

Bylaws of Disaster Prevention and Response Act

Approved by Letter Tai-90-Nei-Tzu No. 05105852, Executive Yuan on August 24, 2001

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Article 1: This Bylaws (the Bylaws) has been incorporated pursuant to Article 51 of Disaster Prevention and Response Act (the Act).

Article 2: Disasters referred in Subpara. 2, Para. 1, Article 2 of the Act are defined as follows:

1. Major Fire Disaster: refers to any fire that continues to expand with injuries, casualties or major loss can be reasonably expected.
2. Explosion Disaster: refers to any disaster resulted from drastic production of pressure that release to its environment where lower pressure presents, or any compaction against the ambient air or friction against wall of a container by a drastically expanding gas.
3. Public Gas or Fuel Pipeline Disaster: refers to hazards to the safety or pollution to the environment resulted from any accident to the pipeline operated by public gas fuel or petrol industry.
4. Power Transmission Line Disaster: refers to the disaster resulted from failure of normal power transmission and supply due to damaged transmission line or equipment.
5. Air Disaster: refers to loss of life, injury, missing personnel or property loss, or damaged or missing aircraft due to accident taking place in the operation of aircraft.
6. Sea Disaster: refers to failure, sinking, grounding, collision, fire, explosion of a sea vessel, or any other unusual accident to a sea vessel, cargo, crew or passenger.
7. Land Traffic Accident Disaster: refers to accident to railway, highway or mass rapid transit system, or traffic safety being compromised or traffic being interrupted due to facilities damaged as a result of natural or artificial factor.
8. Toxic Chemical Materials Disaster: refers to public safety hazard or environmental pollution due to accident of toxic chemical materials.

Article 3: Civil utilities whenever appear in the Act include mass communication, power, water, telecom, public gas fuel, petroleum, transportation and other industries designated by the central regulating authorities.

Article 4: A community Disaster Prevention and Response group referred in the Act relates to a group acquired its permit pursuant to requirements of incorporation of consortium corporate or registered under private organization regulations to provide Disaster Prevention and Response support.

Article 5: A civil Disaster Prevention and Response voluntary organization referred in the Act relates to a group Ministry of the Interior(MOI) certified pursuant to Para. 1, Article 50 of the Act, comprised of 20 or more volunteers to get involved in the rescue operation, and registered with the municipal, or county/city government, or the central regulating authorities of Disaster Prevention and Response operation.

Article 6: There shall be a director, chaired by the deputy administrator of the municipal, or county/city government, to the dedicated unit created under Para. 2, Article 9 of the Act by the municipal, or county/city government, and full-time staff shall be assigned to the dedicated unit with the organization procedure to be respectively specified by the municipal, and county/city governments.

Article 7: National Disaster Prevention and Protection Commission shall as provided in Para. 2, Article 17 of the Act survey, assess and review the Disaster Prevention and Response basic plan once every five (5) years, or from time to time when required, in terms of Disaster Prevention and Response related scientific research results, incidents of disaster, and coping strategies.

Article 8: Central Disaster Prevention and Response operation regulating authorities and civil utilities shall survey, assess and review the Disaster Prevention and Response operation plan once every two (2) years, or from time to time when required, according to Disaster Prevention and Response basic plan, related disaster prevention, disaster emergency strategies, and restoration and reconstruction after disaster.

Article 9: Municipal, county/city governments and town office shall survey, assess and review the regional Disaster Prevention and Response plan once every two (2) years, or from time to time when required, according to Disaster Prevention and Response plan, incidents of regional disaster and characteristics of disaster potentials.

Article 10: Disaster Prevention and Response materials and supplies specified in Article 23.5 of the Act shall include:

1. Potable water, provisions and other consumer necessities;
2. First aid supplies and medicines;
3. Life saving supplies and equipment;
4. Constructional machineries, materials and other necessities required in emergency action; and
5. Any other materials and supplies may be required.

Disaster Prevention and Response facilities and equipment specified in Article 23.6 of the Act shall include:

1. Transportation means for evacuation of personnel and materials;
2. Equipment required for control and prevention of infectious diseases, disposal of refuses, environmental sterilization and health improvement;
3. Stand-by water source for disaster rescue and salvation equipment;
4. Life maintenance pipes, lines, materials, and supplies and equipment for emergency repair;
5. Information and communication supplies and equipment; and
6. Any other facilities and equipment may be required.

Article 11: Government at each level shall as provided in Para. 2, Article 28 of the Act update all Disaster Prevention and Response supplies and equipment including information and communication at the fixed operation places of the emergency operation center, and shall carry out performance tests for those facilities and equipment at least once every month; and a drill at least once every six months, or from time to time when required.

Article 12: Terminologies appearing in Article 29 of the Act shall be defined as follows:

1. Reserve Soldiers Organization: refers to a social group organized by reserve soldiers pursuant to Private Group Act.
2. Civil Defense Group: refers to a civil defense group organized by local police department to carry out civil defense duties.

Article 13: Any disposition or injunction under Article 31 of the Act prescribed by the command officer of the emergency operation center shall be made in the name of the local government and a related institute/unit shall be designated to perform such disposition or injunction.

Article 14: Any person drafted under Article 31.1 of the Act to help in disaster rescue shall be provided with meals and accommodation, transportation means or money in lieu as applicable.

Article 15: A written requisition shall be served to the person or the owner, the user or the administrator (jointly the subject of requisition) of the subject matter requisitioned under Articles 31.1 and 31.3, and Para. 1, Article 32 of the Act: Provided, however, that in case of emergency, such requisition may be made by phone, fax or any other proper means to be followed with the written requisition.

