](#) (1) 4 as sites for facilities hereunder according to the purpose of its reclamation, it may have permanent installations established thereon notwithstanding the [State Property Act](#): *Provided*, That if the deadline for purchase request referred to in paragraph (1) has not expired for remained reclaimed land, the State shall obtain consent from the reclamation licensee:

1. Factories referred to in subparagraph 1 of [Article 2 of the Industrial Cluster Development and Factory Establishment Act](#);
2. Facilities for knowledge industry referred to in subparagraph 2 of [Article 2 of the Industrial Sites and Development Act](#);
3. Information and communications-related facilities and resources storage facilities referred to in subparagraphs 3 and 4 of [Article 2 of the Industrial Sites and Development Act](#);
4. Facilities for tourist accommodation business referred to in [Article 3 \(1\) 2 of the Tourism Promotion Act](#), and recreation facilities in agricultural and fishery communities for professional recreation business, folk villages, museums and art galleries from

among tourist-using facility business referred to in [Article 3 \(1\) 3](#).

(3) Where the State leases reclaimed land and remaining reclaimed land as referred to in paragraph (2), it may, notwithstanding

[Articles 43,](#)

[46](#) and

[47 of the State Property Act](#), provide for the leasing method, period and rent of reclaimed land and remaining reclaimed land pursuant to Presidential Decree.

Article 48 (Restrictions on Changes in Purpose of Reclamation)

(1) A reclamation licensee, a person who has acquired any reclaimed land's ownership and his/her successor shall not use predetermined land to be reclaimed or reclaimed land for which he/she has obtained a reclamation license or a reclaimed land for which he/she has received inspection on its completion by changing the purpose of his/her reclamation during the period prior to inspection on its completion and within ten years from the date of inspection on its completion: *Provided*, That this shall not apply to any insignificant changes in the purpose of reclamation determined by Presidential Decree.

(2) A person who intends to make a insignificant change to the reclamation purpose pursuant to the proviso to paragraph (1) shall obtain prior confirmation from the reclamation license agency, as prescribed by Presidential Decree.

(3) The reclamation license agency shall, when he/she makes the confirmation pursuant to paragraph (2), announce publicly the details of such confirmation, as prescribed by Presidential Decree.

Article 49 (Exception of Restrictions on Changes in Purpose of Reclamation)

(1) Notwithstanding the main sentence of [Article 48 \(1\)](#), where a predetermined land to be reclaimed or a reclamation land which has obtained a reclamation license or reclaimed land which has received inspection on its completion falls under any of the following cases, a reclamation licensee, a person who has acquired a reclaimed land's ownership and his/her successor may change the purpose of his/her reclamation after obtaining authorization therefor from the reclamation license agency, as prescribed by Presidential Decree:

1. Where it is impossible to use the remainder for serving the purpose of its reclamation by changing part of reclaimed land into that for official or public purposes;
2. Where it is impossible to use reclaimed land for serving the purpose of its reclamation due to any change to the national plan under the related Acts and subordinate statutes;
3. Where any change in the purpose of reclamation is inevitable due to industrial development or changes in circumstances.

(2) Where a person who has acquired a reclaimed land's ownership or his/her successor intends to change the purpose of reclamation under paragraph (1), the reclamation license agency may grant authorization under paragraph (1) only where the former makes an application to revert revaluated reclaimed land equivalent to the remaining value, deducting required expenses (an amount of capital expenses multiplying the consumer price index by taxes and dues, appraisal and evaluation cost, acquisition value for the reclaimed land on authorization on its completion, and other expenses

taken together) as determined by Presidential Decree (hereinafter referred to as "revaluated reclaimed land") to the State among reclaimed land equivalent to an increase in prices of reclaimed land revaluated on the basis of the purpose of reclamation which he/she intends to change.

(3) Where the reclamation license agency intends to grant authorization to any changes in the purpose of reclamation under paragraph (1), it shall go through deliberation thereof of the Council after consulting with the heads of central administrative agencies concerned and the Mayor/Do Governor concerned thereabout.

