Emergency Response Law of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of preventing and reducing the occurrence of emergencies, controlling, mitigating, and eliminating the serious social harm caused by emergencies, regulating emergency response activities, protecting the safety of people's lives and property, and safeguarding national security, public security, environmental security, and social order.

Article 2 — This Law shall apply to emergency prevention and preparedness, monitoring and early warning, emergency response and rescue, and post-emergency recovery and reconstruction, among other response activities.

Article 3 — For the purposes of this Law, an emergency refers to a natural disaster, accident disaster, public health incident, or social security incident that occurs suddenly and has caused or is likely to cause serious

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social harm and requires the adoption of emergency response measures.

According to the degree of social harm and the scope of impact, among other factors, natural disasters, accident disasters, and public health incidents are classified into four grades: especially serious, serious, relatively serious, and ordinary. Where laws, administrative regulations, or the State Council provide otherwise, such provisions shall prevail.

The standards for grading emergencies shall be formulated by the State Council or the departments designated by the State Council.

Article 4 — The state shall establish an emergency management system featuring unified leadership, comprehensive coordination, categorized management, tiered responsibility, and territorial management as the primary approach.

Article 5 — Emergency response work shall follow the principle of giving priority to prevention and combining prevention with emergency response. The state shall establish a risk assessment system for major emergencies to conduct comprehensive assessments of potential emergencies, reduce the occurrence of major emergencies, and mitigate the impact of major emergencies to the greatest extent possible.

Article 6 — The state shall establish an effective social mobilization mechanism, enhance citizens' awareness of public safety and risk prevention, and improve the emergency response capabilities of the entire society.

Article 7 — The people's government at the county level shall be responsible for the emergency response work relating to emergencies occurring within its administrative region; where an emergency involves two or more administrative regions, the people's government at the next higher level that all such administrative regions fall under shall be responsible, or the relevant people's governments at the next higher level of each such administrative region shall be jointly responsible.

After an emergency occurs, the people's government at the county level at the place where the emergency occurs shall immediately take measures to control the development of the situation, organize emergency rescue and response work, and immediately report to the people's government at the next higher level. When necessary, the response level may be raised.

Where the people's government at the county level at the place where the emergency occurs is unable to eliminate or effectively control the serious social harm caused by the emergency, it shall promptly report to the people's government at a higher level. The people's government at a higher level shall take timely measures and provide unified leadership in the emergency response work.

Where laws or administrative regulations provide that the relevant department of the State Council shall take the lead in responding to an emergency, such provisions shall prevail; local people's governments shall actively cooperate and provide necessary support.

Article 8 — The State Council shall, under the leadership of the Premier, study, decide, and deploy the response to especially serious emergencies; it shall establish an emergency command structure based on actual needs, which shall be responsible for the emergency response work. When necessary, the State Council may send a working group to guide the relevant work.

Local people's governments at or above the county level shall establish an emergency command structure composed of the principal responsible persons of the people's governments at the corresponding levels, the responsible persons of the relevant departments, and the responsible persons of the relevant units of the People's Liberation Army and the People's Armed Police Force stationed in the locality, to provide unified leadership and coordinate the relevant departments of the people's governments at the corresponding levels and the people's governments at lower levels in carrying out emergency response work. Emergency command offices shall be established based on actual needs, which shall be responsible for the day-to-day work of the emergency command structure.

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The competent departments of the people's governments at higher levels shall, within the scope of their respective functions and duties, guide and assist the people's governments at lower levels and their relevant departments in carrying out the relevant emergency response work.

Article 9 — The State Council and local people's governments at or above the county level shall be the leading organs for emergency response work, and their administrative offices shall be specifically responsible for the day-to-day work of emergency management within their respective administrative regions.

Article 10 — The decisions and orders made by the relevant people's government and its departments in response to an emergency shall be promptly published.

Article 11 — The measures adopted by the relevant people's government and its departments in response to an emergency shall be commensurate with the nature, degree, and scope of the social harm that the emergency may cause; where multiple measures are available for selection, the measure that is most conducive to protecting the lawful rights and interests of citizens, legal persons, and other organizations to the greatest extent possible shall be selected.

Citizens, legal persons, and other organizations shall be obligated to participate in the emergency response work.

Article 12 — In response to an emergency, the relevant people's government and its departments may requisition the property of entities and individuals. After the use of the requisitioned property is completed or the emergency response work is concluded, the requisitioned property shall be promptly returned. Where property is requisitioned or damaged or lost after requisition, compensation shall be made.

Article 13 — Where the adoption of emergency response measures causes suspension of litigation, administrative reconsideration, or arbitration activities, the provisions of relevant laws on the suspension of the statute of limitations and procedures shall apply, unless otherwise provided by law.

