SEOUL METROPOLITAN GOVERNMENT ORDINANCE ON THE PROMOTION OF SHARING

Enactment No. 5396, Dec. 31, 2012
Partial Amendment No. 5619, Jan. 09, 2014
Amendment of Other Laws No. 5930, May. 14, 2015
Partial Amendment No. 6002, Oct. 08, 2015
Amendment of Other Laws No. 6386, Jan. 05, 2017
Partial Amendment No. 6632, Sep. 21, 2017
Partial Amendment No. 7034, Mar. 28, 2019
Amendment of Other Laws No. 7423, Dec. 31, 2019
Partial Amendment No. 7602, Jul. 16, 2020
Amendment of Other Laws No. 7782, Dec. 31, 2020

Article 1 (Purposes)

The purpose of this Ordinance is to provide for matters necessary to maximize the utilization of resources, recover communities and revitalize the regional economy through the promotion of sharing.

Article 2 (Definitions)

The definitions of terms used in this Ordinance shall be as follows: <Amended by Ordinance No. 5619, Jan. 9, 2014; Ordinance No. 6002, Oct. 8, 2015>

1. The term "sharing" (hereinafter referred to as "sharing") means activities that create social, economic and environmental values by jointly using resources, such as space, goods, information, talent and experience including the sharing economy utilizing the information and communications technology;
2. The term "sharing organization" means an organization or corporation designated pursuant to Article 8, which is a nonprofit, nongovernmental organization or nonprofit corporation which intends to contribute to the solution of social problems, such as economy, welfare, culture, environment, and traffic, through sharing;
3. The term "sharing enterprise" means an enterprise designated pursuant to Article 8, which is an enterprise intending to contribute to solving social problems, such as economy, welfare, culture, environment and traffic, through sharing;
4. The term "excellent participant in sharing" means an individual, organization, corporation, enterprise, etc. deemed to have proactively participated in sharing activities or to have contributed to promoting sharing pursuant to Article 9-2.

Article 3 (Responsibilities and Duties of Mayor)

(1) The Mayor shall endeavor so that public resources of Seoul Metropolitan Government (hereinafter referred to as the "Seoul Government ") and the City-invested or funded institutions may be shared.
(2) The Mayor shall provide necessary support so that citizens' and enterprises' sharing of private resources may be promoted.

Article 4 (Participation of Citizens, etc.)

Citizens and enterprises shall proactively participate in leading the discovery of sharing areas and practice and the promotion of sharing.

Article 5 (Policies for Promotion of Sharing)

The Mayor shall proactively promote related policies including the following for the promotion of sharing:

1. Support for the discovery of sharing areas and practice;
2. Promotion of and support for sharing organizations and sharing enterprises;
3. Dissemination of awareness for the promotion of sharing;
4. Improvement of laws and regulations and systems for the promotion of sharing;
5. Cooperation among Korean and foreign organizations, enterprises and institutions related to sharing; and
6. Other matters deemed necessary for the promotion of sharing.

Article 5-2 (Establishment and Enforcement of Master Plan)

(1) The Major shall establish and enforce the master plan (hereinafter referred to as the "master plan") for the promotion of sharing every five years.
(2) The master plan shall include each of the following:

1. Objectives and direction-setting for the master plan;
2. Matters concerning the development of policies for the promotion of sharing;
3. Matters concerning the designation of sharing organization and enterprise;
4. Matters concerning the supply of resources for the promotion of sharing;
5. Matters concerning the improvement of system for the promotion of sharing;

6. Other matters necessary for the promotion of sharing.
(3) If necessary for establishing and enforcing the master plan, the Major may request the cooperation of institutions, organizations, etc. associated with sharing by presenting the opinion or submitting data. In such cases, institutions, organizations, etc. in receipt of a request for cooperation shall cooperate with him/her except in extenuating circumstances.
(4) The Major shall establish and enforce the enforcement plan every year in accordance with the master plan, and evaluate its result.
[This Article Newly Inserted by Ordinance No. 6002, Oct. 8, 2015]

Article 5-3 (Status Survey)
(1) The Major may conduct a survey on sharing status to establish and promote efficiently the master plan and enforcement plan.
(2) The Major may conduct the status survey under paragraph (1) by entrusting it with an institution, association, etc. associated with sharing. In such cases, he/she may partially subsidize necessary expenses within the budget.
[This Article Newly Inserted by Ordinance No. 6002, Oct. 8, 2015]

Article 5-4 (Advisory Group for Improving Sharing System)
The Major may establish the private and public joint advisory group for improving sharing system (hereinafter referred to as the "advisory group") to improve conflicting contents within the existing laws and system and prepare progressive alternatives to vitalize sharing.
[This Article Newly Inserted by Ordinance No. 6002, Oct. 8, 2015]

Article 6 (Relationship to Other Acts and Subordinate Statutes and Ordinances)
Except as otherwise expressly provided by other statutes or Ordinances, this Ordinance shall apply to the promotion of sharing.

