ENFORCEMENT DECREES OF THE SPECIAL ACT ON UTILIZATION OF AGRICULTURAL PRODUCTION INFRASTRUCTURE AND ADJACENT AREAS

Presidential Decree No. 22189, jun. 8, 2010
Amended by Presidential Decree No. 23713, Apr. 10, 2012
Presidential Decree No. 23718, Apr. 10, 2012
Presidential Decree No. 23966, Jul. 20, 2012
Presidential Decree No. 24455, Mar. 23, 2013
Presidential Decree No. 27572, Nov. 1, 2016

Article 1 (Purpose)
The purpose of this Decree is to prescribe matters delegated by the Special Act on Utilization of Agricultural Production Infrastructure and Adjacent Areas and those necessary for the enforcement thereof.

Article 2 (Scope of Adjacent Area)
“Area prescribed by Presidential Decree” referred to in subparagraph 3 of Article 2 of the Special Act on Utilization of Agricultural Production Infrastructure and Adjacent Areas (hereinafter referred to as “the Act”) means any of the following:
1. Any of the following areas, adjacent to a reservoir (including a pond), belonging to agricultural production infrastructure;
   (a) Where the total storage capacity of the reservoir is at least ten million cubic meters: an area within two kilometers from the design flood level thereof (referring to the normal high water level thereof if there is no design flood level; hereinafter the same shall apply);
   (b) Where the total storage capacity of the reservoir is at least one million cubic meters, but less than ten million cubic meters: an area within one and a half kilometers from the design flood level thereof;
   (c) Where the total storage capacity of a reservoir is at least one hundred thousand cubic meters, but less than one million cubic meters: an area within one kilometer from the design flood level thereof;
2. An area within one kilometer from a tide embankment belonging to agricultural production infrastructure;
3. An area within one-half kilometer from the boundary of a pumping station or water supply station belonging to agricultural production infrastructure, with a power level of at least seven hundred forty six kilowatts.
Article 3 (Areas Subject to Formulation of Project Plan, and Standards for Size of Such Area)

(1) Areas subject to formulation of a project plan for the utilization of agricultural production infrastructure (hereinafter referred to as "project plan") with regard to agricultural production infrastructure and the area adjacent thereto under Article 4 (1) of the Act shall be as follows:  

1. Agricultural production infrastructure managed by an entity responsible for the management of agricultural production infrastructure;
2. Agricultural production infrastructure disused pursuant to Article 24 (1) of the Rearrangement of Agricultural and Fishing Villages Act;
3. An Area not falling under any of the following items, among areas falling under any of the subparagraphs of Article 2:
   (a) An area in which the Minister of Agriculture, Food and Rural Affairs deems it is difficult to implement a "project for the utilization of agricultural production infrastructure and the area adjacent thereto (hereinafter referred to as “project for the utilization of agricultural production infrastructure, etc.”)" because the implementation of which contravenes any other Act or subordinate statute, or such area is included in another area or zone designated and publicly notified pursuant to any other Act or subordinate statute;
   (b) An area which the Minister of Agriculture, Food and Rural Affairs deems likely to restrict the maintenance and management of agricultural production infrastructure either in the course of executing a project for the utilization of agricultural production infrastructure, etc. or after the completion of such project;
   (c) An area in which executing a project for the utilization of agricultural production infrastructure, etc. would cause, the extreme alteration of the form and quality of land, likely impairing the natural environment and hampering the preservation of the surrounding landscape;
   (d) An area in which the size of farmland exceeds 50/100 of the total size of the adjacent area covered in a project plan;
   (e) An area for which a incidental project plan has been established, among those areas designated and publicly notified as a maintenance district of dangerous reservoirs and dams pursuant to Article 12 (1) of the Reservoir and Dam Safety Control and Disaster Prevention Act;
   (f) Other areas the Minister of Agriculture, Food and Rural Affairs deems impracticable to develop and use in a planned and environment-friendly manner.

(2) In establishing a project plan, the standards for size shall be at least thirty thousand square meters.

