

Background Report
Law and Regulation for the Reduction of Risk from Natural Disasters
in People's Republic of China
A National Law Desk Survey
September 2012

Acknowledgements

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Law and Regulation for the Reduction of Risk from Natural Disasters in People's Republic of China: A Desk Survey

Executive Summary

The legislative and institutional framework regarding Disaster Risk Reduction (DRR) in People's Republic of China (PRC or China) is diverse, extending over a number of legal documents, and is constantly being upgraded and more laws and regulations being promulgated and issued. There is no a single law document which covers prevention, response and mitigation of all kinds of natural disasters. Instead, a complex legal and institutional regime is spread over various laws, regulations, decrees, ordinances, decisions, circulars etc. promulgated by different authorities in China. This paper consists of an analysis of the text of these laws and regulations against a given set of questions and does not include a study of their implementation or application in practice. Together with a bibliographic list and copies of relevant laws and regulations, this paper provides a report on the state of the legislative measures for country-level DRR in place in China. The laws and regulations analyzed in this paper stipulate measures that must be taken by state and provincial governmental authorities and communities in China to cope with natural (not man-made) disasters.

Since a standalone legal instrument on disaster management does not exist, prevention and response to different kinds of natural disasters is dealt with in different legal documents. For example, earthquakes are dealt with in the Law on Protecting Against and Mitigating Earthquake Disasters and Emergency Regulations on Destructive Earthquakes, all the meteorological distracters (for example, typhoon, storm, clod waves, etc) are dealt with by Regulation on the Defence against Meteorological Disasters and the Regulation on the Relief of Natural Disasters is dealing with rescue and relief of people after the occurrence of natural disasters. Moreover, different ministries and different levels of the state machinery are responsible for different aspects of disaster management. For instance, drought is covered under the Drought Control Regulation and the Ministry of Water Resources and the State Flood Control Headquarter under the Ministry of Water Resources should be responsible for arranging and administrating for drought prevention and relief activities, and geological disasters are covered under the Regulation on the Prevention and Control of Geologic Disasters and the Ministry of Land and Resources should be responsible for arranging and administrating geologic disaster prevention and relief activities.

The use of this approach has resulted in a plethora of legal documentation, often with overlapping of some areas and almost all the natural disasters are covered, even for certain disasters rarely occurred in China (such as modern volcanic activity). As an example, there is a special regulation dealing with natural disaster reliefs and other laws and regulations for different natural disasters also cover rescue and relief after the occurrence of natural disasters.

Further, a large part of the legal documentation focuses on measures for prevention and response to a natural disaster. Emergency response system of China for unexpected natural disasters is formed of three levels: state overall emergency response plan, state specialized emergency response plan, and departmental emergency response plans. Detailed measures and working regulations are worked out by the relevant government departments in line with the specialized plans and their respective responsibilities. Therefore, the capacity for emergency rescue and relief work has been improved and strengthened due to the implementation of such three levels of emergency response plans. Further, China has established meteorological disaster and geological disaster Early Warning System (EWS) based on relevant laws and regulations.

However, community involvement in DRR has also been largely ignored. There are provisions for training of communities and encouraging individuals to participate in the disaster rescue and relief activities, but they do not have much involvement in disaster preparedness or in other related aspects such as urban planning. Similarly, participation of at-risk communities and vulnerable groups such as women, children and the elderly has been ignored in the legal regime. Detailed provisions for rewards and sanctions for DRR are also absent. Most laws only penalise those individuals, organisations or agencies which, because of a lack of responsibility, fail to fulfil their obligations in preventing or controlling natural disasters, or destroying or embezzling rescue supplies.

The legal and institutional framework concerning matters that regulate daily life, such as land laws, telecommunication laws, urban planning, constitutional and other legal rights that are also relevant for managing natural disasters can also be found amongst the different laws on the subjects. However, a majority of these laws do not provide detailed provisions for preparing for disaster preparedness and response. There needs to be a conscious effort to integrate DRR into these laws for an efficient and effective DRR system in the country.

Lastly, a review of the law and regulation also demonstrates that China is committed to continually updating and improving its institutional and legislative framework for reducing the risks of disasters. For example, in the National Plan on Comprehensive Disaster Reduction for Next Five Year issued in 2011 by State Council, the Chinese government has made clear its medium and long-term strategic goals during the 2011-2015 period to build a complete DRR working and operational system, for example, to notably raise public awareness of disaster reduction and emergency rescue skills and to significantly enhance at-risk areas' disaster prevention and response capacities, etc. From legislative framework perspective, State Council is urging local governments to adopt their own DRR regulations based on the national DRR laws and regulations. Further, some famous legal scholars start to discuss and propose to enact a national standalone DRR laws by National People's Congress.

This paper and the accompanying compilation of legal documents are part of a global synthesis report on law and regulation for DRR in natural disasters. It is hoped that the outcome and deliverables of this DRR Study will serve as a useful guide to later researchers on the subject in China.

1) Introduction

Disaster risk reduction (DRR) is the reducing of risks to disasters through systematic efforts to analyze and mitigate the causal factors of disasters. It is the lowering of vulnerability of people and property to disasters and includes the management of land, water resources and the environment and preparation for and response to disasters. The purpose of the National Desk Survey is to create a county profile of the law and regulation for DRR in China.

This Study consists of an outline of the government and law-making structure and an identification and analysis of relevant laws and regulations for the reduction of risk in natural disasters. The legal and institutional framework concerning DRR at country-level covers a wider scope than just preparation for and response to natural disasters. Matters that regulate daily life, such as safety codes for buildings, registration of land title, telecommunication, waste-water drainage, the rights of the people (right to property, life, livelihood) too, come into consideration when coping with a natural disaster. Consequently, laws that deal with these subjects must incorporate disaster preparedness and response. The country profile outlined in this paper provides an assessment of these issues along with that of disaster management laws.

Analysis of the laws and regulations has been carried out against a given set of questions, organized around the first four of five priorities laid down in the Hyogo Framework for Action, 2005-2015, which focus on

1. Ensuring that disaster risk reduction (DRR) is a national and a local priority with a strong institutional basis for implementation, including through “policy, legislative and institutional frameworks”
2. Identifying, assessing and monitoring disaster risks and enhance early warning
3. Using knowledge, innovation and education to build a culture of safety and resilience at all levels
4. Reducing the underlying risk factors

This paper is a 'desk survey', answering the set of questions above, using only online and library sources. In China, there is no a standalone legal document covering all the natural disaster risk reduction. Instead, law and regulation on the issue is spread out over a number of legal instruments and subject to constant change. 'Laws and regulations' in China, refers to laws promulgated by National People's Congress, regulations, measures, ordinances, decisions, circulars, etc. that are passed by competent governmental authorities. This paper concentrates on these primary sources to describe and analyze the text of the law and regulation concerning DRR and its different aspects in China.

2) Summary of Main Natural Hazards and Risks in China

Located in Southeast Asia along the coastline of the Pacific Ocean, China's total area covers about 9.6 million square kilometers and a coastline of 18,000 kilometers. The vast land expanses of China include plateaus, plains, basins, foothills, and mountains and two-thirds of China is high plateaus and mountains with populations living at altitude from 1,000 to 4,000 meters above sea level and high mountain areas reaching 7,000 to 8,000 meters. Climate varies from subarctic to subtropical.

Because of China's unique geological conditions and large country size, China is one of the countries most seriously affected by major natural disasters, including earthquakes, typhoons, floods, drought, snow, landslides, sandstorm, ice flood, forest and grassland fires, etc. Except for modern volcanic activity, China has suffered from most types of natural disasters.

More than 70% of Chinese cities and more than 50% of the Chinese population are living in areas vulnerable to serious earthquakes, or meteorological, geological or marine disasters. Two thirds of China's land is threatened by floods. Tropical cyclones often batter the eastern and southern coasts, and some inland places. Droughts often occur in the northeast, northwest and north, with particularly serious ones common in southwest and south China. Destructive earthquakes with a magnitude of 5 or more on the Richter Scale have struck all the country's provinces (autonomous regions and municipalities). The mountainous and plateau areas, accounting for 69% of China's total land territory, suffer frequent landslides, mudrock flows and cliff collapses due to complicated geological conditions.

Its monsoon climate has a strong impact on China, and causes frequent meteorological disasters. Local or regional droughts occur almost every year, while tropical cyclones, seven times a year on average, batter the east coast. As China lies in the region where the Eurasian, Pacific and Indian Ocean plates meet, it suffers from frequent earthquakes due to still-active tectonic movements. Most of the quakes shaking China are continental, accounting for one-third of global destructive land quakes. Fires often break out in forests and on grasslands.

In addition, the risks of extreme weather phenomena are increasing along with global climate changes. Owing to imbalanced distribution of precipitation, unusual temperature changes and other factors, the occurrences of floods and droughts, hot weather and heat waves, low-temperature rain, snow and sleet, forest and grassland fires, plant diseases, insect and animal pests may grow in number in China. The probability of strong and extra-strong typhoons, tempests and other disasters is quite high. In addition, as a result of the earth's crustal movements, the danger of earthquakes is increasing.

3) Governmental & Law-making structure

Pursuant to the 1982 Constitution of the People's Republic of China (as Amended in 1988, 1993, 1999 and 2004), the National People's Congress is the highest governmental organization and the highest-level representative body of the people. Its permanent body is the Standing Committee of the National People's Congress. The Country's President is the Head of State.

The governmental structure consists of the executive branch, the legislative branch and the judicial branch. The executive branch is composed of governmental organs at national and local levels, namely, the Central Government, provinces, municipal districts and townships. The legislative branch is composed of the National People's Congress and local people's congresses at various government levels. The judicial branch is composed of the people's courts and the people's procuratorates. The people's courts of the PRC are the judicial organs of the State, exercising judicial power independently. The people's procuratorates of the PRC are State organs for legal supervision and exercising procuratorial power.

Constitutionally, the National People's Congress and its Standing Committee exercise the legislative power of the State: National People's Congress has the power to amend the Constitution, to supervise the enforcement of the Constitution and to enact and amend basic laws governing criminal offences, civil affairs, the State organs and other matters; the Standing Committee of the National People's Congress has powers to interpret the Constitution and supervise its enforcement, to enact and amend laws. Laws must be approved by a majority vote of all the members of the National People's Congress. Following the promulgation of a law, administrative regulations and governmental decrees are issued by different level of government to guide its implementation and different Ministries may subsequently issue their circulars to guide the implementation to these decrees within their scope of management. Case law is not applicable in China.

The Law on Legislation of the People's Republic of China promulgated by the National People's Congress on March 15th 2000 lists a range of laws and regulations issued by different state bodies, their legal binding effect and their hierarchy. The laws and regulations and their hierarchy are as follows:

- Constitution issued by the National People's Congress
- Laws issued by the National People's Congress and the Standing Committee of the National People's Congress
- Administrative regulations issued by the State Council
- Regulations/Rules issued by ministries and commissions of the State Council, the People's Bank of China, the State Audit Administration as well as the other organs endowed with administrative functions directly under the State Council
- Local regulations issued by local People's Congress
- Regulations/Rules issued by local governments

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1. Background information

Using secondary and legal sources, identify and describe briefly in the table below the governmental structure of the subject country to assist readers understand how the different levels of law and regulation relate to each other.

| 1. BACKGROUND INFORMATION | | | |
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| Legal Research Questions | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
| Identify laws that indicate the structure of government, including the number of levels of government and the extent of decentralisation of governmental functions, such as: constitutional framework for different levels of government (e.g. national/provincial/local), and specific laws on decentralisation. | | | |
| 1. How many levels of government are there, and what are they called? How many administrative areas are there (e.g. provinces, local government areas)? | PRC Constitution 1982, revised version 2004 | Article 30; Article 31 | There are 4 levels of government: central level, provincial level (consist of provinces and cities directly under the central authority), district level (consists of districts, provincial cities and municipalities) and commune level (consist of communes and townships). China is divided into 28 provinces and 5 centrally governed cities including Beijing, Tianjin, Shanghai and Chongqing, 2 special administrative regions including Hong Kong and Macau. |
| 2. Is there a separate law on decentralisation of government functions? How does it decentralise? For example, does it establish new institutions or delegate powers to provincial/local government? | PRC Constitution 1982, revised version 2004 | Article 95 | People's congress and people's governments are established in each level of government. |
| 3. Looking at the Constitution and/or decentralisation law, is there any mention of allocation of responsibility at the different levels for reducing risks related to natural disasters? | PRC Constitution 1982, revised version 2004 | Article 99 | Each level of people's congress and people's government is responsible for promulgation and implementation of rules and measures for the construction of public utilities and service in accordance with laws. |
| 4. Is this country a member of any regional organisation(s) that make(s) regulations or agreements or issues guidelines for member states that could impact on | | | Yes. China is a member of: - The Shanghai Cooperation Organisation |

1. BACKGROUND INFORMATION

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| disaster management or risk reduction? Is so, please name the organisation(s). | - IDRL Guidelines of IFRC - Hyogo Framework for Action 2005 |
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2. Institutional frameworks, resourcing and community participation in DRR:

The aim is to identify laws that establish the governmental institutions and structures relevant to DRR, and which set out their mandates, and resource allocation mechanisms, including the extent of involvement of communities and civil society. These may include specialist disaster management institutions, bodies established to implement the Hyogo Framework for Action, or authorities charged with planning for adaptation to climate change, as well as government bodies responsible for planning and oversight, public administration at all levels, land use planning, building controls, environmental management, and telecommunications. However, to avoid repetition, the sectoral institutions are not included in this question but are part of the data requested in the section on reducing underlying risks.

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

| Legal Research Questions | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
|---|---|----------------|--|
| Part One. Disaster Management Law & Institutions | | | |
| The key question in relation to DM laws is whether they exist and, if so, the extent to which they incorporate longer term disaster risk reduction, as well as prevention. Issues for investigation include: progress in the development of comprehensive DM legislation (at national level, provincial and local levels), what, if any, elements of existing DM laws and regulations relate to risk reduction and prevention for natural disasters; and whether there is a specified DM role for communities, civil society and the National Red Cross or Red Crescent Society (especially in recognition of its auxiliary status in humanitarian response). | | | |
| A. Disaster Management Institutions | | | |
| 5. Is there a national disaster management (DM) or civil protection law or regulation? - or a group of regulations? Describe. | (1) Emergency Response Law of the People's Republic of China (中华人民共和国突发事件应对法), Standing Committee of the National People's Congress, 1 Nov. | | The laws and regulations are made to prevent and reduce the occurrences of emergency incidents (including natural disasters), control, mitigate and eliminate the serious social damage caused thereby, standardize the emergency response activities, protect the life and property safety, and maintain the national security, |

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| | <p>2007</p> <p>(2) Flood Control Law of the People's Republic of China (中华人民共和国防洪法), Standing Committee of the National People's Congress, 1 Jan. 2008</p> <p>(3) Law of the People's Republic of China on Protecting Against and Mitigating Earthquake Disasters (中华人民共和国防震减灾法), Standing Committee of the National People's Congress, 1 May 2009 (Amended)</p> <p>(4) Regulation on the Prevention and Control of Geologic Disasters (地质灾害防治条例), The State Council No. 394, 1 Mar. 2004</p> <p>(5) Emergency Regulations on Destructive Earthquakes (破坏性地震应急条例), The State Council No. 172, issued in April 1995, revised in 2011.</p> <p>(6) Flood Control Regulation of the People's Republic of China (中华人民共和国防汛条例), The State Council No.</p> | | <p>public safety, environment safety and social order.</p> |
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2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

