

英譯法規內容

法規名稱(Title)：	The Enforcement Rules of Disaster Prevention and Protection Act
公發布日(Date)：	2017.01.18
法規沿革：(Legislative)	1.Promulgated by Order Tai(90)-Nei-Hsiao-Tzu No. 9086643, Ministry of the Interior, June 1st, 2001. 2.Promulgated by Order Tai-Nei-Hsiao-Tzu No. 0980820525, Ministry of the Interior, Jan 16, 2009. 3.Amendment of Article 6, 7, 9-1, 18, under Order Tai-Nei-Hsiao-Tzu No. 1000820937, Ministry of the Interior, Feb 21, 2011. 4.Amended on January 18, 2017

法規內文(Content)：

Article 1

These Enforcement Rules are enacted in pursuant to Article 51 of Disaster Prevention and Protection Act (the Act).

Article 2

Disasters other than Fire Disaster referred in Item 2, Subparagraph 1, Article 2 of the Act are defined as follows:

1. Explosion Disaster: refers to any disaster resulted from drastic production of pressure that release to its environment where lower pressure presents, or any compaction against the ambient air or friction against wall of a container by a drastically expanding gas.
2. Public Gas or Fuel Pipeline Disaster: refers to hazards to the safety or pollution to the environment resulted from any accident to the pipeline operated by natural gas or petrol industry.
3. Power Transmission Line Disaster: refers to the disaster resulted from failure of normal power transmission and supply due to damaged transmission line or equipment.
4. Mine Disaster: refers to the disaster such as rock fall, buried, landslide, carbon monoxide intoxication or suffocation, gas or coal dust explosion, gas strike, petroleum or natural gas leakage, shaft eruption, transport accident, mechanical and electrical accident, explosive accident, flood, fire, and so on, that cause damage to personnel's life and property within underground mine, quarry, petroleum natural gas mine (including marine exploration and production work), and abandoned mine pit or waste rock field that still sustaining valid mining license.
5. Air Disaster: refers to loss of life, injury, missing personnel or property loss, or damaged or missing aircraft due to accident taking place in the operation of aircraft.
6. Sea Disaster: refers to failure, sinking, grounding, collision, fire, explosion of a sea

vessel, or any other unusual accident to a sea vessel, cargo, crew or passenger.

7. Land Traffic Accident Disaster: refers to accident to railway, highway or mass rapid transit system, or traffic safety being compromised or traffic being interrupted due to facilities damaged as a result of natural or human factor.

8. Forest-fire Disaster: refers to fire disaster occurs within national, public, or private forest land, causing damage to the woods or interfering structure and formation of the forest ecosystem and the land operator.

9. Toxic Chemical Materials Disaster: refers to public safety hazard or environmental pollution due to accident of toxic chemical materials.

10. Biological Disaster: refers to epidemic outbreak of infectious diseases, which not only causes severe damage to the national security, social economy and people's health, but also creates burdens to regional medical resources.

11. Animal and Plant Disease: refers to disasters caused by the happening or spread of animal infectious disease or plant disease or pest.

12. Radiation Disaster: refers to a radiation accident caused by radiation source, radiation operation, or other natural or human factors, resulting in safety hazard to put personnel in radiation exposure or environmental pollution.

13. Industrial Pipeline Disaster: refers to safety hazard or environmental pollution (other than those as described in Paragraph 2) caused by dangerous objects as described in the Regulations Governing the Declaration of Plant Dangerous Objects delivered through third-party underground industrial pipelines outside the parks established or managed according to relevant regulations, and between the sending plant and receiving plant.

Article 3

Public utilities mentioned in the Act refer to mass communication, electricity enterprise, water supply enterprise, telecommunications enterprise, natural gas, petroleum, transportation and other industries designated by the central regulating authorities.

Article 4

Disaster Prevention and Protection groups mentioned in the Act refer to the group(s) assisting the disaster emergency measure implementation and registered pursuant to Paragraph 1, Article 50 of the Act that had acquired its permit pursuant to the related requirements of consortium corporate foundation or registered under Civil Organizations Act.