Article 4 (Contents of Project Plan)

“Matters prescribed by Presidential Decree” referred to in Article 4 (3) 15 of the Act means those falling under any of the following subparagraphs:  

1. Matters to be determined through an urban or Gun management plan under Article 30 of the National Land Planning and Utilization Act;
2. Documents necessary for assessing the impacts of disasters caused by an administrative plan implemented under Article 4 (3) of the Countermeasures against Natural Disasters Act;
3. Matters concerning the execution of small river works under Article 10 of the Small River Maintenance Act;
4. A positional map whose scale is larger than 1/25,000;
5. A topographical drawing (it may be replaced by a drawing depicting districts, zones, etc. on a cadastral map where it is impracticable to prepare a topographical drawing under Article 8 (2) of the Framework Act on the Regulation of Land Use;
6. Matters concerning plans for the purchase and compensation of land, goods, and rights under Article 3 of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects and measures for residents’ relocation;
7. Schemes for revitalizing regional economy such as participation in activities of farmers for increasing nonfarm income;
8. Written consents of landowners under the latter part of Article 4 (1) of the Act;

Article 5 (Collection of Residents’ Opinions)

(1) Where intending to hear residents’ opinions on a project plan pursuant to Article 5 (1) of the Act, the Minister of Agriculture, Food and Rural Affairs shall send copies of related documents to the Governor of the competent Special Self-Governing Province or the head of the competent Si/Gun/Gu (the head of the competent Gu means the head of an autonomous Gu; hereinafter the same shall apply) <Amended by Presidential Decree No. 24455, Mar. 23, 2013>

(2) The Governor of the Special Self-Governing Province or the head of the Si/Gun/Gu who has received the related documents pursuant to paragraph (1) shall publicly announce the following matters in at least two daily newspapers with nationwide distribution or chiefly distributed in the relevant district, and on the bulletin board and the Internet website of the relevant local government, and shall make copies of the related documents under paragraph (1) available to the public for at least fourteen days for inspection:
   1. Name of the project for the utilization of agricultural production infrastructure, etc.;
   2. Outline of the project plan;
   3. The project executor.

(3) A person who has any opinions on the contents of any such matter or document as publicly announced or inspected pursuant to paragraph (2) may present them to the Governor of the Special Self-Governing Province or head of the Si/Gun/Gu concerned from the commencement date of inspection until five days after the expiration of the inspection period.

(4) The Governor of the Special Self-Governing Province or head of the Si/Gun/Gu concerned shall, submit his/her examination opinions to the Minister of Agriculture, Food and Rural Affairs after examining the opinions presented pursuant to paragraph (3) and shall, even if there is not any presented opinion, notify the Minister of Agriculture, Food and Rural Affairs of such fact. <Amended by Presidential
(5) The Minister of Agriculture, Food and Rural Affairs shall, within thirty days from date of receipt of examination opinions from the Governor of the Special Self-Governing Province or head of the Si/Gun/Gu concerned, review whether to reflect those submitted examination opinions and shall then notify the results of review thereof to the person who has submitted such examination opinions and the Governor of the Special Self-Governing Province or head of the Si/Gun/Gu concerned. <Amended by Presidential Decree No. 24455, Mar. 23, 2013>

Article 6 (Amendment of Minor Matters in Project Plan)
(1) “Minor matters prescribed by Presidential Decree” referred to in the proviso to Article 6 of the Act means any of the following matters: <Amended by Presidential Decree No. 23718, Apr. 10, 2012>
1. Change to the name of a project for the utilization of the agricultural production infrastructure, etc.;
2. Change to the name and address of the project executor;
3. Change of up to 20/100 of the total project budget within the extent of 20/100 thereof, which is provided for in the project plan approved pursuant to Article 4 (1) of the Act (including any project plan the amendment of which is approved pursuant to the main sentence of Article 6 of the Act);
4. Change to the location or structure of any infrastructure, etc. due to the change to the form of land or reflection of the results of investigations of geological features;
5. Amendment of a plan of land utilization within the extent of the decision of an urban and Gun management plan under Article 5 (2) of the Act;
6. Change to any matter established pursuant to any other statute and has been reflected in a project plan and which, in turn, should reflect the subsequent change or repeal of such project plan.
(2) The project executor shall notify the Minister of Agriculture, Food and Rural Affairs of the contents of the said change without delay where making any such amendment of the project plan as falls under any of the subparagraphs of paragraph (1). <Amended by Presidential Decree No. 24455, Mar. 23, 2013>

