SEOUL METROPOLITAN GOVERNMENT ORDINANCE ON PUBLIC DESIGN PROMOTION

Enactment No. 7028, Mar. 28, 2019
Partial Amendment No. 7173, May. 16, 2019
Amendment of Other Laws No. 7423, Dec. 31, 2019
Amendment of Other Laws No. 7782, Dec. 31, 2020
Partial Amendment No. 8163, Sep. 30, 2021

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

CHAPTER I GENERAL PROVISIONSThe purpose of this Ordinance is to provide for matters mandated by the Public Design Promotion Act and matters necessary for the public design policies of the Seoul Metropolitan Government, in order to enhance the identity and dignity of the Seoul Metropolitan Government, solve social problems, and promote sustainable development, thereby contributing to the improvement of citizens' right to enjoy culture and citizens' quality of life.

Article 2 (Definitions)

The terms used in this Ordinance are defined as follows:
1. "Public design" means designing and the resultant output, conducted by the Seoul Metropolitan Government (hereinafter referred to as the "Seoul Government"), a local public enterprise established by the Seoul Government, or an institution invested in or funded by the Seoul Government (hereinafter referred to as "public institution, etc.") to enhance the public and aesthetic value of public facilities, etc.
2. "Public design project" means planning, surveys, analysis, advisement, designing, manufacturing, installation, management, etc. related to projects conducted by the Seoul Government, public institutions, etc. to create public value through design.
3. "Public facilities, etc." means facilities, supplies, visual images, etc. (including facilities, supplies, visual images, etc. intended for donation) created, manufactured, installed, operated, or managed by the Seoul Government, public institutions, etc.
4. "Social problem-solving design," "urban environmental design for crime prevention," and "universal design" shall have the meanings attributed to each term respectively in Article 2 of the Seoul Metropolitan Government Ordinance on Social Problem-Solving Design, Article 2 of the Seoul Metropolitan Government Ordinance on Urban Environmental Design for Crime Prevention, and Article 2 of the Seoul Metropolitan Government Framework Ordinance on Creation of Universal Design City.

Article 3 (Responsibilities of Mayor)

(1) The Mayor of the Seoul Metropolitan Government (hereinafter referred to as the "Mayor") shall formulate and implement policies necessary for promoting public design and improving the quality of public design, and shall endeavor to expand necessary financial resources.
(2) The Mayor shall cooperate with relevant institutions in formulating and implementing policies under paragraph (1) for the comprehensive, systematic, and integrated management of public design.

Article 4 (Relationship to Other Ordinances of the Seoul Government)

Except as otherwise provided with regard to public design in other Ordinances, this Ordinance shall apply.

CHAPTER II FORMULATION OF PUBLIC DESIGN PROMOTION PLAN

Article 5 (Formulation and Implementation of Promotion Plan)

CHAPTER II FORMULATION OF PUBLIC DESIGN PROMOTION PLAN(1) The Mayor shall formulate and implement a public design promotion plan of the Seoul Metropolitan Government (hereinafter referred to as "promotion plan") every five years pursuant to Article 6 of the Public Design Promotion Act (hereinafter referred to as the "Act").
(2) The promotion plan under paragraph (1) shall include the following:
1. Matters concerning the basic goals and direction of public design promotion;
2. Matters concerning the establishment and management of public design and the comprehensive and systematic promotion for each area, district, region, and street;
3. Matters concerning projects for the promotion of public design;
4. Matters concerning surveys on the actual condition of public design and improvement of the system;
5. Matters concerning quality control and dissemination of public design;
6. Matters concerning cooperation in public design-related fields and participation of local residents;
7. Other matters that the Mayor deems necessary for the promotion of public design.
(3) Where the Mayor formulates or modifies the promotion plan, he or she shall submit such formulation or modification for

deliberation to the Public Design Promotion Committee of the Seoul Government under Article 8, and shall ensure that the plan is linked to a comprehensive plan for promoting public design under Article 5 (1) of the Act.
(4) Where the Mayor formulates or modifies the promotion plan pursuant to paragraphs (1) or (3), he or she shall publish it on the Official Gazette or the website of the Seoul Government.