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| | <p>441, 15 Jul 2005 (Amended)</p> <p>(7) Regulation on the Defence against Meteorological Disasters (气象灾害防御条例), The State Council No. 570, 1 Apr. 2010</p> <p>(8) Regulation on the Relief of Natural Disasters (自然灾害救助条例), The State Council No. 557, 1 Sep. 2010</p> <p>(9) Overall Contingency Plan for National Public Emergencies (国家突发公共事件总体应急预案), The State Council, 8 Jan. 2006</p> <p>(10) Special contingency plans for national public emergencies, such as National Emergency Plan for the Relief of Disasters (国家自然灾害救助应急预案), The State Council, 16 Oct. 2011</p> | | |
| <p>6. Is there also a national disaster management policy? Is this established by a law? Provide details.</p> | <p>(1) Emergency Response Law of the People's Republic of China (中华人民共和国突发事件应对法), Standing Committee of the National People's Congress, 1 Nov. 2007</p> | <p>(1) Articles 29–36</p> <p>(2) Articles 7, 8, 11, 43, 44, 45</p> <p>(3) Articles 6, 8, 9</p> | <p>Yes.</p> <p>a. Enterprises, mass media and schools are required to promote public knowledge concerning emergency (including disasters) management</p> <p>b. The Government ensures the funding available for emergency response and the establishment of emergency communication system.</p> |

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

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| | <p>(2) Law of the People's Republic of China on Protecting Against and Mitigating Earthquake Disasters (中华人民共和国防震减灾法), Standing Committee of the National People's Congress, 1 May 2009 (Amended)</p> <p>(3) Regulation on the Prevention and Control of Geologic Disasters (地质灾害防治条例), The State Council No. 394, 1 Mar. 2004</p> <p>(4) Regulation on the Defence against Meteorological Disasters (气象灾害防御条例), The State Council No. 570, 1 Apr. 2010</p> <p>(5) Regulation on the Relief of Natural Disasters (自然灾害救助条例), The State Council No. 557, 1 Sep. 2010</p> <p>(6) The notification issued by the State Council regarding the plan for national disaster prevention and reduction (2011-2015) (国务院办公厅关于印发国家综合防灾减灾规划(2011-2015年)的通知),</p> | <p>(4) Articles 7, 8, 9</p> <p>(5) Articles 6, 7,</p> <p>(6) Chapters 2 and 3</p> | <p>c. The Government develops catastrophe insurance industry and the application of disaster insurance in China.</p> <p>d. The Government encourages individuals and organizations to support the cause of emergency management.</p> <p>e. The Government encourages and supports cultivation and training of specialists and talents in the emergency management field.</p> <p>f. The Government encourages and supports development of relevant technologies and products.</p> |
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2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

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| | <p>The State Council Office (2011) No. 55</p> | | |
| <p>7. Is the DM law a national law applicable throughout the territory of the subject country? If so, does it establish an integrated national system with elements at provincial, local and/or community level?</p> | <p>(1) Emergency Response Law of the People’s Republic of China (中华人民共和国突发事件应对法), Standing Committee of the National People’s Congress, 1 Nov. 2007</p> <p>(2) Law of the People’s Republic of China on Protecting Against and Mitigating Earthquake Disasters (中华人民共和国防震减灾法), Standing Committee of the National People’s Congress, 1 May 2009 (Amended)</p> <p>(3) Regulation on the Prevention and Control of Geologic Disasters (地质灾害防治条例), The State Council No. 394, 1 Mar. 2004</p> <p>(4) Emergency Regulations on Destructive Earthquakes (破坏性地震应急条例), The State Council No. 172, issued in April 1995, revised in 2011.</p> <p>(5) Flood Control Regulation</p> | | <p>Yes, the laws and regulations are applicable through the territory of China.</p> <p>Yes, an integrated national system with elements at provincial, local and/or community level has been established.</p> |

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| | <p>of the People's Republic of China (中华人民共和国防汛条例), The State Council No. 441, 15 Jul 2005 (Amended)</p> <p>(6) Regulation on the Defence against Meteorological Disasters (气象灾害防御条例), The State Council No. 570, 1 Apr. 2010</p> <p>(7) Regulation on the Relief of Natural Disasters (自然灾害救助条例), The State Council No. 557, 1 Sep. 2010</p> <p>(8) Overall Contingency Plan for National Public Emergencies (国家突发公共事件总体应急预案), The State Council, 8 Jan. 2006</p> <p>(9) Special contingency plans for national public emergencies, such as National Emergency Plan for the Relief of Disasters (国家自然灾害救助应急预案), The State Council, 16 Oct. 2011</p> | | |
| <p>8. Are there separate provincial or local DM laws? Are these connected with the national DM law in any way? e.g., is there a hierarchy of laws between them, or</p> | | | <p>Yes, local people's congress and people's government may promulgate its own laws and regulations based on the national DM laws and all the local laws and regulations should be in accordance with the national DM laws. If any discrepancy between locals laws and national laws, the national laws will</p> |

| 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR | | | |
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| a common institutional structure? | | | prevail. |
| 9. Does the DM or other law establish one or more specialist DM institutions? What are they (i.e. what are their names and what type of body are they) and what are their mandates? | Regulation on the Relief of Natural Disasters (自然灾害救助条例), The State Council No. 557, 1 Sep. 2010 | | <p>No, the DM law does not establish specialist DM institutions. But there is a DM institution called China National Committee for Disaster Reduction (including the General Office and Board of Experts). It is under the control of the State Council and the Minister of Civil Affairs.</p> <p>Its mandate is to: (1) make regulation, policy and plan for national disaster prevention and reduction; (2) organize and lead the natural disaster relief work of the whole nation and coordinate the major natural disaster relief activities; (3) give guidance to local government on disaster reduction; (4) promote international cooperation on disaster reduction.</p> |
| 10. Does the DM policy use the same or different implementing institutions from the DM law? Describe. | | | Using the same implementing institutions by the relevant department under the State Council and the relevant administrative institutions under the local people's governments. |

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| <p>11. Does the DM law or other law deal with:</p> <p>a. Disaster response¹?</p> <p>b. Disaster preparedness²?</p> <p>c. Disaster mitigation³ and prevention⁴?</p> <p>d. Disaster risk reduction⁵ (DRR)?</p> <p>e. If it includes DRR, how is it defined? (include definition)</p> | <p>(1) Emergency Response Law of the People’s Republic of China (中华人民共和国突发事件应对法), Standing Committee of the National People’s Congress, 1 Nov. 2007</p> <p>(2) Law of the People’s Republic of China on Protecting Against and Mitigating Earthquake Disasters (中华人民共和国防震减灾法), Standing Committee of the National People’s Congress, 1 May 2009 (Amended)</p> <p>(3) Regulation on the Prevention and Control of</p> | | <p>The laws deal with</p> <p>a. Disaster response</p> <p>b. Disaster preparedness</p> <p>c. Disaster mitigation and prevention</p> <p>d. Disaster risk reduction (DRR)</p> <p>e. According to Emergency Response Law of the People’s Republic of China, national and local governments should establish risk evaluation systems and as well as disaster rescue plan in order to reduce disaster. But there is no exact definition of DRR.</p> |
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¹ “The provision of emergency services and public assistance during or immediately after a disaster in order to save lives, reduce health impacts, ensure public safety and meet the basic subsistence needs of the people affected.”

² “The knowledge and capacities developed by governments, professional response and recovery organizations, communities and individuals to effectively anticipate, respond to, and recover from, the impacts of likely, imminent or current hazard events or conditions.”

³ “The lessening or limitation of the adverse impacts of hazards and related disasters.”

⁴ “The outright avoidance of adverse impacts of hazards and related disasters.”

⁵ “The concept and practice of reducing disaster risks through systematic efforts to analyse and manage the causal factors of disasters, including through reduced exposure to hazards, lessened vulnerability of people and property, wise management of land and the environment, and improved preparedness for adverse events.”

Note: These definitions are taken from the 2009 UNISDR Terminology on Disaster Risk Reduction, obtained here: <http://www.unisdr.org/we/inform/terminology>.

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| | <p>Geologic Disasters (地质灾害防治条例), The State Council No. 394, 1 Mar. 2004</p> <p>(4) Emergency Regulations on Destructive Earthquakes (破坏性地震应急条例), The State Council No. 172, issued in April 1995, revised in 2011.</p> <p>(5) Flood Control Regulation of the People's Republic of China (中华人民共和国防汛条例), The State Council No. 441, 15 Jul 2005 (Amended)</p> | | |
| | <p>(6) Regulation on the Defence against Meteorological Disasters (气象灾害防御条例), The State Council No. 570, 1 Apr. 2010</p> <p>(7) Regulation on the Relief of Natural Disasters (自然灾害救助条例), The State Council No. 557, 1 Sep. 2010</p> <p>(8) Overall Contingency Plan for National Public Emergencies (国家突发公共事件总体应急预案), The State Council, 8 Jan. 2006</p> <p>(9) Special contingency plans for national public</p> | | |

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

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| | <p>emergencies, such as National Emergency Plan for the Relief of Disasters (国家自然灾害救助应急预案), The State Council, 16 Oct. 2011</p> | | |
| <p>12. Does the DM law (or any other law) or policy allocate DRR responsibilities in one or more government ministries? If so, which ministries? Describe their allocated roles.</p> | <p>(1) Regulation on the Prevention and Control of Geologic Disasters (地质灾害防治条例), The State Council No. 394, 1 Mar. 2004</p> <p>(2) Regulation on the Defence against Meteorological Disasters (气象灾害防御条例), The State Council No. 570, 1 Apr. 2010</p> <p>(3) Flood Control Regulation of the People's Republic of China (中华人民共和国防汛条例), The State Council No. 441, 15 Jul 2005 (Amended)</p> <p>(4) Law of the People's Republic of China on Protecting Against and Mitigating Earthquake Disasters (中华人民共和国防震减灾法), Standing Committee of the National People's Congress, 1 May 2009 (Amended)</p> | <p>(1) Article 7;</p> <p>(2) Article 5;</p> <p>(3) Article 6;</p> <p>(4) Article 5.</p> | <p>Responsibility of disaster management is allocated to different Ministries, such as:</p> <ol style="list-style-type: none"> 1. Ministry of Land and Resources: responsible for prevention and reduction of geologic disasters; 2. China Meteorological Administration: responsible for forecast, prevention of any meteorological disasters; 3. Ministry of Water Resources: responsible for prevention and reduction of flood disasters; 4. China Earthquake Administration: responsible for forecast, prevention and reduction of earthquake disasters. |

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

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| <p>13. Does the DM law or policy prescribe a role in DM institutions for civil society? If so, how defined and what is the role? At what levels?</p> <p>a. National?</p> <p>b. Provincial/state?</p> <p>c. Municipal/local?</p> | <p>(1) Emergency Response Law of the People's Republic of China (中华人民共和国突发事件应对法), Standing Committee of the National People's Congress, 1 Nov. 2007</p> <p>(2) Law of the People's Republic of China on Protecting Against and Mitigating Earthquake Disasters (中华人民共和国防震减灾法), Standing Committee of the National People's Congress, 1 May 2009 (Amended)</p> <p>(3) Regulation on the Prevention and Control of Geologic Disasters (地质灾害防治条例), The State Council No. 394, 1 Mar. 2004</p> <p>(4) Regulation on the Defence against Meteorological Disasters (气象灾害防御条例), The State Council No. 570, 1 Apr. 2010</p> <p>(5) Regulation on the Relief of Natural Disasters (自然灾害救助条例), The State Council No. 557, 1 Sep. 2010</p> | <p>(1) Articles 11 and 34</p> <p>(2) Articles 8 and 11</p> <p>(3) Articles 9 and 15</p> <p>(4) Article 9</p> <p>(5) Articles 5, 6 and 7</p> | <p>Citizens and organizations have the duty and responsibility to, and are encouraged to participate in disaster management activities at all levels.</p> |
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| 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR | | | |
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| <p>14. Does the DM law or policy prescribe a role in DM institutions for the National Red Cross or Red Crescent Society? If so, how defined and what is the role? At what levels?</p> <p>a. National? b. Provincial/state? c. Municipal/local?</p> | <p>(1) Emergency Regulations on Destructive Earthquakes (破坏性地震应急条例), The State Council No. 172, issued in April 1995, revised in 2011.</p> <p>(2) Regulation on the Relief of Natural Disasters (自然灾害救助条例), The State Council No. 557, 1 Sep. 2010</p> | <p>(1) Article 34 (2) Article 5</p> | <p>(1) The national Red Cross assumes responsibility to receive and arrange foreign aids from other countries' Red Cross and other international organizations.</p> <p>(2) The national and local Red Cross should assist relevant government for national disaster rescue activities.</p> |
| <p>15. Is there any provision in the DM law or policy to ensure that women have a role and a voice in the DM institutions? If so, how is this regulated or encouraged by law? At what levels does the law provide for women's participation in DM institutions?</p> <p>a. National? b. Provincial/state? c. Municipal/local?</p> | <p>No.</p> | | |
| <p>16. Does the DM law or policy prescribe a role in DM institutions for communities? If so, how defined and what is the role? Does it specify any mechanisms to ensure a voice for all elements of the community in DRR, e.g.</p> <p>a. Women?</p> | <p>(1) Regulation on the Prevention and Control of Geologic Disasters (地质灾害防治条例), The State Council No. 394, 1 Mar. 2004</p> <p>(2) Emergency Response Law of the People's Republic of China (中华人民共和国突发</p> | <p>Article 9 Article 34</p> | <p>(1) Encourage any legal entity and individual make contribution to the prevention and control of geologic disasters;</p> <p>(2) Encourage individuals and legal entities to donate time, money or materials for the emergence incidents.</p> |

| 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR | | | |
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| <p>b. Different cultural or ethnic groups?</p> <p>c. Vulnerable groups, including children, older persons, persons with disabilities?</p> <p>d. Socially isolated groups and the very poorest people?</p> | <p>事件应对法), Standing Committee of the National People's Congress, 1 Nov. 2007</p> | | |
| <p>17. Describe the main differences in the scope of the DM law and the DM policy concerning prevention and disaster risk reduction.</p> | | | <p>It cannot be said that there is much difference in the law and policy concerning DM</p> |
| <p>18. Does the DM law or policy, or other legislation, provide for oversight mechanisms on DRR implementation, including reporting and/ or parliamentary oversight?</p> | <p>(1) Law of the People's Republic of China on Protecting Against and Mitigating Earthquake Disasters (中华人民共和国防震减灾法), Standing Committee of the National People's Congress, 1 May 2009 (Amended)</p> <p>(2) Regulation on the Relief of Natural Disasters (自然灾害救助条例), The State Council No. 557, 1 Sep. 2010</p> | <p>(1) Articles 77 and 78</p> <p>(2) Articles 27 and 28</p> | <p>Yes.</p> <p>The relevant departments of the people's governments at and above the county level shall strengthen the supervision of the use of funds, materials and social donations for earthquake emergency rescue, and post-earthquake transitional resettlement, rehabilitation and reconstruction, announce the results of supervision, record the raising, distribution, allocation, and use of such funds and materials, and establish and improve the files.</p> <p>As to Reporting Mechanism, the local people's governments in earthquake-stricken areas shall regularly release the sources, quantities, distribution and use of the funds, materials and social donations for earthquake emergency rescue, and post-earthquake transitional resettlement, rehabilitation and reconstruction, and accept social supervision.</p> <p>The people's governments at all levels shall formulate rules for the supervision and inspection of the money and goods allocated or donated for the relief of natural disasters, and accept complaints and tip-offs in a timely manner.</p> |

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

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| | | | The supervisory organs and the audit organs of the people's governments at or above the country level shall oversee and inspect the management and use of the money and goods allocated or donated for the relief of natural disasters, and the civil affairs departments, the financial departments and the relevant social organizations shall provide assistance. |
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B. Hyogo Framework for Action & Climate Change Institutions

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| 19. Does legislation establish any institutions (including committees), or allocate to an existing body, implementation of the Hyogo Framework for Action? What institutions? What are their designated roles in DRR? | | | No. |
| 20. Does legislation establish any institutions (including committees), or allocate to an existing body, planning and implementation for adaptation to climate change? What institutions? What are their designated roles in DRR? | | | <p>To effectively address climate change issue, Chinese government established National Leading Committee on Climate Change in June, 2007 based on the former National Coordination Committee on Climate Change (NCCCC). Premier Wen Jiabao serves as its leader and twenty ministries and government sectors are involved.</p> <p>There is another institution called Department of Climate Change under National Development and Reform Commission. It comprises four divisions, Division of Strategic Planning and Comprehensive Affairs, Division of Domestic Policies and Convention Performance, Division of International Policies and Negotiations and Division of Foreign Co-operation.</p> <p>They do not have a specific designated role in DRR.</p> |

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

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| <p>21. Do the implementation mechanisms for the Hyogo Framework, climate change adaptation and DM institutions intersect? If so, how? Are their mandates complementary or do they overlap? Describe.</p> | | | <p>No.</p> |
| <p>C. DRR priority and resource allocation in government</p> | | | |
| <p>22. Does the budgetary process provide for any dedicated budget line items for DRR and/or minimum percentages for DRR expenditure by government institutions? If so, is there a budget allocated to DRR at national level? How is this prescribed?</p> | <p>Regulation on the Prevention and Control of Geologic Disasters (地质灾害防治条例), The State Council No. 394, 1 Mar. 2004</p> <p>Regulation on the Relief of Natural Disasters (自然灾害救助条例), The State Council No. 557, 1 Sep. 2010</p> | <p>Article 5</p> <p>Article 4</p> | <p>Yes, both at national and provincial levels.</p> <p>For example, the central government will prepare budget for prevention of geologic disasters and natural disasters rescue each year</p> |
| <p>23. Is there a budget allocated to DRR at provincial/state level (if relevant)? How is this prescribed?</p> | <p>Regulation on the Prevention and Control of Geologic Disasters (地质灾害防治条例), The State Council No. 394, 1 Mar. 2004</p> | <p>Article 5</p> | <p>Yes.</p> <p>For example, each level of local government should prepare its own budget for prevention of geologic disasters and natural disasters rescue each year.</p> |
| <p>24. Is there a budget allocated to DRR at municipal or local level? How is this prescribed?</p> | <p>Regulation on the Prevention and Control of Geologic Disasters (地质灾害防治条</p> | <p>Article 5</p> | <p>Yes.</p> |

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| | 例), The State Council No. 394, 1 Mar. 2004 | | |
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Part Two. Responsibility, accountability and liability for natural disaster risk reduction

The aim is to identify relevant constitutional or other guarantees that may underpin government responsibility, liability and affected persons’ rights to compensation. These may include rights to: safety /life; not to be discriminated against; protection of livelihoods; health; compensation; and to information relevant to DRR. One specific issue on the question of liability, is whether governments are liable for failure to prevent natural disasters affecting the population, including for failure to warn, or for making an erroneous warning. A second, related, issue is whether private individuals are liable for damage caused to others from their property during natural disasters, or for faulty advice/warnings given. A third element is whether there is any system of compulsory insurance against the effects of natural disasters.