(4) The revaluation methods of reclaimed land referred to in paragraph (2) or other necessary matters shall be determined by Presidential Decree.

(5) Upon granting authorization to any changes to the purpose of reclamation pursuant to paragraphs (1) and (2), the reclamation license agency shall publicly announce such fact, as prescribed by Presidential Decree.

(6) Any person who has obtained authorization to change the purpose of reclamation pursuant to paragraph (1) may file an application for registration of such change to the competent registry office accompanied by a written authorization to change the purpose of reclamation.

Article 50 (Acquisition of Revaluated Reclaimed Land's Ownership)

(1) The State shall acquire the ownership of revaluated reclaimed land on the date on which the reclamation license agency authorizes to change the purpose of reclamation pursuant to [Article 49](#) (1).

(2) The reclamation license agency shall promptly take measures necessary for the registration, registry or the protection of rights in respect of the revaluated reclaimed land's ownership acquired by the State pursuant to paragraph (1).

(3) Any person who has obtained authorization to change the purpose of reclamation pursuant to [Article 49](#) (1) may make a request for his/her purchase of the revaluated reclaimed land, the ownership of which the State acquired within one year from the date of obtaining authorization on change, and the State shall not refuse such request except for using it for official or public purposes.

(4) [Article 46](#) (4) shall apply *mutatis mutandis* to notice of the acquisition of revaluated reclaimed land's ownership referred to in paragraph (1).

(5) [Article 49](#) (6) shall apply *mutatis mutandis* to cases where a person who has obtained authorization to change the purpose of reclamation applies for registration on ownership by purchasing a revaluated reclaimed land pursuant to paragraph (3).

Article 51 (Confirmation of Use of Reclaimed Land)

The reclamation license agency may confirm whether a person who has acquired reclaimed land's ownership pursuant to [Article 46](#) (1) 3 and his/her successor use such reclaimed land for the same purpose as that of reclamation at the time of inspection on completion referred to in [Article 45](#), as prescribed by Presidential Decree.

SECTION 5 Disposition, etc. related to Reclamation of Public Waters

Article 52 (Cancellation, etc. of Reclamation License)

(1) In cases falling under any of the following sub- paragraphs, the reclamation license agency may cancel the reclamation license or implementation plan for reclamation, or order an owner or occupant of any structures, installations, etc. established on public waters or a person who is entrusted to take care of the relevant work to suspend the work, or to reconstruct, remove, repair, be prohibited from using, restricted to use or reinstate any structures or installations or to take other necessary measures, specifying a certain period:

1. Where a reclamation license is granted by false or other illegal means;
2. Where the progress of construction of reclamation works fall considerably short of the standards determined by Presidential Decree due to causes attributable to the reclamation licensee;
3. Where the additional clauses to the reclamation license referred to in [Article 29](#) are not performed without any justifiable grounds;
4. Where reclamation license fees referred to in [Article 34](#) are not paid without any justifiable grounds;
5. Where the work is performed without obtaining the approval of the implementation plan for reclamation;
6. Where the reclaimed land is used by establishing structures, installations or other artificial structures on the reclaimed land without obtaining an use permit prior to inspection on completion referred to in the proviso to [Article 44](#) (1);
7. Where the confirmation is obtained as referred to in [Article 48](#) (2) by false or other illegal means;
8. Where it becomes necessary due to any changes to conditions directly related to public waters, such as changes in the development of related industry and the related plan of the State or a local government;
9. Other cases where it becomes necessary for a project capable of expropriating or using land under the Acts and subordinate statutes.

(2) Where the reclamation license agency cancels the reclamation license, etc. referred to in paragraph (1), it shall publicly announce such fact and install the sign determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs in the place where the relevant public waters or structures, installations and other artificial structures are clearly visible.

(3) No one may refuse or obstruct the installation of the sign referred to in paragraph (2) or damage any installed sign.

