Law of the PRC on Protecting Against and Mitigating Earthquake Disasters

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purpose of protecting against and mitigating earthquake disasters, protecting the safety of people's lives and property, and promoting sustainable economic and social development.

Article 2 — This Law shall apply to earthquake monitoring and prediction, protection against earthquake disasters, emergency measures for destructive earthquakes, post-earthquake restoration and

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reconstruction, and other activities within the territory of the People's Republic of China and within other sea areas under the jurisdiction of the People's Republic of China.

Article 3 — The guidelines for protecting against and mitigating earthquake disasters shall be the combination of protective measures and rescue measures, with an emphasis on protective measures.

Article 4 — The work of protecting against and mitigating earthquake disasters shall be incorporated into the national economic and social development plans. The funds needed for the work of protecting against and mitigating earthquake disasters shall be included in the fiscal budgets of the central government and the local governments concerned.

Article 5 — The state shall encourage and support scientific and technological research on protecting against and mitigating earthquake disasters, disseminate advanced scientific and technological achievements, and enhance the capacity for protecting against and mitigating earthquake disasters.

Article 6 — The administrative department of the State Council in charge of earthquake affairs and the administrative departments in charge of earthquake affairs of the local people's governments at or above the county level shall, in conjunction with the relevant departments at the same level, work out plans for protecting against and mitigating earthquake disasters and submit the plans to the people's governments at the corresponding level for approval before implementation. Plans for protecting against and mitigating earthquake disasters shall be modified in accordance with the actual changes in the circumstances. The formulation and modification of such plans shall be reported to the administrative department of the State Council in charge of earthquake affairs for the record.

Article 7 — All units and individuals shall have the obligation to participate in activities for protecting against and mitigating earthquake disasters in accordance with the law. The Chinese People's Liberation Army, the Chinese People's Armed Police Force, and the militia shall carry out tasks assigned by the state in protecting against and mitigating earthquake disasters.

Chapter II — Earthquake Monitoring and Prediction

Article 8 — The state shall strengthen earthquake monitoring and prediction work and encourage and support independent research and innovation in this field. No organization or individual may conduct earthquake prediction research in violation of the relevant provisions of the state.

Article 9 — The administrative department of the State Council in charge of earthquake affairs shall be responsible for formulating national plans for the layout of earthquake monitoring stations and networks. The administrative departments in charge of earthquake affairs of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall be responsible for formulating plans for the layout of earthquake monitoring stations and networks within their respective administrative areas.

Article 10 — The state shall implement a unified system for releasing earthquake predictions. Earthquake predictions shall be released by the State Council or by the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government in accordance with the prescribed procedures. No other unit or individual may release earthquake predictions to the public.

Article 11 — The administrative department of the State Council in charge of earthquake affairs and the administrative departments in charge of earthquake affairs of the local people's governments at or above the county level shall, in accordance with the relevant provisions of the state, conduct monitoring and tracking of possible earthquake signs and timely analysis and assessment of the possibility of earthquake occurrence.

Article 12 — The state shall protect earthquake monitoring facilities and the environment therefor in accordance with the law. No unit or individual may damage or jeopardize earthquake monitoring facilities or the environment therefor. New construction, expansion, or renovation projects shall avoid causing hazards to

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earthquake monitoring facilities and the environment therefor.

Chapter III — Protection Against Earthquake Disasters

Article 13 — The construction of new projects, and the expansion and renovation of existing projects, shall meet the requirements for fortification against earthquakes. The administrative department of the State Council in charge of earthquake affairs shall, in conjunction with the relevant departments, determine seismic fortification standards and shall be responsible for supervising and inspecting the implementation thereof.

Article 14 — Major construction projects and construction projects that may cause serious secondary disasters shall have their sites subjected to seismic safety evaluations in accordance with the relevant provisions of the state. Seismic safety evaluation reports shall be submitted to the administrative department in charge of earthquake affairs for examination and approval.

Article 15 — Construction projects shall be designed and constructed in accordance with the seismic fortification requirements. The relevant departments shall examine the seismic fortification design of construction projects. No unit may lower the seismic fortification standards without authorization.

Article 16 — Seismic reinforcement or renovation shall be carried out for already constructed buildings and structures that do not satisfy the seismic fortification requirements. The specific measures shall be formulated by the State Council.

