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 (Purpose)

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

Article 2 (Definitions)

The terms used in this Ordinance are defined as follows: <Amended on Jan. 9, 2014; Oct. 8, 2015; Mar. 28, 2019>

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;
5. The term "sharing platform" means an internet website operated by the Seoul Metropolitan Government to share the current status of private resources, and store relevant information, policies and data, for the promotion of sharing.

Article 3 (Responsibilities of the Mayor)

(1) The Mayor shall endeavor so that public resources of the Seoul Metropolitan Government (hereinafter referred to as the "Seoul Government") and the City-invested or City-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)

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: <Amended on Mar. 28, 2019>

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;
5-2. Operation of sharing platforms for the dissemination of shared information and the promotion of sharing;
6. Other matters deemed necessary for the promotion of sharing.

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

(1) The Mayor shall establish and implement the master plan (hereinafter referred to as "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 organizations and enterprises;
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 implementing the master plan, the Mayor may request institutions, organizations, etc. associated with sharing to cooperate in presenting the opinion or submitting data. In such cases, institutions, organizations, etc. in receipt of a request for cooperation shall cooperate therewith unless there is a compelling reason not to do so.
(4) The Mayor shall establish and implement an action plan every year in accordance with the master plan, and evaluate its results.
[This Article Newly Inserted on Oct. 8, 2015]

Article 5-3 (Fact-Finding Survey)
(1) The Mayor may conduct a survey on sharing status to establish and promote efficiently the master plan and an action plan.
(2) The Mayor may conduct a fact-finding survey under paragraph (1) by entrusting it to an institution, association, etc. associated with sharing. In such cases, he or she may partially subsidize necessary expenses within the budget.
[This Article Newly Inserted on Oct. 8, 2015]

Article 5-4 (Advisory Group for Improving Sharing System)
The Mayor may establish a private and public joint advisory group for improving the sharing system (hereinafter referred to as "advisory group") to improve conflicting contents within the existing laws and system and prepare progressive alternatives to vitalize sharing.
[This Article Newly Inserted on, Oct. 8, 2015]

Article 6 (Relationship to Other Statutes, Regulations, and Ordinances of the Seoul Government)
Except as otherwise provided in other statutes, regulations, or Ordinances of the Seoul Government, this Ordinance shall apply to the promotion of sharing.

Article 7 (Cooperation and Support with Autonomous Gus)
(1) The Mayor shall support autonomous Gus' policies for promoting sharing and promote policies for promoting sharing in proactive cooperation with autonomous Gus. <Amended on Sep. 21, 2017>
(2) The Mayor may provide necessary support, such as subsidies, within the budget to support sharing business of an autonomous Gu. <Newly Inserted on Sep. 21, 2017>
[Title Amended on 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 the Seoul Metropolitan Government under Article 11 (hereinafter referred to as the "Committee") among nonprofit, nongovernmental organizations under the Assistance for Nonprofit, Nongovernmental Organizations Act, nonprofit corporations under the Civil Act, small and medium enterprises under the Small and Medium Enterprises Promotion Act, social enterprises or prospective social enterprises under the Seoul Metropolitan Government Ordinance on the Promotion of Social Enterprises, and cooperatives under the Framework Act on Cooperatives or the Consumer Cooperatives Act. <Amended on Jul. 16, 2020>
(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 of the Seoul Government. <Amended on Jan. 9, 2014>

Article 8-2 (Support for Organizations and Enterprises Before Designation)
Where deemed necessary, the Mayor may provide administrative support, such as public relations and consulting, to an organization or enterprise which operates sharing business following deliberations by the Committee even before it is designated as a sharing organization or sharing enterprise.
[This Article Newly Inserted on Jan. 9, 2014]

Article 9 (Provision of Subsidies)
(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 on Jan. 9, 2014>
(2) The Mayor shall not provide a subsidy for business for which a sharing organization or sharing enterprise receives a subsidy from the Seoul Government or an autonomous Gu for the same purpose in the relevant fiscal year in an overlapping manner. <Amended on Dec. 31, 2019>
(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 the Seoul Government according to the procedures prescribed by the Seoul Government, establish a special account on such subsidies, and manages revenues and expenditures separately. <Amended on Jan. 9, 2014>
(4) Sharing organizations and sharing enterprises shall conscientiously perform subsidized business 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 on 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 the Seoul Metropolitan Government Ordinance on the Management of Local Subsidies. <Amended on May 14, 2015; Dec. 31, 2020>