A. Constitutional Rights & Guarantees for the Population

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| <p>25. Are there any guarantees in the constitution or another law relating to individual or collective rights that may underpin government responsibility or liability, and affected persons’ rights to compensation for damage from natural disasters? If so, do these relate to:</p> <ul style="list-style-type: none"> a. DRR in general? b. Safety /Life c. Right to Food? d. Right to adequate shelter or housing? e. Non-discrimination, (and other relevant civil and political rights)? | <p>Regulation on the Relief of Natural Disasters (自然灾害救助条例), The State Council No. 557, 1 Sep. 2010</p> | | <p>The purpose of such regulation is to protect and secure people’s life and property.</p> <ul style="list-style-type: none"> a. Yes b. Yes c. Yes d. Yes e. Yes f. Yes, subsidy will be available for those who suffered significant losses and need to repair or rebuild its houses/apartments. In addition, subsidy will be provided to people who suffered natural disasters in the winter of year which occurs natural disasters and in next spring to ensure people have basic supplies for living. g. Yes h. No information provided |
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| 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR | | | |
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| <p>f. Livelihoods, Health (and other economic, social and cultural rights)?</p> <p>g. Compensation for losses due to natural disasters?</p> <p>h. Information?</p> | | | |
| <p>26. Do the above constitutional or other guarantees give residents any personal right of action against the state if the government breaches these rights? E.g. access to a constitutional court, or a claim in a human rights court or tribunal? If so, explain how the law enables this to occur, and who has the right to make such claims. E.g.</p> <p>a. Is it an individual or a collective right?</p> <p>b. Can claimants represent themselves?</p> <p>c. Are there costs that mean the poorest people cannot access the remedy?</p> <p>d. Are there financial limitations on any such claims (minimums or maximums)?</p> | | | No. |
| B. Liability & Insurance | | | |
| <p>27. Does legislation (including case law, where applicable) make</p> | <p>Regulation on the Relief of Natural Disasters (自然灾害救</p> | <p>Article 29</p> | <p>Yes.</p> |

| 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR | | | |
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| government agencies liable for failure to prevent natural disasters affecting the population? | 助条例), The State Council No. 557, 1 Sep. 2010 Emergency Response Law of the People's Republic of China (中华人民共和国突发事件应对法), Standing Committee of the National People's Congress, 1 Nov. 2007 | Article 63 | |
| 28. Are government agencies liable for failure to warn or for making an erroneous warning of natural disaster? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both? | Emergency Response Law of the People's Republic of China (中华人民共和国突发事件应对法), Standing Committee of the National People's Congress, 1 Nov. 2007 State Compensation Law of the People's Republic of China, issued by the Standing Committee of the National People's Congress in 2010 (amended) | Article 63 Article 3-4 | Yes. Administrative penalty only. The government of upper level will order the relevant liable government agencies to rectify its action if possible and the persons who are in charge of such agencies or who is directly responsible for the said failure will be given administrative sanction. An administrative governmental body shall bear administrative compensation liabilities towards the victim who suffered loss or injury as a result of such administrative government body's breach of its statutory obligations in exercising its powers and authorities and fulfilling its statutory duties. The victim may file an application with the administrative government body that the victim believes to be responsible for the compensation. If such government body refuses to compensate or does not respond within 2 months from the date of application, or if the victim is dissatisfied with the compensation offered by such government body, the victim may file for administrative litigation with the court with jurisdiction over the dispute. |
| 29. Do government agencies that fail to warn or make an erroneous | | | There are no specific immunities provided under these laws and |

| 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR | | | |
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| <p>warning have legal immunity? If governments have immunity from liability, how extensive is this and/or how and where in law is it defined? Does it apply to all levels of government?</p> | | | <p>regulations.</p> |
| <p>30. Are private persons (individual or corporate) liable for faulty disaster-related advice or warnings given? Does this apply to volunteers? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?</p> | <p>Law of the People’s Republic of China on Protecting Against and Mitigating Earthquake Disasters (中华人民共和国防震减灾法), Standing Committee of the National People’s Congress, 1 May 2009 (Amended)</p> | <p>Article 88</p> | <p>Yes, private persons (individual or corporate) liable for faulty disaster-related advice or warnings given and it may also apply to volunteers. It is both administrative and criminal in nature depending on the seriousness of the offence.</p> <p>No laws specify the legal mechanism that injured parties can use to seek redress. It may not be possible if private persons do not have any obligation to give disaster related advice.</p> |
| <p>31. Are private persons (individual or corporate) liable for damage caused to others from their property during natural disasters? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?</p> | <p>PRC Tort Law (中华人民共和国侵权责任法), Standing Committee of the National People’s Congress, 26 December 2009</p> | <p>Article 29</p> | <p>No, the damages caused by force majeure will not be held liable.</p> |
| <p>32. Is there any system of compulsory insurance against the effects of natural disasters? If so, how is this established by law and what are</p> | | | <p>No. However, there is a Program on Agricultural Insurance upon which the government will provide subsidy to farmers to purchase agricultural insurance in order to for farmers to get compensation for their financial losses caused by natural</p> |

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

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| the main elements of the scheme? | | | disasters and diseases. |
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3. Early warning and reduction of underlying risk factors through regulation

| 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION | | | |
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| Legal Research Questions | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
| <p>Parts One and Two: Are there laws or regulations relating to preparedness, prevention and/ or risk reduction against the following specific natural hazards (if relevant)? Such regulations may include some specific laws on rapid-onset disasters – Part One – such as fire regulations and fire service, as well as building codes (e.g. earthquake, fire, hurricanes/cyclones), land zoning and land use planning regulations (e.g. flood plain exclusions, unstable land) , disaster management / civil protection laws, and environmental management laws concerning rivers and forests (flood mitigation, erosion prevention against landslides and floods). There may be similar or a different range of laws concerning slow-onset disasters such as drought and other food security issues – Part Two. There may therefore be some overlap with the subsequent sections, but the main aim of Parts One and Two of this section is to identify which risks have separate regulation in the subject country, and in which laws.</p> | | | |
| <p>Part One. Rapid-onset disasters, sectoral and specific regulation based on identified risks and community participation</p> | | | |
| <p>A. Cyclones, tornadoes, or storms?</p> | | | |
| <p>33. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p> | <p>Regulation on the Defense against Meteorological Disasters (气象灾害防御条例), The State Council No. 570, 1 Apr. 2010 (“MDD Regulation”)</p> <p>Emergency Response Law of the People’s Republic of China (中华人民共和国突发事件应对法), Standing Committee of the National People’s Congress, 1 Nov. 2007</p> <p>Regulation on the Relief of Natural Disasters (自然灾害救助条例), The State Council No.</p> | <p>Articles 4, 5</p> | <p>The most relevant law in this respect is the MDD Regulation. The Emergency Response Law and a number of other regulations and contingency plans also cover this respect.</p> <p>The laws and regulations and contingency plans mentioned includes precautions, monitoring, forecast, warning and emergency procedures in respect of all meteorological disasters.</p> <p>Local governments (county level and above) is responsible for organizing and coordinating the preventive measures for meteorological disasters and shall include it as a part of economic and social development plan and government fiscal budget. The China Meteorological Administration (“CMA”) is the regulator of meteorological matters at the central level and the local meteorological administrations are responsible for implementing instructions from the CMA and local governments.</p> <p>Except for the Emergency Response Law which is promulgated</p> |

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

| Legal Research Questions | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
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| | <p>557, 1 Sep. 2010</p> <p>Overall Contingency Plan for National Public Emergencies (国家突发公共事件总体应急预案), The State Council, 8 Jan. 2006</p> <p>Special contingency plans for national public emergencies, such as National Emergency Plan for the Relief of Disasters (国家自然灾害救助应急预案), The State Council, 16 Oct. 2011</p> | | <p>by the National People's Congress, all other regulations and contingency plans were issued by the State Council.</p> |
| <p>34. Does this law specify how management of this risk is financed? If so, describe.</p> | <p>Regulation on the Defense against Meteorological Disasters (气象灾害防御条例), The State Council No. 570, 1 Apr. 2010</p> | <p>Article 4</p> | <p>Preventive measures are financed by local government fiscal budgets.</p> |
| <p>35. Does this law attribute liability for damage caused by:</p> <ul style="list-style-type: none"> a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? | <p>Regulation on the Defense against Meteorological Disasters (气象灾害防御条例), The State Council No. 570, 1 Apr. 2010</p> | <p>Articles 43 – 46</p> | <p>Pursuant to Articles 43-46 of the MDD Regulation, there are administrative and criminal responsibilities and punishments of responsible government officials if the local government and meteorological administrations fails to warn, gives false warnings, or fails to take preventive actions. Private entities and individuals may also be subject to administrative or even criminal liabilities if it fails to take precaution measures in accordance with statutory requirements or refuse to comply with orders and decisions of the local government and the local</p> |

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

| Legal Research Questions | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
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| <p>d.Is it civil or criminal liability, or both?</p> | <p>State Compensation Law (国家赔偿法) as amended by the Standing Committee of the National People’s Congress on April 29, 2010 (“State Compensation Law”)</p> <p>Emergency Response Law of the People’s Republic of China (中华人民共和国突发事件应对法), Standing Committee of the National People’s Congress, 1 Nov. 2007 (“Emergency Response Law”)</p> | <p>Article 3 - 4</p> <p>Article 67</p> | <p>CMA counterparts, or gives unauthorized or false warnings on meteorological disasters.</p> <p>Pursuant to Article s 3-4 of the State Compensation Law, an administrative governmental body shall bear administrative compensation liabilities towards the victim who suffered loss or injury as a result of such administrative government body’s breach of its statutory obligations in exercising its powers and authorities and fulfilling its statutory duties. The victim may file an application with the administrative government body that the victim believes to be responsible for the compensation. If such government body refuses to compensate or does not respond within 2 months from the date of application, or if the victim is dissatisfied with the compensation offered by such government body, the victim may file for administrative litigation with the court with jurisdiction over the dispute.</p> <p>The laws and regulations do not specify civil liability for government agencies. However, the Article 67 of the Emergency Response Law provides that private entities and individuals shall assume civil liability for breaches of its obligations resulting in loss and damage of others.</p> <p>There are no specific immunities provided under these laws and regulations.</p> |
| <p>36. Does this law regulate the collection and distribution of information on hazards and risks</p> | <p>Regulation on the Defense against Meteorological Disasters (气象灾害防御条</p> | <p>Articles 28 - 29</p> | <p>Yes. The CMA, its local counterparts and local governments at and above the county level is responsible for this.</p> |

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

| Legal Research Questions | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
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| (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate? | 例), The State Council No. 570, 1 Apr. 2010 | | Their mandate includes building, maintaining and improving meteorological disaster monitoring information network. Local counterparts of the CMA are responsible for collecting data on meteorological hazards. |
| <p>37. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <p>a. Women?</p> <p>b. Different cultural or ethnic groups?</p> <p>c. Vulnerable groups, including children, older persons, persons with disabilities?</p> <p>d. Socially isolated groups and the very poorest people?</p> | | | In general, the local government of the at-risk or affected area is responsible for disaster preventions and reductions. However, relevant laws and regulations do not provide for participation or voices for any specific part of these communities. |
| 38. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS? | Regulation on the Defense against Meteorological Disasters (气象灾害防御条例), The State Council No. 570, 1 Apr. 2010 | Articles 28 - 29 | The relevant law and regulation provide for early warning systems (meteorological disaster monitoring information network, as mentioned in answer to Question No. 37), but community involvement is not provided for. |

| 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION | | | |
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| Legal Research Questions | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
| <p>39. If communities are involved in Early Warning Systems (EWS), does this law provide that they:</p> <p>a. Assist in the design of local and community EWS?</p> <p>b. Establish or maintain EWS?</p> <p>c. Provide information for the EWS?</p> <p>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</p> | | | Not applicable. |
| B. Earthquake/Tsunami? | | | |
| <p>40. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p> | <ul style="list-style-type: none"> Law of the People's Republic of China on Protecting Against and Mitigating Earthquake Disasters (中华人民共和国防震减灾法), Standing Committee of the National People's Congress, 1 May 2009 (Amended) ("Earthquake Protection Law") | | <p>The most relevant law in this respect is the Earthquake Protection Law. The Emergency Response Law and a number of other regulations and contingency plans also cover this respect.</p> <p>The relevant law and regulation and contingency plans include precautions, monitoring, forecast, warning and emergency protection procedures in respect of earthquakes.</p> <p>Local governments (county level and above) is responsible for organizing and coordinating the preventive measures for</p> |

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

| Legal Research Questions | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
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| | <ul style="list-style-type: none"> • Emergency Response Law of the People’s Republic of China (中华人民共和国突发事件应对法), Standing Committee of the National People’s Congress, 1 Nov. 2007 • Regulation on the Relief of Natural Disasters (自然灾害救助条例), The State Council No. 557, 1 Sep. 2010 • Overall Contingency Plan for National Public Emergencies (国家突发公共事件总体应急预案), The State Council, 8 Jan. 2006 • Special contingency plans for national public emergencies, such as National Emergency Plan for the Relief of Disasters (国家自然灾害救助应急预案), The State Council, 16 Oct. 2011 • Special contingency plans such as the National Emergency Plan for Earthquakes (国家地震应急 | | <p>earthquakes and shall include it as a part of economic and social development plan and government fiscal budget. The China Earthquake Administration (“CEA”) is the regulator of earthquakes at the central level and the local earthquake administrations are responsible for implementing instructions from the CEA and the local governments.</p> <p>Except for the Emergency Response Law and the Earthquake Protection Law which are promulgated by the National People’s Congress, all other regulations and contingency plans were issued by the State Council.</p> |