Article 53 (Loss, etc. of Effect of Reclamation License)

(1) A reclamation license in any of the following cases shall lose effect:

1. Where authorization of an implementation plan for reclamation is not obtained within the period referred to in [Article 38](#) (2);
2. Where reclamation works fail to start on the work commencement date determined in the implementation plan for reclamation;
3. Where reclamation works fail to be completed within the specific period determined in the implementation plan for reclamation.

(2) Where any subparagraph referred to in paragraph (1) applies due to any cause not attributable to the reclamation licensee, such as natural disaster or *force majeure*, the reclamation license agency

may reinstate such effect retroactively only within three months from the date of loss of effect of reclamation license.

(3) Where a reclamation licensee who lost the effect of license pursuant to paragraph (1) 3 has executed reclamation works more than the construction progress determined by Presidential Decree, the reclamation license agency may reinstate such effect retroactively only within one year from the date of loss of effect of the reclamation license.

(4) Where the reclamation license agency reinstates any reclamation license's effect pursuant to paragraphs (2) and (3), he/she may change additional clauses to or set new additional clauses to such reclamation license.

Article 54 (Reinstatement)

(1) Any person falling under any of the following cases (hereafter referred to as "person responsible for reinstatement" in this Article) shall reinstate the relevant public waters:

1. A person who reclaims public waters without obtaining a reclamation license;
2. A person, whose reclamation license loses its effect, is terminated or cancelled due to any cause attributable to him/her;
3. A person who reclaims public waters exceeding the area subject to the reclamation license.

(2) The reclamation license agency may, where a person responsible for reinstatement fails to take necessary measures for reinstatement referred to in paragraph (1), order him/her to reinstate public waters, specifying a certain period.

(3) Where the person who has been issued an order for reinstatement referred to in paragraph (2) fails to fulfil it, the reclamation license agency may take measures for reinstatement pursuant to the [Administrative Vicarious Execution Act](#).

(4) Notwithstanding paragraph (1), where it is impossible to reinstate public waters, or there exist other reasons determined by Presidential Decree, the reclamation license agency may exempt the obligation to reinstate upon the application of a person responsible for reinstatement or *ex officio*.

(5) Where the reclamation license agency receives an application for exemption under paragraph (4), it shall notify the applicant as to whether to exempt him/her within 20 days from the date of receiving the application, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs.

(6) Any reclaimed land, structure, installation or other artificial structure established in the execution zone of reclamation works by a person exempt from the obligation to reinstate as referred to in paragraph (4) may be gratuitously reverted to the State.

(7) Where the State deems it unnecessary to own the structure, installation or other artificial structure reverted to it under paragraph (6), it may sell or lease it under the State Property Act.

(8) Paragraphs (6) and (7) shall apply *mutatis mutandis* to cases where a person responsible for reinstatement fails to comply with the order for reinstatement or to apply for exemption from the obligation to reinstate referred to in paragraph (4) within one year from the date when he/she receives the reinstatement order.

(9) The reclamation license agency may have a person responsible for deposit an amount equivalent to expenses incurred in reinstatement in order to guarantee the fulfillment of the

obligation to reinstate referred to in paragraph (1), as determined by Presidential Decree: *Provided*, That this shall not apply where a person responsible for reinstatement is the State, a local government or other persons determined by Presidential Decree.

(10) Depositing an amount for guaranteeing the fulfillment of the obligation to reinstate referred to in the main sentence of paragraph (9) and other matters necessary for the deposit thereof, etc. shall be determined by Presidential Decree.

CHAPTER IV SUPPLEMENTARY PROVISIONS

Article 55 (Investigation, etc. related to Management, Occupancy or Use of Public Waters)

(1) The management agency of public waters may require a person who obtains an occupancy or use permit to report on the status, etc. of management, occupancy or use of public waters, or require any related public officials to enter the place of business of a person who occupies or uses public waters or any other necessary place and to investigate the relevant person, related documents, etc. as deemed necessary for the efficient management of public waters.