Article 7 (Public Notice of Designation, etc. of Zones for Utilization of Agricultural Production Infrastructure, etc.)
Where the Minister of Agriculture, Food and Rural Affairs designates a zone for the utilization of agricultural production infrastructure and the area adjacent thereto (hereinafter referred to as “zone for the utilization of agricultural production infrastructure, etc.”) pursuant to Article 7 (1) of the Act, he/she shall give public notice of the following matters in the Official Gazette: <Amended by Presidential Decree No. 24455, Mar. 23, 2013>
1. Name of the project for the utilization of agricultural production infrastructure, etc.;
2. Outline of the project plan;
3. The project executor;
4. Location and size of the zone for the utilization of agricultural production infrastructure, etc.;
5. Where any land, etc. is to be expropriated or used, the details and owners thereof and the names and addresses of persons concerned defined in subparagraph 5 of Article 2 of the Act on Acquisition of and
Compensation for Land, etc. for Public Works Projects;
6. A drawing under subparagraph 5 of Article 4.

Article 8 (Public Notice of Cancellation of Designation of Zones for Utilization of Agricultural Production Infrastructure, etc.)

When the Minister of Agriculture, Food and Rural Affairs cancels the designation of a zone for the utilization of agricultural production infrastructure, etc. pursuant to Article 8 (1) of the Act, he/she shall give public notice of the following matters in the Official Gazette: <Amended by Presidential Decree No. 24455, Mar. 23, 2013>

1. Name of the project for the utilization of agricultural production infrastructure, etc.;
2. Location and size of the zone for the utilization of agricultural production infrastructure, etc.;
3. Date of public notice of designation and effective date of cancellation of designation of the zone for the utilization of agricultural production infrastructure, etc.;

Article 9 (Restriction on Activities, etc.)

(1) “Activity specified by Presidential Decree” referred to in the former part of Article 9 (1) of the Act means any of the following activities:

1. Construction of a building: the construction, substantial repair, or alteration of purpose of use of a building (including a temporary building) under Article 2 (1) 2 of the Building Act;
2. Installation of a structure: the installation of a facility which is manufactured in artificial ways [excluding a building (including a temporary building) under Article 2 (1) 2 of the Building Act];
3. Alteration of the form and quality of land: Altering the shape of land in a manner of cutting, filling, preparing, paving, etc., the excavation of land, or the reclamation of public waters;
4. Extraction of soil, rock, and sand;
5. Partition of land;
6. Accumulating goods: Accumulating for one month or longer any goods which are hard to move;
7. Catching or cultivating of marine animals or plants: fishery activities by a piscary holder, leisure fishing, or cultivation under Article 2 of the Fisheries Act;
8. Growing plants: Cutting off or planting bamboos or trees.

(2) The Special Metropolitan City Mayor, other Metropolitan City Mayor, the Do Governor, the Governor of the Special Self-Governing Province (hereinafter referred to as “the Mayor/Do Governor”), or the head of a Si/Gun/Gu shall hear the opinions of the relevant project executor where intending to permit an act falling under any of the subparagraphs of paragraph (1) pursuant to Article 9 (1) of the Act.

(3) “Activity specified by Presidential Decree” referred to in Article 9 (2) of the Act means the construction (excluding substantial repair and alteration of purpose of use) of a building, the aggregate floor area of which is at least 500 square meters, among buildings under paragraph (1) 1.