Article 5

Disaster Prevention and Protection voluntary organizations mentioned in the Act refer to the group(s) of volunteers assisting the disaster emergency measure implementation and registered in pursuant to Paragraph 1, Article 50 of the Act.

Article 6

Deleted.

Article 7

The Central Disaster Prevention and Protection Commission once in every five (5) years, or whenever required, in pursuant to Paragraph 2, Article 17 of the Act, shall survey, assess and review the Disaster Prevention and Protection primary plan, in relevant disaster alleviation issues, arrangements, disaster emergencies, reconstruction and reformation post disasters, scientific research results, incidents of disaster, and coping strategies.

Article 8

Central Disaster Prevention and Protection operation regulating authorities once in every two (2) years, or whenever required, in pursuant to Paragraph 2, Article 22, Paragraph 2, Article 23, Paragraph 2, Article 27, Paragraph 2, Article 36 of the Act, and the Disaster Prevention and Protection Primary Plan, shall survey, assess and review the Disaster Prevention and Protection Operation Plan.

Public Utilities once in every two (2) years, or whenever required, in pursuant to the Disaster Prevention and Protection Primary Plan, relevant disaster alleviation issues, arrangements, disaster emergencies, reconstructions and reformations post disaster, shall survey, assess and review the Disaster Prevention and Protection Operation Plan.

Article 9

The municipal, or county/city government and township/ city administration once in every two (2) years, or whenever required, in pursuant to Paragraph 2, Article 22, Paragraph 2, Article 23, Paragraph 2, Article 27, Paragraph 2, Article 36 of the Act, the Disaster Prevention and Protection Plan, regional disaster incidents, and disaster potential characteristics, shall survey, assess, and review regional disaster prevention and protection plan.

Article 9-1

To implement the items in pursuant to Paragraph 2, Article 9 of the Act, Government at each level shall provide assistance for the villages, including aboriginal villages, occupied with potential characteristics of regional disasters and traffic interruption to group and train the organization of disaster prevention and protection of its own accord.

Article 10

Disaster Prevention and Protection materials and equipments specified in Subparagraph 5, Paragraph 1, Article 23 of the Act shall include:

1. Potable water, provisions and other consumer necessities;
2. First aid equipments and medicines;
3. Life saving materials and equipments;
4. Constructional machineries, materials and other emergency measure necessities; and

5. Any other materials and equipments required.

Disaster Prevention and Protection facilities and installations specified in Subparagraph 6, Paragraph 1, Article 23 of the Act shall include:

1. Transportation means for evacuation of personnel and materials;
2. Installations required for control and prevention of infectious diseases, waste disposal, environment sterilization and health improvement;
3. Stand-by water source for disaster rescue and salvation equipment;
4. Life maintenance pipes, lines, materials, and installations and equipments for emergency repair;
5. Information and communication installations and equipments; and
6. Any other facilities and installations required.

Article 11

Government at each level in pursuant to Paragraph 2, Article 28 of the Act shall update and maintain in ready to use condition, all Disaster Prevention and Protection devices and equipments concerning with information and communication at the fixed operation places of the emergency operation center, and shall carry out performance tests for those facilities and equipment at least once every month; and a drill at least once in every six months, or whenever required.

Article 12

The director of Emergency Operation Center when carrying out related matter(s) in pursuant to Paragraph 1, Article 31 of the Act shall appoint related institute/unit to execute such action(s).

The director in the preceding paragraph took disciplinary below in pursuant to Subparagraph 2 and 3, Paragraph 1, Article 31 of the Act, shall make announcement, publish in the Government Reports, newspapers, websites or by other means to notify mass; as well as when revocation, abolishment or change happened.

1. Designating outpost area, limiting or prohibiting public entry or releasing departing command.
2. Allocating road sections, water territories, airspace altitude, and limiting or prohibiting land, water, or air traffic.

Article 13

Government at each level shall provide any person drafted to help in disaster rescue in pursuant to Subparagraph 4, Paragraph 1, Article 31 of the Act, with board and lodging, transportation means or money in lieu as applicable.