(2) If deemed necessary for construction works to prevent disaster on public waters and erosion, etc. and for investigation or survey of public waters, the management agency of public waters may perform any of the following acts:

1. Entrance of any land or public waters (hereafter in this Article referred to as "land, etc.") occupied by other persons;
2. Temporary use of the land, etc. as a material yard, temporary passage or temporary road;
3. Alteration or removal of trees, earth and rocks or other obstacles on the land, etc. if particularly necessary.

(3) Where the management agency of public waters intends to enter the place of business or lands, etc. of the persons occupying or using the public waters, for the investigation under paragraph (1) and the investigation or survey under paragraph (2), it shall notify in writing an occupant/user or occupant of public waters (referring to owners, occupants or managers of lands, etc. in cases of paragraph (2)) of the name of related public officials, date of entry, place of entry, purpose of investigation or survey seven days prior to the investigation or survey.

(4) A person who intends to enter land, etc., pursuant to paragraph (2), shall not enter the curtilage or land, etc. enclosed by a wall or fence without the consent of owner, occupant or manager of the land, etc. before sunrise and after sunset.

(5) Where the management agency of public waters intends to enter land, etc., temporarily use the land, etc. as a materials yard, temporary passage or temporary road, alters or removes obstacles pursuant to paragraph (2), it shall obtain consent from the owner, occupant or manager of obstacles: *Provided*, That the foregoing shall not apply where the owner, occupant or manager cannot be ascertained, or there exists any unavoidable cause.

(6) As a result of conducting an investigation, etc. pursuant to paragraphs (1) and (2), where the public waters are occupied or used without obtaining an occupancy or use permit, they are occupied or used differently from the details of obtained occupancy or use permit, or the occupancy or use

permit is confirmed to have been terminated or discontinued, the management agency of public waters shall notify the related persons of such result, as prescribed by Presidential Decree.

(7) Any person who intends to perform an act referred to in paragraphs (1) and (2) shall produce a certificate indicating his/her authority to persons interested, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs.

Article 56 (Report and Inspection, etc. related to Reclamation of Public Waters)

(1) If deemed necessary for the guidance and supervision of reclamation works, the reclamation license agency may require a reclamation licensee to submit or report necessary data, as prescribed by Presidential Decree, and require any related public officials to enter the office, business place, predetermined land to be reclaimed, reclaimed land of the reclamation licensee or any other place and inspect books, documents or other things or ask questions of interested persons.

(2) Where the reclamation license agency intends to enter the office, place of business, etc. of the reclamation licensee in order to ask questions or conduct an inspection pursuant to paragraph (1), it shall notify the reclamation licensee in writing of the name of related public officials, date of entry, place of entry or purpose of inspection, seven days prior to the investigation.

(3) [Article 55](#) (7) shall apply *mutatis mutandis* to a certificate, etc. of a person who enters or inspects pursuant to paragraph (1).

Article 57 (Compensation for Losses due to Disposition for Public Interests)

(1) Where any person suffers a loss due to an act or disposition related to occupancy, use or reclamation of public waters or reclamation, a person pursuant to the following classifications shall compensate for such loss:

1. Where a person who has the right to occupancy or use of public waters suffers a loss due to the execution of a project referred to in subparagraph 2 of [Article 12](#): A person who carries out the relevant project;
2. Where a person suffers a loss due to the disposition for public interests as referred to in [Article 20](#): The management agency of public waters or the implementor of the relevant project referred to in subparagraph 4 of [Article 20](#);
3. Where a person suffers a loss due to a disposition under [Article 52](#) (1) 8 and 9: The reclamation license agency or the operator of the relevant project referred to in [Article 52](#) (1) 8 and 9;
4. Where a person suffers a loss due to the inspection or survey, etc. referred to in [Article 55](#) (2): The management agency of public waters.

(2) The management agency of public waters, the reclamation license agency or the project implementor shall hold consultations with any person who has suffered a loss about any compensation for losses referred to in paragraph (1).

