

【Title】 Regulation on the Relief of Natural Disasters [Effective]

【法规标题】 自然灾害救助条例 [现行有效]

【法宝引证码】 CLI.2.135135(EN)

Date Issued: 07-08-2010 发布日期： 2010-07-08

Effective date: 09-01-2010 生效日期： 2010-09-01

Issuing authority: State Council 发布部门： 国务院

Area of law: Civil Affairs 类别： 民政

Order of the State Council of the People's Republic of China

(No.577)

The Regulation on the Relief of Natural Disasters, which was adopted at the 117th executive meeting of the State Council on June 30, 2010, is hereby promulgated and shall come into force on September 1, 2010.

Premier: Wen Jiabao

July 8, 2010

Regulation on the Relief of Natural Disasters

Chapter I General Provisions

Article 1 This Regulation is formulated to regulate the relief of natural disasters and safeguard the basic livelihood of victims.

Article 2 The relief of natural disasters shall be carried out by observing the principles of people orientation, leadership of the government, level-by-level management, social mutual aid and the self-rescue by victims themselves.

Article 3 The administrative leaders of the people's governments at all levels shall be responsible for the relief of natural disasters.

The National Disaster Reduction Commission shall be responsible for organizing and leading the natural disaster relief work of the whole nation and coordinate the major natural disaster relief activities. The civil affairs department under the State Council shall be responsible for the natural disaster relief work of the whole nation and undertake the specific work of the National Disaster Reduction Commission. The relevant departments under the State Council shall conduct the work related to the nationwide natural disaster relief within their respective scopes of functions and duties.

The local people's governments at or above the county level or the emergency coordination bodies for natural disaster relief (hereinafter referred to as the "emergency coordination bodies") of the people's governments shall organize and coordinate the natural disaster relief work in their respective administrative regions. The civil affairs departments of the local people's governments at or above the county level shall be responsible for the natural disaster relief work within their respective administrative regions. Other relevant departments of the local people's governments at or above the county level shall conduct the work related to the relief of natural disasters in their respective administrative regions.

Article 4 The people's governments at or above the county level shall incorporate the natural disaster relief work into their national economic and social development planning, establish mechanisms to guarantee the funds and materials needed for the relief of natural disasters, and include the funds allocated for and the expenditures on the relief of natural disasters into their fiscal budgets.

Article 5 Villagers' committees, neighborhood committees, the Red Cross, charities, public foundations and other social organizations shall assist the people's government in the relief of natural disasters.

The state encourages and leads entities and individuals to make donations for the relief of natural disasters, provide voluntary services and participate in other such activities.

Article 6 The people's governments at all levels shall strengthen the publicity of and education about the prevention and reduction of disasters and improve people's awareness to prevent disasters and avoid dangers and their abilities to help themselves and each other.

Villagers' committees, neighborhood committees, enterprises and public institutions shall, in light of the requirements of the local people's governments and their own actual situations, publicize and popularize emergency knowledge about the prevention and reduction of disasters.

Article 7 Entities and individuals that make outstanding contributions to the relief of natural disasters shall be commended and rewarded under the relevant state provisions.

Chapter II Preparatory Work for the Relief of Disasters

Article 8 The local people's governments at or above the county level and other relevant departments thereof shall make their own emergency plans for the relief of natural disasters according to the relevant laws, regulations and rules, the emergency plans of the superior people's governments and other relevant departments thereof as well as the natural disaster risk investigation results in their respective administrative regions.

An emergency plan for the relief of natural disasters shall cover:

1. An emergency organization and command system for the relief of natural disasters and the duties thereof;
2. An emergency team for the relief of natural disasters;
3. Emergency funds, materials and facilities for the relief of natural disasters;
4. The early warning and forecasting of natural disasters and the reporting and processing of information about the situation of natural disasters;

5. The emergency response levels for the relief of natural disasters and the measures to be taken under each level; and
6. Measures for post-disaster emergency assistance and the rehabilitation or reconstruction of residents' houses.