Article 14 — The People's Liberation Army, the People's Armed Police Force, and militia organizations shall participate in emergency response and rescue work in accordance with the provisions of this Law and other relevant laws, administrative regulations, and military regulations, as well as the orders of the State Council and the Central Military Commission.

Article 15 — The Government of the People's Republic of China shall, in its emergency response work, carry out exchanges and cooperation with foreign governments and relevant international organizations.

Article 16 — The standing committees of people's congresses at or above the county level shall exercise supervision over the performance of emergency response duties by the people's governments at the corresponding levels in accordance with the law.

Chapter II — Prevention and Emergency Preparedness

Article 17 — The state shall establish a sound emergency response plan system.

The State Council shall formulate a national master emergency response plan and organize the formulation of special national emergency response plans. The relevant departments of the State Council shall, in accordance with their respective functions and duties and the relevant master emergency response plans of the State Council, formulate national emergency response plans for their respective departments.

Local people's governments at all levels and the relevant departments of people's governments at or above the county level shall, in accordance with relevant laws, regulations, rules, emergency response plans of the people's governments at higher levels and their relevant departments, and the actual circumstances of their respective regions, formulate corresponding emergency response plans.

The authorities formulating emergency response plans shall, in light of actual needs and changes in circumstances, revise the emergency response plans in a timely manner. The relevant competent departments shall conduct appropriate risk assessments on emergency response plans before implementation and after revision.

Article 18 — An emergency response plan shall, in accordance with the provisions of this Law and other relevant laws and regulations, clearly stipulate the organizational command system and responsibilities for emergency response work, the prevention and early warning mechanisms for emergencies, response procedures, emergency safeguard measures, and post-emergency recovery and reconstruction measures, among other matters.

Article 19 — Urban and rural planning shall comply with the requirements for preventing and responding to emergencies, make overall arrangements for the construction of equipment and infrastructure necessary for emergency response, and reasonably determine emergency shelter sites.

Article 20 — People's governments at or above the county level shall conduct risk assessments of potential emergencies such as natural disasters, accident disasters, and public health incidents within their administrative regions by inspecting and registering the sources of danger and dangerous areas, conduct regular inspections and monitoring, and order the relevant entities to adopt safety protection measures.

People's governments at or above the provincial level and the people's governments of cities divided into districts shall, in accordance with the provisions of the preceding paragraph, register the sources of danger and dangerous areas within their respective administrative regions and make a public announcement of the results in accordance with the provisions of the state.

Article 21 — People's governments at the county level and their relevant departments, people's governments at the township level, subdistrict offices, residents' committees, and villagers' committees shall promptly mediate and handle any contradictions and disputes that may trigger social security incidents.

Article 22 — All entities shall establish a sound safety management system, conduct regular inspections of their various safety facilities, and take timely measures to deal with potential accident hazards that may cause emergencies, so as to prevent the occurrence of emergencies. For sources of danger and dangerous areas within their respective entities, safety monitoring shall be carried out and safety protection facilities shall be set up.

Entities operating public transport vehicles, public places, and other places with a high density of personnel shall formulate specific emergency response plans. Such entities shall conduct regular drills for emergency response plans.

Article 23 — Mines, construction units, and entities producing, operating, storing, transporting, or using hazardous materials such as flammable and explosive substances, hazardous chemicals, and radioactive substances shall formulate specific emergency response plans, investigate potential accident hazards that may cause emergencies within their production and operation sites and buildings and structures with sources of danger, take timely measures to eliminate such hazards, and prevent the occurrence of emergencies.

Article 24 — Public transport vehicles, public places, and other places with a high density of personnel shall be equipped with alarm devices and necessary emergency rescue equipment and facilities, clearly indicate their methods of use, and prominently display evacuation routes and other safety signs.

Relevant entities shall conduct regular testing and maintenance of their alarm devices and emergency rescue equipment and facilities to ensure that they are in good condition and can be used normally.

Chapter III — Monitoring and Early Warning

Article 25 — The State Council shall establish a national unified emergency information system.

Local people's governments at or above the county level shall establish or designate a unified emergency information reporting system, and the relevant departments of people's governments at or above the county level shall report information on emergencies to the people's governments at the corresponding levels. The professional monitoring agencies, monitoring points, and information reporters established by the relevant departments of people's governments at or above the county level shall promptly report information on emergencies to the relevant departments at higher levels, and may, when necessary, report directly across levels.

People's governments at or above the county level and their relevant departments shall establish a sound information reporting system for potential and actual emergencies and shall establish a sound relevant system for the reporting of emergencies by citizens, legal persons, or other organizations.

Article 26 — After receiving a report on an emergency, the people's government at the county level and its relevant departments shall immediately organize an investigation and verification of the reported information, conduct an assessment of the situation, and, once it is verified that a serious social harm is likely to be caused, immediately report to the people's government at the next higher level and, at the same time, notify the relevant departments and local people's governments in areas that may be affected.