(3) Where an agreement under paragraph (2) is not reached or cannot be made, a ruling may be applied for to the competent land tribunal, as prescribed by Presidential Decree.

(4) The

[Act on the Acquisition of Land, etc. for Public Works and the Compensation therefor](#) shall apply *mutatis mutandis* to the compensation for losses except as otherwise provided for in this Act.

Article 58 (Hearings)

Where the management agency of public waters intends to cancel an occupancy or use permit pursuant to [Article 19](#) (1) or the reclamation license agency intends to dispose as referred to in [Articles 52 through 54](#), it shall hold a hearing.

Article 59 (Construction and Operation of Information System for Management and Reclamation of Public Waters)

(1) The Minister of Land, Transport and Maritime Affairs may construct and operate necessary information system for the management, reclamation, etc. (hereinafter referred to as "information system for management of public waters") in order to efficiently support the policy for management and reclamation of public waters and provide information required for the treatment of civil petitions.

(2) Where a manager, an operator and a user of the information system for management of public waters process civil petitions such as authorization, license, approval, report, investigation, issuance and notice under this Act by using the information system for management of public waters as prescribed by Presidential Decree, such matter shall be deemed to have been processed under this Act.

(3) Necessary matters concerning the construction, operation and use of the information system for management of public waters shall be determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs.

(4) The Minister of Land, Transport and Maritime Affairs may request a person determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs, such as the heads of the related administrative agencies, to submit necessary data for the construction of the information system. In such cases, a person who receives such request for submission of data shall follow such request unless any special ground exists otherwise.

Article 60 (Delegation of Authority)

(1) Part of the authority of the Minister of Land, Transport and Maritime Affairs with respect to the management of public waters under this Act may be delegated to a Special Metropolitan City Mayor, a Metropolitan City Mayor or a *Do* Governor, a Special Self-Governing Province Governor, the Commissioner of the Regional Maritime Affairs and Fisheries Office or the head of a *Si/Gun/Gu*, as prescribed by Presidential Decree. In such cases, the Commissioner of the Regional Maritime Affairs and Fisheries Office may re-delegate part of his/her entrusted authority to the head of the regional maritime affairs and fisheries branch office with approval from the Minister of Land, Transport and Maritime Affairs.

(2) Part of the authority of the Minister of Land, Transport and Maritime Affairs with respect to the reclamation of public waters under this Act may be delegated to the Commissioner of the Regional Maritime Affairs and Fisheries Office, a *Mayor/Do* Governor or a Special Self-Governing Province Governor, as prescribed by Presidential Decree. In such cases, the *Mayor/Do* Governor may re-delegate part of his/her entrusted authority to the head of a *Si/Gun/Gu* with approval from the Minister of Land, Transport and Maritime Affairs.

Article 61 (Reexamination of Regulations)

(1) Where a person has a right prejudiced or likely to be prejudiced due to an occupancy or use permit of public waters, or consultations or approval, the government shall examine whether

subparagraph 1 of [Article 12](#), which stipulates that the consent from such person should be obtained is feasible until four years have elapsed from the enforcement date of this Act and determine on whether to repeal, relax or maintain such subparagraph.

(2) Where a person has a right prejudiced or likely to be prejudiced due to reclamation of public waters, the government shall examine whether [Article 30](#) (1) 1 providing that the consent from such person should be obtained is feasible until four years have elapsed from the enforcement date of this Act and determine as to whether to repeal, relax or maintain such subparagraph.

(3) Where a person has a right prejudiced or likely to be prejudiced due to reclamation of public waters, the Government shall examine whether [Article 38](#) (3), which stipulates that the application for authorization of implementation plan for reclamation cannot be made unless the consent on the commencement of reclamation works is obtained from the person who has such right or compensation is made or facility is installed, is feasible until four years have elapsed from the enforcement date of this Act and determine as to whether to repeal, relax or maintain such paragraph.

