

## A Study on the Enactment of Architectural Service Promotion Act

Yu, Kwang Heum  
Jin, Hyun Young  
Kim, Hye Ryeon

Korea is at the stage of transferring toward knowledge-intensive industry in order to prepare for GNP 30,000 dollars period. Thus there has been many efforts about the knowledge-intensive industry in many fields for the future. Related this situation, architectural service, which is the topic in this study, has been evaluated as a knowledge-intensive industry with high value added and employment creation effect. The promotion of architectural service means not only to move forward knowledge-intensive industry as a new growth engine, but also to improve national dignity through its enhanced national brand value.

The promotion of architectural service is significant and urgent since architectural service in domestic has poor environment and low competitiveness in spite of its potentiality. Thus this study is for drafting 'Architectural Service Promotion Act' that is the fundament for systems and policies. This research reviewed the definition of architectural service and analyzed its domestic and foreign conditions, and examined the connection with other acts in a relation to architectural service. Through this process, this research drew the meaning, basic structure and important contents of the promotion act. Based on these, it prepared Architectural Service Promotion Act(plan) and interpreted it.

The definition of architectural service means whole service on

the architectural process realizing the physical environment by buildings based on 'Framework Act on Building'. This study defines it as professional knowledge and technology that provide service in the life-cycle of a building from its plan, design, construction, maintenance to demolition.

The market size of domestic architectural service is about 1 trillion won. And the proposition of top large companies with over 100 employees is 1.3%, but it comprises 30.5% of building and landscape design service sales, which shows the unequal distribution. The sales of architectural service, especially building design service, represents the low productivity per business or per person compared with other similar businesses. Also the average wage is the lowest in related fields.

Despite the national competitiveness of many industries in Korea, architectural service have had low global competitiveness. The amount of sales per company has been ranked in the 21st among 27 OECD countries. And compared with the average 0.77\$M/company in OECD countries, and 0.81\$M/company in G7, that in Korea is 0.43\$M/company which is almost half. The amount of several large architectural firms' sales may be compatible with overseas companies, but those companies' oversea advancement is very insignificant.

In enacting Architectural Service Promotion Act(plan), 'Framework Act on Building', 'Framework Act on the Construction Industry', 'Construction Technology Management Act' and 'Certified Architects Act' were reviewed and the relation among acts were considered. Plus as a result of policies and systems review, engineering industry has been determined as a new growth knowledge industry and 'Engineering Industry Activation Plan' has been presented, but architectural service has not been included in it. Although the architectural service is a knowledge-oriented industry, it has been contracted based on service and construction contract following 'Method on Contracts to the State is a Party' and 'Accounting Regulation',

and no design fee is calculated separately as there is not the clear guideline of design criteria in the building construction. Therefore it has problems of contractual structure.

To set the basic direction of Architectural Service Promotion Act(plan), it reviewed a legislation type, and named as 'promotion act' based on the act's fitness, stability and relations among legal ideas. While many promotion acts include the characteristics of each industry, these have the same legislative structure as industrial promotion act consisting of basic plans, professional fosterage, international standardization, R&D support, project support, promotion institute, statistics and overseas advancement, and drew promotion act(plan) considering industrial aspects of architectural service.

Based on the basic system of promotion act, in order to select provisions according to architectural service, this study had consultations with affiliated persons on Architectural Service Promotion Act(Plan), and through this process, 'diversification of ordering system', 'establishment foundation for standardization', and 'protection of intellectual property rights' were primarily chosen. In company with the industrial characteristics of architectural service, contents to improve architectural culture formed by architectural service were included such as articles of 'preservation of local architectural culture', 'designation system of excellent buildings', 'realization of design intention', 'improvement of public buildings' quality', and 'support center for public buildings'. And as following the traditional culture have had wide attractions in a global era, interests about our traditional buildings have increased in Korea. However the legal system to promote or support it is insufficient. Thus in order to support coherent traditional buildings' preservation and utilization, 'foundation, etc. of basic plans for Hanok promotion', 'registration of Hanok', 'construction projects and fosterage of professional resources for Hanok' and 'establishment of national Hanok center' were in the Architectural Service Promotion Act(Plan).

