

中华人民共和国防震减灾法

LAW OF THE PEOPLE'S REPUBLIC OF
CHINA ON PROTECTING AGAINST AND MITIGATING EARTHQUAKE DISASTERS

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Translated by
the Legislative Affairs Commission of
the Standing Committee of
the National People's Congress of
the People's Republic of China

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The Law of the People's Republic of China on Protecting Against and Mitigating Earthquake Disasters, adopted at the 29th Meeting of the Standing Committee of the Eighth National People's Congress of the People's Republic of China on December 29, 1997, is hereby promulgated and shall come into force as of March 1, 1998.

Jiang Zemin

President of the People's Republic of China
December 29, 1997

Law of the People's Republic of
China on Protecting Against and Mitigating Earthquake Disasters

(Adopted at the 29th Meeting of the Standing Committee of the Eighth National People's Congress on December 29, 1997)

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Chapter I General Provisions

Article 1 This Law is enacted in order to protect against and mitigate earthquake disasters, ensure the safety of the people's lives and property and the smooth progress of the socialist drive.

Article 2 This Law shall be applicable to earthquake monitoring and prediction, protection against earthquake disasters, measures for earthquake emergencies, post-earthquake relief and reconstruction, etc. which are carried out within the territory of the People's Republic of China (hereinafter referred to as protection against and mitigation of earthquake disasters for short).

Article 3 In the effort to protect against and mitigate earthquake disasters the principle of combining protective measures with rescue efforts while putting stress on the former shall be applied.

Article 4 Protection against and mitigation of earthquake disasters shall be incorporated into plans for national economic and social development.

Article 5 The State encourages and supports scientific and technological research in protection against and mitigation of earthquake disasters and spreads the use of advanced research results in order to improve the work of protection against and mitigation of earthquake disasters.

Article 6 People's governments at different levels shall strengthen leadership over the work of protection against and mitigation of earthquake disasters and mobilize the relevant departments to take measures for successful protection against and mitigation of earthquake disasters.

Article 7 Under the leadership of the State Council, the competent administrative departments under the State Council that are responsible respectively for seismic work, for comprehensive management of the economy, for construction and for civil affairs and the other relevant departments shall join efforts and closely cooperate with each other, while acting in accordance with the division of their functions and duties, to make a success of the work for protection against and mitigation of earthquake disasters.

The administrative departments or institutions for seismic work and the other departments concerned under the local people's governments at or above the county level shall, under the leadership of the said people's

governments, join efforts and closely cooperate with each other, while acting in accordance with the division of their functions and duties, to make a success of the work for protection against and mitigation of earthquake disasters within their own administrative areas.

Article 8 All units and individuals are obligated to take part in protecting against and mitigating earthquake disasters in accordance with law.

The Chinese People's Liberation Army, the Chinese People's Armed Police Forces and the People's Militia shall carry out the tasks of protecting against and mitigating earthquake disasters assigned to them by the State.

Chapter II Earthquake Monitoring and Prediction

Article 9 The State strengthens the work of earthquake monitoring and prediction, encourages and gives aid to scientific and technological research in earthquake monitoring and prediction in order to promote such monitoring and prediction gradually.

Article 10 The competent administrative department for seismic work under the State Council shall be responsible for formulating national plans of earthquake monitoring and prediction and making arrangements for their implementation.

The administrative departments for seismic work under the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall be responsible for formulating plans of earthquake monitoring and prediction for their own administrative areas in accordance with the national plans of earthquake monitoring and prediction and making arrangements for their implementation respectively.

Article 11 The competent administrative department for seismic work under the State Council shall, on the basis of the tendency of seismicity, submit suggestions on delimiting key areas for earthquake surveillance and protection to the State Council for approval.

The administrative departments or institutions for seismic work under the people's governments at or above the county level located in the key

areas for earthquake surveillance and protection shall improve their work in earthquake monitoring, work out plans for short-term and imminent earthquake prediction, establish the system for the tracking of and consultation about earthquake situations and enhance their capability of earthquake monitoring and prediction.

Article 12 The competent administrative department for seismic work under the State Council and the administrative departments or institutions for seismic work under the local people's governments at or above the county level shall improve their work in examining, transmitting, analysing and processing information about seismicity and precursors of earthquakes and in forecasting the place, time and magnitude of a possible earthquake.

Article 13 The State makes unified plans for the building of earthquake monitoring stations and networks, and divides them into different levels and types for their administration.

The national earthquake monitoring network is composed of the primary national earthquake monitoring stations and the earthquake monitoring stations at the provincial, municipal and county levels, and the investment needed for its building shall be borne by the central and local governments according to the principle of unity of administrative and financial powers.

An earthquake monitoring station and network for the use of a particular unit shall be built with the investment of that unit, administered by it and brought under the guidance of the administrative department or institution for seismic work under the local people's government at or above the county level.

