

SEOUL METROPOLITAN GOVERNMENT ORDINANCE ON URBAN DEVELOPMENT

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Partial Amendment No. 4031, Sep. 12, 2002
Amendment of Other Laws No. 4131, Jul. 25, 2003
Amendment of Other Laws No. 4448, Nov. 20, 2006
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CHAPTER GENERAL PROVISIONS

Article 1 (Purpose)

CHAPTER GENERAL PROVISIONS The purpose of this Ordinance is to provide for matters authorized under the Urban Development Act and the Enforcement Decree of the same Act and matters necessary for the implementation thereof. <Amended on May 29, 2007; Sep. 29, 2009>

CHAPTER DESIGNATION OF URBAN DEVELOPMENT AREA

Article 2 (Request for Designation of Urban Development Area)

CHAPTER DESIGNATION OF URBAN DEVELOPMENT AREA When the head of a Gu (hereinafter referred to as the "head of a Gu") of Seoul Metropolitan City requests the Seoul Metropolitan City Mayor (hereinafter referred to as the "Mayor") to designate an urban development area pursuant to Article 3 (4) of the Urban Development Act (hereinafter referred to as the "Act"), where an area proposed to be designated as an urban development area spreads over not less than two Gus, the head of a Gu shall request the Mayor to designate an urban development area along with the written consent of other heads of Gus excluding the head of a Gu who requests designation of an urban development area. <Amended on May 29, 2007; Sep. 29, 2009>

Article 3 (Holding of Public Hearings)

- (1) Where the Mayor holds a public hearing to designate an urban development area pursuant to Article 7 of the Act, the persons interested, such as residents, owners of land or buildings, etc., in an urban development area may advance their opinions on designation of an urban development area to the Mayor within 14 days from the date a public hearing is held. In such cases, their opinions shall be advanced in writing and may be advanced via e-mail. <Amended on Sep. 29, 2009>
- (2) The Mayor may have a person who presides over a public hearing examines opinions heard at a public hearing and then advance his/her opinion on the examination.
- (3) The Mayor may reimburse necessary expenses, such as an allowance or travel expenses, etc., to the persons concerned, such as a person who presides over a public hearing and speakers participating in a public hearing, within budget limits: Provided, That this shall not apply to cases where a public official attends a public hearing in direct connection with his/her duties.
- (4) Where the Mayor deems opinions advanced pursuant to paragraph (1) or opinions heard at a public hearing reasonable, he/she shall reflect such opinions and advise presenters of opinions of whether he/she reflects their opinions in writing or via e-mail or by other appropriate means. <Amended on Sep. 29, 2009>

CHAPTER EXECUTION OF URBAN DEVELOPMENT PROJECT

Article 4 (Proposal for Designation of Urban Development Area)

CHAPTER EXECUTION OF URBAN DEVELOPMENT PROJECT Where the head of a Gu decides to accept designation of an urban development area proposed pursuant to Article 11 (5) of the Act and notifies the person who has proposed designation of the

fact, he/she shall request the Mayor to designate an urban development area within six months from the date he/she notifies: Provided, That where he/she fails to request designation within the period due to extenuating circumstances, he/she may extend the period for up to three months. <Amended on Sep. 29, 2009>

Article 5 (Detailed Standards for Preparation of Articles of Association)

Detailed standards for preparation of the articles of association of an association pursuant to Article 29 (2) of the Enforcement Decree of the Urban Development Act (hereinafter referred to as the "Decree") shall be as follows: <Amended on May 29, 2007; Sep. 29, 2009>