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

| Legal Research Questions | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
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| | 预案) | | |
| 41. Does this law specify how management of this risk is financed? If so, describe. | Law of the People’s Republic of China on Protecting Against and Mitigating Earthquake Disasters (中华人民共和国防震减灾法), Standing Committee of the National People’s Congress, 1 May 2009 (Amended) (“Earthquake Protection Law”) | Articles 4, 42 Article 45 | Preventive measures are financed by local government fiscal budgets. The government shall develop earthquake insurances and encourage private entities and individuals to participate in such insurance schemes. |
| 42. Does this law attribute liability for damage caused by: a.failure to warn, or false or faulty warnings of this risk? b.failure to take preventive action including by reducing this risk? c.If so, who may be liable - or immune? d.Is it civil or criminal liability, or both? | Law of the People’s Republic of China on Protecting Against and Mitigating Earthquake Disasters (中华人民共和国防震减灾法), Standing Committee of the National People’s Congress, 1 May 2009 (Amended) State Compensation Law (国家赔偿法) as amended by the Standing Committee of the National People’s Congress on April 29, 2010 Emergency Response Law of the People’s Republic of China (中华人民共和国突发事件应对法), Standing Committee of | Article 89 Article 3-4 | There are administrative and criminal responsibilities and punishments for the responsible officials if the local government and earthquake administrations fail to warn, give false warnings, or fail to take preventive actions. There are also criminal liabilities for anyone that gives false warnings on earthquakes. Pursuant to Article s 3-4 of the State Compensation Law, an administrative governmental body shall bear administrative compensation liabilities towards the victim who suffered loss or injury as a result of such administrative government body’s breach of its statutory obligations in exercising its powers and authorities and fulfilling its statutory duties. The victim may file an application with the administrative government body that the victim believes to be responsible for the compensation. If such government body refuses to compensate or does not respond within 2 months from the date of application, or if the victim is dissatisfied with the compensation offered by such government |

| 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION | | | |
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| Legal Research Questions | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
| | the National People's Congress, 1 Nov. 2007 | Article 67 | body, the victim may file for administrative litigation with the court with jurisdiction over the dispute. The laws and regulations do not specify civil liability for government agencies. Article 67 of the Emergency Response Law provides that private entities and individuals shall assume civil liability for breaches of its obligations resulting in loss and damage of others. There are no specific immunities provided under these laws and regulations. |
| 43. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate? | Law of the People's Republic of China on Protecting Against and Mitigating Earthquake Disasters (中华人民共和国防震减灾法), Standing Committee of the National People's Congress, 1 May 2009 (Amended) | Chapter III Articles 17, 18 | Yes. The CEA, its local counterparts and local governments at and above the county level is responsible for this. Their mandate includes building, maintaining and improving earthquake disaster monitoring information network. Local counterparts of the CEA are responsible for collecting data on earthquake hazards. |
| 44. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including: a. Women? b. Different cultural or ethnic | | | In general, the local government of the at-risk or affected area is responsible for disaster preventions and reductions. However, relevant law and regulation does not provide for participation or voices for any specific part of these communities. Article 66 of the Earthquake Protection Law provides that the government must listen to opinions of affected communities when formulating post-earthquake re-construction plans. |

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

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| <p>groups?</p> <p>c. Vulnerable groups, including children, older persons, persons with disabilities?</p> <p>d. Socially isolated groups and the very poorest people?</p> | | | |
| <p>45. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p> | <p>Law of the People's Republic of China on Protecting Against and Mitigating Earthquake Disasters (中华人民共和国防震减灾法), Standing Committee of the National People's Congress, 1 May 2009 (Amended)</p> | <p>Chapter III Articles 18, 20-22 Articles 26-28</p> | <p>The CEA and its local counterparts at the county level and above is responsible for planning, designing and construction of earthquake monitoring stations and is responsible for predictions for possible earthquakes.</p> <p>The Earthquake Protection Law does not require community involvement in EWS. Any person or entity may submit written predictions of possible earthquakes to the local or central CEA. Any person or entity may report unusual phenomena related to earthquakes to the local or central CEA, and the CEA is responsible for confirming these reported facts. CEA's working meetings may also invite experts to assess unusual phenomena related to earthquakes.</p> |
| <p>46. If communities are involved in EWS, does this law provide that they:</p> <p>a. Assist in the design of local and community EWS?</p> <p>b. Establish or maintain EWS?</p> <p>c. Provide information for the EWS?</p> <p>d. Have direct and timely access to</p> | | | <p>Not applicable.</p> |

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

| Legal Research Questions | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
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| <p>relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</p> | | | |
| <p>C. Fire?</p> | | | |
| <p>47. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p> | <ul style="list-style-type: none"> • PRC Fire Protection Law (中华人民共和国消防法), as amended by the Standing Committee of the People’s Congress on October 28, 2008 (“Fire Protection Law”) • Emergency Response Law of the People’s Republic of China (中华人民共和国突发事件应对法), Standing Committee of the National People’s Congress, 1 Nov. 2007 • Regulation on the Relief of Natural Disasters (自然灾害救助条例), The State Council No. 557, 1 Sep. 2010 • Overall Contingency Plan for National Public | | <p>The most relevant law in this respect is the Fire Protection Law. The Emergency Response Law and a number of other regulations and contingency plans also cover this respect.</p> <p>The relevant law and regulation and contingency plans include precautions, monitoring, warning and emergency protection procedures in the case of fire.</p> <p>Local governments (county level and above) is responsible for organizing and coordinating the preventive and protection measures for fire and shall include it as a part of urban and rural planning and government fiscal budget. The Ministry of Public Security (“MPS”) is the regulator of fire protection at the central level and the local public security bureaus are responsible for implementing fire protection measures and organizing fire brigades.</p> <p>Except for the Emergency Response Law and the Fire Protection Law which are promulgated by the National People’s Congress, all other regulations and contingency plans were issued by the State Council.</p> |

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

| Legal Research Questions | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
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| | <p>Emergencies (国家突发公共事件总体应急预案), The State Council, 8 Jan. 2006</p> <ul style="list-style-type: none"> Special contingency plans for national public emergencies, such as National Emergency Plan for the Relief of Disasters (国家自然灾害救助应急预案), The State Council, 16 Oct. 2011 | | |
| <p>48. Does this law specify how management of this risk is financed? If so, describe.</p> | | | <p>The Fire Protection Law does not provide for how the management of fire is financed.</p> |
| <p>49. Does this law attribute liability for damage caused by:</p> <ol style="list-style-type: none"> failure to warn, or false or faulty warnings of this risk? failure to take preventive action including by reducing this risk? If so, who may be liable - or immune? Is it civil or criminal liability, or both? | <p>PRC Fire Protection Law (中华人民共和国消防法), as amended by the Standing Committee of the People's Congress on October 28, 2008</p> <p>State Compensation Law (国家赔偿法) as amended by the Standing Committee of the National People's Congress on April 29, 2010</p> | <p>Articles 58-72</p> <p>Articles 3-4</p> | <p>There are administrative and criminal responsibilities and punishments for responsible government officials for his or her failure to fulfil statutory duties. Private entities and individuals who fail to comply with fire prevention and reduction obligations may incur administrative liabilities (e.g. fines) or even criminal responsibilities.</p> <p>Pursuant to Articles 3-4 of the State Compensation Law, an administrative governmental body shall bear administrative compensation liabilities towards the victim who suffered loss or injury as a result of such administrative government body's breach of its statutory obligations in exercising its powers and authorities and fulfilling its statutory duties. The victim may file</p> |

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| | Emergency Response Law of the People's Republic of China (中华人民共和国突发事件应对法), Standing Committee of the National People's Congress, 1 Nov. 2007 | Article 67 | <p>an application with the administrative government body that the victim believes to be responsible for the compensation. If such government body refuses to compensate or does not respond within 2 months from the date of application, or if the victim is dissatisfied with the compensation offered by such government body, the victim may file for administrative litigation with the court with jurisdiction over the dispute.</p> <p>The laws and regulations do not specify civil liability for government agencies. Article 67 of the Emergency Response Law provides that private entities and individuals shall assume civil liability for breaches of its obligations resulting in loss and damage of others.</p> <p>There are no specific immunities provided under these laws and regulations.</p> |
| 50. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate? | | | <p>Yes. The MPS, its local counterparts (public security bureaus) and local governments at and above the county level is responsible for this.</p> <p>Their mandate includes, at the jurisdiction of their own level, fire protection measures and facilities and network into urban and rural planning, supervise compliance of any construction with fire protection requirements, organizing fire brigades and fire-fighting.</p> |
| 51. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? | PRC Fire Protection Law (中华人民共和国消防法), as amended by the Standing Committee of the People's Congress on October 28, 2 008 | Articles 8-15 Article 17 | The planning, design, construction and acceptance of any construction must comply with fire protection requirements. Local public securities bureaus must also identify locations with a high fire risk and will impose stricter fire protection requirements on the entity responsible for such location. |

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| <p>How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? | | | <p>However, relevant law and regulation does not provide for participation or voices for any specific part of communities.</p> |
| <p>52. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p> | | | <p>No. The Fire Protection Law does not provide for any early warning systems other than common fire prevention and protection measures.</p> |
| <p>53. If communities are involved in EWS, does this law provide that they:</p> <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to | | | <p>Not applicable.</p> |

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| Legal Research Questions | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
| meteorological or seismological data and analysis)? | | | |
| D. Floods? | | | |
| 54. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated? | <ul style="list-style-type: none"> Flood Control Law of the People's Republic of China (中华人民共和国防洪法), Standing Committee of the National People's Congress, 1 Jan. 2008 Flood Control Regulation of the People's Republic of China (中华人民共和国防汛条例), The State Council No. 441, 15 Jul 2005 (Amended) Emergency Response Law of the People's Republic of China (中华人民共和国突发事件应对法), Standing Committee of the National People's Congress, 1 Nov. 2007 Regulation on the Relief of Natural Disasters (自然灾害救助条例), The State | | <p>The most relevant law and regulation in this respect are the Flood Control Law and Flood Control Regulation. The Emergency Response Law and a number of other regulations and contingency plans also cover this respect.</p> <p>The relevant law and regulation and contingency plans include precautions, monitoring, forecast, warning and emergency protection procedures in respect of floods.</p> <p>Local governments (county level and above) is responsible for organizing and coordinating the preventive measures for floods and shall include it as a part of economic and social development plan and government fiscal budget. The Ministry of Water Resources ("MWR") is the regulator of flood control activities at the central level and the local MWR counterparts are responsible for implementing instructions from the MWR and the local governments.</p> <p>Except for the Emergency Response Law and the Flood Control Law which are promulgated by the National People's Congress, all other regulations and contingency plans were issued by the State Council.</p> |

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| | <p>Council No. 557, 1 Sep. 2010</p> <ul style="list-style-type: none"> • Overall Contingency Plan for National Public Emergencies (国家突发公共事件总体应急预案), The State Council, 8 Jan. 2006 • Special contingency plans for national public emergencies, such as National Emergency Plan for the Relief of Disasters (国家自然灾害救助应急预案), The State Council, 16 Oct. 2011 • Special contingency plans such as the National Emergency Plan for Floods and Droughts (国家防汛抗旱应急预案) | | |
| 55. Does this law specify how management of this risk is financed? If so, describe. | Flood Control Law of the People's Republic of China (中华人民共和国防洪法), Standing Committee of the National People's Congress, 1 Jan. 2008 | Articles 49, 50 | <p>Flood control facilities and projects are financed by each level of government fiscal budgets according to their respective jurisdictions.</p> <p>Central government budgets must include funds for disaster reduction and repair/maintenance of flood control projects relating to certain key rivers/lakes. Local governments shall fund disaster reduction and repair/maintenance of flood control projects and facilities within its own jurisdiction.</p> <p>Enterprises shall fund its own flood control measures to protect</p> |

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| | | | its oil fields, pipelines, railways, roads, mines, power and telecommunication facilities. |
| <p>56. Does this law attribute liability for damage caused by:</p> <p>a.failure to warn, or false or faulty warnings of this risk?</p> <p>b.failure to take preventive action including by reducing this risk?</p> <p>c.If so, who may be liable - or immune?</p> <p>d.Is it civil or criminal liability, or both?</p> | <p>Flood Control Law of the People’s Republic of China (中华人民共和国防洪法), Standing Committee of the National People’s Congress, 1 Jan. 2008</p> <p>State Compensation Law (国家赔偿法) as amended by the Standing Committee of the National People’s Congress on April 29, 2010</p> | <p>Article 65; Articles 54-63</p> <p>Articles 3-4</p> | <p>There are administrative and criminal responsibilities and punishments for government officials if such official fails to fulfil any of his or her duties that results in or increased losses and damages caused by floods, including the failure to warn, give false warnings, or fail to take preventive actions. Private entities and individuals are subject to administrative liabilities (e.g. fines) and in some cases criminal responsibilities if it undertakes constructions against the Flood Control Law or without approval from the MWR authorities, or damages flood control facilities and installations.</p> <p>Pursuant to Article s 3-4 of the State Compensation Law, an administrative governmental body shall bear administrative compensation liabilities towards the victim who suffered loss or injury as a result of such administrative government body’s breach of its statutory obligations in exercising its powers and authorities and fulfilling its statutory duties. The victim may file an application with the administrative government body that the victim believes to be responsible for the compensation. If such government body refuses to compensate or does not respond within 2 months from the date of application, or if the victim is dissatisfied with the compensation offered by such government body, the victim may file for administrative litigation with the court with jurisdiction over the dispute.</p> |

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| | Emergency Response Law of the People's Republic of China (中华人民共和国突发事件应对法), Standing Committee of the National People's Congress, 1 Nov. 2007 | Articles 63, 67 | The laws and regulations do not provide for civil liability for government agencies. Article 67 of the Emergency Response Law provides that private entities and individuals shall assume civil liability for breaches of its obligations resulting in loss and damage of others. There are no specific immunities provided under these laws and regulations. |
| 57. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate? | Flood Control Regulation of the People's Republic of China (中华人民共和国防汛条例), The State Council No. 441, 15 Jul 2005 (Amended) | Article 6 | Yes. The MWR is the national headquarters of flood control. Its local counterparts at each are the local flood control centers. The MWR and local governments at and above the county level are responsible for the collection and distribution of hazards and risks related to floods. Their mandate includes building, maintaining and improving flood control installations and facilities. Local counterparts of the MWR are responsible for monitoring data on flood hazards. During flood season, the hydrological stations at each level of MWR reports hydrological information to the local MWR. Local CMAs reports meteorological information to the local MWR. Ocean administrative authorities provide information of storm and tidal wave hazards to the local MWR. |
| 58. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for | Flood Control Regulation of the People's Republic of China (中华人民共和国防汛条例), The State Council No. 441, 15 Jul 2005 (Amended) | Article 30 | In general, the local government of the at-risk or affected area is responsible for disaster preventions and reductions. Article 30 of the Flood Control Regulation provides that the local MWR shall organize and mobilize entities and individuals in the affected area to participate in disaster reduction activities, and that all entities and individuals must follow the relevant orders |

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| <p>participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? | | | <p>from the local MWR.</p> <p>However, relevant law and regulation does not provide for participation or voices for any specific part of these communities.</p> |
| <p>59. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p> | | | <p>The relevant law and regulation provide for early warning systems (as mentioned in answer to Question No. 58), but community involvement is not provided for.</p> |
| <p>60. If communities are involved in EWS, does this law provide that they:</p> <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or | | | <p>Not applicable.</p> |

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| seismological data and analysis)? | | | |
| E. Heat/cold waves? | | | |
| 61. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated? | <p>Regulation on the Defense against Meteorological Disasters (气象灾害防御条例), The State Council No. 570, 1 Apr. 2010</p> <p>Regulation on the Relief of Natural Disasters (自然灾害救助条例), The State Council No. 557, 1 Sep. 2010</p> <p>Overall Contingency Plan for National Public Emergencies (国家突发公共事件总体应急预案), The State Council, 8 Jan. 2006</p> <p>Special contingency plans for national public emergencies, such as National Emergency Plan for the Relief of Disasters (国家自然灾害救助应急预案), The State Council, 16 Oct. 2011</p> <p>Emergency Response Law of the People's Republic of China</p> | Articles 4, 5 | <p>The most relevant law in this respect is the MDD Regulation. The Emergency Response Law and a number of other regulations and contingency plans also cover this respect.</p> <p>The laws and regulations and contingency plans mentioned includes precautions, monitoring, forecast, warning and emergency procedures in respect of all meteorological disasters.</p> <p>Local governments (county level and above) is responsible for organizing and coordinating the preventive measures for meteorological disasters and shall include it as a part of economic and social development plan and government fiscal budget. The China Meteorological Administration (“CMA”) is the regulator of meteorological matters at the central level and the local meteorological administrations are responsible for implementing instructions from the CMA and local governments.</p> <p>Except for the Emergency Response Law which is promulgated by the National People’s Congress, all other regulations and contingency plans were issued by the State Council.</p> |

