Civil Air Defense Law of the PRC

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purpose of organizing effective civil air defense, protecting the safety of the people's lives and property, and safeguarding the smooth progress of the socialist modernization drive.

Article 2 — Civil air defense is a component part of national defense. Based on the needs of national defense, the state shall mobilize and organize the masses to take protective measures to prevent and reduce damage caused by air raids. The term "air raid" as used in this Law includes conventional air raids as well as nuclear, chemical, and biological weapon attacks.

Article 3 — Civil air defense shall implement the principles of combining preparations against air raids with rescue and relief operations in the wake of air raids, integrating civil air defense with disaster prevention and relief, and combining long-term preparation with key construction, and shall be compatible with economic and social development and coordinated with urban construction.

Article 4 — Funds for civil air defense shall be provided by the state and society jointly. The central government shall bear the expenses for key civil air defense projects of national significance and for civil air defense command projects. Local people's governments at all levels shall bear the expenses for civil air defense projects, communication and warning systems, evacuation facilities, and mass air defense organizations within their respective administrative regions. Relevant units shall bear the expenses for civil air defense facilities that they are required to build, the expenses for mass air defense organizations they must form, and the expenses for organizing evacuation, providing protective education, and taking other measures.

Article 5 — The state shall provide preferential treatment policies for civil air defense facilities in accordance with relevant state regulations. The state encourages and supports enterprises, public institutions, social organizations, and individuals to invest in construction of civil air defense projects through various channels.

Article 6 — The State Council and the Central Military Commission shall lead the national civil air defense work. Major military regions shall, in accordance with the tasks assigned by the State Council and the Central Military Commission, lead civil air defense work within their areas. Local people's governments at or above the county level and military organs at the corresponding level shall lead civil air defense work within their respective administrative regions.

Article 7 — The competent department for civil air defense under the State Council shall administer civil air defense work nationwide. The competent departments for civil air defense of major military regions shall administer civil air defense work within their respective areas. The competent departments for civil air defense of local people's governments at or above the county level shall administer civil air defense work within their respective administrative regions. The competent departments for civil air defense of state organs at the central level shall administer civil air defense work of their own organs. The administrative departments of civil air defense shall not charge any fee for approval or other matters in violation of regulations.

Article 8 — All organizations and individuals shall have the right to be protected by civil air defense and must perform their civil air defense obligations in accordance with law.

Article 9 — The state shall protect civil air defense facilities from damage. Any organization or individual shall have the obligation to protect civil air defense facilities and shall have the right to report or file accusations against acts of damaging or endangering civil air defense facilities.

Chapter II — Key Targets of Protection

Article 10 — In determining the key targets of civil air defense protection, consideration shall be given to the important status and role of cities in time of war as bases of combat, production, and livelihood, and

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important economic targets shall be protected as key targets.

Article 11 — Cities are the key targets of civil air defense. Cities shall formulate plans for protection against air raids, plans for air defense projects, and evacuation plans for their populations. Plans for protection against air raids in cities shall be implemented in coordination with urban construction planning.

Article 12 — Important economic targets that support the national economy and the war effort, such as important industrial and mining enterprises, scientific research bases, transportation hubs, communication centers, bridges, reservoirs, warehouses, and power stations, shall be subject to effective protective measures; a plan for emergency rescue, repair, and restoration shall be formulated.

Article 13 — The administrative departments of civil air defense of cities shall, in conjunction with relevant departments, supervise and inspect the construction of civil air defense facilities of important economic targets. Units in charge of important economic targets shall, in accordance with the civil air defense requirements, take effective protective measures for their own targets.

Article 14 — The scope and standards for key civil air defense protection targets shall be prescribed by the State Council and the Central Military Commission.

Chapter III — Civil Air Defense Projects

Article 15 — The state shall strengthen the construction of civil air defense projects. The construction of civil air defense projects shall be incorporated into national economic and social development plans and annual plans.

Article 16 — Construction of civil air defense command projects, public civil air defense evacuation trunk line projects, and medical aid and material reserve and other special projects shall be organized and implemented by the administrative departments of civil air defense. Relevant units shall be responsible for the construction of air raid shelters and other protective facilities for personnel and materials within their own units.

Article 17 — The state shall, in accordance with relevant regulations, give preferential treatment to the construction of civil air defense projects with respect to land use, taxation, and fees.

Article 18 — When constructing new civil buildings in cities, air raid shelters shall be constructed simultaneously in accordance with the relevant state regulations. If it is truly difficult to construct air raid shelters due to geological conditions, construction characteristics, or other reasons, the construction unit must pay fees to the administrative department of civil air defense for the construction of air raid shelters elsewhere, specifically for public civil air defense projects that are easy to construct nearby.