1. The name of the association shall use the name of the relevant project area followed by "urban development project association"; <Amended on Sep. 29, 2009>
2. A person who has been recommended by landowners from among not less than seven landowners entered jointly in a written application or selected at a general meeting of residents shall be selected as the representative of applicants; <Amended on Sep. 29, 2009>
3. The seat of the main office shall be located in the jurisdiction of the relevant Gu to which an urban development area belongs; <Amended on Sep. 29, 2009>
4. The number of members of an association shall be calculated based on a list of members of an association attached to a written application;
5. An association shall have executives to meet the following standards:
 - (a) One association president; <Amended on Sep. 29, 2009>
 - (b) Not less than three directors but not more than five directors (where owners of land, etc. are more than 100 persons, not less than five directors but not more than 15 directors); <Amended on Sep. 29, 2009>
 - (c) Two or three auditors. <Amended on Sep. 29, 2009>
6. Matters concerning each general meeting shall be as follows: <Amended on Sep. 29, 2009>
 - (a) The president of an association shall call a general meeting and the representative of applicants for approval of the establishment of an association shall call the inaugural general meeting;
 - (b) An ordinary general meeting shall be held not less than once a year and an extraordinary general meeting shall be held where the president of an association deems it necessary and not less than one-fifth of the total number of members of an association calls for it; <Amended on Sep. 29, 2009>
 - (c) The purpose, items on the agenda, the date, time, and place of an ordinary general meeting and extraordinary general meeting called by the president of an association shall be determined through a resolution of the board of directors;
 - (d) Where a general meeting is held, a notice in which the purpose, items on the agenda, the date, time, and place of a general meeting are mentioned shall be sent out to the members of an association seven days prior to holding the general meeting; <Amended on Sep. 29, 2009>
 - (e) A general meeting shall be held upon attendance of the majority of the members of an association, and its resolutions shall be made with the consent of the majority of the members of an association present;
 - (f) The minutes shall be prepared regarding the proceedings of a general meeting and shall be kept in the main office of an association.
7. Matters concerning a meeting of the representatives shall be as follows: <Amended on Sep. 29, 2009>
 - (a) Where an association has not less than 100 members, a meeting of the representatives may be formed; <Amended on Sep. 12, 2002; Sep. 29, 2009>
 - (b) The representatives shall be not less than ten percent of the total number of members of an association and shall be elected at a general meeting from among the members of an association; <Amended on Sep. 29, 2009>
 - (c) The term of office of a representative shall not exceed four years and the term of office of a representative who fills a vacancy shall be the remaining period of his/her predecessor; <Amended on Sep. 29, 2009>
 - (d) Where a general meeting is held, a notice in which the purpose, items on the agenda, the date, time, and place of a general meeting are mentioned shall be sent out to the members of an association seven days prior to holding the general meeting; <Amended on Sep. 29, 2009>
 - (e) Where a meeting of the representatives is called, a notice in which the purpose, items on the agenda, the date, time, and place of a meeting are mentioned shall be sent out to the representatives seven days prior to holding the meeting of the representatives; <Amended on Sep. 29, 2009>
8. Appraisal of land conducted in connection with designation of a substitute lot and settlement shall be determined through deliberation of the Land Appraisal Council based on the amount appraised by not less than two appraisal business operators as prescribed by the Public Notice of Values and Appraisal of Real Estate Act; <Amended on May 29, 2007; Sep. 29, 2009>
9. Regarding remuneration for executives, only full-time employees shall be paid;
10. Other necessary matters shall be prescribed by Rule. <Amended on Sep. 29, 2009>

Article 6 (Standards of Extremely Small Land)

The area of extremely small land referred to in Article 62 (2) of the Decree shall be less than 90 square meters. <Amended on Sep.

29, 2009>

Article 7 (Inspection of Completion)

(1) The Mayor shall conduct an inspection of completion of Class 1 and Class 2 structures under the Special Act on the Safety Control of Public Structures and important structures prescribed by Rule by entrusting a specialized safety inspection agency registered with the Minister of Land, Transport and Maritime Affairs pursuant to Article 9 of the same Act with the inspection of completion: Provided, That this need not apply to matters prescribed separately by Rule. <Amended on May 29, 2007; Other Laws and Regulations Amended on May 29, 2008; Amended on Sep. 29, 2009>

(2) A project manager shall bear expenses incurred in an inspection of completion, etc.

(3) Detailed matters necessary for the selection of an inspector of completion, bearing expenses for an inspection of completion, etc. shall be prescribed by Rule.