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| | (中华人民共和国突发事件应对法), Standing Committee of the National People's Congress, 1 Nov. 2007 | | |
| 62. Does this law specify how management of this risk is financed? If so, describe. | Regulation on the Defense against Meteorological Disasters (气象灾害防御条例), The State Council No. 570, 1 Apr. 2010 ("MDD Regulation") | Article 4 | Preventive measures are financed by local government fiscal budgets. |
| 63. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both? | Regulation on the Defense against Meteorological Disasters (气象灾害防御条例), The State Council No. 570, 1 Apr. 2010 State Compensation Law (国家赔偿法) as amended by the Standing Committee of the National People's Congress on April 29, 2010 ("State Compensation Law") | Articles 43 – 46 Article 3 - 4 | Pursuant to Articles 43-46 of the MDD Regulation, there are administrative and criminal responsibilities and punishments for responsible government officials if the local government and meteorological administrations fails to warn, gives false warnings, or fails to take preventive actions. Private entities and individuals may also be subject to administrative or even criminal liabilities if it fails to take precaution measures in accordance with statutory requirements or refuse to comply with orders and decisions of the local government and the CMA counterparts, or gives unauthorized or false warnings on meteorological disasters. Pursuant to Article s 3-4 of the State Compensation Law, an administrative governmental body shall bear administrative compensation liabilities towards the victim who suffered loss or injury as a result of such administrative government body's breach of its statutory obligations in exercising its powers and |

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| | Emergency Response Law of the People's Republic of China (中华人民共和国突发事件应对法), Standing Committee of the National People's Congress, 1 Nov. 2007 ("Emergency Response Law") | Article 67 | <p>authorities and fulfilling its statutory duties. The victim may file an application with the administrative government body that the victim believes to be responsible for the compensation. If such government body refuses to compensate or does not respond within 2 months from the date of application, or if the victim is dissatisfied with the compensation offered by such government body, the victim may file for administrative litigation with the court with jurisdiction over the dispute.</p> <p>The laws and regulations do not specify civil liability for government agencies. However, Article 67 of the Emergency Response Law provides that private entities and individuals shall assume civil liability for breaches of its obligations resulting in loss and damage of others.</p> <p>There are no specific immunities provided under these laws and regulations.</p> |
| 64. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate? | Regulation on the Defense against Meteorological Disasters (气象灾害防御条例), The State Council No. 570, 1 Apr. 2010 ("MDD Regulation") | Articles 28 - 29 | <p>Yes. The CMA, its local counterparts and local governments at and above the county level is responsible for this.</p> <p>Their mandate includes building, maintaining and improving meteorological disaster monitoring information network. Local counterparts of the CMA are responsible for collecting data on meteorological hazards.</p> |
| 65. Does this law provide for consultation and/or participation about risk mapping, early warning | | | <p>In general, the local government of the at-risk or affected area is responsible for disaster preventions and reductions. However, relevant law and regulation does not provide for participation or</p> |

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| <p>or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? | | | <p>voices for any specific part of these communities.</p> |
| <p>66. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p> | <p>Regulation on the Defense against Meteorological Disasters (气象灾害防御条例), The State Council No. 570, 1 Apr. 2010 (“MDD Regulation”)</p> | <p>Articles 28 - 29</p> | <p>The relevant law and regulation provide for early warning systems (meteorological disaster monitoring information network, as mentioned in answer to Question No. 37), but community involvement is not provided for.</p> |
| <p>67. If communities are involved in EWS, does this law provide that they:</p> <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? | | | <p>Not applicable.</p> |

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| d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? | | | |
| 68. Describe form of regulation, and institutional responsibility. | Regulation on the Defense against Meteorological Disasters (气象灾害防御条例), The State Council No. 570, 1 Apr. 2010 (“MDD Regulation”) | | The MDD Regulation is a nation-wide administrative regulation issued by the PRC State Council on January 20, 2010, which provides for the prevention, monitoring, forecast, warning, emergency response and legal responsibilities in separate chapters. The institutional responsibility of the CMA includes building, maintaining and improving meteorological disaster monitoring information network, monitoring meteorological hazards and leading disaster reduction activities. |
| F. Insect Infestations? | | | |
| 69. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated? | Regulation on the Prevention and Treatment of Forest Diseases and Pests (森林病虫害防治条例), State Council, December 18, 1989 Emergency Response Law of the People’s Republic of China (中华人民共和国突发事件应对法), Standing Committee of the National People’s | | The most relevant law in this respect is the Regulation on the Prevention and Treatment of Forest Diseases and Pests. The Emergency Response Law and a number of other regulations and contingency plans may also cover this respect. The laws and regulations and contingency plans mentioned includes precautions, monitoring, forecast, warning, disease control, treatment and and emergency procedures in respect of forest diseases and pests. All levels of governments (county level and above) are responsible for organizing and coordinating the preventive, |

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| | Congress, 1 Nov. 2007 (“Emergency Response Law”) Overall Contingency Plan for National Public Emergencies (国家突发公共事件总体应急预案), The State Council, 8 Jan. 2006 | | control and treatment measures for forest diseases and pests. The State Forestry Administration (“SFA”) is the regulator of forest diseases and pests at the national central level and the local health forestry administrations are responsible for implementing instructions from the SFA and from local governments. Except for the Emergency Response Law which is promulgated by the National People’s Congress, all other regulations and contingency plans were issued by the State Council. |
| 70. Does this law specify how management of this risk is financed? If so, describe. | Regulation on the Prevention and Treatment of Forest Diseases and Insect Pests (森林病虫害防治条例), State Council, December 18, 1989 | Article 19 Article 20 | Prevention and treatment of forest diseases and insect pests for forests owned by the state are financed by afforestation funds and profits from wood sales. Forests owned by collective groups or private persons are financed by the owners and managers, and the government provides certain financial support in this case. Article 20 of this regulation provides that the government shall establish insurance systems to manage this risk. |
| 71. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? | Regulation on the Prevention and Treatment of Forest Diseases and Insect Pests (森林病虫害防治条例), State Council, December 18, 1989 | Articles 22-26 | Pursuant to Article 24 and 66 of the Regulation on the Prevention and Treatment of Forest Diseases and Pests, there are administrative and criminal responsibilities and punishments if the local government and local forestry administrations fail to fulfil its duties to forecast and take preventive actions or control measures to reduce forest disease and pest risks. Private persons may also be subject to administrative punishments for failures to take statutory pest and disease control measures in the forest area that it manages, or for failing to report forest |

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| <p>d.Is it civil or criminal liability, or both?</p> | <p>State Compensation Law (国家赔偿法) as amended by the Standing Committee of the National People’s Congress on April 29, 2010 (“State Compensation Law”)</p> <p>Emergency Response Law of the People’s Republic of China (中华人民共和国突发事件应对法), Standing Committee of the National People’s Congress, 1 Nov. 2007 (“Emergency Response Law”)</p> | <p>Articles 3 – 4</p> <p>Article 67</p> | <p>disease and pest hazards to the local forestry administrations that cause disastrous damages.</p> <p>Pursuant to Articles 3-4 of the State Compensation Law, an administrative governmental body shall bear administrative compensation liabilities towards the victim who suffered loss or injury as a result of such administrative government body’s breach of its statutory obligations in exercising its powers and authorities and fulfilling its statutory duties. The victim may file an application with the administrative government body that the victim believes to be responsible for the compensation. If such government body refuses to compensate or does not respond within 2 months from the date of application, or if the victim is dissatisfied with the compensation offered by such government body, the victim may file for administrative litigation with the court with jurisdiction over the dispute.</p> <p>The laws and regulations do not specify civil liability for government agencies. However, Article 67 of the Emergency Response Law provides that private entities and individuals shall assume civil liability for breaches of its obligations resulting in loss and damage of others.</p> <p>There are no specific immunities provided under these laws and regulations.</p> |
| <p>72. Does this law regulate the</p> | <p>Regulation on the Prevention</p> | <p>Article 10</p> | <p>Yes. Pursuant to Article 10 of this regulation, the SFA and local</p> |

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| collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate? | and Treatment of Forest Diseases and Insect Pests (森林病虫害防治条例), State Council, December 18, 1989 | | forestry administrations are responsible for this. Local forestry administrations at the provincial level shall monitor data within its jurisdiction and periodically publish mid-term and long-term forecasts and formulate prevention and control solutions. Local forestry administrations at the county level shall monitor data within its jurisdiction and publish short-term and mid-term forecasts and formulate prevention and control solutions. |
| 73. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including: a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? | Regulation on the Prevention and Treatment of Forest Diseases and Insect Pests (森林病虫害防治条例), State Council, December 18, 1989 | Articles 7, 14 | Article 14 of this regulation provides any private entities or individuals shall report to the local government or the local forestry administration if it discovers severe forest disease and pest hazards. The regulation also requires that private entities and individuals who manage the forest area to comply with various forest disease and pest control requirements. However, this law does not provide for participation or voice for any specific part of a community. |
| 74. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS? | Regulation on the Prevention and Treatment of Forest Diseases and Insect Pests (森林病虫害防治条例), State | Articles 10, 14 | Yes. Article 10 of this regulation provides that the local forestry administrations at various level s shall monitor data within its jurisdiction and publish hazard forecasts and formulate prevention and control solutions. |

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| | Council, December 18, 1989 | | Article 14 of this regulation provides that any private entity or individual shall report to the local government or the local forestry administration if they discover severe forest disease and pest hazards. |
| 75. If communities are involved in EWS, does this law provide that they: <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? | | | No. This regulation does not provide for any specific rules for community participation in the early warning and prevention of infectious diseases. |
| G. Landslides and avalanches? | | | |
| 76. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated? | Regulation on the Prevention and Control of Geologic Disasters (地质灾害防治条例), The State Council No. 394, 1 Mar. 2004 | Article 7 | Yes, the Regulation on the Prevention and Control and Geologic Disasters include the hazard with respect to landslides and avalanches. The responsible central governmental authority is Ministry of Land and Resources and such regulation is national regulation issued by State Council so it regulated all levels of governments. |

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| 77. Does this law specify how management of this risk is financed? If so, describe. | See Q77 | Article 5 | Yes, the fund for prevention and control of such risk is included in the central and local governments' annual budgets. |
| 78. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both? | See Q77 | Article 40 Article 41 Article 42 | This law attribute civil, administrative and criminal liability for damage caused by noncompliance with such laws, such as: e. failing to comply with the provisions to work out an emergency response plan against unexpected geologic disasters, or failing to comply with the requirements in the emergency response plan against unexpected geologic disasters to take relevant measures and perform relevant obligations which cause material damages and hazards; f. failing to, when working out an overall urban planning on an area where geologic disasters are ready to occur, or a village or town planning, comply with the provisions to evaluate the geologic disaster danger in the planned area which cause material damages and hazards; g. having acts of neglecting duties in the prevention and control of geologic disasters which cause material damages and hazards; h. any construction entity violates this law and cause the occurrence of geological disasters or damages. |
| 79. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their | See Q77 | Article 17 | Ministry of Land and Resources and relevant local land and resources bureaus in each level of government. Such authorities will be responsible for manage, coordinate, administrate and supervise the prevention and control of geological hazards. |

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| mandate? | | | |
| <p>80. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? | | | No. |
| <p>81. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p> | See Q77 | Article 14 Article 15 | Yes. There is a nationwide geological disaster monitoring and early warning system. It encourages entities and individuals to provide and report to governments any precursory signals for geological disasters. |
| <p>82. If communities are involved in Early Warning Systems (EWS), does this law provide that they:</p> <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? | | | No. |

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| <p>b. Establish or maintain EWS?</p> <p>c. Provide information for the EWS?</p> <p>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</p> | | | |
| H. Volcanoes? | | | |
| <p>83. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p> | <p>Regulation on the Prevention and Control of Geologic Disasters (地质灾害防治条例), The State Council No. 394, 1 Mar. 2004</p> | | <p>Such law covers all the geologic disasters, including volcanoes. See Q 77</p> |
| <p>84. Does this law specify how management of this risk is financed? If so, describe.</p> | | | <p>See Q 77</p> |
| <p>85. Does this law attribute liability for damage caused by:</p> <p>a. failure to warn, or false or faulty warnings of this risk?</p> <p>b. failure to take preventive action</p> | | | <p>See Q 77</p> |

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| <p>including by reducing this risk?</p> <p>c. If so, who may be liable - or immune?</p> <p>d. Is it civil or criminal liability, or both?</p> | | | |
| <p>86. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p> | | | <p>See Q 77</p> |
| <p>87. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <p>a. Women?</p> <p>b. Different cultural or ethnic groups?</p> <p>c. Vulnerable groups, including children, older persons, persons with disabilities?</p> | | | <p>See Q 77</p> |

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| d. Socially isolated groups and the very poorest people? | | | |
| 88. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS? | | | See Q 77 |
| 89. If communities are involved in Early Warning Systems (EWS), does this law provide that they: <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? | | | See Q 77 |
| Part Two. Slow-onset disasters, sectoral and specific regulation based on risks and community participation | | | |
| I. Drought and related famine? | | | |
| 90. Is there a specific law or institutional mandate for drought preparedness and risk reduction, especially for agriculture and | PRC Drought Control Regulation (中华人民共和国抗旱条例) issued by State Council in 2009 | Article 2 Article 6 | Yes, there is a national regulation named PRC Drought Control Regulation which governs the drought preparedness and risk reduction. Based on such regulation, Ministry of Water Resources is |

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| <p>related industries? In particular:</p> <p>a. Rain and river water storage, distribution and conservation measures?</p> <p>b. Development and maintenance of ground water extraction, storage and distribution?</p> <p>If so, describe the forms of regulation. At what level(s) of government is this regulated?</p> | | | <p>responsible for administration and supervision of the drought-relief activities and a special department named National Flood Control and Drought Relief Headquarter is established under Ministry of Water Resources to be in charge of drought relief activities for the whole country. In addition, each level of government establishes a drought-relief bureau which is also under the control of the National Flood Control and Drought Relief Headquarter.</p> |
| <p>91. Is there a specific law or institutional mandate for early warning and response to drought, to mitigate the effects of drought and help prevent famine? In particular:</p> <p>a. Is an institution legally mandated to issue drought early warnings? If so, how is this regulated?</p> <p>b. Is an institution legally mandated to impose water use restrictions? If so, at what level(s) of government?</p> <p>c. Is there legal provision for diversion, piping or transporting water to drought-affected areas? If so, at what level(s) of</p> | <p>See Q 91</p> | <p>Article 23 Article 22</p> | <p>a. No. However, the Drought Relief Bureau in each level of government will be responsible for drought-preparedness and the Meteorological Bureau is required to report drought weather forecast to the Drought Relief Bureaus.</p> <p>b. yes. Ministry of Water Resources and its local bureaus are mandated to impose water use restrictions.</p> <p>c. yes. Ministry of Water Resources and its local bureaus are mandated to impose water use restrictions</p> |