(4) “Activity specified by Presidential Decree” referred to in Article 9 (3) 2 of the Act means any of the following activities not subject to permission for development under Article 56 of the National Land
Planning and Utilization Act: <Amended by Presidential Decree No. 23718, Apr. 10, 2012; Presidential Decree No. 24455, Mar. 23, 2013; Presidential Decree No. 27572, Nov. 1, 2016>

1. Installation of a simplified structure directly used for production of agricultural and marine products determined by Ordinance of the Ministry of Land, Infrastructure and Transport;
2. Alteration of the form and quality of land for cultivation;
3. Extraction of soil, rock, and sand to the extent that neither hampers the development of a zone for the utilization of agricultural production infrastructure, etc. nor damages natural landscapes;
4. Accumulation of goods on any site which is determined to remain within a zone for the utilization of agricultural production infrastructure, etc.;
5. Temporary planting (excluding temporary planting in farmland) of ornamental bamboo and trees;
6. Execution of a project for functional restoration under subparagraph 6 of Article 3 of the Regulations on Standards for Sharing Natural Disaster Relief and Recovery Expenses, Etc.

(5) A person who is required to file a report pursuant to Article 9 (4) of the Act shall submit reports on the progress and execution plan of the relevant construction works or project to the competent Mayor/Do Governor or head of Si/Gun/Gu within thirty days from the date on which the zone for the utilization of agricultural production infrastructure, etc. is designated and notified to the public.

Article 10 (Documents Required for Application for Approval of Implementation Plan)
The documents required to apply for approval of the implementation plan for the project for the utilization of agricultural production infrastructure, etc. (hereinafter referred to as an “implementation plan”) under Article 10 (1) of the Act shall be as follows: <Amended by Presidential Decree No. 23966, Jul. 20, 2012>

1. A planned ground map and implementation design drawings;
2. Plans on funds (including a plan on annual investments, a plan for securing financial resources, a plan on annual withdrawal, etc. of investment money);
3. A plan on the use, benefit, management, and disposal of the land and facilities which are prepared and installed through a project for the utilization of agricultural production infrastructure, etc.;
4. Documents concerning the environmental impact assessment under Article 27 (2) of the Environmental Impact Assessment Act;
5. Documents necessary for examining the impacts of disasters caused by a development project under Article 4 (3) of the Countermeasures against Natural Disasters Act;
6. A report on the installation, relocation, and removal, and the devolving, transfer, and cession of public facilities, such as agricultural production infrastructure.

Article 11 (Public Notice of Approval of Implementation Plans)
Where giving public notice through the Official Gazette pursuant to Article 11 (2) of the Act, such notice shall include the following matters therein:

1. Name of the project for the utilization of agricultural production infrastructure, etc.;
2. Location and size of the zone for the utilization of agricultural production infrastructure;
3. Purpose and outline of the implementation plan;
4. Name and address of the project executor;
5. Period of execution of the project;

Article 12 (Modification of Minor Matters in Implementation Plan)
(1) “Minor matters prescribed by Presidential Decree” referred to in the proviso to Article 12 of the Act means any of the following matters: <Amended by Presidential Decree No. 23718, Apr. 10, 2012>
1. Change to the name of a project for the utilization of the agricultural production infrastructure, etc.;
2. Change to the name and address of the project executor;
3. Change of up to 20/100 of the total project budget provided for in the project plan approved pursuant to Article 11 (1) of the Act (including any project plan, the amendment of which is approved pursuant to the main sentence of Article 12 of the Act);
4. Change to the location or structure of any infrastructure, etc. due to the change to the form of land or reflection of the results of investigations of geological features;
5. Change to a plan of land utilization within the extent of the decision of an urban and Gun management plan under Article 5 (2) of the Act;
6. Change of any matter determined pursuant to any statute and has been reflected in a project plan and which in turn should reflect the subsequent change or repeal of such project plan.
(2) Where making any such amendment of the project plan as falls under any of the subparagraphs of paragraph (1), the project executor shall notify the Minister of Agriculture, Food and Rural Affairs of the details amended without delay. <Amended by Presidential Decree No. 24455, Mar. 23, 2013>

Article 13 (Special Cases concerning the National Land Planning and Utilization Act)
(1) “Separate preservative measures specified by Presidential Decree” referred to in Article 16 (1) of the Act means measures for installing facilities to abate water pollution, such as wastewater treatment plants.
(2) Where a measure for installing facilities to abate water pollution has been established pursuant to paragraph (1), the land suitability assessment under Article 27 (3) of the National Land Planning and Utilization Act may be conducted by otherwise applying the assessment indexes and standards related to the water quality preservation sector.
(3) When a project plan has been formulated to include measures for installing facilities to abate water pollution under paragraph (1) in any planned control area, the application of the restrictions on the establishment of rest restaurants, general restaurants, and accommodation facilities may be waived, notwithstanding Article 71 (1) of the Decree of the National Land Planning and Utilization Act.