Article 9 The people's governments at or above the county level shall set up an emergency command and technical support system for the relief of natural disasters and provide necessary transport and communication facilities for the natural disaster relief work.

Article 10 The state shall set up a material reserve system for the relief of natural disasters. The civil affairs department under the State Council shall make a national natural disaster relief material reserve plan and a reserve pool plan, and organize the implementation thereof with the financial department and the development and reform department under the State Council, respectively.

The people's governments at or above the level of cities divided into districts and the county-level people's governments at places where natural disasters tend to occur or occur frequently shall, under the principles of reasonable arrangements and moderate scale, set up natural disaster relief material reserve pools in light of the characteristics of natural disasters and the population and distribution of residents.

Article 11 The local people's governments at or above the county level shall, based on the population and distribution of local residents, transform parks, squares, stadiums and other public utilities into emergency refuges in an overall way and have them clearly labeled.

Where it needs to notify residents to go to emergency refuges after the natural disaster warning or emergency response is initiated, the local people's governments at or above the county level or the emergency coordination bodies of the people's governments shall announce the specific address and routes of emergency refuges via radio, TV, mobile phone text, electronic display screen, internet, etc.

Article 12 The local people's governments at or above the county level shall make more efforts in building a team of natural disaster relief professionals and in providing professional trainings for them.

Villagers' committees, neighborhood committees, enterprises and public institutions shall arrange full-time or part-time natural disaster information staff.

Chapter III Emergency Assistance

Article 13 The people's governments at or above the county level or the emergency coordination bodies of the people's governments shall initiate pre-warning response based on the early warnings about natural disasters and take one or more of the following measures:

1. Giving a warning to the public to avoid natural disaster hazards, publicizing the common sense and skills for avoiding risks, and reminding the public to be prepared for self and mutual rescue;
2. Opening emergency refuges, evacuating and displacing personnel and property vulnerable to natural disasters and, in urgent situations, making organized relocations to avoid dangers;
3. Strengthening the safeguard for villages, communities and public places vulnerable to natural disasters; and/or
4. Ordering the civil affairs department and other relevant departments to get prepared for providing basic living assistance.

Article 14 Where a natural disaster occurs and reaches the threshold for initiating the emergency plan for the relief of natural disasters, the people's government at or above the county level or the emergency coordination body of the people's government concerned shall immediately initiate the emergency response for the relief of natural disasters and take one or more of the following measures:

1. Immediately announcing to the public the countermeasures of the government and the preventive measures for the general public;
2. Instantly relocating and settling the disaster victims;
3. Instantly allocating or transporting emergency funds and materials for the relief of natural disasters, and providing foods, drinking water, clothes, quilts, heat, temporary residence, medical treatment, quarantine services and other emergency assistance to safeguard the basic livelihood of victims;
4. Pacifying disaster victims and handling the follow-up problems of the deceased;
5. Organizing disaster victims to carry out self rescue and mutual rescue;
6. Analyzing and assessing the development trend of the disaster and the demands of the disaster-ridden areas and taking necessary relief measures; and/or

7. Organizing donations for the relief of natural disasters.

The transport authorities at all levels shall prioritize the transport of emergency materials used for the relief of natural disasters.

Article 15 During the emergency period for the relief of a natural disaster, the local people's governments at or above the county level or the emergency coordination bodies of the people's governments may expropriate materials, equipment, means of conveyance and sites in their respective administrative regions, but shall return them immediately after the emergency rescue work is done and offer compensations pursuant to the relevant state provisions.

Article 16 Where a natural disaster causes casualties or relatively big property losses, the civil affairs department of the county-level people's government of the disaster area shall immediately make a report thereon to the people's government at the same level and the civil affairs department of the people's government at the next higher level.