Article 14 The State protects the facilities for earthquake monitoring and the environment for seismicity observation in accordance with law. No unit or individual may jeopardize such facilities or environment. The area of the environment for seismicity observation shall be delimited for protection in conformity with the requirement that there be no disturbance sources in the neighborhood that affect the operating efficiency of the earthquake monitoring facilities.

The facilities for earthquake monitoring mentioned in this Law refer to the monitoring facilities, equipment, instruments used at the earthquake monitoring stations and other such facilities, equipment and instruments provided in accordance with the regulations of the competent

administrative department for seismic work under the State Council.

Article 15 In building, expanding or rebuilding a project, attention shall be paid to avoiding jeopardizing the facilities for earthquake monitoring and the environment for seismicity observation. Where it is truly impossible to avoid it, the unit concerned shall obtain approval of the competent administrative department for seismic work under the State Council or the administrative department or institution for seismic work under the local people's government at or above the county level authorized by the said department under the State Council and take the necessary measures as required by the State Council before it may start building, expanding or rebuilding the project.

Article 16 The State adopts the practice of unified release of earthquake prediction.

Short-term and imminent earthquake prediction shall be released by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government in accordance with the procedures prescribed by the State Council.

All units and specialists engaged in seismic work shall submit their predictions about short-term or imminent earthquakes to the competent administrative department for seismic work under the State Council or to the administrative departments or institutions for seismic work under the local people's governments at or above the county level, which shall deal with them in accordance with the provisions of the preceding paragraph; they may not spread their predictions to the general public without authorization.

Chapter III Protection Against Earthquake Disasters

Article 17 The projects built, expanded or rebuilt shall meet the requirements for seismic resistance.

Construction projects other than the ones mentioned in paragraph 3 of this Article shall be fortified against earthquakes in compliance with the seismic-resistance requirements specified in the seismic intensity zoning map or the ground motion parameter zoning map issued by the State.

Seismic safety shall be evaluated for major construction projects and

the construction projects which may induce serious secondary disasters. The requirements for fortification against earthquakes, drawn up on the basis of the results of seismic safety evaluation, shall be fulfilled.

The major construction projects mentioned in this Law refer to projects which are of great value to or have a vital bearing on the society.

The construction projects which may induce serious secondary disasters mentioned in this Law refer to construction projects which may, as a result of earthquake damage, lead to flood, fire, explosion, leak of a large amount of hypertoxic or strong corrosive materials and other serious secondary disasters, including such projects as large dams, embankments, petroleum and gas tanks and the facilities storing inflammables or explosive substances, hypertoxic or strong corrosive materials, and other construction projects which may induce serious secondary disasters.

For the construction projects such as nuclear power plants and nuclear facilities, which may lead to serious secondary disasters due to radioactive contamination in the wake of earthquake damage, seismic safety shall be evaluated carefully and the projects shall be fortified against earthquakes strictly in accordance with law.

Article 18 The competent administrative department for seismic work under the State Council shall be responsible for drawing up the seismic intensity zoning map or the ground motion parameter zoning map and for examining and granting approval of seismic safety evaluation results.

The competent administrative department for construction under the State Council shall be responsible for working out the standard aseismatic design for construction projects of all kinds of houses and buildings and the facilities attached to them and of the urban utilities, except as otherwise provided for in paragraph 3 of this Article.

The competent administrative departments for railways, communications, civil aviation and water conservancy and other specialized departments concerned under the State Council shall be responsible for working out the standard aseismatic design for construction projects of railways, highways, ports, wharfs, airports, water conservancy and other special projects respectively.

Article 19 All construction projects shall be designed in compliance with the requirements for fortification against earthquakes and in conformity with the standard aseismatic design and shall be constructed

in accordance with the design.

Article 20 The following buildings and structures without the necessary fortifications against earthquakes shall be appraised for their earthquake-resistance capability in accordance with relevant State regulations, and the necessary measures of reinforcement shall be taken:

(1) buildings and structures which come under the category of major construction projects;

(2) buildings and structures which may induce serious secondary disasters;

(3) buildings and structures which are of great cultural relic value and are memorable; and

(4) buildings and structures which are located in the key areas under surveillance for and protection against earthquakes.

Article 21 The local people's governments concerned shall take appropriate and effective measures against sources of the secondary disasters, such as fires, floods, landslides, radioactive contaminations and epidemic diseases, that may occur in the wake of earthquakes.

Article 22 The competent administrative department for seismic work under the State Council and the administrative departments or institutions for seismic work under the local people's governments at or above the county level shall, together with the departments concerned at the corresponding level, work out plans for protecting against and mitigating earthquake disasters on the basis of the prediction of the possible earthquake situation and earthquake disasters and put them into effect upon approval of the people's government at the same level.