Article 8 (Collection and Grant of Settlement Moneys)

(1) Where the Seoul Metropolitan Government executes an urban development project by means of land substitution, settlement money shall be collected and granted according to the following standards: <Amended on Sep. 29, 2009>

1. Settlement money pursuant to Article 41 (1) of the Act shall be the price determined through deliberation of the Land Appraisal Council pursuant to Article 28 (4) of the Act after appraisal of an authorized appraisal agency; <Amended on Sep. 29, 2009>

2. Settlement money to be collected or granted according to a land substitution plan or disposition of land substitution shall be the amount calculated by multiplying the difference between the area with rights and that of a substitute lot by the appraised price; <Amended on Sep. 29, 2009>

3. In principle, settlement money collected or granted shall be collected or granted from the day following the disposition of land substitution; <Amended on Sep. 29, 2009>

4. Where settlement money collected has not been paid within the deadline for payment, it shall be collected with added interest equivalent to ten percent a year of settlement money defaulted from the overdue date: Provided, That this shall not apply to cases falling under any of the following items: <Amended on Sep. 29, 2009>

(a) Where a notice for payment has been delivered erroneously; <Amended on Sep. 29, 2009>

(b) State-owned land or public-owned land;

(c) Cases falling under reasons prescribed by Rule.

5. Where a person who has received a substitute lot of land subject to payment of settlement money collected fails to pay settlement money, registration shall be entrusted after credit equivalent to settlement money has been secured. <Amended on Sep. 29, 2009>

(2) In addition to matters prescribed by this Ordinance, necessary matters concerning the collection and grant of settlement money shall be prescribed by Rule.

[This Article Newly Inserted on Sep. 12, 2002]

CHAPTER SPECIAL ACCOUNTS FOR URBAN DEVELOPMENT

Article 9 (Establishment of Special Accounts)

CHAPTER SPECIAL ACCOUNTS FOR URBAN DEVELOPMENT(1) The Seoul Metropolitan City Mayor shall establish the Seoul Metropolitan Government Special Accounts for Urban Development (hereinafter referred to as the "Special Accounts") pursuant to Articles 60 (1) and 61 (3) of the Act. <Amended on Sep. 29, 2009>

(2) Examples of the general accounts shall apply mutatis mutandis to matters not prescribed by this Ordinance concerning the operation of the Special Accounts. <Amended on Sep. 29, 2009>

Article 10 (Ratio of Amount of Charges for Overpopulation Transferred to Special Accounts)

The ratio to be prescribed by the Ordinance for the amount of charges for overpopulation vested in the Seoul Metropolitan Government pursuant to Article 16 of the Seoul Metropolitan Area Readjustment Planning Act in Article 60 (2) 6 of the Act shall be 50 percent. <Amended on Sep. 29, 2009>

Article 11 (Uses of Special Accounts)

(1) Uses of the Special Accounts shall be as follows: <Amended on Sep. 29, 2009>

1. Costs of an urban development project executed by the Mayor (all expenses required for the execution of a project, such as design fees, cost of purchase, construction costs, resettlement subsidies, etc.);

2. Costs of an urban planning infrastructure project executed by the Mayor (including all expenses, such as design fees, cost of purchase, construction costs, resettlement subsidies, etc., incurred in a project executed for construction of urban planning infrastructure pursuant to subparagraph 7 of Article 2 of the National Land Planning and Utilization Act and the purchase price pursuant to Article 47 (2) of the Act; hereinafter the same shall apply); <Amended on Jul. 25, 2003; Sep. 29, 2009>

