

# Civil Air Defense Law of the People's Republic of China

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## Chapter I

### General Provisions

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

Article 2 Civil air defense is a component part of national defense. In light of the need of national defense, the State mobilizes and organizes the masses to take protective measures for preventing or minimizing damage caused by air raid.

For civil air defense, the guidelines of making long-term preparation, giving priority to the building of key works and suiting both peacetime and wartime needs shall be applied and the principles of coordinating its buildup with the development of the economy and combining it with urban construction shall be carried out.

Article 3 People's governments at or above the county level shall incorporate civil air defense construction into their plans for national economic and social development.

Article 4 The expenses for civil air defense shall be jointly borne by the State and the society.

The proportion borne by the Central Government shall be incorporated in the central budget, while the proportions borne by the local people's governments at or above the county level shall be incorporated in their budgets respectively.

Relevant units shall bear their proportions of the expenses for civil air defense in accordance with relevant State regulations.

Article 5 In accordance with relevant regulations, the State adopts preferential policies with regard to construction of civil air defense projects.

The State encourages and supports enterprises, institutions, public organizations and individuals to invest in various ways in construction of civil air defense works. In time of peace, such works shall be used and managed by the investors and the income therefrom shall be owned by them.

Article 6 The State Council and the Central Military Commission shall exercise leadership in the work of civil air defense throughout the country.

As authorized by the State Council and the Central Military Commission, the major military commands shall exercise leadership in the work of civil air defense in the areas under their command.

Local people's governments at or above the county level and the military organs at the corresponding level shall exercise leadership in the work of civil air defense in their administrative areas respectively.

Article 7 The competent national department for civil air defense shall administer the work of civil air defense throughout the country.

The competent departments for civil air defense of the major military commands shall administer the work of civil air defense in their areas respectively.

The competent departments for civil air defense of the local people's governments at or above the county level shall administer the work of civil air defense in their administrative areas respectively.

The competent departments for civil air defense of the State organs at the central level shall administer the work of civil air defense of their own organs.

Provisions for the establishment and the functions and duties of the competent departments for civil air defense shall be formulated by the State Council and the Central Military Commission.

The relevant departments for planning and construction of the people's governments at or above the county level shall be responsible for the work of civil air defense within the limits of their respective functions and duties.

Article 8 All organizations and individuals shall have the right of being protected by civil air defense and must perform their duties in civil air defense according to law.

Article 9 The State protects civil air defense facilities from damage. All organizations and individuals are prohibited to destroy or seize civil air defense facilities.

Article 10 People's governments and military organs at or above the county level shall give awards to organizations and individuals that have achieved outstanding successes in work of civil air defense.

## Chapter II

### Priority of Protection

Article 11 Cities enjoy priority in civil air defense. The State applies a system whereby different categories of cities are provided with different grades of protection.

Provisions for differentiating the cities for different grades of protection shall be formulated and the standards for such protection established by the State Council and the Central Military Commission.

Article 12 People's governments of cities shall devise air defense programmes and draw up plans for their enforcement and may organize exercise when necessary.

Article 13 People's governments of cities shall work out plans for construction of civil air defense works and incorporate them into their overall urban plans.

Article 14 In constructing trunk lines of underground traffic and other underground projects in a city, consideration shall be given to the needs of civil air defense.

Article 15 All projects for storing grains, medicines, oils and other necessary goods and materials for wartime use shall be built underground or in other concealed places.

Article 16 Relevant departments must take effective measures of protection towards important economic targets and work out plans dealing with emergencies and doing rush repairs.

"Important economic targets" mentioned in the preceding paragraph include important industrial and mining enterprises, scientific research bases, hubs of communications, signal centers, bridges, reservoirs, warehouses and power stations.

Article 17 The competent departments for civil air defense shall, in accordance with relevant regulations, conduct supervision over and inspection of the civil air defense construction projects of cities and economic targets. The units under inspection shall provide them with truthful reports and the necessary information and materials.

### Chapter III

#### Civil Air Defense Works

Article 18 Civil air defense works include underground protective structures that are constructed particularly for sheltering people and goods and materials, civil air defense command and medical aid in time of war, and basements that are constructed in combination with the surface buildings and that can be used for air defense in time of war.

Article 19 The State provides guidance to construction of different categories of civil air defense works in accordance with the different requirements of protection.

The State formulates plans for construction of civil air defense works in accordance with the need of national defense and in light of the level of urban construction and economic development.

Article 20 Under the prerequisite of ensuring their functions in time of war, civil air defense works shall be constructed in such a way as to benefit economic development, production and life of the people and the development and use of such works in time of peace.