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

(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 Mayor may provide necessary support such as subsidies under Article 9 (1) to an excellent participant in sharing recognized pursuant to paragraph (1) following deliberations by the Committee. <Amended on Sep. 21, 2017>
(3) The Mayor may officially commend an individual, organization, corporation, enterprise and public official under his or her control who has rendered distinguished services for the promotion of sharing pursuant to the Seoul Metropolitan Government Ordinance on Official Commendation.
[This Article Newly Inserted on Jan. 9, 2014]

Article 10 (Provision of Small and Medium Enterprises Promotion Fund)

(1) The Mayor may provide the small and medium enterprises promotion fund, credit guarantee, etc. to sharing enterprises. <Amended on 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 on Jan. 9, 2014>
(3) Specific matters concerning the provision of funds, the reduction of user fees, etc. under paragraphs (1) and (2) shall be as prescribed by individual Ordinances and Rules of the Seoul Government.

Article 11 (Establishment of the Sharing Promotion Committee)

(1) The Mayor shall establish the Sharing Promotion Committee of the Seoul Metropolitan Government under his or her control in order to deliberate and render advice on policies for the promotion of sharing and support for sharing organizations or sharing enterprises. <Amended on 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-General in charge of innovation affairs shall be the vice chairperson.
(4) A public official on the level of Director-General in charge of innovation affairs shall be an ex officio member, and the Mayor shall commission commissioned members among the following persons: <Amended on Jan. 9, 2014>
1. Two members of the Seoul Metropolitan Government Council recommended by the chairperson of the Seoul Metropolitan 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, social enterprise, etc.;
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 Grade IV or higher;
6. Other persons deemed to have qualifications 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 or 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 or her predecessor.
(6) One executive secretary shall be designated in order to conduct the affairs of the Committee, and the executive secretary shall serve as the head of a division that exercises overall control of affairs relating to sharing. <Amended on Jul. 16, 2020>

Article 12 (Functions of Committee)

The Committee shall deliberate on and render advice on the following matters: <Amended on Jan. 9, 2014>
1. Deliberation on the designation of sharing organizations or sharing enterprises and the revocation thereof;
2. Deliberation on the support for sharing organizations, sharing enterprises, and autonomous Gus;
3. Deliberation on the recognition of excellent participants in sharing, support therefor, 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 and preside over the meetings of the Committee.
(2) The chairperson shall convene meetings of the Committee in the following cases: <Amended on Jan. 5, 2017>
1. Where the Mayor makes a request to convene a meeting;
2. Where at least 1/3 of the incumbent members request to convene a meeting;
3. Other cases deemed necessary by the chairperson.
(3) A majority of the Committee members shall constitute a quorum, and any decision thereof shall require the concurring vote of at least a majority of those 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 or she has interest in the relevant item on the agenda, the member 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 to attend meetings to hear their opinions, or may 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 on Oct. 8, 2015>

Article 14-2 (Disclosure of Information)

The Mayor shall use sharing platforms to disclose matters necessary for the promotion of sharing defined in this Ordinance, such as the master plan formulated under Article 5-2, the findings of a fact-finding survey conducted under Article 5-3, and lists of sharing organizations and sharing enterprises designated under Article 8.
[This Article Newly Inserted on Mar. 28, 2019]

Article 15 (Enforcement Rule)

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

ADDENDUM <Ordinance No. 5396, Dec. 31, 2012>

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.

ADDENDUM <Ordinance No. 7034, Mar. 28, 2019>

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

ADDENDUM <Ordinance No. 7423, Dec. 31, 2019>

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

ADDENDUM <Ordinance No. 7602, Jul. 16, 2020>

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

ADDENDUM <Ordinance No. 7782, Dec. 31, 2020>

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