3. Costs of an urban planning infrastructure project executed by the head of a Gu for which the Mayor deems support from the Special Accounts is necessary;
 4. Subsidizing and financing of construction expenses for an urban development project and urban planning infrastructure project executed by a person other than the Mayor;
 5. Subsidizing operating expenses to inducing facilities, such as high-tech information and communications, scientific, cultural facilities, etc., for which the Mayor deems support is necessary in order to develop a model city; <Amended on Sep. 29, 2009>
 6. Subsidizing operating expenses to an energy conserving and eco-friendly development project, for which the Mayor deems support is necessary for a new town, etc.;
 7. Where an urban development project of an existing housing complex is executed by remodelling method, subsidizing and financing of construction expenses for such a project; <Amended on Sep. 29, 2009>
 8. Payment of the principal and interest of urban development bonds;
 9. Payment of the principal and interest of land redemption bonds issued by the Mayor pursuant to Article 23 of the Act; <Amended on Sep. 29, 2009>
 10. Investigation and research expenses for designation of an urban development area, the formulation of a plan and the development of a system therefor;
 11. Other expenses for the creation, operation and management of the Special Accounts. <Amended on Sep. 29, 2009>
- (2) Where the Mayor or the head of a Gu executes an urban planning infrastructure project in land allotted by the authorities in compensation for development outlay created by the previous land compartmentalization rearrangement project, he/she may appropriate land allotted by the authorities in compensation for development outlay in kind for operating expenses for the relevant urban planning infrastructure. <Amended on Sep. 29, 2009>
- (3) Notwithstanding the provisions of paragraph (1), the Mayor shall give preferential support from the Special Accounts to a project for public facilities which were planned at the time of the execution of a land compartmentalization rearrangement project in a land compartmentalization rearrangement project area in accordance with the previous Land Compartmentalization and Rearrangement Projects Act, but have not been constructed yet. <Amended on May 29, 2007; Sep. 29, 2009>

Article 12 (Scope of Subsidizing from Special Accounts)

Cases where the Mayor may subsidize from the Special Accounts pursuant to Article 61 of the Act may be prescribed by Rule within the extent referred to in the following subparagraphs: <Amended on Sep. 29, 2009>

1. Construction expenses for an urban development project or urban planning infrastructure project executed by the head of a Gu;
2. Construction expenses referred to in the following items executed by a person other than subparagraph 1: <Amended on Sep. 29, 2009>
 - (a) Not more than one-half of construction expenses required for construction of urban planning infrastructure of an urban development project; <Amended on Sep. 29, 2009>
 - (b) Construction expenses for an urban planning infrastructure project pursuant to subparagraph 10 of article 2 of the National Land Planning and Utilization Act. <Amended on Jul. 25, 2003; Sep. 29, 2009>

Article 13 (Limits of Financing from Special Accounts)

Cases where the Mayor may finance from the Special Accounts pursuant to Article 61 of the Act may be prescribed by Rule within the extent referred to in the following subparagraphs: <Amended on Sep. 29, 2009>

1. Not more than one-half of construction expenses for an urban planning infrastructure project pursuant to subparagraph 10 of Article 2 of the National Land Planning and Utilization Act executed by the head of a Gu; <Amended on Sep. 12, 2002; Jul. 25, 2003; Sep. 29, 2009>
2. Not more than one-third of construction expenses referred to in the following items executed by a person other than subparagraph 1: <Amended on Sep. 29, 2009>
 - (a) Construction expenses required for construction of urban planning infrastructure of an urban development project; <Amended on Sep. 29, 2009>
 - (b) Construction expenses for an urban planning infrastructure project pursuant to subparagraph 10 of article 2 of the National Land Planning and Utilization Act. <Amended on Jul. 25, 2003; Sep. 29, 2009>

Article 14 (Conditions of Financing from Special Accounts)

- (1) Where a loan is used for other than its intended purpose, the Mayor may recover the whole or part of the loan even before the date for redemption.
- (2) The period for redemption, interest rate and overdue interest, etc. of a loan shall be prescribed by Rule.
- (3) A loan shall be in accordance with an agreement made by and between the Mayor and the head of an agency subject to financing (hereinafter referred to as "financing agency"). <Amended on Sep. 29, 2009>

CHAPTER URBAN DEVELOPMENT BONDS <Amended on Sep. 29, 2009>

Article 15 (Issuance of Urban Development Bonds)

CHAPTER URBAN DEVELOPMENT BONDS <Amended on Sep. 29, 2009>(1) Where the Mayor issues urban development bonds (hereinafter referred to as "bonds") pursuant to Article 83 of the Decree, he/she shall issue bonds after designation of the Korea Securities Depository in accordance with the provisions of Article 294 of the Financial Investment Services and Capital Markets Act as a registration agency. <Amended on Sep. 29, 2009>

(2) The Mayor may entrust the Seoul Metropolitan Government Treasury with the business concerning registration of bonds pursuant to paragraph (1). <Amended on Sep. 29, 2009>