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| government? | | | |
| 92. Do the above laws or mandates specify how management of drought and famine risk is financed? If so, describe. | See Q 91 | Article 50 | Yes, the PRC Drought Control Regulation requires that each level of government allocate necessary fund in its financial budget each year for the drought preparedness and risk deduction. |
| 93. Do the above laws or mandates regulate the collection and distribution of information on drought and related famine risks? If so, what authority is responsible and what is their mandate? | See Q 91 | Article 49 | Yes, each level of the Drought Relief Bureaus will be responsible for collecting and verifying drought information and report to its own level of administrative government as well as its upper level of Drought Relief Bureaus. The drought information is published by the Drought Relief Bureaus and Drought damages is published by the local administrative government and the agricultural damages due to the drought will be published by the same level's agricultural administrative bureau. |
| 94. Do the above laws or mandates provide for consultation and/or participation about drought and famine risk, early warning or general DRR regarding drought and famine by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including: a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including | See Q 91 | Article 46 | The PRC Drought Control Regulation requires that the relevant local Drought-Relief Bureau should mobilize all the entities and individuals in its administration area to participate in the drought-relief activities. However, such law does not specifically distinguish women, different cultural or vulnerable groups from other groups. |

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| children, older persons, persons with disabilities? d.Socially isolated groups and the very poorest people? | | | |
| J. Other food security risks? | | | |
| 95. Is there a specific law or institutional mandate concerning threats to food security other than droughts? (e.g. predicted effects of climate change, such as inundation of agricultural land and/or mass migration). a.If so, describe the form of regulation to reduce the impact of these risks (if any), and institutional responsibility b.At what level(s) of government is this regulated? | | | No specific laws regarding the food security but there are mandate and policies concerning threat to food security other than droughts from State Administration of Grain. Each year, State Administration of Grain will issue a circular regarding how to ensure current year's food security and its working plan and policies. Each level of government and the local Administration of Grain Bureaus should abide by such circular issued by State Administration of Grain. |
| 96. Does the above law or mandate specify how management of food security is financed? If so, describe. | | | No. |
| 97. Does the above law or mandate regulate the collection and distribution of information on hazards and risks to food security, particularly those relating to | | | Yes, CMA and its local departments are responsible for collecting and publishing weather forecast regarding the meteorological disasters. In addition, an early warning system regarding the agricultural weather disasters has been established by Meteorological Bureau, Ministry of Agriculture, Ministry of |

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| agricultural production? If so, what authority is responsible and what is their mandate? | | | Water Recourses and National Disaster Risk Reduction Commission. |
| 98. Does the above law or mandate provide for community consultation and/or participation about risk reduction from threats to food security? How? If so, does it provide for participation or a voice for all parts of those communities, including: a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? | | | No. |
| Part Three. Early Warning, Hazard Mapping and Risk Information | | | |
| A. Early Warning | | | |
| 99. In addition to the sectoral laws above, is there any general obligation to establish early warning systems (EWS) in the disaster management law? | Regulation on the Defence against Meteorological Disasters (气象灾害防御条例), The State Council No. 570, | Article 30 Article 32 | Yes, under the Regulation on the Defence against Meteorological Disasters, State and local Meteorological Bureaus should be responsible for meteorological disaster early warning and each level of government should establish sound early warning information notification system with respect to |

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| <p>a.If so, does this include institutional mandates on EWS?</p> <p>b.Which institution(s) are involved and what are their mandates on EWS?</p> <p>c.Is there legal provision for financing of EWS?</p> | <p>1 Apr. 2010</p> <p>Regulation on the Prevention and Control of Geologic Disasters (地质灾害防治条例), The State Council No. 394, 1 Mar. 2004</p> | <p>Article 14</p> | <p>the meteorological disaster early warnings.</p> <p>Meteorological disasters include typhoon, rainstorm, snowstorm, cold wave, sand storm, low and high temperature, drought, lightening, hailstone, frost, fog.</p> <p>Geologic Disasters Early Warning System has been established by Ministry of Land and Resources.</p> <p>Geologic Disasters include mountain collapse, landslide, debris flow, ground depression, ground fissure, land subsidence.</p> |
| <p>100. Does EWS regulation include requirements for community consultation and participation in development of EWS? Describe.</p> | | | <p>No.</p> |
| <p>101. Does EWS regulation provide for community-based early warning data collection? Describe.</p> | <p>Regulation on the Defence against Meteorological Disasters (气象灾害防御条例), The State Council No. 570, 1 Apr. 2010</p> | <p>Article 32</p> | <p>Yes, it requires the township governments and the neighbourhood committees should be responsible for propagandize meteorological disaster relief knowledge, publishing early warning information and report disasters to upper level governments.</p> |
| <p>102. Does EWS regulation provide for timely and reliable access for at-risk communities to EWS, meteorological or seismological data (as relevant)? Describe.</p> | <p>Regulation on the Defence against Meteorological Disasters (气象灾害防御条例), The State Council No. 570, 1 Apr. 2010</p> | <p>Article 31</p> | <p>No. However, the Regulation on the Defence against Meteorological Disasters requires that all the media (including TV, broadcasts, newspapers and internet) should timely publish or broadcast the early warning information issued by relevant Meteorological Bureaus.</p> |

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| <p>103. Does the law regulating telecommunications infrastructure and delivery include any DRR criteria in general, or any specific measures such as:</p> <ul style="list-style-type: none"> a. geographical coverage of telecommunications to include remote and/or at-risk areas? b. priority access to communications technology for at-risk communities and responders to disaster? c. access for vulnerable groups such as the elderly and persons with disabilities? d. Support for early warning systems? | | | No. |
| <p>104. Does the above law impose, or allow for the imposition, of any restrictions on use of certain types of telecommunications equipment</p> <ul style="list-style-type: none"> a. Generally throughout the territory? b. In specified areas? c. Under specified circumstances? | | | No. |

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| B. Risk identification, assessment and monitoring | | | |
| 105. In addition to the sectoral laws above, does the disaster management law regulate the collection and distribution of information on hazards and risks (risk mapping)? If so, what authority is responsible and what is their mandate? | Regulation on the Prevention and Control of Geologic Disasters (地质灾害防治条例), The State Council No. 394, 1 Mar. 2004 | Article 11 Article 14 | Yes. Ministry of Land and Resources and its local bureaus are responsible for collection and distribution of information regarding geological hazards and risk mapping. In addition, it shall establish geological disaster control and prevention plan and early warning system. |
| 106. Does the disaster management law, or another law, regulate the collection and publication of seismological, meteorological and climatic data relevant to natural disasters? If so, what does it require and who is responsible for this, and under what law? | Regulation on the Defence against Meteorological Disasters (气象灾害防御条例), The State Council No. 570, 1 Apr. 2010 Law of the People's Republic of China on Protecting Against and Mitigating Earthquake Disasters (中华人民共和国防震减灾法), Standing Committee of the National People's Congress, 1 May 2009 (Amended) | Article 30 Article 25 | The Regulation on the Defence against Meteorological Disasters regulates the collection and publication of meteorological data relevant to natural disasters. It requires the State and local Meteorological Bureaus to timely collect and publish relevant meteorological data. Law of Protecting Against and Mitigating Earthquake Disasters regulate the collection and publication of seismological information. It requires the China Earthquake Administration and its local bureaus to timely monitor and publish relevant seismological information. |

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| 107. Does the disaster management law, or another law, regulate the collection and publication of baseline population data, especially in high risk areas? If so, what does it require and who is responsible for this, and under what law? | National Population Census Regulation (全国人口普查条例) issued by State Council on May 24, 2010. | Article 3 Article 30 | Such law requires conduct population data once in ten years nationwide. It does not specifically mentioned about population data collection in high natural disaster areas. Under such law, during the population census period, a special population census commission will be established in each level of government which shall be responsible for the population data collection. The population data collected will be published by State Statistic Bureau. |
| Part Four. Regulation of the Built Environment | | | |
| The aim is to outline the laws and regulations that set out building and construction standards, relevant approvals and enforcement processes, as well as planning and construction of roads & bridges, and land use planning and zoning, such as: urban and rural planning and zoning, including prohibitions on development of high risk sites, public open space for evacuation, access for rescue services such as fire and ambulance, and including regulation of informal settlements; regulation and responsibility for water storage, distribution and quality control for human consumption, flood mitigation construction and other water management against flooding; land tenure, including mapping and registration of tenure rights (especially participatory land mapping with communities) and any recognition of indigenous land rights and occupiers' rights; regulation of emergency and transitional shelter; and regulation or treatment of informal settlements. | | | |
| A. Building Codes | | | |
| Identify building and construction codes, including fire, flood and earthquake safety, as relevant to identified risks, including any differences in regulation, such as between large urban construction and small residences in rural villages; building regulations, including approvals, inspection and enforcement; and any regulation of emergency and transitional shelter, and informal settlements. | | | |
| 108. Is there a national building and construction law? If so, what authority is responsible for its implementation? | Construction Law (建筑法), issued by Standing Committee of the National People's Congress in 1997 and revised in 2011 | | Yes. Ministry of Housing and Urban-Rural Development is responsible for its implementation. |

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| 109. If there is not a national building and construction law, is this issue regulated at provincial/state or local level? If sub-national regulation only, can you find an example of such a law? | See Q109 | | The Construction Law is regulated nationally, so all the constructions activities in PRC territory should comply with such law. |
| 110. Does the building and construction law include detailed building codes, regulations or rules? Are these codes mandatory and binding? What areas do they cover (e.g. fire, earthquake, general building design and construction, health requirements, water & sanitation etc.)? List these categories of regulation. | Construction Law (建筑法), issued by Standing Committee of the National People's Congress in 1997 and revised in 2011 Administration Measure on Quality Standard of Construction Projects promulgated by State Council in January, 2000 | Article 52 | The Construction Law requires that the quality of construction inspection, designing and construction should be in accordance with the quality standard as stipulated by State Council. All the construction projects must meet the standards as set forth in the Administrative Measures on the Quality Standard of Construction Projects promulgated by State Council in January, 2000. Such quality standard covers fire control, earthquake, general building design and construction, flood prevention, lightening protection, water discharge system, electricity system, etc. A construction project must obtain all the construction completion inspection acceptance certificates from various administrative authorities which are in charge of the above mentioned areas, in order to put such project into use. For example, it shall obtain an inspection acceptance certificate from fire control bureau. |
| 111. Does this law include mechanisms for individual building approvals? If so, which institution(s) have responsibility for this? | See Q109 | Article 2 | Yes. The Ministry of Housing and Urban-Rural Development or its local bureaus are responsible for building construction approvals. |

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| <p>112. Does this law include mechanisms for building inspections? If so, which institution(s) have responsibility for this? Does it apply to:</p> <p>a. New buildings?</p> <p>b. Renovations / extensions of existing buildings?</p> <p>c. Existing buildings where there is no building application, such as old buildings that may no longer be safe?</p> | <p>Administration Measure on Quality Standard of Construction Projects (建筑工程质量管理条例) promulgated by State Council in January, 2000</p> | | <p>Yes. As discussed in Q111, different administrative authority will inspect different aspect of the building construction. For example, China Earthquake Administration and local bureaus will inspect the earthquake protection, and water department will inspect the water discharge and flood prevention.</p> <p>Such laws apply to:</p> <p>A. New Buildings;</p> <p>B. Renovations / extensions of existing buildings</p> |
| <p>113. Does this law include mechanisms for enforcement of codes, including sanctions? What type of sanctions (e.g. fines, whole or partial demolition orders)? If so, which institution(s) have responsibility for this?</p> | <p>Construction Law (建筑法), issued by Standing Committee of the National People's Congress in 1997 and revised in 2011</p> | <p>Section 7</p> | <p>Yes. The sanctions are including:</p> <p>A. Fines;</p> <p>B. Civil liability if there is any loss;</p> <p>C. Criminal liability</p> <p>D. If the construction quality does not meet the required standards, enforcement authority can order to redo, repair;</p> <p>E. Construction entities' qualification maybe suspended or even disqualified, depending on the seriousness of the violation.</p> |
| <p>114. Do the building regulations have special standards or requirements for:</p> <p>a. schools?</p> <p>b. hospitals?</p> | <p>Measures regarding the Designing of the Buildings in Primary and Middle Schools (中小学建筑设计规范) issued by Ministry of Housing and Urban-Rural Development on</p> | | <p>a. yes, there is a designing measure for primary and middle schools.</p> <p>b. yes, there is a construction standard for general hospitals.</p> <p>c. yes, there is a regulation regarding fire station designing approval and construction requirements and completion</p> |

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| <p>c. fire stations?</p> <p>d. other public buildings that may also be required as collective centres in case of disaster (e.g. ministries, sports complexes, churches, mosques etc.)?</p> | <p>December 24, 2010.</p> <p>Construction Standard for General Hospital (综合医院建设标准) issued in 2008 by Ministry of health and approved by Ministry of Housing and Urban-Rural Development and National Development and Reform Commission</p> <p>Measures regarding the Fire Control Requirements for Construction Projects (建设工程消防监督管理规定) issued by Ministry of Public Security in 1996 and revised 2009.</p> | | <p>acceptance inspection.</p> <p>d. n/a</p> |
| <p>115. Do the building regulations or land use planning laws (or other special laws) include regulation of large commercial buildings and developments (such as multi-storey shopping centres, office buildings and factories)? Identify & describe.</p> | <p>Urban – Rural Land Planning Law (城乡规划法) issued in 2007 by Standing Committee of People’s National Congress and took effective on January 1, 2008.</p> <p>Land Use Preliminary Approval Measures for Construction Projects</p> | | <p>Yes. There are four types of land with different land use right terms: residential land, industrial land, educational, scientific and technological land use and commercial land. Each type has different use purpose. For example, the commercial land is not allowed to build residential building but shopping mall or other commercial facilities.</p> |
| <p>116. Do the building laws/regulations</p> | <p>Shopping Apartment Building</p> | | <p>Yes, there is a guidance regarding how to design the shopping</p> |

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| include large, multi-storey apartment buildings? Identify & describe. | Designing Guidance (商店建筑设计规范) issued by Ministry of Housing and Urban-Rural Development in 1988 | | buildings but such law is outdated. |
| 117. Do the building laws/regulations include small self-built constructions? Identify & describe. | | | No. For self-built constructions made by farmers which is no more than three floors does not need to follow the above mentioned building laws or regulations but only certain guidance issued by their country or township authority. |
| 118. Do the building laws/regulations differ as between urban and rural settings? If building laws/regulations are different in rural settings, what are the main differences compared with urban settings? E.g. a.the extent of regulation? b.the level of government at which it is regulated? c. other? | | | See Q118. Only small self-built constructions by farmers in the rural place which is no more than three floors do not need to comply with all the building laws and regulations. |
| 119. Do the building/planning laws/regulations include emergency and transitional shelter? If so, what form of regulation and which institution(s) have responsibility for this? | Law of the People's Republic of China on Protecting Against and Mitigating Earthquake Disasters (中华人民共和国防震减灾法), Standing Committee of the National | Article 41 | Yes. such law requires that relevant earthquake emergence and transitional shelter should be planed and built. In addition, each province promulgated its own construction standard for the urban emergence shelter. |

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| | People's Congress, 1 May 2009 (Amended) | | |
| <p>120. Do the building laws/regulations include:</p> <p>a. Inspections?</p> <p>b. programmes and/or incentives for making existing buildings safe (e.g. retro-fitting for earthquake resistance, addition of fire escapes, condemning unsafe buildings including demolition orders, tax or funding incentives for owners to fortify buildings)?</p> <p>If so, what form of regulation and which institution(s) have responsibility for this?</p> | <p>Administration Measures regarding Urban Unsafe Buildings (城市危险房屋管理规定) issued by Ministry of Housing and Urban-Rural Development in 21989 and revised in 2004</p> | <p>Article 15 Article 19 Article 20</p> | <p>a. Yes. Before a building is allowed to use, it should obtain all the completion acceptance inspection from various authorities, such as fire control authority, earthquake administration, water prevention, etc.</p> <p>b. such measure requires that the owners of the building should inspect the safety of buildings and Ministry of Housing and Urban-Rural Development's local bureaus is authorized to supervise building owners' safety inspection and they may conduct safety inspection by themselves based on Ministry of Housing and Urban-Rural Development's specific requirements.</p> <p>Incentives for owners to fortify buildings: yes. such law requires that relevant authorities should give preferential treatment for owners to fortify buildings, such as give low-interest rate loan, financial subsidies.</p> <p>In addition, each province has its own regulation or policies regarding rural area's unsafe building renovation and its own subsidies fund and policies to unsafe building renovation.</p> |