Article 6 (Formulation of Public Design Guidelines)

(1) The Mayor shall formulate public design guidelines (hereinafter referred to as "guidelines") for public facilities, etc. that conform to the basic goals and direction of the promotion plan under Article 5 and the principles for project implementation under Article 22.
(2) The guidelines shall include detailed standards according to the classification of public facilities, etc.
(3) The guidelines shall incorporate detailed implementation plans for the promotion plan under Article 5.
(4) Where the guidelines are to be formulated or modified, such formulation or modification shall be subject to deliberation by the Public Design Promotion Committee of the Seoul Government under Article 8.
(5) The Mayor, the head of an autonomous Gu (hereinafter referred to as the "head of a Gu"), the heads of other public institutions, etc. shall apply the guidelines mutatis mutandis in implementing projects for public facilities, etc.

Article 7 (Resident Participation)

(1) Where the Mayor formulates or modifies the promotion plan, he or she shall publish the details in advance on the Official Gazette or the website of the Seoul Government.
(2) When the Mayor publishes as prescribed in paragraph (1), he or she shall include methods for submitting opinions on the formulation or modification of the promotion plan so that citizens and interested parties can submit their opinions.
(3) Upon receipt of an opinion under paragraph (2), the Mayor shall notify the person who submitted the opinion of the result in writing, by e-mail, or on the website.
(4) Where necessary for the formulation or modification of the promotion plan, the Mayor may hold a public hearing to gather opinions from citizens, relevant experts, etc.
(5) Anyone who has an opinion on the promotion plan may attend a public hearing and state his or her opinion in person or submit his or her opinion in writing or via the Internet to the Mayor within seven days of the public hearing.
(6) The Mayor shall communicate the results as to how the opinions have been addressed by such means as notifying the presenters, submitters of opinions, etc. or posting on the website; and, if necessary, may seek advice from the Public Design Promotion Committee of the Seoul Metropolitan Government about the submitted opinion.

CHAPTER III PUBLIC DESIGN PROMOTION COMMITTEE

Article 8 (Establishment and Functions of Committee)

CHAPTER III PUBLIC DESIGN PROMOTION COMMITTEE(1) The Mayor shall establish the Public Design Promotion Committee of the Seoul Metropolitan Government (hereinafter referred to as the "Committee") in order to deliberate or offer advice on the following matters related to the promotion of public design: <Amended on Dec. 31, 2020>
1. Matters concerning the improvement of policies and systems related to the promotion of public design;
2. Matters concerning the formulation and modification of the promotion plan;
3. Matters concerning the formulation and modification of the guidelines;
4. Matters concerning compliance with the details to be examined for facilities (Table 1) and design projects (Table 2) subject to deliberation for public design;
5. Matters concerning the implementation of and support for public design projects;
6. Matters concerning certification of excellent public designs;
7. Matters concerning support for project costs under Article 24 (7);
8. Matters concerning projects under the subparagraphs of Article 8 (1) of the Seoul Metropolitan Government Ordinance on Social Problem-Solving Design;
9. Matters to be deliberated upon by the Committee for Urban Environmental Design for Crime Prevention under the subparagraphs of Article 9 (1) of the Seoul Metropolitan Government Ordinance on Urban Environmental Design for Crime Prevention;
10. Matters to be deliberated upon by the Committee for Creation of Universal Design City under the subparagraphs of Article 13 (4) of the Seoul Metropolitan Government Framework Ordinance on Creation of Universal Design City;
11. Matters to be deliberated upon (except for facilities for night landscape) under Article 25 (2) 2 of the Seoul Metropolitan Government Ordinance on Landscape;
12. Other matters for the promotion of public design which are deemed necessary by the Mayor.
(2) Notwithstanding paragraph (1), the deliberation by the Committee may be omitted in any of the following cases:
1. Where there is no change in external design in cases where simple repair or replacement work is done on existing facilities;
2. Where products certified for excellent public design or standard design is applied on the subjects of deliberation.