CHAPTER V PENAL PROVISIONS

Article 62 (Penal Provisions)

Any person under any of the following cases shall be punished by imprisonment for not more than three years or a fine of not exceeding 30 million won:

1. A person who performs a prohibited act, in violation of [Article 5](#);
2. A person who occupies or uses public waters without an occupancy or use permit referred to in [Article 8](#) (1);
3. A person who obtains an occupancy or use permit referred to in [Article 8](#) (1) by false or other illegal means;
4. A person who reclaims public waters or performs reclamation works without obtaining any reclamation license under [Article 28](#);
5. A person who obtains a reclamation license by fraud or other illegal means under [Article 28](#);
6. A person who uses public waters by changing the purpose of reclamation, in violation of the main sentence of [Article 48](#) (1).

Article 63 (Penal Provisions)

Any person under any of the following cases shall be punished by imprisonment for not more than two years or a fine of not exceeding 20 million won:

1. A person who commences reclamation works without obtaining authorization (including an authorization of change) of implementation plan for reclamation referred to in [Article 38](#);
2. A person who uses reclaimed land by establishing structures, installations or other artificial structures on reclaimed land without an use permit before an inspection on completion referred to in the proviso to [Article 44](#) (1);
3. A person who uses reclaimed land without inspection on completion referred to in [Article 45](#) or used reclaimed land without following necessary measures such as supplemental works;

4. A person who uses reclaimed land or predetermined land to be reclaimed by changing the purpose of reclamation without obtaining authorization of change of purpose of reclamation referred to in [Article 49](#);
5. A person who fails to fulfill an order for reinstatement referred to in [Article 54](#) (2).

Article 64 (Penal Provisions)

Any person in any of the following cases shall be punished by imprisonment for not more than one year or a fine of not exceeding ten million won:

1. A person who fails to fulfill an order issued by the management agency of public waters under [Articles 6](#) (1), [19](#) (1) and [20](#);
2. A person who has other persons occupy or use permitted public waters, in violation of the main sentence of [Article 8](#) (8);
3. A person who fails to fulfill an order for reinstatement referred to in [Article 21](#) (2).

Article 65 (Joint Penal Provisions)

When the representative of a juristic person or an agent, employee or other servant of a juristic person or individual commits an offence under [Articles 62 through 64](#) in connection with the business of such corporation or individual, not only shall such violator be punished, but the juristic person or the individual shall also be punished by a fine under the relevant provisions: *Provided*, That this shall not apply where the juristic person or the individual has not neglected to pay due attention and supervision concerning the relevant business in order to prevent such violation.

Article 66 (Fines for Negligence)

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

1. Any person who fails to report the change in an occupancy or use permit of public waters, in violation of [Article 9](#) (excluding subparagraph 3 of the same Article);
2. Any person who fails to report a transfer, etc. of rights and duties, in violation of [Article 16](#) (2);
3. Any person who fails to receive the inspection on completion, in violation of [Article 18](#) (1);
4. Any person who fails to report the completion of works, in violation of [Article 18](#) (2);
5. Any person who refuses or obstructs the installation of the sign or damages any installed sign, in violation of [Article 19](#) (3);
6. Any person who fails to report the transfer, etc. of rights and duties, in violation of [Article 43](#) (2);
7. Any person who uses reclaimed land or predetermined land to be reclaimed without obtaining the confirmation of the change of purpose of reclamation referred to in [Article 48](#) (2);
8. Any person who refuses or obstructs the installation of the sign or damages any installed sign, in violation of [Article 52](#) (3);
9. Any person who fails to report or make a false report or refuses, obstructs or avoids the entry or investigation referred to in [Article 55](#) (1);
10. Any person who refuses, obstructs or avoids the entry, temporary use or change or removal of obstacles referred to in [Article 55](#) (2);
11. Any person who fails to submit or report data or submits or report a false data, or refuses, obstructs or avoids the entry or investigation referred to in [Article 56](#) (1).

(2) Fines for negligence referred to in paragraph (1) shall be imposed and collected by the management agency of public wastewaters or the reclamation license agency, as prescribed by Presidential Decree.