Article 21 The competent departments for civil air defense shall be responsible for organizing construction of such works as civil air defense commands, shelters for public use and main passages for evacuation. Other relevant departments shall be responsible for organizing construction of special works for medical aid and for storage of goods and materials.

The relevant units shall be responsible for constructing works for sheltering their own employees, goods and materials.

Article 22 Basements that can be used for air defense in time of war shall, in accordance with the relevant regulations of the State, be constructed in new buildings of cities for civil use.

Article 23 The design, construction and quality of civil air defense works must conform to the protection and quality standards established by the State.

The final design and manufacture of special equipment for civil air defense works must conform to the standards established by the State.

Article 24 The relevant departments of the people's governments at or above the county level shall, in accordance with law, guarantee the land needed for construction of civil air defense works, and provide the necessary conditions for constructing civil air defense works that connect such infrastructures as roads, power supply, heat supply, water supply and drainage and communications systems in urban areas.

Article 25 The competent departments for civil air defense shall oversee and inspect the maintenance and management of civil air defense works.

The competent departments for civil air defense shall be responsible for the maintenance and management of civil air defense works for public use.

The relevant units shall in accordance with State regulations, maintain and manage civil air defense works already built or put to use, and keep them in good repair.

Article 26 The State encourages peacetime use of civil air defense works for economic development and the daily lives of the people. However, such use may not impair their functions as air defense works.

Article 27 No organizations or individuals may conduct any operation that may impair the use of civil air defense works or weaken their protective capacities, discharge waste water or gas or dump waste material into any civil air defense works, or produce or store any explosives, hypertoxics, inflammables, radioactive

substances or corrosives therein.

Article 28 No organizations or individuals may without approval dismantle any civil air defense works as specified in Article 21 of this Law. Where it is truly necessary to dismantle such works, the matter must be reported to the competent department for civil air defense for approval, and the unit that dismantles the works shall be responsible for reconstruction or compensation.

## Chapter IV

### Communications and Warning

Article 29 The State ensures unimpeded civil air defense communications and warning in order that air defense warning signals are promptly and accurately transmitted and sent out and civil air defense is effectively organized and directed.

Article 30 The competent national department for civil air defense shall be responsible for working out national plans of construction projects for civil air defense communications and warning and organizing the establishment and management of the national network of civil air defense communications and warning.

The competent departments for civil air defense of the local people's governments at or above the county level shall be responsible for working out plans of construction projects for civil air defense communications and warning in their administrative areas and organizing the establishment and management of their local networks of civil air defense communications and warning.

Article 31 Post and telecommunications departments, military communications departments and competent departments for civil air defense shall guarantee civil air defense communications by way of fulfilling their respective tasks prescribed by the State and carrying out the plans of construction projects for civil air defense communications and warning.

Article 32 Post and telecommunications departments, military communications departments and radio administration authorities shall guarantee provision of the circuits and frequency required by the competent departments for civil air defense in establishing communications and warning networks, the relevant units and individuals shall provide convenience for installation of facilities of civil air defense communications and warning, and may not obstruct it.

No organizations or individuals may use the same frequency or the same acoustic signals as those specially used by the State for civil air defense communications or air defense warning.

Article 33 In time of war, the communications, broadcasting and television systems must give first priority to the transmission and sending out of air defense warning signals.

Article 34 The relevant military departments shall communicate air intelligence to the competent departments for civil air defense and assist the latter in training special personnel in this field.

Article 35 All facilities for civil air defense communications and warning must be kept in good repair.

Civil air defense warning facilities shall be maintained and controlled by the units in which they are installed and may not be dismantled without approval.

When necessary, the local people's governments at or above the county level may organize trial air defense warning and shall make it known to the public five days before the trial.

Article 36 In time of peace, all facilities for civil air defense communications and warning shall be used in cases of emergency and disaster.

## Chapter V

### Evacuation

Article 37 Civil air defense evacuation shall be directed in a unified manner by the people's governments at or above the county level.

Civil air defense evacuation must be carried out in accordance with the order issued by the State. No organization may go into action without such order.

Article 38 People's governments at or above the county level shall organize relevant departments to formulate plans for urban civil air defense evacuation according to need.

Evacuation zones shall be predetermined by the people's government of the administrative area where such zones are located, if the zones extend to cover two or more administrative areas, they shall be predetermined by the people's government at the next higher level.

Article 39 People's governments at or above the county level shall organize relevant departments and units to make ample preparations for arrangement of the urban population to be evacuated and for storage, transport and supply of goods and materials.

Article 40 Where it is necessary to evacuate rural population, the local people's government shall have them evacuated to nearby places, which should be adhered to as a principle.