Article 9 (Composition of Committee)

(1) The Committee shall be composed of no more than 50 members, including one chairperson and two vice chairpersons, but, pursuant to the main clause of Article 21 (2) of the Framework Act on Gender Equality, a particular gender shall not exceed 6/10 of the number of members commissioned: Provided, That the foregoing shall not apply where any unavoidable reason, such as lack of professional workforce of a particular gender in the relevant field, is deemed to exist, and the working committee on gender equality adopts a resolution thereon in accordance with the proviso to the same paragraph.

(2) The chairperson shall be a private expert who is commissioned by the Mayor from among the members, and two vice chairpersons shall be elected by and from among the members.

(3) The members of the Committee shall be appointed or commissioned by the Mayor from among the following persons who have abundant knowledge and experience in fields related to the promotion of public design, such as space, industry, visuals, services, crime prevention, universal, landscape design and architecture, landscaping, structure, transportation, sociology, and policy studies, and persons with disabilities must be included: <Amended on May 16, 2019>

1. Three members of standing committees under the jurisdiction of the Seoul Metropolitan Council;
2. A person who is currently serving as a professor (including associate professor and assistant professor) in a related field at a university;
3. A researcher at the research fellow level or higher at a research institute.
4. A person qualified as a professional engineer, master craftsman, or engineer under the National Technical Qualifications Act or a certified architect under the Certified Architects Act;
5. A person who has research or practical experience in the relevant field for at least three years after obtaining a doctoral degree or at least seven years after obtaining a master's degree;
6. A person recognized by the Mayor as having professional knowledge and practical experience equivalent to the persons under subparagraphs 2 through 5;
7. The Chief Officer of Culture becomes an ex officio member.

Article 10 (Term of Office of Committee Members)

(5) The term of office of commissioned members shall be two years, and they may be reappointed only once.

Article 11 (Disqualification of, Challenge to, and Recusal of Members)

(1) If a member of the Committee is subject to any of the following cases, he or she shall be disqualified from participating in the deliberation and advisement of the Committee:

1. Where the member or his or her current or former spouse is either a party to the relevant agenda item or a joint right holder or joint obligor with the party to the relevant agenda item;
2. Where the member is or was a relative of the person directly involved in the relevant agenda item;
3. Where the member has given testimony, made a statement, rendered advice, conducted research, provided a service, or made an appraisal with regard to the relevant agenda item;
4. Where the member or a corporation to which the member belongs is or was an agent of a party to the relevant agenda item;

(2) A party to an agenda item may file a challenge request with the Committee if there is a reason to disqualify a member as prescribed in paragraph (1) or if there are circumstances in which it is difficult to expect fair deliberation and advisement from a member, and the Committee shall make a decision on the challenge by vote. In such cases, the member in question shall not participate in the deliberation and advisement.

(3) If a member is subject to any of the reasons for disqualification under the subparagraphs of paragraph (1), he or she shall recuse himself or herself from deliberation and advisement on the relevant agenda item.

(4) The chairperson shall, prior to the opening of the Committee meeting, inform the deliberating members of the matters under paragraph (1); and if there is a member being challenged under paragraph (2) or who has reason to recuse himself or herself under paragraph (3), the chairperson shall disqualify the relevant member from deliberation and advisement on the relevant agenda item. <Amended on Dec. 31, 2019>

Article 12 (Dismissal of Committee Members)

If a member is subject to any of the following cases, the Mayor may dismiss the member even before the expiration of his or her term of office: Provided, That in cases of subparagraph 6, the Mayor must dismiss the member:

1. Where the member expresses that it is difficult to perform his or her duties;
2. Where it is difficult for the member to perform duties for such reasons as a disease requiring long-term treatment or overseas travel for six months or longer;
3. Where the member divulges confidential information learned in connection with the Committee duties or takes personal advantage by using such information;
4. Where the member fails to recuse himself or herself despite coming under any subparagraph of Article 11 (1);
5. Where the member is deemed unfit to serve due to neglect of duty, loss of dignity, or any other reason;
6. Where there is a misconduct in relation to the Committee duties or any misconduct has occurred that renders the member

unsuitable to maintain membership in the Committee.