ADDENDA

Article 1 (Enforcement Date)

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

Article 2 (Repeal of other Acts)

The following Acts shall be repealed:

1. [Public Waters Management Act](#);
2. [Public Waters Reclamation Act](#).

Article 3 (Applicability to Period of Occupancy or Use Permit of Public Waters)

Article 11 shall start applying to any application for occupancy or use permit or permission on change of public waters after this Act enters into force.

Article 4 (General Transitional Measures)

Any act by or toward the administrative agency under the previous [Public Waters Management Act](#) and the [Public Waters Reclamation Act](#) at the time or after this Act enters into force shall be deemed an act by or toward the corresponding administrative agency under this Act.

Article 5 (Transitional Measures concerning Basic Plan for Reclamation)

A basic plan for reclamation established or changed under Articles 4 and 8 of the previous [Public Waters Reclamation Act](#) shall be deemed a basic plan for reclamation established or changed under this Act.

Article 6 (Transitional Measures concerning Change of Reclamation License Agency)

The previous [Public Waters Reclamation Act](#) shall apply to the reclamation license agency for a person who obtains the reclamation license under the previous [Public Waters Reclamation Act](#).

Article 7 (Transitional Measures concerning Application for Permission, etc.)

The previous [Public Waters Management Act](#) or the [Public Waters Reclamation Act](#) shall apply to applications for permission, consultation or approval in any of the following cases as at the time this Act enters into force:

1. Occupancy or use permit of public waters (including permission on change) referred to in Article 5 of the previous [Public Waters Management Act](#);
2. Consultation or approval of occupancy or use of public waters (including consultation or approval

of change) referred to in Article 6 of the previous

[Public Waters Management Act](#);

3. Authorization of implementation plan for occupancy or use referred to in Article 8 of the previous [Public Waters Management Act](#);

4. Application for use permit before inspection on completion of reclaimed land referred to in Article 24 of the previous

[Public Waters Reclamation Act](#).

Article 8 (Transitional Measures concerning Disposition, etc.)

(1) Any person who obtains a permit, etc. or report in the left section of the following table under the previous Public Waters Management Act at the time or after this Act enters into force shall be deemed to obtain a permit, etc. or report in the right section of the following table:

Permission, etc. under the previous Public Waters Management Act	Permission, etc. under this Act
1. Occupancy or use permit under Article 5 of the previous Public Waters Management Act	1. Occupancy or use permit of public waters under Article 8
2. Report on change in the matters for occupancy or use permit under Article 5-2 of the previous Public Waters Management Act	2. Report on change in the matters for occupancy or use permit under Article 9
3. Consultation or approval of occupancy or use under Article 6 of the previous Public Waters Management Act	3. Consultation or approval of occupancy or use of public waters under Article 10
4. Authorization of implementation plan under Article 8 of the previous Public Waters Management Act	4. Authorization of implementation plan for occupancy or use under Article 17
5. Inspection on completion under Article 8-2 of the previous Public Waters Management Act	5. Inspection on completion under Article 18
6. Report on transfer of rights and duties under Article 11 (2) of the previous Public Waters Management Act	6. Report on transfer of rights and duties under Article 16 (2)

(2) Any person who obtains a permit, etc. or report in the left section of the following table under the previous Public Waters Reclamation Act at the time or after this Act enters into force shall be deemed to obtain a permit, etc. or report in the right section of the following table:

Permission, etc. under the previous Public Waters Reclamation Act	Permission, etc. under this Act
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1. License under Article 9 of the previous Public Waters Reclamation Act	1. Reclamation license under Article 28
2. Consultation or approval under Article 38 (1) of the previous Public Waters Reclamation Act	2. Consultation or approval under Article 35 (1)
3. Consultation or approval under Article 38-2 of the previous Public Waters Reclamation Act	3. Consultation or approval under Article 36
4. Authorization of implementation plans under Article 15 of the previous Public Waters Reclamation Act	4. Authorization of implementation plan of public waters under Article 38
5. Report on transfer, etc. of rights and duties under Article 23 (1) and (2) of the previous Public Waters Reclamation Act	5. Report on transfer, etc. of rights and duties of reclamation of public waters under Article 43 (2)
6. Use permit before inspection on completion of reclaimed land under the proviso to Article 24 (1) of the previous Public Waters Reclamation Act	6. Use permit before inspection on completion of reclaimed land under the proviso to Article 44 (1)