Article 14

A written draft requisition letter, usage requisition letter, or purchase requisition letter shall be served to the person draft-requisitioned, the owner or the user or the administrator of the subject matter usage-requisitioned (usage-requisitioned person), or purchase-requisitioned person when draft requisition, usage requisition, or purchase requisition action in pursuant to Subparagraph 4 and 5, Paragraph 1, Article 31, and Paragraph 1, Article 32 of the Act is taken.

Provided, however, that in case of emergency, such requisitions may be made by phone, fax or any other proper means, to be followed with the written draft requisition letter, usage requisition letter, or purchase requisition letter.

If required, the written draft requisition letter, usage requisition letter, or purchase requisition letter may be served in care of the inferior agency, institute, academic institute or organization.

Article 15

The written draft requisition letter shall include the following details:

1. Name, date of birth, sex, ID number, permanent address, present address or any other sufficient particular identification of the draft-requisitioned person;
2. Purpose, facts, reasons and legal basis for such requisition;
3. The area supporting the draft requisition;
4. Term of requisition;
5. Time and place to report in;
6. Names of the disposition institute and its administrator' s signature and chop
7. Reference number and date of the written requisition; and
8. Expressly indicating the intent of making such administrative disposition and remedies, term and attending institute available in case of any defiance with such administrative disposition.

Article 16

The written usage requisition letter, purchase requisition letter shall include the following details:

1. Name, date of birth, sex, ID number, permanent address, present address or any other sufficient particular identification of the usage-requisitioned person and the purchase-requisitioned person; in case of an incorporated body or any group provided with an administrator or representative: its name, business place or office, and the name, date of birth, sex, ID number, permanent address, and present address of the administrator or representative;
2. Purpose, facts, reasons and legal basis for such requisition;
3. Description, unit, quantity and specification of the subject matter of usage-requisition

- or purchase-requisition;
4. The area supporting the requisition;
 5. Term of usage requisition;
 6. Payment and delivery place and time;
 7. Names of the disposition institute and its administrator' s signature and chop
 8. Reference number and date of the written requisition; and
 9. Expressly indicating the intent of making such administrative disposition and remedies, term and attending institute available in case of any defiance with such administrative disposition.

Article 17

Upon receiving the written draft requisition letter, usage requisition letter, purchase requisition letter, or being notified, the person draft-requisitioned, usage-requisitioned person, or purchase-requisitioned person shall report or deliver the subject matter of usage-requisition or purchase-requisition at the time and place specified.

Emergency operation center or government at each level upon the report of the person draft-requisitioned, or upon the delivery of the subject matter of usage-requisition or purchase-requisition shall issue to the subject of requisition or subject of the purchasing requisition a disaster rescue ID badge or a certificate of receipt while making proper assignment and operation of the person or the materials of requisition.

Upon the termination of the term of draft requisition or usage requisition, an extension may be specified if it is necessary to continue the requisition, and will be proceed in pursuant to article 14.

Article 18

Government at each level shall create, periodically, or whenever required, review, and update a database for the disaster rescue resources including the person draft-requisitioned, and the subject matter usage-requisitioned or purchase-requisitioned required in carrying out the disaster emergency measures.

The Central Disaster Prevention and Protection operation regulating authorities shall compile, file and control those data as described in the first paragraph herein.

Article 19

Readjustment of receipts and payments for the current fiscal year pursuant to Paragraph 2, Article 43 of the Act shall be made in the following sequence by the government at each level:

1. Expenditures as budgeted for disaster emergency measures and reconstructions and restorations post disaster related accounts prepared by each agency shall be applied for the payments for Disaster Prevention and Protection;

2. Readjustment from the prepared budgets by each agency to cope with the Disaster Prevention and Protection expenditures; and
3. Readjustment to be made as necessary among the agencies under the general budgets prepared by Executive Yuan, municipal, or county/city government to cope with the Disaster Prevention and Protection expenditures.

Readjustment permitted under Subparagraph 2 and 3 of this Article shall be made according to the procedure specified in the modification and change of allotted annual expenditures.

Article 20

These Enforcement Rules shall become effective on and after the date it is published.