Where a natural disaster causes extraordinarily serious or serious casualties or property losses, the civil affairs department of the county-level people's government of the disaster area shall make a report thereon according to the relevant laws, administrative regulations and the procedures set forth in the emergency planning provisions of the State Council and, if necessary, directly make a report to the State Council.

Article 17 Before a disaster is pacified, the civil affairs department of the people's government of the disaster-ridden area shall report the casualties, property losses and relief work of the natural disaster level by level on a daily basis, and release such information to the public in a timely manner.

After the disaster is pacified, the people's government at or above the county level or the emergency coordination body of the people's government of the disaster area shall assess and verify the losses from the disaster.

Chapter IV Post-disaster Relief

Article 18 The people's government of the disaster area shall, under the precondition of guaranteeing safety, make transitional arrangements for victims in multiple forms such as local settlement, trans-regional settlement, governmental settlement and self-settlement.

For local settlement, victims shall be settled at places where victims can easily come and leave and to restore livelihood and production, and avoid the places where secondary natural disasters tend to occur. Wherever possible, arable land should not be occupied or be used as less as possible.

The people's government of the disaster-ridden area shall encourage and organize victims to help themselves and each other so as to restore and rebuild livelihood and production.

Article 19 After the danger of a natural disaster is eliminated, the people's government of the disaster-ridden area shall make overall arrangements to study and make a residents' housing restoration and reconstruction plan and the preferential policies, organize the rehabilitation or renovation of residents' houses damaged in the disaster and provide focused assistance to those families with difficulties in rehabilitation and renovation.

Measures taken for the rehabilitation and renovation of residents' houses shall be adjusted to suit local conditions, should be economic and pragmatic, and efforts shall be made to ensure that the construction quality meets the requirements for the prevention and reduction of disasters.

The civil affairs department and other relevant departments of the people's government of the disaster-ridden area shall offer money and goods to the residents that have been verified upon examination for rehabilitating or renovating their houses, and the housing department and the urban and rural development department shall provide necessary technical support the rehabilitation and renovation of their houses damaged in the disaster.

Article 20 The people to be subsidized for their rehabilitation and renovation shall be determined upon application by the victims themselves or nomination of the villager's groups or neighborhood groups. Upon appraisal of the villagers' committee or the neighborhood committee through democratic discussions, for those who meet the prescribed conditions, an announcement thereon shall be made in the natural village or neighborhood concerned; if there is no objection or the objection is determined as untenable upon appraisal by the villagers' committee or the neighborhood committee through

democratic discussions, the villagers' committee or the neighborhood committee shall submit the appraisal opinion and the relevant documents to the village or township people's government or the sub-district office for verification and to the civil affairs department and other relevant departments of the county-level people's government for examination and approval.

Article 21 In the winter of the year and the spring of the next year after a natural disaster occurs, the people's government of the disaster area shall provide basic living assistance to the victims with living difficulties.

The civil affairs department of the county-level people's government of the disaster-ridden area shall, before the end of each October, collect statistics about and assess the basic living difficulties and demands of the victims in its administrative area for the winter of the year and the spring of the next year after the natural disaster occurs, verify the people for relief, keep accounts, make a relief work plan, put it into effect upon the approval of the people's government at the same level and submit it to the civil affairs department of the people's government at the next higher level for archival purposes.

Chapter V Management of Money and Goods Used for Disaster Relief

Article 22 The financial departments and the civil affairs departments of the people's governments at or above the county level shall be responsible for distributing, managing and supervising the use of money used for the relief of natural disasters.

The civil affairs departments of the people's governments at or above the county level shall be responsible for allocating, distributing and managing the goods used for the relief of natural disasters.

Article 23 The people's governments shall organize the procurement of goods, construction projects and services for the relief of natural disasters and for post-disaster rehabilitation and reconstruction pursuant to the government procurement and bidding laws. The emergency rescue, relocation, settlement and procurement activities for temporary relief as involved in the emergency assistance of natural disasters and the post-disaster rehabilitation and reconstruction shall be governed by the relevant state provisions.