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| 121. What if any provision is there for planning, approval and construction of public roads, bridges and related public works? – describe the authority(s) & mandate(s). | Measures for the Supervision and Administration of Public Road Construction (公路建设监督管理办法) issued by Ministry of Transportation (2006 Revision) Measures for the Administration of Road Construction in Rural Area issued by Ministry of Transportation in 2006 | | Ministry of Communication is responsible for administration and supervision of public road construction (including roads, bridges, tunnels and related works and facilities), which issue various laws regarding the construction contractor qualification, designing and construction requirements, completion inspection process. In addition, Ministry of Housing and Urban-Rural Development issued construction standards for road and bridge constructions. |
| 122. Are there other matters relevant to DRR that are regulated in the building and construction laws of the subject country? | | | |
| B. Land Use Planning Laws | | | |
| The aim is to identify whether there are national laws and statutory authorities with responsibility for land zoning and/or land use planning. If there is not a national law or authority, the issue may be regulated at provincial/state or local level and examples of these laws may not be available. However, although land use planning is frequently regulated at local government level, the underlying principles or institutional responsibilities may be included in national or provincial laws. Also, many major cities now have planning law overlays that cross local government boundaries, and may be determined under national or provincial/state laws. In other cases, special regimes have been established to manage the course of a major river that crosses many local boundaries (and these laws may also refer to bilateral treaties about cross-boundary water management - for DRR as well as water use – which may bring them under national law through the treaty powers). | | | |
| 123. Are there national laws and statutory authorities with responsibility for land zoning | PRC Urban-Rural Planning Law (城乡规划法) issued by Standing Committee of the | | Yes. Under such planning law, each level of government shall prepare its own overall land zoning plan and submit such plan to its immediate upper level government for approval. Each level |

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| and/or land use planning? | People's National Congress in 2007 and took effective on January 1, 2008. | | of government will be responsible for the land zoning for its own territory. |
| 124. Is this issue regulated at provincial/state or local level? If so, can you find an example of such a law at each level? | | | No. The land planning law is regulated at national level but the administration power is delegated to each level of the government. |
| 125. Does the land use planning and/or zoning law include processes for: a. Formal release of land for new developments? b. Approval of each new urban development? c. Approval of major commercial developments? | See Q127 | Article 38 Article 39 Article 40 | Yes for all. |
| 126. Does the land use planning and/or zoning law include prohibitions on development of high risk sites (e.g. unstable land prone to subsidence, flood plains, and contaminated sites)? | See Q127 | Article 4 | Such law does not explicitly prohibit developing high risk site but the law requires that the land use planning must serve the purpose to reduce the disaster risk. |
| 127. Does the planning / zoning law include public open space for evacuation? | | | No. |

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| 128. Does the planning / zoning law allocate or require allocation of land for emergency or transitional shelter in preparation for potential disaster? | See Q127 | Article 33 | It requires zoning for public shelter and strictly prohibits changing such the land zoning for such purpose. |
| 129. Does the planning / zoning law include provisions for infrastructure installation (water and drainage, sewers, telecommunications, energy) in new developments? | See Q127 | Article 35 | It includes provisions for water and drainage, sewers, telecommunication, energy, waste treatment, public facilities and strictly prohibits changing the land zoning for those purposes. |
| 130. Does the planning / zoning law include street width regulations for future traffic flow and to ensure access for emergency services such as fire and ambulance? | See Q127 Designing Guidance for Urban Road issued by Ministry of Housing and Urban- Rural Development (2011 Revision) (城市道路设施设计规范) | Article 35 | The PRC Urban Rural Planning Law does not include the requirements regarding the street width but it does ensure the access for firefighting access. However, the Designing Guidance for Urban Road includes provisions regarding the street width requirements for traffic flow and place for emergence facilities. |
| 131. Does the planning / zoning law differ as between urban and rural settings? If different in rural settings, what are the main differences compared with urban settings? E.g. a. the extent of regulation? b. the level of government at which | See Q127 | Article 17 Article 18 | The main difference is the level of government at which it is regulated. |

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| <p>it is regulated?</p> <p>c. other?</p> | | | |
| 132. Does the planning / zoning law include any other matters relevant to disaster risk reduction? | | | |
| C. Land tenure | | | |
| <p>133. Is there a national system of land title registration established under law?</p> <p>a. If sub-national regulation, at what level of government does this occur, if at all? If sub-national, can you find an example of such a law?</p> <p>b. Does the legal mandate for this system require computerisation and/central record at national level? If not, how and where does it require records to be kept?</p> | <p>PRC Land Administration Law (土地管理法) issued by Standing Committee of People's National Congress, 2004 Revision</p> | <p>Article 2 Article 4</p> | <p>There is a national system of land use right registration.</p> <p>But please note that as a communist country, all the land is publicly owned. So land either belongs to collectives or is state-owned and there is no outright private ownership of land in China. However, users of land can be granted contractual rights to use and profit from designated land, in the form of "Land Use Rights". Therefore, owners of the land use right can register their land use rights for certain parcel of land in the registration system.</p> <p>The registration system requires computerisation. It is not a central record at national level but is recorded at each level of government.</p> |
| <p>134. Are there institutions mandated to survey land and/or register title? Does this mandate:</p> <p>a. require or allow community participation in land mapping or surveying for the purpose of</p> | <p>See Q134</p> | <p>Article 5</p> | <p>Ministry of Land and Resources and its local bureaus at each level of government.</p> <p>a. no, it does not allow community participation.</p> <p>b. no.</p> <p>c. yes. Ministry of Land and Resources and its local bureaus</p> |

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| <p>establishing titles and/or occupancy and/or usage rights?</p> <p>b. establish a timeframe for the conclusion of land mapping?</p> <p>c. allocate resources for land mapping?</p> | | | <p>should be responsible for landing mapping.</p> |
| <p>135. Does the land title system allow anyone to purchase or own land, or does it exclude anyone? E.g. can the following own and inherit land under this system:</p> <p>a. Women?</p> <p>b. All ethnic or religious groups?</p> <p>c. Non-nationals?</p> | | | <p>No, land is publicly owned.</p> |
| <p>136. If there is no standardised land title, is there another way to legally recognise land tenure rights (e.g. indigenous title based on ancestral lands, or established occupation or use, or other traditional rights to use resources such as gathering or hunting or water rights)? Describe.</p> | | | <p>No.</p> |
| <p>137. Is there any legal recognition of traditional or customary law and practice regarding land occupation</p> | | | <p>No.</p> |

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| <p>or ownership, or community or collective management of land? If so, describe the relevant legislation or case law.</p> | | | |
| <p>138. Is there legislation or case law that recognises land tenure as a result of occupation, such as:</p> <p>a. adverse possession (use and occupation of land over a certain period of years in the absence of the legal owner, resulting in a change of ownership)?</p> <p>b. 'squatters' rights' (including any rights to continue inhabiting land and/or vacant buildings or to be given notice of eviction if contested by the legal owner)?</p> | | | <p>No.</p> |
| <p>139. If there are parallel systems for recognition of land tenure, such as customary law vs. registered freehold title, does one type of legal claim take precedence over the other?</p> | | | <p>No.</p> |
| <p>140. Is there any law or legal mechanism that allows government authorities to</p> | <p>See Q134</p> | | <p>The government authorities can compulsorily requisition collectively-owned land or requisition land use right for public purposes. The law only state that the land requisition should be</p> |

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| <p>compulsorily purchase or requisition land for public purposes? If so, do these purposes include:</p> <p>a.risk reduction from natural disasters?</p> <p>b.land to be kept for evacuation or emergency or transitional shelter?</p> | | | <p>approved by relevant authority and shall be in accordance with the overall land use planning but it does not explicitly state that the purposes of the land requisition. However, government authorities can requisition land for risk reduction from natural disasters, evacuation, emergency or shelter as land or facilities for such purpose should be part of the overall land use planning as mentioned in the response to Q128</p> |
| <p>141. Is there a land tribunal or other dispute resolution mechanism that provides for resolution of land tenure disputes? If so, is this accessible to communities? – to individuals?</p> <p>a.Can people without financial means access this system? E.g. are there fees, or requirements to engage lawyers?</p> <p>b.Are such tribunals or mechanisms available throughout the territory, including in rural areas?</p> | | | <p>No.</p> |

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| D. Informal and precarious settlements | | | |
| <p>Informal settlements (also called slums or shanty towns) are areas of housing constructed on land to which the occupants had no prior legal claim. The housing is generally constructed by the occupants from available materials and does not comply with building and planning laws. These unplanned settlements are not served with public infrastructure such as water, sewers/drainage, roads or telecommunications, or public services such as schools and medical facilities. They are especially vulnerable to the effects of natural disaster, as they are often built on high-risk land (precarious settlements), with poor construction materials and methods, and the residents are not protected from the effects of, for example, water contamination during flooding. Informal settlements sometimes arise from mass migrations to the outskirts of large cities following disaster (including slow-onset disasters such as drought and famine). However, many of these settlements exist for many years and become established townships. Approaches taken by governments tend to follow one of three paths: (1) ignore informal settlements for the purpose of regulation, (2) relocate residents either through forced evictions and demolition, or planned resettlement schemes, or (3) regularize them. The latter approach has been taken in Brazil under its Statute of the City administered by the Ministry of Cities, which seeks to progressively regularize and integrate under local government, existing informal and precarious settlements.</p> | | | |
| <p>142. Is there a law that mandates clearing of slums / informal or precarious settlements?</p> <p>a. If so, what is the policy reason given (if any) for such clearance?</p> <p>b. Does it require or empower government authorities to evict or resettle residents? Or to demolish such settlements?</p> <p>c. If residents are to be moved, does this law require the provision of alternative housing? If so, how is this financed?</p> <p>d. If mandated, is there a process</p> | <p>(1) Urban and Rural Planning Law of the People's Republic of China (城乡规划法), issued by People's Congress, No. 74, on October 28, 2007</p> <p>(2) Opinions of the State Council on Solving Housing Difficulties of Low Income Families in the Urban Area (国务院关于解决城市低收入家庭住房困难的若干意见), issued by State Council (2007) No. 24, on August 7, 2007</p> <p>(3) Guidance on Promoting Transformation of Squatter Areas in Urban Area and in</p> | <p>(1) Article 31</p> <p>(2) Article 1(2), Article 4(13), Article 5(16)</p> <p>(3) Articles 1, 2, 3 and 4</p> <p>(4) Articles 8, 10, 11, 12, 13, 14, 21, 22 and 25</p> | <p>There are Chinese laws that mandate eviction and reconstruction of old urban areas including as precarious settlements or areas with poor facility conditions. There are also regulations specifically regulating reconstruction of squatter area, which is also deemed a part of the reconstruction of old urban areas.</p> <p>a. To improve life quality of low income families, to improve the environment and functions of urban area, and to coordinate the development of economy and the society.</p> <p>b. The local government authorities are empowered to formulate plans for reconstruction of the squatter areas, but the government authorities cannot enforce such plans, including eviction or resettlement of residents or demolition of the settlements, unless the majority of the residents in such squatter area agree to the resettlement and/or compensation arrangements.</p> |

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| <p>for eviction? E.g. notice periods, dispute resolution through land tribunals?</p> <p>e. Are there any other protections for the human rights and livelihoods of residents who are evicted or relocated?</p> | <p>State Owned Mining Area, issued by Ministry of Construction, National Development and Reform Commission, Ministry of Finance, Ministry of Land and Resources, and People's Bank of China (住房和城乡建设部、国家发展和改革委员会、财政部、国土资源部、中国人民银行关于推进城市和国有工矿棚户区改造工作的指导意见), No. (2009) 295, on December 24, 2009</p> <p>(4) Regulation on the Expropriation of Buildings on State-owned Land and Compensation (国有土地上房屋征收与补偿条例), issued by State Council, No. 590, on January 21, 2011</p> | | <p>c. If the resident owns title to the original settlement, such resident may either choose monetary compensation or exchange for title of another property. In the event such resident chooses exchange for title of another property, the government authority in charge of the eviction shall provide alternative housing or compensation for alternative housing before the property for exchange is ready to be delivered.</p> <p>d. The government is required to publish compensation plans for any proposed evictions for public comments for at least 30 days, and revise the plan accordingly based on the public comments. The government shall hold a public hearing if most of the residents involved objects to such plan. After the eviction decision is finally made by the government, the government should publicly notify such decision in a timely manner, and such notification shall include the compensation plan and the rights of the residents to apply for administrative review or administrative legislation. The government authority in charge of the eviction shall negotiate with each resident family to enter into a compensation agreement, which shall provide the compensation amount, transition period, alternative housing (if any), etc, and each party shall comply with such agreement.</p> <p>e. No eviction can be enforced before actual payment of the compensation is provided to the residents. The law also prohibits any institution or individual to force a resident to relocate by violence or threat, by cutting off the supply of water, heating, gas or electricity or road passage in violation of the relevant provisions or by any other illegal means.</p> |
| 143. Is there a law that mandates | (1) Urban and Rural Planning | (1) Article | There is no Chinese law specifically mandating recognition |

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| <p>recognition and/ or regularization of slums / informal settlements?</p> <p>a.If so, describe the legal regime for regularization, including the responsible institutions.</p> <p>b.Does regularization include the introduction of building codes? Are these mandatory and binding?</p> <p>c. Does regularization include the construction of public infrastructure? If so, how is this financed?</p> <p>d.Does this law authorise or mandate the provision of social services to informal settlements?</p> <p>e.Does this law include any other regulatory measures to address the vulnerability of such settlements to risk from natural disasters?</p> | <p>Law of the People's Republic of China (城乡规划法), issued by People's Congress, No. 74, on October 28, 2007</p> <p>(2) Regulation on the Expropriation of Buildings on State-owned Land and Compensation (国有土地上房屋征收与补偿条例), issued by State Council, No. 590, on January 21, 2011</p> <p>(3) Notice on Promotion of Urban Construction Work (关于加强城市建设工作的通知), issued by State Council, No. (1987) 47, on May 21, 1987</p> | <p>31</p> <p>(2) Articles 8 and 9</p> <p>(3) Article 5</p> | <p>and/or regularization of slums/informal settlements. As discussed in question 143 above, slums/informal settlements will be treated as "old urban areas" and the government will make and implement reconstruction plans in accordance with economy development plans and city development plans.</p> |
| <p>144. Does any law require that informal settlements are included in:</p> <p>a. Early Warning Systems?</p> <p>b. Community based DRR education and training?</p> | | | <p>There are no laws specifically require that informal settlements be included in Early Warning Systems or Community based DRR education and training.</p> |

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

| Legal Research Questions | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
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| <p>145. Does any law provide a mechanism for recognition of tenure for residents of informal settlements?</p> <p>a. If so, what types of tenure (e.g. full title, right to occupy or use, right to purchase, tenancy)?</p> <p>b. If so, and such settlements are on privately owned land, is there provision for compensation of those with prior legal tenure?</p> | | | <p>There are no Chinese laws specifically providing a mechanism for recognition of tenure for residents of informal settlements. The tenure and related compensation for any land use rights or real estate property in China will be determined in accordance with China Property Law and land and real estate related regulations.</p> |
| E. Urban Water and Flood Management | | | |
| <p>146. Is there one or more national laws regulating and allocating institutional responsibility for water storage, distribution and quality control for human consumption? Is urban water management principally a national, or provincial/state or local responsibility?</p> | <p>(1) Regulations on Urban Water Supply (城市供水条例), issued by State Council, No. 158, July 19, 1994</p> <p>(2) Rules on Supervision and Management of Hygiene of Water for Human Consumption and Drinking (生活饮用水监督管理办法), issued jointly by Ministry of Construction, No. 53, on September 1, 1996</p> | <p>(1) Articles 2 and 7</p> <p>(2) Article 3</p> | <p>There are national regulations regulating and allocating institutional responsibility for water storage, distribution and quality control for human consumption, please refer to the regulations described in the column on the left. The Ministry of Housing and Rural-Urban Development (formerly called "Ministry of Construction") and its local branches are responsible for the management and supervision of urban water supply, including construction and maintenance of water storage and distribution projects and water quality control. The Ministry of Health and its local branches are in charge of supervision of water hygiene.</p> <p>Each of the national, provincial or local water administration authority is responsible for water supply within its jurisdiction. The responsibility is allocated among different levels of authorities.</p> |