Article 27 — People's governments at or above the county level shall promptly issue early warnings of the corresponding grades in accordance with the provisions of the relevant laws, administrative regulations, and the State Council for emergencies that are likely to occur or have occurred.

Article 28 — People's governments at or above the county level shall, in accordance with the prescribed authority and procedures, issue early warnings of the corresponding grades based on the emergency level and emergency response plans, and decide and declare the relevant areas to enter a warning period. At the same time, they shall report to the people's government at the next higher level, and, when necessary, may report directly across levels, and notify the relevant local people's governments and the relevant departments of the people's governments in areas that may be affected.

Article 29 — After the people's government at or above the county level declares a warning period, it shall, based on the characteristics of the emergency and the degree of harm that may be caused, take the following measures:

(1) activating the emergency response plan;

(2) ordering the relevant departments, professional institutions, monitoring points, and responsible personnel with specific responsibilities to collect and report relevant information in a timely manner, announcing to the public the channels for reflecting information on emergencies, and strengthening monitoring, forecasting, and early warning of the occurrence and development of emergencies;

(3) organizing the relevant departments and institutions, professional and technical personnel, and relevant experts to conduct a comprehensive assessment of the information on emergencies at any time, predicting the magnitude, intensity, and scope of the emergencies that may occur, as well as the possible grades of the emergencies;

(4) issuing to the public time-based information on the prediction, forecast, and analysis of emergencies and the relevant assessment results at regular intervals, and managing the reporting of relevant information;

(5) promptly issuing to the public warnings that the relevant types or specific types of emergencies are likely to occur, and publicizing the measures and suggestions for avoiding and mitigating the harm;

(6) transferring, evacuating, or relocating persons who may be endangered and properly placing them, and moving important property;

(7) closing or restricting the use of places that are vulnerable to harm from emergencies, and controlling or restricting activities in public places that are likely to lead to the expansion of the harm;

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(8) other necessary preventive and protective measures prescribed by laws, regulations, and rules.

Article 30 — Where an early warning of social security incidents is issued, the people's government that issued the early warning shall, in light of the characteristics of the incident and the development and changes in the situation, take one or more measures in accordance with the provisions of relevant laws, administrative regulations, and the State Council.

Article 31 — Where facts prove that an emergency is unlikely to occur or the danger has been eliminated, the people's government that issued the early warning shall immediately announce the lifting of the warning, terminate the warning period, and lift the relevant measures that have been taken.

Chapter IV — Emergency Response and Rescue

Article 32 — After a natural disaster, accident disaster, or public health incident occurs, the people's government performing the duty of unified leadership may take one or more of the following emergency response measures:

(1) organizing the rescue and treatment of the victims, evacuating, relocating, and properly placing threatened persons, and adopting other relief measures;

(2) promptly controlling sources of danger, marking dangerous areas, sealing off dangerous places, demarcating warning zones, implementing traffic control, and adopting other control measures;

(3) immediately repairing damaged infrastructure such as transport, communications, water supply, drainage, power supply, gas supply, and heating, providing shelter and daily necessities to threatened persons, and implementing medical rescue, sanitation and epidemic prevention, and other safeguard measures;

(4) prohibiting or restricting the use of relevant equipment and facilities, closing or restricting the use of relevant places, suspending activities with dense crowds or production and operation activities that may lead to the expansion of the harm, and adopting other protective measures;

(5) using the reserve funds of the people's government at the corresponding level, reserving emergency relief materials, and temporarily requisitioning the property of entities and individuals when necessary;

(6) organizing citizens to participate in emergency rescue and response work, and requiring personnel with specific expertise to provide services;

(7) guaranteeing the supply of food, drinking water, fuel, and other basic daily necessities;

(8) punishing in accordance with the law acts such as hoarding, driving up prices, manufacturing and selling counterfeit goods, and disrupting market order, stabilizing market prices, and maintaining market order;

(9) punishing in accordance with the law acts such as looting property, disrupting emergency response work, and disrupting social order, and maintaining social security;

(10) taking necessary measures to prevent the occurrence of secondary and derivative incidents.

Article 33 — When necessary, the people's government performing the duty of unified leadership may request the people's governments or relevant departments at higher levels to provide support or make necessary deployments.

Article 34 — Where a natural disaster, accident disaster, or public health incident occurs and is likely to cause harm to persons, the relevant people's government and its departments shall promptly evacuate, relocate, and properly place threatened persons.

Article 35 — Where the people's government performs the duty of unified leadership, it may, in accordance with the provisions of relevant laws, regulations, and rules, adopt measures such as sealing off relevant places and roads, inspecting the identity documents of on-site personnel, and restricting activities in relevant

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public places.