Revision of the plans for protecting against and mitigating earthquake disasters shall be submitted for approval to the authorities that originally approved them.

Article 23 People's governments at all levels shall mobilize the departments concerned to disseminate knowledge about the importance of protecting against and mitigating earthquake disasters so as to enhance the citizens' awareness of such importance and help increase citizens' capability of self- and mutual-rescue from earthquake disasters; and improve the training of specialists in this field so as to increase their

ability of dealing with emergencies and providing disaster relief.

Article 24 The local people's governments at or above the county level in the key areas under surveillance for and protection against earthquakes shall, in the light of actual need and possibility, allocate an appropriate amount of funds and materials for earthquake relief from their financial budgets and materials reserve.

Article 25 The State encourages units and individuals to insure against earthquake disasters.

Chapter IV Measures for Earthquake Emergencies

Article 26 The competent administrative department for seismic work under the State Council shall, together with the departments concerned under the State Council, draw up national emergency preplans for destructive earthquakes and submit them to the State Council for approval.

The departments concerned under the State Council shall formulate their own emergency preplans for destructive earthquakes in accordance with the national emergency preplans for destructive earthquakes and submit them to the competent administrative department for seismic work under the State Council for the record.

The competent administrative departments or institutions for seismic work under the local people's governments at or above the county level in areas where destructive earthquakes may occur shall, together with the departments concerned, work out emergency preplans for destructive earthquakes in their own administrative areas in the light of the national emergency preplans for destructive earthquakes and submit them to the said people's governments for approval. All such emergency preplans for provinces, autonomous regions and cities with a population of over one million shall, in addition, be submitted to the competent administrative department for seismic work under the State Council for the record.

The destructive earthquakes mentioned in this Law refer to earthquakes that cause casualties and property losses.

Article 27 The State encourages and gives aid to research and development of technology and equipment for earthquake emergency and

rescue.

The local people's governments at or above the county level in areas where destructive earthquakes may occur shall charge the departments concerned with the duty of reserving equipment necessary for earthquake emergency and rescue and training people to use them.

Article 28 An emergency preplan for a destructive earthquake mainly includes the following :

- (1) composition and functions and duties of an emergency institution;
- (2) guarantee of emergency telecommunications;
- (3) preparation of manpower, funds and materials for rescue and disaster relief;
- (4) preparation of emergency and rescue equipment;
- (5) preparation for disaster evaluation; and
- (6) a plan for emergency actions.

Article 29 After the release of prediction for an imminent destructive earthquake, the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government concerned may declare that the areas covered in the prediction enter the emergency period of an imminent earthquake; the local people's governments concerned shall, in accordance with the emergency preplan for destructive earthquakes, see to it that the relevant departments mobilize the community to make good preparations for disaster relief and rescue.

Article 30 After the occurrence of a severely destructive earthquake which causes tremendous losses, the State Council shall set up a headquarters for resisting the earthquake and providing disaster relief, which shall mobilize the departments concerned to implement the emergency preplan for destructive earthquakes. An office of the said headquarters shall be set up in the competent administrative department for seismic work under the State Council.

After the occurrence of a destructive earthquake, the local people's governments at or above the county level concerned shall set up headquarters for resisting earthquake and providing disaster relief, which shall mobilize the departments concerned to implement the emergency preplan for destructive earthquakes.

A severely destructive earthquake as mentioned in this Law refers to

an earthquake which causes heavy casualties and property losses, rendering people in the disaster-stricken area unable or partially unable to rehabilitate themselves and making it necessary for the State to take appropriate actions.

Article 31 The local people's governments at different levels in earthquake-stricken areas shall promptly inform the people's governments at the next higher level of the earthquake situation and the disasters inflicted and other developments; the people's governments of provinces, autonomous regions and municipalities directly under the Central Government in the earthquake-stricken areas shall, in accordance with the relevant regulations of the State Council, make known to the general public the earthquake situation and the disasters inflicted.

The competent administrative department for seismic work under the State Council or the administrative departments for seismic work under the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall, together with the departments concerned, promptly investigate and assess the losses caused by the earthquake. The findings shall be reported to the said people's governments without delay.

Article 32 After the occurrence of a severely destructive earthquake, the State Council or the people's governments of provinces, autonomous regions and municipalities directly under the Central Government may take the following emergency measures in the earthquake-stricken areas in order to deal with the emergency, provide disaster relief and maintain public order:

- (1) traffic control;
- (2) centralized provision and distribution of basic daily necessities such as foods;
- (3) temporary requisition of houses, transportation vehicles and telecommunications equipment, etc.; and
- (4) other necessary emergency measures.