(3) The Mayor shall redeem bonds in equal installments with a seven-year grace period and he/she shall determine the interest rate thereon, which shall not exceed five percent per annum, with approval of the Minister of Public Administration and Security pursuant to Article 124 of the Local Autonomy Act. <Amended on Dec. 26, 2007; Other Laws and Regulations Amended on May 29, 2008; Amended on Sep. 29, 2009>

Article 16 (Period for Preservation of Deeds of Purchase and Certificates of Purchase)

The period for preservation of specimen of bonds, interim redemptions, redemptions at maturity, deeds of purchase and certificates of purchase of the unused bonds shall be prescribed by Rule. <Amended on Sep. 29, 2009>

Article 17 (Purchasing Amount of Bonds)

The purchasing amount of bonds shall be the amount referred to in subparagraph 1 of attached Table 1 of the Decree. <Amended on Sep. 29, 2009>

CHAPTER OPERATION OF LAND APPRAISAL COUNCIL <Newly Inserted on May 29, 2007; Amended on Sep. 29, 2009>

Article 18 (Establishment of Council)

CHAPTER OPERATION OF LAND APPRAISAL COUNCIL <Newly Inserted on May 29, 2007; Amended on Sep. 29, 2009>The Mayor shall establish and operate the Seoul Metropolitan Government Land Appraisal Council (hereinafter referred to as the "Council") to appraise the price of land created, etc. pursuant to Article 28 (3) of the Act. <Amended on Sep. 29, 2009>

Article 19 (Functions)

The Council shall deliberate on matters referred to in the following subparagraphs: <Amended on Sep. 29, 2009>

1. Matters concerning the prices of land for the formulation of a land substitution plan;
2. Matters concerning the prices of land for determination of settlement money;
3. Matters concerning the prices of land for determination of settlement money of a non-substitute lot;
4. Other matters concerning the prices of land deemed necessary for the execution of a project. <Amended on Sep. 29, 2009>

Article 20 (Formation)

(1) The Council shall be comprised of not more than 25 members including one chairperson and one vice chairperson. <Amended on Sep. 29, 2009>

(2) The Director of Urban Planning Bureau shall be the chairperson and the vice chairperson shall be elected by the Council from among its members. <Amended on Sep. 29, 2009>

(3) The officer in charge of the budget, the head of Finance Section, the head of Urban Planning Section, the head of Land Management Section, the officer in charge of road administration, the officer in charge of road management shall be ex officio members. <Amended on Sep. 29, 2009>

(4) The Mayor shall appoint members from among persons falling under any of the following subparagraphs: <Amended on Sep. 29, 2009>

1. A person who has expert knowledge concerning land appraisal;
2. A person who has profound knowledge or wide experience in connection with urban development projects;
3. A landowner in the relevant urban development area. <Amended on Sep. 29, 2009>

Article 21 (Term of Office)

The term of office of an appointed member shall be two years and he/she may be reappointed only once: Provided, That the term of office of a member who fills a vacancy shall be the remaining period of his/her predecessor. <Amended on Sep. 29, 2009>

Article 22 (Duties of Chairperson)

(1) The chairperson shall represent the Council and preside over its affairs. <Amended on Sep. 29, 2009>

(2) The vice chairperson shall assist the chairperson and shall perform duties of the chairperson for him/her where the latter is

unable to perform his/her duties owing to unavoidable circumstances, and where both the chairperson and the vice chairperson are unable to perform duties of the chairperson due to extraordinary circumstances, a person who has been appointed in advance shall perform duties of the chairperson for him/her. <Amended on Sep. 29, 2009>

Article 23 (Meeting)

(1) The chairperson shall call a meeting where he/she deems it necessary, and shall preside over the meeting. <Amended on Sep. 29, 2009>

(2) A meeting of the Council shall be comprised of not less than 13 members designated by the chairperson at the time of each meeting. <Amended on Sep. 29, 2009>

(3) A meeting of the Council shall be held upon attendance of the majority of the members pursuant to paragraph (2) and its resolutions shall be made with the consent of the majority of the members present. <Amended on Sep. 29, 2009>

Article 24 (Administrative Secretary and Clerk)

(1) The administrative secretary and clerk shall be assigned to the Council to conduct its business. <Amended on Sep. 29, 2009>

(2) The head of Urban Management Section shall be the administrative secretary and a Grade official in charge shall be the clerk. <Amended on Sep. 29, 2009>

(3) The clerk shall prepare and keep the minutes. <Amended on Sep. 29, 2009>

Article 25 (Allowance and Travelling Expenses)

The Mayor may pay an allowance and reimburse travel expenses, etc. to members present at a meeting of the Council within budget limits: Provided, That this shall not apply to cases where a public official attends a meeting in direct connection with his/her duties.

