Protection of Military Facilities Law of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of protecting military facilities, ensuring the effectiveness of military facilities, safeguarding national defense and security, and facilitating economic and social development.

Article 2 — For the purposes of this Law, the term "military facilities" refers to the following buildings, structures, sites, and equipment used by the State for military purposes: (1) command posts, field work facilities, and ground and underground command projects; (2) military airfields, harbors, and docks; (3) barracks, training grounds, and test grounds; (4) military caves and warehouses; (5) military communication, reconnaissance, navigation, and observation stations, and measurement and guidance stations; (6) military highways, special railway lines, special power lines, special oil pipelines, and special water supply pipelines; and (7) other military facilities prescribed by the State Council and the Central Military Commission.

Article 3 — The people's governments at all levels and military organs shall, in accordance with the principles of combining military-civilian needs and mutual benefit, strictly protect all types of military facilities in accordance with the law and maintain the normal order of military restricted zones, military administrative zones, and areas surrounding military facilities.

Article 4 — All organizations and individuals in the territory of the People's Republic of China shall have the obligation to protect military facilities. It is prohibited for any organization or individual to damage, endanger, dismantle, or illegally occupy military facilities.

Article 5 — The State shall coordinate the protection of military facilities with economic and social development and urban and rural construction planning, and shall incorporate the requirements for protecting military facilities into the overall land use planning, urban and rural planning, and marine functional zoning.

Article 6 — The State shall implement the protection of military facilities in categories and regions. Military facilities shall be divided into military restricted zones, military administrative zones, and military facilities not demarcated as military restricted zones or military administrative zones based on their nature, functions, security, and confidentiality requirements, as well as their impact on the surrounding environment.

Article 7 — The military organs of the theater commands shall be responsible for the protection of military facilities within their respective areas of responsibility. The military organs of the provincial military commands (garrison commands), military sub-commands (garrison commands), and people's armed forces departments shall assist in the protection of military facilities within their respective administrative areas.

Article 8 — All organizations and citizens shall have the right to report or file complaints against acts that damage or endanger military facilities.

Chapter II — Demarcation of Military Restricted Zones and Military Administrative Zones

Article 9 — A military restricted zone refers to a special area demarcated for important military facilities or military facilities with major security and confidentiality risks. A military administrative zone refers to an area demarcated for military facilities with relatively significant security and confidentiality risks.

Article 10 — The demarcation of military restricted zones and military administrative zones shall be determined by the State Council and the Central Military Commission or by military organs authorized by the State Council and the Central Military Commission. The boundaries and scope of military restricted zones and military administrative zones shall be demarcated and announced by the relevant provincial, autonomous region, or municipality directly under the Central Government in conjunction with the relevant military organs.

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Article 11 — Local people's governments at or above the county level shall cooperate with military organs in the on-site demarcation and survey of the boundaries of military restricted zones and military administrative zones and shall be responsible for the compilation and filing of land use data within the zones.

Chapter III — Protection of Military Restricted Zones

Article 12 — Safety control areas shall be demarcated outside the boundaries of military restricted zones. The scope of safety control areas shall be determined based on the nature, topography, and surrounding environment of the military restricted zone.

Article 13 — Without the approval of the military administrative department, no one may enter a military restricted zone. Entry by foreign nationals, aircraft, and vessels into military restricted zones is prohibited; those that must enter with special permission may only do so after obtaining approval in accordance with the relevant provisions.

Article 14 — Activities such as photography, videography, recording, surveying, mapping, and description within military restricted zones are prohibited; however, those approved by military organs for military purposes are exempted.

Article 15 — The construction of buildings and facilities unrelated to the protection of military facilities is prohibited within safety control areas of military restricted zones. Structures already constructed within safety control areas that may affect the performance of military facilities or pose safety risks shall be dismantled or relocated within a specified time limit.

Chapter IV — Protection of Military Administrative Zones

Article 16 — Entry into military administrative zones by non-military personnel and foreign personnel must be approved by the military administrative department of the military administrative zone.

Article 17 — Activities such as photography, videography, recording, surveying, mapping, and description within military administrative zones are prohibited; however, those approved by military organs for military purposes are exempted.

Article 18 — Construction projects within military administrative zones that may affect the performance of military facilities or pose safety risks shall not be constructed or shall be constructed only after adopting necessary protective measures.

Chapter V — Protection of Military Facilities Not Demarcated as Military Restricted Zones or Military Administrative Zones

Article 19 — For military facilities not demarcated as military restricted zones or military administrative zones, the military facility management unit shall adopt protective measures. When local people's governments formulate economic and social development plans and land use plans, they shall take into account the need for the protection of such military facilities.

Article 20 — Military communication lines, special railway lines, special power lines, special oil pipelines, special water supply pipelines, and other military facilities not demarcated as military restricted zones or military administrative zones shall be demarcated with safety protection areas. No one may damage or endanger such military facilities.

Article 21 — No organization or individual may carry out blasting, quarrying, earth excavation, or other activities that endanger the safety of military facilities within the safety protection areas of military facilities not demarcated as military restricted zones or military administrative zones.

Chapter VI — Duties of Administrative Organs

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Article 22 — The military facility management unit shall perform the following duties: (1) strictly implementing laws, regulations, and relevant provisions on the protection of military facilities; (2) educating military personnel on the protection of military facilities; (3) carrying out patrol inspections and maintenance of military facilities; (4) setting up protection signs for military facilities; and (5) promptly reporting and addressing threats to the security of military facilities.

Article 23 — Local people's governments at or above the county level shall perform the following duties: (1) incorporating the protection of military facilities into national economic and social development plans, urban and rural planning, and land use planning; (2) cooperating with military organs in the demarcation of military restricted zones and military administrative zones; (3) educating citizens on the protection of military facilities; (4) promptly addressing acts that damage or endanger military facilities; and (5) assisting in the protection of military facilities.

Chapter VII — Legal Liability

Article 24 — Anyone who commits any of the following acts shall be fined; if the act constitutes a crime, criminal liability shall be pursued in accordance with the law: (1) illegally entering a military restricted zone or military administrative zone; (2) photographing, videotaping, recording, surveying, mapping, or describing within a military restricted zone or military administrative zone without authorization; (3) damaging or endangering military facilities; (4) dumping hazardous waste or discharging pollutants within a military restricted zone or military administrative zone; or (5) constructing buildings or facilities within a safety control area without authorization.

Article 25 — Where any of the acts specified in this Law causes economic losses to military facilities, the infringing party shall bear civil liability for compensation in accordance with the law.

Article 26 — Where military personnel violate the provisions of this Law by failing to perform their duties to protect military facilities, they shall be subject to disciplinary action by the relevant military organ; if a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 27 — Where a functionary of a State organ, in the course of protecting military facilities, abuses power, neglects duties, or engages in malpractice for personal gain, the functionary shall be given an administrative sanction in accordance with the law; if the act constitutes a crime, criminal liability shall be pursued in accordance with the law.

Article 28 — Where an administrative penalty decision is not complied with within the time limit, the authority that made the decision may apply to a people's court for compulsory enforcement.

Chapter VIII — Supplementary Provisions

Article 29 — The State Council and the Central Military Commission may formulate implementing regulations in accordance with this Law.

Article 30 — This Law shall come into effect as of August 1, 1990.

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