If required, the written requisition may be served in care of the inferior agency, institute, academic institute or organization.

Article 16: The written requisition in case of a person shall include the following details:

1. Name, date of birth, sex, citizen' s ID number, permanent address, present address or any other particulars that are sufficiency to identify the subject of requisition;
2. Purpose, facts, reasons and legal basis for such requisition;
3. The area for the requisition to support;
4. Term of requisition;
5. Time and place to report in;
6. Names of the disposition institute and its administrator, operated with signature, the common seal and the personal seal of the institute and the administrator;
7. Reference number and date of the written requisition; and
8. Expressly indicating the intent of making such administrative disposition and remedies, term and attending institute available in case of any defiance with such administrative disposition.

Article 17: The written requisition in case of materials shall include the following details:

1. Name, date of birth, sex, citizen' s ID number, permanent address, present address or any other particulars that are sufficiency to identify the subject of requisition; in case of an incorporated body or any group provided with an administrator or representative, its name, business place or office, and the name, date of birth, sex, citizen's ID number, permanent address, and present address of that administrator or representative;
2. Purpose, facts, reasons and legal basis for such requisition;
3. Description, unit, quantity and specification of the subject matter of requisition;
4. The area for the requisition to support;
5. Term of requisition;
6. Time and place of delivery;
7. Names of the disposition institute and its administrator, operated with signature, the common seal and the personal seal of the institute and the administrator;
8. Reference number and date of the written requisition; and

9. Expressly indicating the intent of making such administrative disposition and remedies, term and attending institute available in case of any defiance with such administrative disposition.

Article 18: Upon receiving the written requisition or being so notified, the subject of requisition shall report or deliver as the case may be at the time and place specified.

Emergency operation center or government at each level upon the report or delivery of the requisition shall issue to the subject of requisition a disaster rescue ID badge or a certificate of receipt while making proper assignment and operation of the person or the materials of requisition.

Upon the termination of the term of requisition, an extension may be specified if it is necessary to continue the requisition.

Article 19: Upon the cause of requisition is removed, a certificate to waive the requisition shall be issued to the subject of requisition by the institute calling for the requisition and the subject matter of requisition shall be returned to its subject of requisition; the subject of requisition shall be reimbursed pursuant to Article 49 of the Act within two month of such requisition is waived.

Article 20: Government at each level shall create, periodically review, or from time to time as required, and update a database for the disaster rescue resources including the subject of requisition and the subject matter of requisition required in carrying out the disaster emergency actions.

Disaster Prevention and Response Commission of Executive Yuan and the central Disaster Prevention and Response operation regulating authorities shall compile, file and control those data as described in the first paragraph herein.

Article 21: The command officer of the emergency operation center shall publish any disposition or injunction made under Article 31.2 of the Act; and the same governs in case of revoked, waived or changed disposition or injunction.

Article 22: Custody made under Para. 1, Article 32 of the Act, the disposition of such custody shall be properly serviced in writing to the owner, user or administrator of the subject matter; and when required, in care of the inferior institute, agency, academic institute or organization. If such service is prevented for cause whatsoever, the government at each level shall make a publication.

Article 23: Government at each level, and civil utilities concerned while carrying out the restoration and reconstruction after disaster pursuant to Article 36 of the Act may carry out the following work items:

1. Survey, statistics, assessment and analysis of the needs by the people from the disaster affected areas and the disaster;
2. Development and action of guidelines and plans for the restoration and reconstruction after disaster;
3. Registration and allocation of voluntary workers;
4. Distribution and control of donated money and materials, as well as release of salvation money;
5. Proper care for the injured and disposition of the deceased, relocation of the people from the disaster affected areas and order maintenance in the disaster affected areas;
6. Health medical care, and psychological consultation, and disease prevention;
7. Arrangement of boarding school and attending school for the students from the disaster affected areas, and restoration and reconstruction of academic institutes in the disaster affected areas;
8. Salvation and restoration of historical relics and building;
9. Safety certification and disposition of damaged buildings;
10. Restoration and reconstruction of residential houses and public building, urban update and land right disposition;

11. Repairs of irrigation, water and land conservation, environmental protection, telecommunication, city power, tap water, fuel oil, and gas facilities and regulation of supply and demand of consumer products;
12. Restoration and reconstruction of ports, railway and highway facilities, and mass rapid transit system;
13. Environmental cleaning, sterilization; removal and disposal of refuses;
14. Job placement for the people from and reconstruction of manufacturing industries in the disaster affected areas;
15. Raising funds required for the reconstruction;
16. Producing and print the list of household affected by the disaster, administrative order propaganda, and new release; and
17. Any other things and matters related to restoration and reconstruction after the disaster.

Article 24: Readjustment of receipts and payments for then current fiscal year pursuant to Para. 2, Article 43 of the Act shall be made in the following sequence by the government at each level:

1. Expenditures as budgeted for disaster emergency action and restoration and reconstruction related accounts prepared by each agency shall be applied for the payments for Disaster Prevention and Response;
2. Readjustment from the prepared budgets by each agency to cope with the Disaster Prevention and Response expenditures; and
3. Readjustment to be made as applicable among the agencies under the general budgets prepared by Executive Yuan, municipal, or county/city government to cope with the Disaster Prevention and Response expenditures.

Readjustment permitted under Subpara. 2 and 3 of this Article shall be made according to the procedure specified in the modification and change of allotted annual expenditures.

Article 25: Formats of various forms specified by the Act and the Bylaws shall be defined by the central regulating authorities.

Article 26: The Bylaws shall become effective on and after the date it is published.