This act consists of 9 chapters and 41 articles. It is comprised of chapter 1 ‘General’, chapter 2 ‘Establishment the Foundation of Architectural Service’, chapter 3 ‘Activation of Architectural Service’, chapter 4 ‘Promotion of Architectural Service through the Improvement of Architectural Culture’, chapter 5 ‘Preservation and Promotion of Hanok’, chapter 6 ‘Architecture Promotion Institute and Special Accounting’, ‘Supplementary Provisions’, ‘Penalty Provisions’ and Addenda. The provisions of Architectural Service Promotion Act(Plan) are as follows.

The legal foundation to respond the restructuring for knowledge-intensive industries as well as to establish architectural service as a new growth industry is required. Thus this study drew the act by reviewing condition analysis, related acts and legal features so as to prepare Architectural Service Promotion Act(Plan). It is expected to develop domestic architectural service by means of additional supports in the next legislation process.

[Architectural Service Promotion Act(Plan)]

Division	Provision
Chapter 1 General	<ul style="list-style-type: none"> <li>• Article 1. Purpose</li> <li>• Article 2. Definitions</li> <li>• Article 3. Responsibilities of State, etc.</li> <li>• Article 4. Relation with Other Acts</li> <li>• Article 5. Foundation, etc. of Basic Plans for Promotion of Architectural Service</li> </ul>
Chapter 2 Establishment the Foundation of Architectural Service	<ul style="list-style-type: none"> <li>• Article 6. Investigation of Actual Conditions</li> <li>• Article 7. Establishment Information System for Architectural Service</li> <li>• Article 8. Research and Development of Architectural Service, etc.</li> <li>• Article 9. Diversification of Ordering System</li> <li>• Article 10. Establishment Foundation for Standardization</li> <li>• Article 11. Protection of Intellectual Property Rights</li> <li>• Article 12. Fair Business Order</li> </ul>
Chapter 3 Activation of Architectural Service	<ul style="list-style-type: none"> <li>• Article 13. Fosterage, etc. of Professional Resources for Architectural Service</li> <li>• Article 14. Employment Promotion of Architectural Service</li> <li>• Article 15. Support for Business Establishment</li> <li>• Article 16. Designation, etc. as Facilities to Promote</li> </ul>

Division	Provision
	<p style="text-align: center;">Architectural Service</p> <ul style="list-style-type: none"> <li>• Article 17, Cancellation of Designation as Promotional facilities</li> <li>• Article 18, Local Authorities's Support to Promotional facilities</li> <li>• Article 19, Supports for Overseas Advancement and International Cooperation</li> </ul>
<p>Chapter 4 Promotion of Architectural Service through Improvement of Architectural Culture</p>	<ul style="list-style-type: none"> <li>• Article 20, Preservation of Local Architectural Culture</li> <li>• Article 21, Designation and Support of Excellent Building etc.</li> <li>• Article 22, Realization of Design Intention</li> <li>• Article 23, Improvement of Public Buildings' Quality</li> <li>• Article 24, Support Center for Public Buildings</li> </ul>
<p>Chapter 5 Preservation and Promotion of Hanok</p>	<ul style="list-style-type: none"> <li>• Article 25, Foundation, etc. of Basic Plans for Hanok Promotion</li> <li>• Article 26, Registration of Hanok</li> <li>• Article 27, Construction Projects of Hanok, etc. and Fosterage of Professional Resources</li> <li>• Article 28, Establishment of National Hanok Center</li> </ul>
<p>chapter 6 Architecture Promotion Institute and Special Accounting</p>	<ul style="list-style-type: none"> <li>• Article 29, Establishment, etc. of Architecture Promotion Institute</li> <li>• Article 30, Contribution</li> <li>• Article 31, Request for Provisions, etc. of Data or Materials</li> <li>• Article 32, Submission of Business Plan, etc.</li> <li>• Article 33, Reporting and Inspection</li> <li>• Article 34, Obligation of Confidentiality</li> <li>• Article 35, Installation of Architectural Culture Special Accounting</li> </ul>
<p>Chapter 7 Supplementary Provisions</p>	<ul style="list-style-type: none"> <li>• Article 36, Tax Reduction</li> <li>• Article 37, Resource Submission</li> <li>• Article 38, Delegation and Entrustment of Authority</li> <li>• Article 39, Legal Fiction as Public Officials in Application of Penal Provisions</li> </ul>
<p>Chapter 8 Penalty Provisions</p>	<ul style="list-style-type: none"> <li>• Article 40, Penal Provisions</li> <li>• Article 41, Fines for Negligence</li> </ul>
<p>Chapter 9 Addenda</p>	

**Keywords : Architectural Service, Promotion Act, Architectural Service Promotion Act, Enactment**