Article 17 — People's governments at all levels shall organize efforts to disseminate knowledge about earthquake emergency response and disaster prevention and reduction, enhance citizens' awareness of protecting against and mitigating earthquake disasters, and improve citizens' self-rescue and mutual-rescue capabilities during earthquakes. Schools shall conduct education on earthquake emergency response and disaster prevention and reduction.

Chapter IV — Emergency Measures for Destructive Earthquakes

Article 18 — The State Council and the local people's governments at all levels shall formulate contingency plans for destructive earthquakes and organize the implementation thereof. The relevant departments shall formulate departmental contingency plans for destructive earthquakes in accordance with the overall contingency plans and report them to the people's governments at the corresponding level for the record.

Article 19 — After a destructive earthquake occurs, the relevant local people's government shall immediately activate the contingency plan for the earthquake, mobilize social forces, organize emergency rescue, and evacuate and resettle affected people.

Article 20 — When a severely destructive earthquake occurs, the State Council shall establish an earthquake relief headquarters to organize and command the earthquake emergency rescue work. The relevant departments shall, in accordance with their respective functions and duties, carry out earthquake emergency rescue work.

Article 21 — After a destructive earthquake occurs, the departments of the State Council shall provide emergency support for earthquake relief, including funding, materials, transportation, communications, medical care, and sanitation.

Article 22 — After a destructive earthquake occurs, the administrative departments in charge of earthquake affairs shall strengthen on-site monitoring and analysis of the earthquake situation; the relevant departments shall strengthen monitoring and early warning of secondary disasters.

Article 23 — The people's governments at all levels shall organize the relevant departments to do a good job of maintaining social order during the earthquake emergency period, prevent and combat various types of illegal and criminal activities, and protect the safety of people's lives and property and the security of state property.

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Chapter V — Post-Earthquake Restoration and Reconstruction

Article 24 — After a destructive earthquake occurs, the local people's governments at various levels shall organize the relevant departments to conduct damage assessment and investigate the cause of disasters, and do a good job of providing relief to the affected people, restoring production, and reconstructing homes.

Article 25 — The State Council shall, in accordance with the losses caused by the earthquake, determine post-earthquake restoration and reconstruction plans and organize the implementation thereof. The local people's governments of the earthquake-stricken areas shall organize the implementation of post-earthquake restoration and reconstruction plans in accordance with the plans.

Article 26 — Post-earthquake restoration and reconstruction shall be carried out in accordance with the seismic fortification requirements. Construction units, design units, and construction units must comply with the seismic fortification standards in accordance with the law.

Article 27 — The State Council shall give appropriate support and preferential treatment to post-earthquake restoration and reconstruction in earthquake-stricken areas.

Chapter VI — Legal Liability

Article 28 — Where a relevant unit, in violation of the provisions of this Law, fails to carry out seismic safety evaluation of a construction project, or fails to determine seismic fortification requirements in accordance with the results of seismic safety evaluation, the administrative department in charge of earthquake affairs shall order it to make corrections and impose a fine of not less than 30,000 yuan but not more than 300,000 yuan.

Article 29 — Where a unit, in violation of the provisions of this Law, fails to carry out design and construction in accordance with the seismic fortification requirements, or lowers the seismic fortification standards without authorization, the relevant department shall order it to make corrections and impose a fine in accordance with the relevant provisions.

Article 30 — Where any unit or individual damages or jeopardizes earthquake monitoring facilities or the environment therefor, the administrative department in charge of earthquake affairs shall order it to cease the illegal act, restore the original state, or adopt other remedial measures; if losses are caused, it shall compensate for the losses in accordance with the law; if a crime is constituted, criminal liability shall be investigated in accordance with the law.

Article 31 — Where any unit or individual, in violation of the provisions of this Law, releases earthquake predictions or produces or spreads earthquake rumors to the public without authorization, the public security organ shall impose a penalty in accordance with the law; if a crime is constituted, criminal liability shall be investigated in accordance with the law.

Article 32 — Where any staff member of a state organ, in the course of protecting against and mitigating earthquake disasters, abuses power, neglects duties, or engages in malpractices for private gain, sanctions shall be imposed in accordance with the law; if a crime is constituted, criminal liability shall be investigated in accordance with the law.

Chapter VII — Supplementary Provisions

Article 33 — The administrative department of the State Council in charge of earthquake affairs shall formulate administrative rules for the implementation of this Law and submit them to the State Council for approval before implementation. The standing committees of the people's congresses of provinces, autonomous regions, and municipalities directly under the Central Government may formulate measures for the implementation of this Law.

Article 34 — This Law shall enter into force on March 1, 1998.

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