CHAPTER SUPPLEMENTARY PROVISIONS <Amended on Sep. 12, 2002; Sep. 29, 2009>

Article 26 (Transfer of Relevant Documents)

CHAPTER SUPPLEMENTARY PROVISIONS <Amended on Sep. 12, 2002; Sep. 29, 2009>(1) Documents or drawings a project manager who is not an administrative agency ought to transfer when he/she completes or cancels an urban development project pursuant to Article 70 (3) of the Act shall be as follows: <Amended on Sep. 29, 2009>

1. Documents and drawings (including A3 reduced drawings);
2. Computer-aided design (CAD) for as-built drawings;
3. 16 mm roll microfilm for documents and 35 mm roll microfilm for drawings; <Amended on Sep. 29, 2009>
4. Compact disks (CD-ROM) for documents and drawings.

(2) A project manager who is not an administrative agency shall submit relevant documents in accordance with the provisions of paragraph (1) to the head of the competent Gu, and the head of the Gu shall transfer a copy of documents submitted to the Mayor.

Article 27 (Delegation and Entrustment of Authority)

(1) The Mayor shall delegate the following affairs pertaining to his/her authority to the head of a Gu pursuant to Article 79 (2) of the Act; <Amended on Sep. 29, 2009>

1. Affairs concerning approval of the establishment of an association pursuant to Article 13 of the Act; <Newly Inserted on Sep. 29, 2009>
2. Affairs concerning the supervision of construction pursuant to Article 20 of the Act. <Newly Inserted on Sep. 29, 2009>

(2) Affairs delegated under paragraph (1) shall be deemed inclusive of affairs incidental thereto unless there are special provisions. <Newly Inserted on Sep. 29, 2009>

(3) Where the head of a Gu conducts affairs delegated pursuant to paragraph (1), he/she shall report the result thereof to the Mayor. <Newly Inserted on Sep. 29, 2009>

(4) The Mayor may entrust a financing agency with some of affairs concerning financing from the Special Accounts for urban development. <Newly Inserted on Sep. 29, 2009>

[This Article Newly Inserted on Sep. 12, 2002]

ADDENDA

(1) (Enforcement Date)

This Ordinance shall enter into force on the date of its promulgation: Provided, That the provisions of Article 8 shall enter into force on January 1, 2002.

(2) (Reversion of Balance of Execution of Special Accounts of Working Expenses for Land Compartmentalization Rearrangement Projects)

Revenue, such as the balance of the execution of the Special Accounts of working expenses for land compartmentalization

rearrangement projects of the Seoul Metropolitan Government (including land allotted by the authorities in compensation for development outlay unsold and settlement money uncollected) in accordance with the provisions of paragraph (3) of Addenda to the Decree, etc., shall be vested in the Special Accounts on the date of the establishment of the Special Accounts.

(3) (Transitional Measures concerning Accounts)

Matters conducted in accordance with the provisions of the Seoul Metropolitan Government Ordinance on the Establishment of the Special Accounts of Working Expenses for Land Compartmentalization Rearrangement Projects before this Ordinance enters into force shall be deemed matters conducted in accordance with the provisions of this Ordinance.

(4) (Transitional Measures concerning Financial Investment and Financing Fund)

The balance of the execution of the Special Accounts of Working Expenses for Land Compartmentalization Rearrangement Projects of the Seoul Metropolitan Government deposited in the Seoul Metropolitan Financial Investment and Financing Fund shall be vested in the Special Accounts on the date the period of deposit expires.

(5) (Repeal of other Ordinances)

The Seoul Metropolitan Government Ordinance on the Establishment of the Special Accounts of Working Expenses for Land Compartmentalization Rearrangement Projects shall be repealed on January 1, 2002.