Article 36 — Where a serious social security incident occurs, the public security authority shall, in accordance with the provisions of relevant laws, administrative regulations, and the State Council, promptly adopt emergency response measures such as mandatory dispersal, and forcibly remove persons who refuse to leave from the scene.

Article 37 — The relevant people's government and its departments shall, in accordance with the provisions of this Law and other relevant laws, regulations, and rules, take emergency response measures to control the emergency. The emergency response measures shall be lifted in a timely manner when the danger has been eliminated.

Chapter V — Post-Emergency Recovery and Reconstruction

Article 38 — After the threat and harm of an emergency have been controlled or eliminated, the people's government performing the duty of unified leadership shall cease the implementation of the emergency response measures taken in accordance with the provisions of this Law, and at the same time adopt or continue to implement necessary measures to prevent the occurrence of secondary and derivative incidents of natural disasters, accident disasters, or public health incidents, or the recurrence of social security incidents.

Article 39 — After the emergency response work has been completed, the people's government performing the duty of unified leadership shall promptly organize an assessment of the losses caused by the emergency, organize the affected areas to resume production, life, work, and social order as soon as possible, formulate a recovery and reconstruction plan, and report to the people's government at the next higher level.

Where the people's government at the county level is affected by an emergency and is unable to complete its recovery and reconstruction work on its own, the people's government at the next higher level shall provide support, such as financial and material support, technical guidance, and manpower.

Article 40 — The State Council shall, based on the losses suffered by the affected areas, formulate preferential policies to support the development of the relevant industries in the affected areas.

The people's governments of the affected areas shall, based on the losses suffered, formulate and organize the implementation of relief, compensation, consolation, settlement, and other post-incident work plans, and properly resolve the contradictions and disputes arising from the emergency response work.

Citizens participating in emergency rescue work or assisting in maintaining social order shall be commensurately subsidized by their own entities. Those who are injured or killed shall be provided with the relevant benefits in accordance with the provisions of the state.

Article 41 — The people's government performing the duty of unified leadership shall promptly investigate and assess the causes and the course of the incident, as well as the nature of the emergency, summarize the lessons learned and the positive results, and report to the people's government at the next higher level.

Chapter VI — Legal Liability

Article 42 — Where a local people's government or a relevant department of a people's government at or above the county level, in violation of the provisions of this Law, fails to perform its statutory duties, the administrative authority at a higher level or the supervisory authority shall order it to make corrections. One of the following circumstances shall result in sanctions being imposed on the directly responsible person in charge and other directly responsible persons in accordance with the law:

(1) failing to take preventive measures as required, resulting in the occurrence of an emergency, or failing to take necessary preventive measures, resulting in the occurrence of a secondary or derivative incident;

(2) delaying or failing to report, or making false or concealed reports of information on emergencies, resulting in adverse consequences;

(3) failing to promptly issue emergency warnings and take precautionary measures in the warning period as required, resulting in aggravated damage;

(4) failing to take timely emergency response measures as required, or improperly taking emergency response measures, resulting in adverse consequences;

(5) failing to comply with the unified leadership, command, and coordination of the people's government at a higher level in the emergency response work;

(6) failing to carry out timely post-emergency recovery and reconstruction work as required.

Article 43 — Where an entity, in violation of the provisions of this Law, commits any of the following acts, the people's government at the place where the entity is located shall order it to cease production or business for rectification; where public security administration penalties shall be imposed or criminal liability shall be pursued in accordance with the law, the relevant competent authorities shall impose such punishments:

(1) failing to take preventive measures as required, resulting in the occurrence of a serious emergency;

(2) failing to promptly eliminate potential hazards that have been discovered and that may trigger emergencies, resulting in the occurrence of a serious emergency;

(3) failing to carry out regular maintenance and testing of emergency equipment and facilities, resulting in the failure to use such equipment and facilities in the event of a serious emergency or the occurrence of a serious harm;

(4) failing to take timely measures to control the development of the situation, resulting in the expansion of the harm after the occurrence of an emergency, or failing to comply with the unified leadership, command, and coordination of the people's government in the emergency response work.

Article 44 — Where the relevant entities fail to comply with the decisions and orders of the relevant people's government and its departments in the emergency response work, the people's government at the place where such entities are located shall order them to make corrections. Where the circumstances are serious, in addition to being punished in accordance with the law, the relevant competent authorities shall order them to cease production or business for rectification.

Article 45 — Where a citizen, legal person, or other organization, in violation of the provisions of this Law, causes damage to others, it shall bear civil liability in accordance with the law. Where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Chapter VII — Supplementary Provisions

Article 46 — The response to emergencies in the Hong Kong Special Administrative Region and the Macao Special Administrative Region shall be governed by the laws of the respective regions.

Article 47 — This Law shall come into effect as of November 1, 2007.

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