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

| Legal Research Questions | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
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| <p>147. If there is a national water authority, does its mandate include risk reduction or preparedness for safeguarding the water supply in the face of natural disasters?</p> | | | <p>Risk reduction or preparedness for safeguarding water supply in the face of natural disasters are not specifically mandated to the water management authority. Please refer to section A of Part One for information on the risk management and reduction system in China.</p> |
| <p>148. Does a national law allocate responsibility for flood mitigation construction and other water management against urban flooding (if relevant to the subject country)? If so, what authority is responsible?</p> | <p>Flood Control Law of the People's Republic of China (中华人民共和国防洪法), issued by Standing Committee of the National People's Congress on January 1, 2008</p> | <p>Article 8</p> | <p>Yes.</p> <ul style="list-style-type: none"> • Ministry of Water Resources is responsible for organization, coordination, supervision guidance and other day to day work for flood mitigation under the guidance of the State Council. • Ministry of Water Resources will also establish offices in key areas of water fields for coordination and supervision for flood mitigation in such areas. • Ministry of Housing and Urban-Rural Development is responsible for (usually called the water bureau) at the provincial, municipal and county level are responsible for organization, coordination, supervision guidance and other day to day work for flood mitigation within its jurisdiction under the guidance of the government of the same level. • The water resources administration authorities (usually called the water bureau) at the provincial, municipal and county level are responsible for organization, coordination, supervision guidance and other day to day work for flood mitigation within its jurisdiction under the guidance of the government of the same level. • The construction administration authority (usually called the construction bureau) at the provincial, municipal and county |

| 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION | | | |
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| Legal Research Questions | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
| | | | <p>level are responsible for (usually called the water bureau) at the provincial, municipal and county level are responsible for organization, coordination, supervision guidance and other day to day work for flood mitigation within its jurisdiction under the guidance of the government of the same level.</p> <ul style="list-style-type: none"> • Stated above is the major authorities in charge of flood mitigation. There are other authorities that are responsible for flood mitigation related work as well, please refer to question 12 for more information. |
| 149. If flood mitigation and water management against urban flooding is regulated at the sub-national level, at what level of government does this occur? Can you find an example of such a law? | | | Flood mitigation and water management against urban flooding is regulated at national level. |
| Part Five. Regulation of the Natural & Rural Environment | | | |
| Outline the laws and regulations concerning environmental management from the perspective of human safety, preservation of livelihoods and food security, including the regulation of exploitation of natural resources, water management, and reducing risks from natural events such as floods, earthquake, drought, landslides, and wildfires, such as: forestry regulation concerning wildfires, deforestation and erosion relevant to prevention of landslides and floods; environmental impact assessments; river and water catchment management relevant to flood prevention and mitigation, and water storage and distribution for human and agricultural consumption; prevention measures relating to drought, especially protection of people, livestock and crops in the face of drought, including water reserves against the risk of drought; and other prevention and risk management mechanisms to maintain food security, including measures to prevent desertification. | | | |
| A. Human Risks in Environmental Change | | | |
| 150. Is there legislation on environmental protection? If so, | Environmental Protection Law of the People's Republic of | | Yes. Ministry of Environmental Protection and its local branches are responsible for administration and supervision of |

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

| Legal Research Questions | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
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| what institution has responsibility? | China (中华人民共和国环境保护法), issued by the Standing Committee of the People's Congress, No. 22, on December 26, 1989 | | environmental protection. |
| 151. Does the above mandate include environmental management from the perspective of: a. human safety? b. preservation of livelihoods? c. food security, especially concerning protection of crops and livestock? | Environmental Protection Law of the People's Republic of China (中华人民共和国环境保护法), issued by the Standing Committee of the People's Congress, No. 22, on December 26, 1989 | Article 1 | a. Yes. The objective of this law includes "to safeguard health of human being". b. Yes. The objective of this law includes "to protect and improve ...natural environment". c. This law did not specifically address food security issues. |
| 152. Does this law provide for environmental impact assessments (EIAs) of any proposed new private and public industrial developments? | Environmental Protection Law of the People's Republic of China (中华人民共和国环境保护法), issued by the Standing Committee of the People's Congress, No. 22, on December 26, 1989 | Article 13 | Yes. |
| 153. If there are EIAs, do the criteria include: a. human risk factors from changes to the environment, including life and health as well as livelihoods and food security? | Technical Guidelines for Environmental Impact Assessment – General Programme (环境影响评价技术导则 总纲), issued by Ministry of Environment | Articles 4.3.2, 4.3.3 | a. Yes. It is required that EIAs should include study on the pollution impact, including the source, moving method and flows of pollution which are carcinogenic, deforming, mutagenic or long lasting, and source, particulars and strength of pollution from noise, vibration, heat, light, radioactivity and electromagnetic radiation. |

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

| Legal Research Questions | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
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| b.assessment in light of the known natural hazards affecting the relevant locality, or downstream communities (where relevant)? | Protection. No. HJ 2.1 – 2011, on September 1, 2011 | | b. Yes. It is required that EIAs should include study on the impact to the ecological environment, including the scope, nature, character and level of such impact. |
| 154. Is there a law that makes any authority responsible for the regulation of exploitation of natural resources from the perspective of human safety during natural disasters? For example, preventing cross-contamination from industrial sites during flooding, or control of extraction methods to manage flooding and/or erosion? | | | There is no law that specifically make an authority responsible for the regulation of exploitation of natural resources during natural disasters. In China, the responsibilities for risk reduction for different natural disasters are allocated to different authorities. Please refer to question 12 for more detailed information. |
| B. Forests | | | |
| 155. Is there legislation on forest management (if relevant to the subject country)? If so, what institution has responsibility? | The Forest Law of the People’s Republic of China (中华人民共和国森林法), issued by the Standing Committee of the People’s Congress on September 20, 1984 and amended on April 29, 1984 | Article 10 | The Department of Forest Resources is responsible for forest management. |
| 156. Does the above mandate include forest management from the perspective of natural disaster risk | The Forest Law of the People’s Republic of China (中华人民共和国森林法), issued by the | Articles 20, 21, 22 | a. Yes, local governments are responsible for prevention and firefighting work. Forest police are responsible for executing fire |

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

| Legal Research Questions | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
|---|--|-------------------|---|
| <p>reduction, such as:</p> <p>a. prevention of wildfires?</p> <p>b. deforestation and erosion relevant to prevention of landslides and floods?</p> <p>c. other hazards, (such as encroachment by wildlife into agricultural land or villages)?</p> <p>Describe the scope.</p> | <p>Standing Committee of the People's Congress on September 20, 1984 and amended on April 29, 1984</p> | | <p>prevention and firefighting tasks.</p> <p>b. No.</p> <p>c. The Forest Law also provides that the forest administration authorities should be responsible for insect prevention in forests. But the law did not specifically address encroachment by wildlife into agricultural land or villages.</p> |
| <p>157. Does the law recognize customary laws and practices as to the use and management of forests and their resources?</p> | | | <p>No.</p> |
| <p>158. Does the law provide for use, conservation or management of forests and their resources by communities?</p> | | | <p>The Forest Law applies to the use, conservation or management of forests and their resources by all people within China. There are no provisions specifically regulating use, conservation or management of forests and their resources by communities.</p> |
| <p>C. Rivers and watercourses</p> | | | |
| <p>159. Is there legislation on river and watercourse management (if relevant to the subject country)? If so, what institution has responsibility?</p> | <p>Water Law of the People's Republic of China (中华人民共和国水法), issued by the Standing Committee of the People's Congress on January 21, 1988, and revised on August 29, 2002, No. 74.</p> | <p>Article 12</p> | <p>China adopted a combined system of administration by watersheds as well as by administrative areas for management of water resources.</p> <p>The Ministry of Water Resources is in charge of the overall administration and supervision of water resources of the nation. The Ministry of Water resources set up offices at the important rivers and lakes (as determined by the state) to be in charge of water management for the relevant watersheds.</p> |

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

| Legal Research Questions | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
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| | | | The departments of water administration in the local people's governments (usually called the bureau of water resources) at and above the county level shall be in charge of the overall administration and supervision of water resources within their respective administrative areas. |
| <p>160. Does the above mandate include river management from the perspective of natural disaster risk reduction, such as:</p> <p>a. Riverbed management relevant to flood prevention and mitigation?</p> <p>b. Water storage and distribution for human, agricultural and industrial consumption in rural areas?</p> <p>Describe the scope.</p> | <p>Water Law of the People's Republic of China (中华人民共和国水法), issued by the Standing Committee of the People's Congress on January 21, 1988, and revised on August 29, 2002, No. 74.</p> | <p>Article 14</p> | <p>The Water Law provides for risk reduction from natural disasters from a very general perspective. It provides that the water management authorities should make plans for development, use, conservation and protection of water resources and management and reduction of water related natural disasters, but there are no detailed provisions. For laws specifically regulating water related natural disasters, please refer to answers to questions 55 - 61.</p> |
| <p>161. Does the law recognize customary laws and practices as to the use and management of rivers and their resources?</p> | | | <p>No.</p> |
| <p>162. Does the law provide for use, conservation or management of rivers and their resources by communities?</p> | | | <p>The Water Law applies to the use, conservation or management of water resources by all people within China. There are no provisions specifically regulating use, conservation or management of water resources by communities.</p> |

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

| Legal Research Questions | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
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| D. Drought and food security | | | |
| <p>163. Is there any legislation providing for risk reduction and prevention measures relating to drought (if relevant)? If so, does this include any institutional mandate or responsibility to protect people, livestock or crops in the face of drought?</p> | <p>Regulation on the Defence against Meteorological Disasters (气象灾害防御条例), issued by the State Council No. 570, on 1 Apr. 2010</p> | <p>Articles 2, 38</p> | <p>Yes. Regulation on the Defence against Meteorological Disasters provides for risk reduction and prevention measures relating to meteorological disasters, including drought.</p> <p>Yes. Responsibilities to protect people, livestock or crops in the face of meteorological disasters, including drought, are divided as follows:</p> <ul style="list-style-type: none"> • The civil affair department shall set up shelters and relief materials supply points, carry out victim rescue work, and collect and release disaster information. • The health administrative department shall organize medical treatment, sanitation, epidemic prevention, and other health emergency response work. • The traffic and transportation and railway departments shall give priority to the transportation of relief materials, equipment, medicine, food, etc., and timely repair the destroyed road traffic facilities. • The housing and urban-rural construction department shall guarantee the safe operation of water supply, gas supply, heat supply and other public utilities. • The electric power and communication administrative departments shall organize and do a good job in the electric power and communication emergency support. • The state land and resources department shall organize the monitoring and prevention of geologic hazards. • The agricultural administrative department shall organize agricultural disaster relief and agricultural production |

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

| Legal Research Questions | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
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| | | | <p>technique guidance.</p> <ul style="list-style-type: none"> • The water resources administrative department shall coordinate the water volume dispatching of major rivers and reservoirs on the whole, and organize flood control and drought relief. • The public security department shall be responsible for the maintenance of the social order and road traffic order in disaster-stricken areas, and assist in organizing the urgent transfer of the people in disaster-stricken areas |
| 164. Does the above mandate include the construction and maintenance of water reserves, including against the risk of drought? | | | No, construction and maintenance of water reserves is provided in the Water Law. |
| 165. Is there any other legislation relevant to risk management to maintain food security in the face of natural disasters, including any special measures to prevent desertification (if relevant)? | Middle to Long Term Plan for National Food Security (2008-2020) (国家粮食安全中长期规划纲要(2008-2020)), issued by the National Development and Reform Committee on November 13, 2008 | Section 4(5), 5(2) | Yes. Middle to Long Term Plan for National Food Security (2008-2020) provides measures to maintain food security in the face of natural disasters, including establishing national food reserve system, maintain of farm land area, etc. It also indicated that prevention of desertification is important for food security, but it does not include special measures to prevent desertification. |

4. Information management and exchange, community level DRR education & awareness

Most elements of information, education and awareness will normally be done through policy rather than law, but the legal framework may require public institutions to make DRR information available to the public and/or to carry out public and school education and awareness on reducing risk from natural disasters. For example, there could be a Ministerial directive under the Education Act requiring the inclusion of DRR in the school curriculum. [If this requires repetition of information given above, please note 'see above' and refer to the relevant question number.]

| 4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS | | | |
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| Legal Research Questions | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
| <p>166. Is there a law that regulates the collection and publication of seismological, meteorological and climatic data relevant to natural disasters?</p> <p>a.If so, what does it require and who is responsible for this, and under what law?</p> <p>b.Does it provide for community level access to the data?</p> | <p>(1) Regulation on the Defence against Meteorological Disasters (气象灾害防御条例), The State Council No. 570, 1 Apr. 2010</p> <p>(2) Law of the People's Republic of China on Protecting Against and Mitigating Earthquake Disasters (中华人民共和国防震减灾法), Standing Committee of the National People's Congress, 1 May 2009 (Amended)</p> | <p>(1) Articles 25 and 29</p> <p>(2) Articles 29, 30, 31 and 32</p> | <p>Yes.</p> <p>a. See Q 107.</p> <p>b. No, the laws did not mention this specifically.</p> |
| <p>167. Is there a law that regulates the collection and publication of baseline population data, especially in high risk areas?</p> | <p>See Q 108.</p> | | <p>See Q108.</p> |

| 4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS | | | |
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| Legal Research Questions | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
| <p>a.If so, what does it require and who is responsible for this, and under what law?</p> <p>b.Does it provide for community level access to the data?</p> | | | |
| <p>168. Does the education law or regulations require inclusion of DRR awareness in the school curriculum? Does this law or another law such as the DM law also require community DRR education?</p> | | | <p>No. But the national disaster management policy provides including of DRR awareness in the school curriculum and community DRR education.</p> |
| <p>169. If there is a national disaster management policy, does this require any public authorities to conduct public education and awareness on DRR?</p> <p>a.If so, which authorities and what are they required to do?</p> <p>b.In particular does it require DRR education in schools?</p> | <p>The notification issued by the State Council regarding the plan for national disaster prevention and reduction (2011-2015) (国务院办公厅关于印发国家综合防灾减灾规划(2011-2015 年)的通知), The State Council Office (2011) No. 55</p> | <p>Section. 3(10).</p> | <p>Yes.</p> <p>a. The National Disaster Reduction Committee is responsible for coordinating and supervising the implementation of this policy, and the provincial, municipal and county level governments are responsible for the implementation of this policy.</p> <p>b. Yes.</p> |

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS

| Legal Research Questions | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
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| 170. If the above law or the national disaster management policy requires public education, does this provide for community level DRR awareness? If so, does this make any provision for community participation in the development and delivery of public education and awareness campaigns? | The notification issued by the State Council regarding the plan for national disaster prevention and reduction (2011-2015) (国务院办公厅关于印发国家综合防灾减灾规划(2011-2015年)的通知), The State Council Office (2011) No. 55 | Section 4(7) | The national disaster management policy requires public DRR education at the community level. The national disaster management policy requires community participation in the development and delivery of public education and awareness campaigns, such as participating in disaster drills, and acting as volunteers for disaster related work. |
| 171. Does legislation provide for any designated role for the Red Cross or Red Crescent National Society as an auxiliary to government in DRR education and awareness at community level? | | | No, the legislation has no specific provisions on this issue. |
| 172. Does legislation provide for any designated role for Civil Society in DRR education and awareness at community level? | | | No, the legislation has no specific provisions on this issue. |
| 173. Does any law provide for community-level results in DRR, such as: a. Natural disaster warnings that extend to community level? b. Implementation of incentives to carry out community based DRR, or disincentives to ignore | Urban and Rural Planning Law of the People's Republic of China (城乡规划法), issued by People's Congress, No. 74, on October 28, 2007 | | a. No. b. No. c. Yes. Before the urban planning authority submitting any plans for urban zoning or land use for approval, it should publish such plan for public comments. The public comments should be considered carefully. d. No. |

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS

| Legal Research Questions | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
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| or increase risks from natural disasters? c. Community involvement in land-use and urban planning? d. Community involvement in and education concerning building codes? | | | |

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