## Chapter VI

### Mass Organizations for Air Defense

Article 41 Local people's governments at or above the county level shall, in light of the need of civil air defense, have relevant departments establish mass organizations for air defense.

The tasks to be performed by mass organizations for air defense in time of war include dealing with emergencies, doing rush repairs, providing medical aid, preventing and extinguishing fire, engaging in epidemic prevention, disinfection and sterilization, eliminating contamination, ensuring signal communications, rescuing people, doing emergency transportation of goods and materials and maintaining public order, and in time of peace they shall assist the departments for fighting against floods and earthquakes in dealing with emergencies and doing disaster relief.

Article 42 The following departments shall be responsible for organizing mass organizations for air defense:

- (1) The departments for urban construction, public utilities and power supply shall organize teams to deal with emergencies and do rush repairs;
- (2) Public health and medical departments shall organize medical aid teams;
- (3) Public security departments shall organize fire-fighting teams and public security teams;
- (4) The departments for public health, chemical industry and environmental protection shall organize anti-chemical and anti-epidemic teams;
- (5) The post and telecommunications departments shall organize communications teams; and
- (6) The transportation departments shall organize transportation teams.

The Red Cross organizations shall provide first aid according to law.

Article 43 The equipment, apparatus and funds needed by mass organizations for air defense shall be provided by competent departments for civil air defense and the units that organize them.

Article 44 Mass organizations for air defense shall carry out specialized training in accordance with the training program and plans formulated by the competent departments for civil air defense.

## Chapter VII

### Education in Civil Air Defense

Article 45 The State develops civil air defense education to help citizens enhance their awareness of the importance of national defense and acquire the basic knowledge and skills of civil air defense.

Article 46 The competent national department for civil air defense shall be responsible for organizing and formulating civil air defense education plans and specifying the contents for such education.

The competent education departments and the competent departments for civil air defense at various levels shall arrange civil air defense education among students at school.

Civil air defense education for the personnel of State organs, public organizations, enterprises and institutions shall be arranged by the units to which they belong; and such education for other persons shall be arranged by urban and rural people's governments at the grassroots level.

Article 47 The relevant departments for the press, publishing, broadcasting, film, television and culture shall assist in developing civil air defense education.

## Chapter VIII

### Legal Liability

Article 48 A party that, in violation of the relevant regulations of the State, fails to construct, in its newly-constructed building for civil use in an urban area, a basement to be used for air defense in time of war shall be given a disciplinary warning by the competent department for civil air defense of the people's government at or above the county level and be ordered to build it within a time limit, and may also be fined not more than 100,000 yuan.

Article 49 A party that commits any of the following acts shall be given a disciplinary warning by the competent department for civil air defense of the people's government at or above the county level and be ordered to set it right within a time limit, and in the case of an individual a fine of not more than 5,000 may also be imposed on him and in the case of a unit a fine ranging from 10,000 to 50,000 yuan may also be imposed on it; the party shall be liable for the losses according to law, if any:

- (1) occupying civil air defense works;
- (2) failing to construct civil air defense works in conformity with the protection standards and quality standards established by the State;
- (3) altering, in violation of the relevant regulations of the State, the major structure of civil air defense works, dismantling equipment or facilities for such works or endangering the safety or impairing the functions of the works by any other means;
- (4) refusing to reconstruct the civil air defense works that were dismantled;
- (5) using the special frequency for civil air defense communications or the same acoustic signals as those used for air defense warning or dismantling, without approval, equipment or facilities for civil air defense communications and warning;
- (6) obstructing the installation of facilities of civil air defense communications and warning and refusing to stop doing so ; or
- (7) discharging waste water or gas or dumping waste material into civil air defense works.

Article 50 Anyone who, in violation of the provisions of this Law, intentionally damages civil air defense facilities or produces or stores in civil air defense works such hazards as explosives, hypertoxics, inflammables or radioactive substances, shall be punished in accordance with the relevant provisions of the Regulations on Administrative Penalties for Public Security if the violation does not constitute a crime; otherwise, he shall be investigated for criminal responsibility according to law.

Article 51 Any member of the competent departments for civil air defense who neglects his duty, abuses his power, conducts malpractices for personal gain, or commits any other violations or negligence, shall be investigated for criminal responsibility according to law if the case constitutes a crime; otherwise, he shall be subjected to administrative sanction according to law.

## Chapter IX

## Supplementary Provisions

Article 52 The standing committees of the people's congresses of provinces, autonomous regions and municipalities directly under the Central Government may formulate measures for implementation in accordance with this Law.

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

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