Article 7 (Cooperation and Support with Autonomous Gus)
(1) The Major shall support autonomous Gus' policies for promoting sharing and promote policies for promoting sharing in proactive cooperation with autonomous Gus. <Amended by Ordinance No. 6632, Sep. 21, 2017>
(2) The Major may provide necessary support such as subsidies within the budget to support sharing business of autonomous Gu. <Newly Inserted by Ordinance No. 6632, Sep. 21, 2017>

Article 8 (Designation of Sharing Organizations and Sharing Enterprises)
(1) The Mayor may designate an organization, corporation or enterprise which intends to solve social problems through sharing as a sharing organization or sharing enterprise following deliberations by the Sharing Promotion Committee of Seoul Metropolitan Government (hereinafter referred to as the "Committee") under Article 11 among nonprofit, nongovernmental organizations under the Assistance for Nonprofit, Nongovernmental Organizations Act, nonprofit corporations under the Civil Act, small and medium enterprises under the Framework Act on Small and Medium Enterprises, social enterprises or preliminary social enterprises under Seoul Metropolitan Government Ordinance on the Promotion of Social Enterprises, and cooperatives under the Framework Act on Cooperatives or the Consumer Cooperatives Act.
(2) Sharing organizations and sharing enterprises designated pursuant to paragraph (1) shall proactively endeavor to disseminate sharing culture and to promote citizens' convenience.
(3) Specific matters concerning the scope of social problems referred to in paragraph (1), requirements for designation of sharing organizations and sharing enterprises, procedures for designation, revocation of designation, etc. shall be prescribed by rule. <Amended by Ordinance No. 5619, Jan. 9, 2014>

Article 8-2 (Support for Organizations and Enterprises Before Designation)
Where the Mayor deems it necessary, he/she may provide administrative support, such as public relations and consulting, to an organization or enterprise which provides sharing services following deliberations by the Committee even before it is designated as a sharing organization or sharing enterprise.
[This Article Newly Inserted by Ordinance No. 5619, Jan. 9, 2014]

Article 9 (Provision of Subsidies, etc.)
(1) The Mayor may provide subsidies, etc. to sharing organizations or sharing enterprises following deliberations by the Committee within the budget, and provide administrative support, such as the improvement of systems. <Amended by Ordinance No. 5619, Jan. 9, 2014>
(2) The Mayor shall not provide a subsidy for services for which a sharing organization or sharing enterprise receives a subsidy from Seoul Metropolitan Government or an autonomous Gu for the same purpose in the relevant fiscal year in an overlapping manner.
(3) A sharing organization or sharing enterprise which receives a subsidy pursuant to paragraph (1) shall enter into an agreement on the provision of subsidies with Seoul Metropolitan Government according to procedures provided by Seoul Metropolitan Government, establish a special account on such subsidies, and manages revenues and expenditures separately. <Amended by Ordinance No. 5619, Jan. 9, 2014>

(4) Sharing organizations and sharing enterprises shall conscientiously perform subsidized services in accordance with an agreement referred to in paragraph (3), and shall not use subsidies for other purposes.
(5) Where a sharing organization or sharing enterprise uses a subsidy in an unlawful or inappropriate manner, the Mayor may revoke the designation of such sharing organization or sharing enterprise. <Amended by Ordinance No. 5619, Jan. 9, 2014>
(6) Specific matters concerning the reporting of results, settlement of accounts, inspection and supervision of subsidies, the punishment on the unlawful or inappropriate use of subsidies, etc. shall be governed by Seoul Metropolitan Government Ordinance on Management of Local Subsidies and Seoul Metropolitan Government Ordinance on Provision of Subsidies to Social Organization. <Amended by Ordinance No. 5930, May 14, 2015>

Article 9-2 (Support to Excellent Participants in Sharing, etc.)

(1) The Mayor may recognize an individual, organization, corporation, enterprise, etc. that has proactively participated in sharing activities or contributed to the promotion of sharing as an excellent participant in sharing following deliberations by the Committee.
(2) The Major may provide necessary support such as subsidies under Article 9 (1) to an excellent participant in sharing recognized pursuant to paragraph (1) through the deliberation by the Committee. <Amended by Ordinance No. 6632, Sep. 21, 2017>
(3) The Mayor may officially commend an individual, organization, corporation, enterprise and public official under his/her command who has rendered distinguished services for the promotion of sharing pursuant to Seoul Metropolitan Government Ordinance on Official Commendation.
[This Article Newly Inserted by Ordinance No. 5619, Jan. 9, 2014]

Article 10 (Provision of Funds, etc. from Small and Medium Enterprises Promotion Fund)

(1) The Mayor may provide funds from the Small and Medium Enterprises Fund, credit guarantee, etc. to sharing enterprises. <Amended by Ordinance No. 5619, Jan. 9, 2014>
(2) Where necessary for public interest, the Mayor may permit a sharing organization or sharing enterprise to use a public facility and reduce a user fee, etc. <Amended by Ordinance No. 5619, Jan. 9, 2014>
(3) Specific matters concerning the provision of funds under paragraph (1) and the reduction of user fees under paragraph (2) shall be as prescribed by individual Ordinance and Rule.