Article 14 (Timing to Install Infrastructure, and Other Matters)
(1) The project executor who has obtained approval for the implementation plan pursuant to Article 11 (1) of the Act shall inform persons who provide electricity, telecommunications, gas, and heating utilities in the relevant area of the fact.
(2) Persons informed under paragraph (1), who provide electricity, telecommunication, gas, and heating utilities in the relevant area, shall complete the installation of electricity, telecommunications, gas, and district heating facilities within such execution period of the project as determined in the implementation plan unless there exists any extraordinary circumstance not to do so.

(3) The installation scopes by type of electricity, telecommunications, gas, and district heating facilities under Article 19 (1) of the Act shall be as follows: <Amended by Presidential Decree No. 23718, Apr. 10, 2012>

1. Electricity facilities: electricity facilities connected from the main grid electricity facilities located outside the relevant zone for the utilization of agricultural production infrastructure, etc. to the boundary lines of individual parcels of land (hereinafter referred to as “individual parcels”) adjoining the planned urban/Gun roads which are at least six meters in width, according to the land use plan for the said zone for the utilization of agricultural production infrastructure, etc.;

2. Telecommunications facilities: cable facilities connected from the backbone telecommunications facilities located outside the relevant zone for the utilization of agricultural production infrastructure, etc., to the conduit facilities and first terminals of the boundary lines of individual parcels;

3. Gas facilities: facilities for gas supply connected from the main-trunk facilities for gas supply located outside the relevant zone for the utilization of agricultural production infrastructure, etc. to the boundary lines of individual parcels: Provided, That these mean facilities for gas supply connected from the main-trunk facilities for gas supply to the static pressure control room where installing the static pressure control room in individual parcels of the zone for the utilization of agricultural production infrastructure, etc. in order to supply gas for cooking or individual heating (excluding gas supply for central heating);

4. District heating facilities: heating pipelines connected from the junctions of the backbone heating pipelines located outside the relevant zone for the utilization of agricultural production infrastructure, etc. to the shut-off valves at the entrances of machinery rooms of individual parcels.

**Article 15 (Completion Inspection)**

(1) The project executor shall, in cases of intending to undergo a completion inspection pursuant to Article 20 (1) of the Act, submit a written application for a completion inspection prescribed by Ordinance of the Ministry of Agriculture, Infrastructure and Transport, attaching the following documents, to the Minister of Agriculture, Infrastructure and Transport: <Amended by Presidential Decree No. 24455, Mar. 23, 2013>

1. A report on completion of works (including as-built drawings and specifications and as-built photographs);

2. A cadastral survey performance map;

3. A report on sizes by purpose of use of land, and the floor plan;

4. A report of the devolving of public facilities, etc. and drawings thereof;

5. A comparative table of old and new cadastres;
6. A statement on the total project expenses;
7. Documents necessary for consulting with the heads of related administrative agencies under the latter part of Article 20 (3) of the Act.

(2) When the Minister of Agriculture, Infrastructure and Transport conducts completion inspections under Article 20 (2) of the Act, he/she may entrust public institutions, research institutes, or other specialized institutions or organizations with the conduct thereof if deemed necessary for efficient conduct of completion inspections. <Amended by Presidential Decree No. 24455, Mar. 23, 2013>

Article 16 (Public Announcement of Completion of Construction Works)
(1) The public announcement under Article 21 of the Act shall be made by publishing related matters in the Official Gazette.

(2) Public announcement made under paragraph (1) shall include the following matters:
1. Name of the project for the utilization of agricultural production infrastructure, etc.;
2. Name and address of the project executor;
3. Location of the execution area of the project for the utilization of agricultural production infrastructure, etc.;
4. Size of the execution area of the project for the utilization of agricultural production infrastructure, etc. and the sizes by purpose of use;
5. Date of completion of the construction works;
6. Matters concerning disposal of major facilities.