Article 13 (Duties of Chairperson)

(1) The chairperson shall represent the Committee and exercise general control over its affairs.
(2) If the chairperson is unable to perform his or her duties due to unavoidable reasons, the vice-chairperson shall act on behalf of the chairperson; and if both the chairperson and vice-chairperson are unable to perform their duties due to unavoidable reasons, a member designated by the chairperson in advance or a member elected by and from among members present at a meeting shall act on their behalf.

Article 14 (Operation of Committee)

(1) A meeting of the Committee shall be convened when the chairperson deems it necessary.
(2) The chairperson shall designate at least 10 members for each relevant field for each meeting of the Committee; and the attendance of a majority of the designated members shall constitute a quorum and passage of a resolution requires the consent of a majority of the members present.
(3) In order to handle the affairs of the Committee, the head of the Design Policy Division is appointed as an executive secretary. The executive secretary shall summarize and keep the minutes of the meeting.
(4) The meeting and minutes of the Committee shall be open to the public in principle, but the Committee may resolve not to disclose them if deemed necessary.

Article 15 (Formation of Subcommittees)

(1) The Committee may establish subcommittees if necessary to efficiently carry out its work.
(2) Each subcommittee shall deliberate or advise on matters designated by the Committee.
(3) Each subcommittee shall be composed of five to nine members designated by the chairperson; and the chairperson of a subcommittee shall be elected by and from among its members.
(4) Article 14 shall apply mutatis mutandis to the meeting of a subcommittee, and matters on which the subcommittee has deliberated or advised pursuant to paragraph (2) shall be reported to the Committee for a final vote.

Article 16 (Keeping Minutes)

The Committee shall prepare and keep meeting minutes or written deliberations and resolutions, and may have a stenographer take stenographic minutes of the meeting.

Article 17 (Hearing Opinions)

If deemed necessary to perform its duties, the Committee may require relevant public officials, experts, interested parties, etc. to attend its meetings and present their opinions, or require relevant institutions, organizations, etc. to submit necessary documents.

Article 18 (Allowance)

Allowances and travel expenses may be reimbursed within the budget to members, experts, etc. who participated in a Committee meeting: Provided, That this shall not apply where a public official participates therein in direct relation with his or her duty.

Article 19 (Operating Rules)

Except as provided in this Ordinance, matters necessary for the composition, operation, deliberation, and advisement of the Committee (including subcommittees) shall be determined by the chairperson upon a vote of the Committee.

CHAPTER IV DELIBERATION ON PUBLIC DESIGN

Article 20 (Time to Apply for Deliberation on Public Design)

CHAPTER IV DELIBERATION ON PUBLIC DESIGNIf the Committee's deliberation under Article 8 is needed, preliminary advice by a relevant Committee department shall be obtained at the stage where basic planning is being completed, and an application for deliberation shall be sought before a basic design is completed: Provided, That in cases where basic designing is incorporated into implementation designing, the application shall be filed before the implementation designing is completed.

Article 21 (Deliberation Procedures for Public Design)

(1) When an application for deliberation is received, the Mayor shall present an agenda for deliberation to the Committee, and the applicant shall be notified as to the result of the deliberation.
(2) The Mayor shall hold a Committee meeting within 30 days from the date of the receipt for deliberation, and re-deliberation is limited to two times.
(3) The Mayor may conduct a preliminary review on the application for deliberation received pursuant to paragraph (1), and may request that applicant supplement the documents and the contents of the application if necessary. In such cases, the period required for supplementation is excluded from the period under paragraph (2).
(3) A person who has an objection to the results of the Committee's deliberation under paragraph (1) may, within one month of receiving notice regarding the results of any deliberation, apply to the Mayor for re-deliberation by the Committee.

(4) When the Mayor receives an application for re-deliberation under paragraph (2), he or she shall present the agenda for re-examination to the Committee within 15 days from the date of receipt of the application, and notify the applicant of the result of re-examination.