Article 9 (Transitional Measures concerning Exemption of Occupancy or Use Fees of Public Waters)

With respect to the exemption of occupancy or use fees imposed or to be imposed at the time of the entry into force of this Act on an operator of private investment project, on a person who forms or operates a marina facility or marina facility complex within the marina zones and on a person who installs or operates new energy and renewable energy facility, the previous Public Waters Management Act shall apply to part of the fees falling under the period before this Act enters into force and [Article 13](#) (1) 5, [11](#) and [12](#) shall apply to part of the fees after this Act enters into force, respectively.

Article 10 (Transitional Measures concerning Restriction, etc. of Change of Purpose of Reclamation)

(1) Where a person who has obtained a reclamation license (including a person who has acquired ownership of reclaimed land and his/her successor; hereafter the same shall apply in this Article) under the provisions of the previous Act (referring to the Public Waters Reclamation Act before the same Act enters into force; hereafter the same shall apply in this Article) at the time the amended Public Waters Reclamation Act under Act No. 5911 enters into force (hereafter referred to as the "same Act" in this Article) intends to change the purpose of reclamation, Article 21-2 of the previous Act, not the amended provisions of Article 28 through 30 of the same Act shall apply, and Article 32 of the previous Act shall apply to a person who violates Article 21-2 of the previous Act as penal provision.

(2) Where a person who has obtained a reclamation license under the previous Act at the time the same Act enters into force intends to apply for registration for maintenance of ownership of reclaimed

land acquired by reclamation, the amended provisions of Article 26 (2) of the same Act shall not apply.

(3) Where a person who has obtained a reclamation license under the previous Act at the time the same Act enters into force violates the restriction on change to the purpose of reclamation referred to in Article 21-2 of the previous Act after authorization on completion or violates additional clauses at the time of granting the license or taking other disposition, it is possible to take necessary disposition or order to correct any violation by applying Article 28 of the previous Act and Article 33 of the previous Act shall apply as penal provisions of a person who violates the disposition or order referred to in Article 28 of the previous Act.

Article 11 (Special Cases concerning Reclamation Licensee, etc.)

Article 38 of the previous Act shall apply to the reclamation conducted by a government-invested institution referred to in Article 9 (6) of the previous Act (referring to the Public Waters Reclamation Act before the same Act enters into force; hereafter the same shall apply in this Article) at the time the partially amended Public Waters Reclamation Act under Act No. 8820 enters into force (hereafter referred to as the "same Act" in this Article), which has been reflected in the basic plan for reclamation under the previous Act or has obtained reclamation license (including cases where it has been reflected in the basic plan for reclamation or has been considered as if it had obtained the reclamation license): *Provided*, That Article 48 of this Act which is applied *mutatis mutandis* by Article 35 (5) of this Act shall apply to the change of the purpose of reclamation.

Article 12 (Transitional Measures on Penal Provisions, etc.)

The application of penal provisions and fines for negligence to acts committed before this Act enters into force shall be governed by the previous Public Waters Management Act, and the Public Waters Reclamation Act.

Article 13 Omitted.

Article 14 (Relationship with other Acts and Subordinate Statutes)

Where other Acts and subordinate statutes cite the previous provisions of the Public Waters Management Act, the Public Waters Reclamation Act or the relevant provisions at the time this Act enters into force, and this Act includes the provisions corresponding to them, it shall be deemed to cite the corresponding provisions of this Act in lieu of the previous provisions.

ADDENDA <Act No. 10331, May 31, 2010>

Article 1 (Enforcement Date)

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

Articles 2 through 13 Omitted.