Article 19 — Civil air defense projects shall be designed, constructed, and accepted for quality in accordance with the state-designated standards for protective standards and quality. Civil air defense projects shall not be constructed in a manner that affects their protective effectiveness.

Article 20 — The design, construction, and supervision of civil air defense projects shall be carried out by units with corresponding qualifications.

Article 21 — The connection between civil air defense projects shall be planned and designed in accordance with the civil air defense project construction plan. When constructing air raid shelters in civil buildings, the civil air defense administrative department shall verify the air raid shelter design requirements as part of the construction project review.

Article 22 — Upon completion of civil air defense projects, they shall be accepted in accordance with relevant state regulations. Only those that pass the acceptance check may be put into use.

Article 23 — Civil air defense projects shall have good ventilation, waterproofing, moisture-proofing, fire prevention, and other safety facilities, and shall be regularly maintained to ensure that they are in good

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condition.

Article 24 — No unit or individual may commit any of the following acts endangering the safety and protective effectiveness of civil air defense projects: (1) occupying, blocking, or damaging the entrances and exits of civil air defense projects; (2) discharging waste water, waste gas, or dumping waste into civil air defense projects; or (3) producing or storing explosive, highly toxic, flammable, radioactive, or corrosive materials within civil air defense projects.

Article 25 — Civil air defense projects shall be utilized under the condition of ensuring their protective effectiveness in time of war. In peacetime, civil air defense projects shall be utilized in a manner that serves both economic development and the daily lives of the people.

Article 26 — No unit or individual may dismantle civil air defense projects without authorization. If it is truly necessary to dismantle a civil air defense project, the matter must be reported to the administrative department of civil air defense for approval, and the demolishing unit shall be responsible for reconstruction or compensation.

Article 27 — No unit or individual may alter the main structure of civil air defense projects without authorization, or block the entrances, exits, or passages thereof.

Chapter IV — Communication and Warning

Article 28 — The state shall guarantee the unimpeded flow of civil air defense communications and warning systems, so as to rapidly and accurately transmit and issue air defense warning signals and effectively organize and direct civil air defense.

Article 29 — Telecommunications authorities, military communications authorities, and administrative departments of civil air defense shall, in accordance with the state-designated tasks and the construction plan for civil air defense communications and warning systems, ensure the construction of civil air defense communications and warning systems and unimpeded flow of communications.

Article 30 — The state shall set up a unified air defense warning system. The administrative departments of civil air defense shall be responsible for the construction and administration of air defense warning systems. The telecommunications and broadcasting authorities, the military, and the administrative departments of civil air defense shall jointly ensure the timely issuance of civil air defense warning signals. Installations for air defense warning signals shall be set up at high points in cities or other appropriate locations. The competent departments for civil air defense shall be responsible for the construction, installation, and management of air defense warning installations. No unit or individual may dismantle or damage air defense warning installations without authorization, nor may they occupy the dedicated frequency for air defense warning or interfere with air defense warning signals.

Article 31 — After receiving an order from a higher authority, the administrative departments of civil air defense of cities shall issue air defense warning signals within the prescribed time limit. Air defense warning signals shall be promptly transmitted and issued through telecommunications systems, radio and television systems, air defense warning installations, and other means. When necessary, the telecommunications systems and radio and television systems shall be used on a priority basis to transmit and issue air defense warning signals. Air defense rehearsal warning signals shall be issued only with the approval of the people's government of the city.

Article 32 — Any unit or individual that discovers a malfunction in an air defense warning installation shall promptly report it to the competent department for civil air defense. The competent department for civil air defense shall promptly organize the repair of the malfunction.

Chapter V — Evacuation

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Article 33 — The evacuation of the population in civil air defense shall be organized and implemented by the people's governments at or above the county level. The people's governments at or above the county level shall, in accordance with the relevant state regulations, formulate evacuation plans for the population in the cities and arrange for the construction of corresponding evacuation areas. The people's governments of the cities shall formulate population evacuation plans in both urban and suburban areas.

Article 34 — The people's governments of evacuation areas shall organize, coordinate, and arrange for the reception, resettlement, supply, and medical services for the evacuated population. The people's governments of the cities shall organize units and citizens who need to be evacuated, and arrange for the evacuation of citizens in accordance with the evacuation plan.

Article 35 — Units of the evacuated population shall lead and organize their own personnel to evacuate and to return, and shall, under the unified organization of the local people's government, participate in rescue, support, and relief operations.

Chapter VI — Mass Air Defense Organizations

Article 36 — Mass air defense organizations shall be formed by people's governments at or above the county level in accordance with the needs of civil air defense. Mass air defense organizations shall carry out their tasks of emergency rescue, repair, and relief during air raids under wartime conditions, and may assist in maintaining social order. In peacetime, mass air defense organizations may assist in disaster prevention and relief efforts.