Chapter V Post-earthquake Relief and Reconstruction

Article 33 After the occurrence of a destructive earthquake, the local

people's governments at all levels in the earthquake-stricken areas shall mobilize forces from all quarters to rescue people and mobilize grassroots units and personnel for self- and mutual-rescue. The local people's governments at all levels in non-earthquake-stricken areas shall mobilize people from all sectors of society to provide aid to the earthquake-stricken areas in the light of the earthquake situation and the disasters inflicted.

After the occurrence of a severely destructive earthquake, the State Council shall provide aid to the earthquake-stricken areas and charge the competent department for comprehensive management of the economy with the duty of coordinating the efforts for disaster relief in an all-round way and, together with the relevant departments under the State Council, making an overall plan for the distribution of relief funds and materials.

Article 34 The local people's governments at or above the county level in earthquake-stricken areas shall mobilize health and medical institutions and other departments or units concerned to provide medical aid to the wounded and do a good job of sanitation and epidemic prevention.

Article 35 The local people's governments at or above the county level in earthquake-stricken areas shall mobilize the civil affairs authorities and other departments or units concerned to lose no time in setting up shelters and stations for the supply of relief goods and materials, make proper arrangements for the daily life of the victims, and help them to evacuate and settle down in new places.

Article 36 The local people's governments at or above the county level in earthquake-stricken areas shall mobilize the traffic, post and telecommunications and construction authorities and other departments or units concerned to take measures to quickly restore the disrupted traffic, communications, water supply, drainage, power, gas and petroleum supply and other facilities, and take urgent protective measures against sources of secondary disasters.

Article 37 The local people's governments at or above the county level in earthquake-stricken areas shall mobilize public security organs and the other departments concerned to strengthen public security administration and improve security work in order to prevent and crack down on various

criminal activities and maintain public order.

Article 38 The houses, transportation vehicles and telecommunications equipment temporarily requisitioned for disaster relief shall be returned immediately afterwards; proper compensation shall be made or other measures shall be taken, according to the relevant regulations of the State Council, for those damaged or unreturnable .

Article 39 All units and individuals shall, during the relief period after an earthquake, abide by rules of discipline and laws, observe social ethics, obey orders and help maintain public order conscientiously.

Article 40 No unit or individual may withhold or embezzle funds and goods set aside for disaster relief.

The auditing authorities of the people's governments at different levels shall through auditing exercise strict supervision over the use of funds set aside for disaster relief.

Article 41 The local people's governments at or above the county level in earthquake-stricken areas shall, in the light of the earthquake disasters and the requirements for seismic resistance, make overall plans for the reconstruction of such areas.

Article 42 The State protects typical earthquake ruins and sites in accordance with law.

The protection of typical earthquake ruins and sites shall be incorporated into plans for the reconstruction of the earthquake-stricken areas.

Chapter VI Legal Liability

Article 43 Whoever, in violation of the provisions of this Law, commits one of the following acts shall be ordered by the competent administrative department for seismic work under the State Council or the administrative department or institution for seismic work under the local people's government at or above the county level to stop violating the Law and to

put the place back to its former state or take other remedial measures; if the circumstances are serious, the offender may be fined not less than 5,000 yuan but not more than 100,000 yuan; if losses are caused, the offender shall bear civil liability in accordance with law; if the offence constitutes a crime, the offender shall be investigated for criminal liability in accordance with law:

(1) building, expanding or rebuilding projects which jeopardize the facilities for earthquake monitoring or the environment for seismicity observation, and doing it without obtaining approval in advance in accordance with law or taking the necessary measures; or

(2) destroying typical earthquake ruins or sites.

Article 44 Any construction unit that, in violation of the provisions in paragraph 3 of Article 17 of this Law, fails to conduct seismic safety evaluation or provide fortification against earthquakes in compliance with the requirements for such fortification, which are drawn up on the basis of the results of seismic safety evaluation, shall be ordered by the competent administrative department for seismic work under the State Council or the administrative department or institution for seismic work under the local people's government at or above the county level to set it right and be fined not less than 10,000 yuan but not more than 100,000 yuan.

Article 45 Any unit that, in violation of the provisions of this Law, commits one of the following acts shall be ordered by the administrative department for construction or other specialized department concerned under the people's government at or above the county level, within the limits of its powers and duties, to set it right and be fined not less than 10,000 yuan but not more than 100,000 yuan:

(1) failing to have construction projects designed in conformity with the standard aseismatic design; or

(2) failing to carry out construction in accordance with the aseismatic design.

Article 46 Whoever withholds or embezzles funds or goods set aside for earthquake disaster relief, if the offence constitutes a crime, shall be investigated for criminal liability in accordance with law; otherwise, he shall be given administrative sanctions.

Article 47 Any State functionary who abuses his power, neglects his duty or commits malpractices for selfish ends, if the offence constitutes a crime, shall be investigated for criminal liability in accordance with law; otherwise, he shall be given administrative sanctions.

Chapter VII Supplementary Provisions

Article 48 This Law shall come into force as of March 1, 1998.