Article 24 Money and goods for the relief of natural disasters shall be used for designated purposes only and be used free of charge.

The money and goods donated for designated purposes shall be used the donators like. For the money and goods accepted by governmental departments from donators who do not designate a specific use, the civil affairs departments of the people's governments at or above the county level shall make overall plans on the use of such money and goods for the relief of natural disasters. For the money and goods accepted by social organizations from donators who do not designate a specific use, the social organizations shall use them for the relief of natural disasters pursuant to the relevant provisions.

Article 25 The money and goods for the relief of natural disasters shall be used for the urgent relocation and settlement of disaster victims, basic living assistance, medical aid, rehabilitation and reconstruction of public service establishments for education and medical care as well as residential houses, procurement, storage and transport of materials used for the relief of natural disasters, payment of pensions to relatives of persons who die of disasters, etc.

Article 26 The civil affairs department and the financial department of the people's government of the disaster-ridden area and the relevant social organizations shall, via newspapers, periodicals, radio, TV and internet, voluntarily disclose the source, quantity and use of the money and goods allocated or donated for the relief of natural disasters that have been accepted.

The villagers' committees and neighborhood committees of the disaster area shall disclose information about the people for relief, the amount of money or goods granted to them and the use of such money or goods.

Article 27 The people's governments at all levels shall formulate rules for the supervision and inspection of the money and goods allocated or donated for the relief of natural disasters, and accept complaints and tip-offs in a timely manner.

Article 28 The supervisory organs and the audit organs of the people's governments at or above the country level shall oversee and inspect the management and use of the money and goods allocated or

donated for the relief of natural disasters, and the civil affairs departments, the financial departments and the relevant social organizations shall provide assistance.

Chapter VI Legal Responsibility

Article 29 Where any functionary of an administrative organ violates this Regulation by committing any of the following acts, the appointment and removal organ or the supervisory organ shall take a disciplinary action under the relevant laws and regulations; if any crime is constituted, he shall be subject to criminal responsibility:

1. Belatedly or falsely reporting or hiding the truth in reporting the damage caused by a natural disaster, which causes negative consequences;
2. Failing to organize the relocation and resettlement of disaster victims in time or failing to make due efforts in providing basic living assistance or organizing the rehabilitation or reconstruction work, which causes negative consequences;
3. Withholding, misappropriating or secretly partition the money or goods allocated or donated for the relief of natural disasters;
4. Failing to return the expropriated property in time or failing to offer compensations as required; or
5. Any other act of abusing powers, neglecting duties or engaging in malpractice for illegal gains.

Article 30 Where anyone seizes any of the money or goods allocated or donated for the relief of natural disasters by means of making false reports, hiding the truth or fabricating facts, the civil affairs department of the people's government at or above the county level shall order him to return the ill-gotten money or goods; if any crime is constituted, he shall be subject to criminal responsibility.

Article 31 Where anyone robs any of the money or goods allocated or donated for the relief of natural disasters or assembles a mob to do so, the civil affairs department of the people's government at or above the county level shall order him to stop the illegal act; if the act violates the public security administration, the public security organ shall give him a public security administration punishment; and if any crime is constituted, he shall be subject to criminal responsibility.

Article 32 Where anyone uses violence or menace to impede any natural disaster relief worker from performing his duties by law, if the act violates the public security administration, the public security organ shall give him a public security administration punishment; and if any crime is constituted, he shall be subject to criminal responsibility.

Chapter VI Supplementary Provisions

Article 33 Where any accident, disaster, public health incident, social security incident or any other unexpected event occurs and it needs the civil affairs department of the people's government at or above the county level to relieve people's livelihood, this Regulation shall analogically apply.

Article 34 Where any law or administrative regulation has different provisions on the prevention, control and relief of disasters, such provisions shall apply.

Article 35 This Regulation shall come into force on September 1, 2010.