Article 37 — Mass air defense organizations shall be formed by the following departments, and the formation of each specialized unit shall meet the corresponding standards, and they shall be well-equipped and well-trained:

(1) departments of urban construction, public utilities, and electric power shall form emergency rescue and repair units;

(2) public health and medical departments shall form medical aid units;

(3) public security departments shall form fire-fighting units and public security units;

(4) departments of health, chemical industry, environmental protection, and other departments shall form anti-chemical warfare units;

(5) telecommunications departments shall form communication units; and

(6) transportation departments shall form transportation units.

Article 38 — The required equipment, instruments, and funds for mass air defense organizations shall be provided by the units that form them. Specialized equipment for mass air defense organizations shall be guaranteed by the administrative departments of civil air defense.

Article 39 — The training of mass air defense organizations shall be organized and implemented by the administrative departments of civil air defense and the units that form them. The training plan, content, and standards for mass air defense organizations shall be formulated and issued by the competent department for civil air defense.

Chapter VII — Civil Air Defense Education

Article 40 — The state shall conduct civil air defense education to raise the civil air defense awareness of citizens and enable them to acquire basic knowledge and skills of civil air defense.

Article 41 — The competent department for civil air defense shall be responsible for organizing and formulating civil air defense education plans and for providing prescribed educational content. Departments of education, press and publication, radio, film, and television, and culture shall assist in conducting civil air

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defense education. News, publishing, radio, film, television, culture, and other relevant departments shall, within the scope of their respective duties, assist in conducting civil air defense education.

Article 42 — Civil air defense education shall be incorporated into school education curricula. Institutions of higher learning, senior secondary schools, and schools offering compulsory education shall, in conjunction with national defense education, incorporate civil air defense knowledge and skills education content into their curricula. State organs, public organizations, enterprises, and public institutions shall, in light of actual circumstances, organize and conduct civil air defense education for their personnel.

Article 43 — Administrative departments of civil air defense shall organize and provide civil air defense education for citizens, and relevant departments such as urban and rural construction shall provide assistance.

Article 44 — Urban residents' committees and villagers' committees may, in light of actual local circumstances, organize civil air defense education.

Chapter VIII — Legal Liability

Article 45 — Whoever occupies, blocks, or damages the entrances or exits of civil air defense projects, or discharges waste water or waste gas or dumps waste into such projects in violation of state regulations shall be given a warning by the administrative department of civil air defense of the people's government at or above the county level and ordered to make correction within a prescribed time limit; if the offender fails to make correction within the prescribed time limit, a fine may be imposed, and compensation shall be made for the losses caused.

Article 46 — Whoever, in violation of state regulations, produces or stores explosive, highly toxic, flammable, radioactive, or corrosive materials within civil air defense projects, which constitute a crime, shall be investigated for criminal liability in accordance with law; if not serious enough to constitute a crime, the case shall be dealt with in accordance with the relevant provisions of the Regulations on Administrative Penalties for Public Security, and compensation shall be paid for the losses caused.

Article 47 — Whoever, in violation of the provisions of this Law, dismantles civil air defense projects without authorization, thereby endangering the safety and protective effectiveness of such projects, shall be given a warning by the administrative department of civil air defense of the people's government at or above the county level and ordered to make correction within a prescribed time limit; if the offender fails to make correction within the prescribed time limit, a fine may be imposed, and compensation shall be made for the losses caused.

Article 48 — Where a construction unit fails to construct an air raid shelter simultaneously with a new civil building, or the air raid shelter built fails to meet the state-designated protective standards and quality requirements, the administrative department of civil air defense of the people's government at or above the county level shall give a warning and order the unit to make correction within a prescribed time limit; if the unit fails to make correction within the prescribed time limit, a fine may be imposed.

Article 49 — Where the approval authority of the administrative department of civil air defense engages in approval or charges fees in violation of law, the competent authority at a higher level shall order it to make correction. Administrative sanctions shall be imposed on the persons directly in charge and other directly responsible persons in accordance with law. Unlawful gains from fees illegally collected shall be confiscated. Where losses are caused, compensation shall be made in accordance with law.

Article 50 — Where civil air defense personnel neglect their duties, abuse their powers, or engage in malpractice for personal gain or commit other illegal acts, which constitute a crime, criminal liability shall be investigated in accordance with law; if not serious enough to constitute a crime, administrative sanctions shall be imposed in accordance with law.

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Chapter IX — Supplementary Provisions

Article 51 — The people's governments of provinces, autonomous regions, and municipalities directly under the Central Government may, in accordance with this Law, formulate measures for its implementation.

Article 52 — The measures for the administration of civil air defense in military facilities and important economic targets that are military targets shall be formulated by the State Council and the Central Military Commission.

Article 53 — This Law shall go into effect as of January 1, 1997.

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