CHAPTER V PROMOTION OF PUBLIC DESIGN PROJECTS AND PUBLIC DESIGN

Article 22 (Principles for Implementation of Public Design Projects)

CHAPTER V PROMOTION OF PUBLIC DESIGN PROJECTS AND PUBLIC DESIGNPublic design shall be planned and managed in accordance with the following principles:

1. Put the public interest and safety first, and create a beautiful and pleasant environment;
2. Ensure safe and convenient use for all people regardless of age, gender, disability, nationality, etc.;
3. Ensure that the regional history and identity is expressed and harmony and balance are maintained with the surrounding environment;
4. Establish a cooperative system with relevant institutions to solve various social problems, and accomplish public design that reflects an integrated point of view;
5. Have functions suitable for the purpose of use, be convenient to use, and be easy to maintain and manage;
6. Actively collect citizens' opinions on public design and ensure that various measures are prepared to expand citizen participation.

Article 23 (Establishment of a Dedicated Department)

(1) To facilitate the implementation of public design projects, the Mayor may establish a dedicated department or assign necessary professional manpower in the office, headquarters, or bureau that governs public design.
(2) When establishing a project plan for public facilities, etc. subject to public design, the head of each department, public institution, etc. of the Seoul Government may consult with the head of the department dedicated to public design.
(3) If the head of each department, public institution, etc. requests cooperation on public design work, the head of the department dedicated to public design shall cooperate therewith.
(4) If a project is implemented across jurisdictions of two or more autonomous Gus, the Mayor may adjust the opinions of the heads of relevant Gus in relation to the public design project, etc.

Article 24 (Public Design Projects for Public Facilities)

(1) The Mayor may implement public design projects in accordance with the promotion plan.
(2) Heads of Gus, heads of public institutions, or citizens may propose a public design project to the Mayor.
(3) If the Mayor receives a public design project proposal pursuant to paragraph (2), he or she shall notify the proposer within 60 days from the date of proposal of whether he or she will implement the public design project: Provided, That, in unavoidable circumstances, the period may be extended up to 30 days.
(4) The Mayor may, if necessary, seek advisement from the Committee before notifying the proposer pursuant to paragraph (3).
(5) A person who intends to propose a public design project shall submit the following documents to the Mayor:

1. Project purpose and basic direction;
2. Design direction and installation plan for facilities, etc.;
3. Matters concerning financing the project and phased implementation;
4. Basic design draft or simulation result;
5. Other documents proving the validity of the project proposal, etc.

(6) When the public design project is completed, the public design business entity shall report matters regarding the completion to the Mayor.
(7) When the Mayor accepts a proposal under paragraph (2) and allows the public design project to be implemented, the Mayor may support the project costs within the budget following deliberation by the Committee.
(8) A person who receives support for project costs under paragraph (7) shall comply with the basic principles for the implementation of public design projects under Article 22.

Article 25 (Promotion of Pilot Projects and Call for Projects)

(1) The Mayor may implement a pilot project or call for projects (hereinafter referred to as "pilot project") for the efficient promotion of public design projects.
(2) The Mayor may receive a proposal from the heads of Gus, citizens, etc. when implementing a pilot project pursuant to paragraph (1), and may select a pilot project for each autonomous Gu, taking into consideration the nature of the pilot project.
(3) Details regarding the implementation of a pilot project, such as the methods of promotion and call for projects, shall be separately determined by the Mayor.

Article 26 (Expert Engagement)

(1) The Mayor may commission an expert to conduct a public design project.

(2) Details such as the commission of experts and the scope of activities are separately determined by the Mayor.

Article 27 (Excellent Public Design Certification)

(1) The Mayor may take necessary measures, such as operating an excellent public design certification system, to promote the development and dissemination of public designs.
(2) The Mayor or the head of a Gu may recommend an excellent public design certified under paragraph (1) during public design deliberation.
(3) Necessary matters, such as procedures for certification or cancellation of excellent public design, shall be prescribed by rule of the Seoul Government.

Article 28 (Cooperation of Related Institutions)

(1) The Mayor may request that relevant institutions prepare necessary policies for the promotion of public design, and may provide budgetary and administrative support therefor.
(2) The Mayor may engage in activities such as production and dissemination of materials, education, and public relations, necessary for improving the level of public design, in cooperation with the relevant institutions under paragraph (1).

Article 29 (Enforcement Rules)

Matters necessary for the enforcement of this Ordinance shall be prescribed by rule of the Seoul Government.