

KRIHS Policy Brief

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Strengthening the publicness of land expropriation projects and challenges

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Summary

1> (Background) The exploitation of the right to expropriate of land has become an issue as the scope of public project allowing expropriation of land has expanded to include membership golf courses and resort-type residential complexes since the enactment of Act on Acquisition of and Compensation for Land, Etc. for Public Works Projects in 1962

- The scope of land expropriation projects in 1962 increased from public facilities for defense and military purposes and roads and railways to include 107 development projects

- The Constitutional Court overturned the law regarding construction project to create a membership golf course through expropriation of land and ruled that resort-type residential complexes shall not be considered as the infrastructure

2> (Reinforcing publicness) the publicness of land expropriate projects has strengthened recently along with the amendment of the Act on Acquisition of and Compensation for Land, Etc. for Public Works. The amended act newly enacted provisions stating consultation process to approve the project, judgment criteria to determine the publicness of a project, and included the right to request and mandatory reflection of the publicness with regard to initiation, change, and repeal of public works project

3> Develop the criteria for reviewing public works project to request for the improvement of system and institutions in the forms of initiation, change and repeal of public projects along with objective terms of negotiation to minimize negative effects of discontinuation of development project due to the breach of obligations agreed as the conditions for project approval



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Policy implications

- ① The project should implement land expropriation projects that meet the judgement criteria for publicness and the government should provide objective conditions for project approval considering the characteristics of project based on the developer, purpose, and project types, etc.
- ② Establish procedural justification and fairness by issuing a notice on the designation of project area, project details, tax items applied to the land, etc.
- ③ Increase the ratio of private project developers for their acquisition of lands of which sizes are vary depending on individual developers
- ④ Adjust the period that the approval of a project takes effect, which is currently vary depending on each project, to the one when the project is confirmed
- ⑤ Change the period that lasts for resubmission for project approval realistically and restrict special cases for the decision on the previously rejected project offered to each developer by industrial sector