Article 17 (Raising of Funds for Maintenance and Management)
In cases of raising funds for maintenance and management from profits accrued by the project for the utilization of agricultural production infrastructure, etc., pursuant to Article 23 (1) of the Act, the project executor shall manage such funds by opening a special account or separate account.

Article 18 (Subsidization, etc. of Expenses)
The expenses for which the State or a local government may subsidize or loan funds pursuant to Article 26 (2) of the Act shall be as follows:
1. Expenses incurred in creating infrastructure, such as roads, water supply facilities, sewerage facilities, or parks;
2. Expenses incurred in creating any facilities, the installation expenses of which it is not appropriate for the project executor to bear, among facilities necessary for the implementing the project for the utilization of agricultural production infrastructure, etc., including trunk roads connected with the zone for the utilization of agricultural production infrastructure, etc.;
3. Expenses incurred in creating other public facilities necessary for the project for the utilization of agricultural production infrastructure, etc.

Article 19 (Grounds for Administrative Disposition)
“Cause specified by Presidential Decree” Article 27 (1) 2 of the Act means deterioration of the financial soundness equivalent to bankruptcy.
Article 20 (Public Notice of Administrative Disposition)

Matters to be included in public notice given under Article 27 (3) of the Act shall be as follows:

1. Name of the project for the utilization of agricultural production infrastructure, etc.;
2. Name and address of the project executor;
3. Location of the execution area of the project for the utilization of agricultural production infrastructure, etc.;
4. Details of the violation;
5. Details of the administrative disposition.

Article 21 (Delegation of Authorities)

The Minister of Agriculture, Food and Rural Affairs shall delegate the following authority to the Mayor/Do Governor pursuant to Article 29 (1) of the Act: Provided, That this shall not apply where the project executor is the State or the Mayor/Do Governor: <Amended by Presidential Decree No. 24455, Mar. 23, 2013>

1. Receipt of applications for approval of implementation plans under Article 10 of the Act;
2. Approval of implementation plans under Article 11 (1) of the Act;
3. Public notice of approval of implementation plans under Article 11 (2) of the Act;
4. Approval for amendments to implementation plans, and public notification thereof under Article 12 of the Act;
5. Consultation with heads of relevant administrative agencies under Article 15 (3) of the Act;
6. Completion inspections under Article 20 (1) of the Act;
7. Issuance of certificates of a completion inspection under Article 20 (2) of the Act;
8. Consultation with the heads of relevant administrative agencies under Article 20 (3) of the Act;
9. Public announcement of completion of construction works, and issuance of orders to take necessary measures, such as supplementary construction, under Article 21 of the Act;
10. Administrative dispositions under Article 27 (1) of the Act;
11. Public notice under Article 27 (3) of the Act;
12. Hearings under Article 28 of the Act;
13. Imposition and collection of administrative fines under Article 33 (2) of the Act.

Article 22 (Criteria for Imposition of Administrative Fines)

The criteria for imposition of administrative fines shall be as specified in the attached Table.

ADDENDUM

This Decree shall enter into force on June 10, 2010.

ADDENDA <Presidential Decree No. 23713, Apr. 10, 2012>

Article 1 (Enforcement Date)
This Decree shall enter into force on the date of its promulgation.

**Articles 2 and 3 Omitted.**

ADDENDA  *<Presidential Decree No. 23718, Apr. 10, 2012>*

**Article 1 (Enforcement Date)**
This Decree shall enter into force on April 15, 2012.

**Articles 2 through 15 Omitted.**

ADDENDA  *<Presidential Decree No. 23966, Jul. 20, 2012>*

**Article 1 (Enforcement Date)**
This Decree shall enter into force on July 22, 2012. (Proviso Omitted.)

**Articles 2 through 6 Omitted.**

ADDENDA  *<Presidential Decree No. 24455, Mar. 23, 2013>*

**Article 1 (Enforcement Date)**
This Decree shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 6 Omitted.**

ADDENDA  *<Presidential Decree No. 27572, Nov. 1, 2016>*

**Article 1 (Enforcement Date)**
This Decree shall enter into force on the date of its promulgation.

**Articles 2 through 4 Omitted.**