Article 11 (Establishment of Sharing Promotion Committee)

(1) The Mayor shall establish the Sharing Promotion Committee of Seoul Metropolitan Government under his/her command in order to deliberate and render advice on policies for the promotion of sharing and support for sharing organizations or sharing enterprises. <Amended by Ordinance No. 5619, Jan. 9, 2014>
(2) The Committee shall be composed of not more than 15 members including one chairperson and one vice chairperson.
(3) The chairperson shall be elected by the Committee from among its commissioned members and a public official on the level of director in charge of innovations shall be the vice chairperson.
(4) A public official on the level of director in charge of innovations shall be an ex officio member and the Mayor shall commission commissioned members among any of the following persons: <Amended by Ordinance No. 5619, Jan. 9, 2014>
1. Two members of the Seoul Metropolitan Government Council recommended by the chairperson of the Seoul Metropolitan Government Council;
2. A person who has experience in conducting research related to sharing in academic circles;
3. A person who has experience in conducting affairs related to sharing in a nonprofit, nongovernmental organization, nonprofit corporation, small and medium enterprise or social enterprise;
4. A person who has experience in conducting social activities related to sharing, who is an attorney-at-law or certified public accountant;
5. A person who was or is in charge of affairs related to sharing, who is a pubic official of Class IV or higher'
6. Other person deemed qualified corresponding to any provision of subparagraphs 2 through 5.
(5) The term of office of an ex officio member shall be a period during which he/she holds office, and the terms of office of commissioned members shall be three years and they may serve consecutive terms only once: Provided, That the term of office of a member who fills a vacancy shall be the remainder of the unexpired term of his/her predecessor.
(6) One administrative secretary shall be designated in order to conduct affairs of the Committee and an officer in charge of social innovation shall be the administrative secretary.

Article 12 (Functions of Committee)

The Committee shall deliberate on and render advice on the following matters: <Amended by Ordinance No. 5619, Jan. 9, 2014>
1. Deliberation on the designation of sharing organizations or sharing enterprises and the revocation thereof;
2. Deliberation on employees of sharing organizations, sharing enterprises, and autonomous Gus;
3. Deliberation on the recognition of excellent participants in sharing, support thereto, etc.;
4. Advice on the formulation and evaluation of policies for the promotion of sharing;
5. Advice on the improvement of laws and regulations and systems for the promotion of sharing;
6. Advice on other matters the Mayor deems necessary in order to promote sharing.

Article 13 (Meetings)

(1) The chairperson shall convene meetings of the Committee and preside over the meetings.

(2) The chairperson shall convene meetings of the Committee in cases referred to in the following: <Amended by Ordinance No. 6386, Jan. 5, 2017>

1. Where the Mayor requests to convene a meeting;
2. Where at least one third of the incumbent members request to convene a meeting;
3. Other cases deemed necessary by the chairperson to convene a meeting.

(3) The Committee shall hold meetings when the majority of the incumbent members attend, and pass resolutions with the consent of the majority of members present.

(4) Among the members, a member who has interest in an item on the agenda subject to deliberation and advice shall not participate in the relevant deliberation and advice, and where a member becomes aware that he/she has interest in the relevant item on the agenda, he/she shall not participate in deliberation and advice on such item on the agenda.

(5) If necessary, the Committee may require public officials and experts related to items on the agenda attend meetings to hear their opinions, or request them to submit necessary data.

Article 14 (Allowances and Travel Expenses)

Allowances and travel expenses may be paid to the members who have participated in the Committee meetings and Advisory Group meetings within the budget according to the Seoul Metropolitan Government Ordinance on the Payment of Allowances and Travel Expenses. <Amended by Ordinance No. 6002, Oct. 8, 2015>

Article 15 (Enforcement Rule)

Detailed matters necessary for the enforcement of this Ordinance shall be prescribed by rule.

ADDENDUM

This Ordinance shall enter into force on the date of its promulgation.

ADDENDUM <Ordinance No. 5619, Jan. 9, 2014>

This Ordinance shall enter into force on the date of its promulgation.

ADDENDA <Ordinance No. 5930, May 14, 2015>

Article 1 (Enforcement Date)

This Ordinance shall enter into force on the date of its promulgation.

Article 2 through 5 Omitted.

ADDENDUM <Ordinance No. 6002, Oct. 8, 2015>

This Ordinance shall enter into force on the date of its promulgation.

ADDENDUM <Ordinance No. 6386, Jan. 5, 2017>

This Ordinance shall enter into force on the date of its promulgation.

ADDENDUM <Ordinance No. 6632, Sep. 21, 2017>

This Ordinance shall enter into force on the date of its promulgation.