

**【Title】 Regulation on the Protection of Meteorological Facilities and Meteorological Observation Environment[现行有效]**

**【法规标题】 气象设施和气象探测环境保护条例 [Effective]**

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The Regulation on the Protection of Meteorological Facilities and Meteorological Observation Environment, as adopted at the 214th executive meeting of the State Council on August 22, 2012, is hereby issued and shall come into force on December 1, 2012.

Premier: Wen Jiabao

August 29, 2012

Regulation on the Protection of Meteorological Facilities and Meteorological Observation Environment

《气象设施和气象探测环境保护条例》已经 2012 年 8 月 22 日国务院第 214 次常务会议通过，现予公布，自 2012 年 12 月 1 日起施行。

总 理 温家宝

2012 年 8 月 29 日

气象设施和气象探测环境保护条例

Article 1 In order to protect meteorological facilities and meteorological observation environment, and guarantee the representativeness, accuracy, continuity and comparability of meteorological observation information, this Regulation is formulated in accordance with the Meteorology Law of the People's Republic of China.

第一条 为了保护气象设施和气象探测环境，确保气象探测信息的代表性、准确性、连续性和可比较性，根据《[中华人民共和国气象法](#)》，制定本条例。

Article 2 For the purpose of this Regulation, "meteorological facilities" means meteorological observation facilities, specialized meteorological information transmission facilities and specialized large meteorological technical equipment.

第二条 本条例所称气象设施，是指气象探测设施、气象信息专用传输设施和大型气象专用技术装备等。

For the purpose of this Regulation, "meteorological observation environment" means the minimum surrounding space away from any interference, a space that is essential for ensuring the acquisition of accurate meteorological observation information by means of meteorological observation facilities.

本条例所称气象探测环境，是指为避开各种干扰，保证气象探测设施准确获得气象探测信息所必需的最小距离构成的环境空间。

Article 3 Meteorological facilities and meteorological observation environment shall be protected under the principles of classified protection and graded administration.

第三条 气象设施和气象探测环境保护实行分类保护、分级管理的原则。

Article 4 Local people's governments at or above the county level shall

第四条 县级以上地方人民政府应

strengthen the organization, leadership to, overall planning and coordination of protection of meteorological facilities and meteorological observation environment, and include the funds required for the protection of meteorological facilities and meteorological observation environment in the fiscal budget.

Article 5 The meteorological administration of the State Council shall be responsible for the protection of meteorological facilities and meteorological observation environment nationwide. The local meteorological administration at each level shall, under the leadership of the meteorological administration at the higher level and the people's government at the same level, be responsible for the protection of meteorological facilities and meteorological observation environment within its administrative region.

Other relevant departments of the State Council and other relevant departments of people's governments of provinces, autonomous regions and municipalities directly under the Central Government, which have meteorological stations, shall effectively carry out their respective work of protecting meteorological facilities and meteorological observation environment, and accept the guidance, supervision and administration of the meteorological administration at the same level.

The departments of development and reform, land and resources, urban and rural planning, radio management, environmental protection and other departments shall, based on their respective duties, be responsible for the work regarding the protection of meteorological facilities and meteorological observation environment.

Article 6 All entities and individuals have the obligation to protect meteorological facilities and meteorological observation environment, and have the right to report to authorities the conducts destroying meteorological facilities and meteorological observation environment.

Article 7 The local meteorological administration at each level shall, jointly with the departments of urban and rural planning, land and resources, and other departments, formulate the special plan for the protection of meteorological facilities and meteorological observation environment, report it to the people's government at the same level for approval, and then include the plan in urban and rural planning in accordance with law.

Article 8 Meteorological facilities are basic public service facilities. Local people's governments at or above the county level shall, based on the requirements of the planning for the construction of meteorological facilities, reasonably arrange the land used for the construction of meteorological facilities, and guarantee the smooth construction of meteorological facilities.

当加强对气象设施和气象探测环境保护工作的组织领导和统筹协调，将气象设施和气象探测环境保护工作所需经费纳入财政预算。

第五条 国务院气象主管机构负责全国气象设施和气象探测环境的保护工作。地方各级气象主管机构在上级气象主管机构和本级人民政府的领导下，负责本行政区域内气象设施和气象探测环境的保护工作。

设有气象台站的国务院其他有关部门和省、自治区、直辖市人民政府其他有关部门应当做好本部门气象设施和气象探测环境的保护工作，并接受同级气象主管机构的指导和监督管理。

发展改革、国土资源、城乡规划、无线电管理、环境保护等有关部门按照职责分工负责气象设施和气象探测环境保护的有关工作。

第六条 任何单位和个人都有义务保护气象设施和气象探测环境，并有权对破坏气象设施和气象探测环境的行为进行举报。

第七条 地方各级气象主管机构应当会同城乡规划、国土资源等部门制定气象设施和气象探测环境保护专项规划，报本级人民政府批准后依法纳入城乡规划。

第八条 气象设施是基础性公共服务设施。县级以上地方人民政府应当按照气象设施建设规划的要求，合理安排气象设施建设用地，保障气象设施建设顺利进行。

Article 9 Meteorological administrations at all levels shall, in accordance with relevant quality standards and technical requirements, equip meteorological facilities, set necessary protection equipment, and establish sound safety management rules.

Local meteorological administrations at all levels shall, in accordance with the provisions of the meteorological administration of the State Council, set up protection marks in eye-catching places near meteorological facilities, which indicate the protection requirements.

Article 10 The following conduct that damages meteorological facilities shall be prohibited:

1. seize or damage meteorological facilities, move meteorological facilities without approval, or seize land used for meteorological facilities;
2. conduct explosion, drilling, quarrying, sand or soil excavation or any other activities that endanger the safety of meteorological facilities around meteorological facilities;
3. usurp or interfere with the meteorological radio station or frequency set up in accordance with law;
4. set interference sources affecting the use of specialized large meteorological technical equipment; and
5. any other conduct damaging meteorological facilities as prescribed by laws, administrative regulations and the provisions of the meteorological administration of the State Council.

Article 11 The observation environment of such meteorological stations as atmospheric background stations, national reference climate stations, national basic meteorological stations, national general meteorological stations, high altitude meteorological stations, weather radar stations, meteorological satellite ground stations, regional meteorological stations and meteorological observation facilities that are separately set up shall be protected in accordance with law.

Article 12 The following conduct that damages the observation environment of atmospheric background stations shall be prohibited:

1. conduct new construction or expanded construction of towns, or industrial and mining areas within the scope of observation environment protection, 30,000 meters around observation fields, or set constant navigation courses above the scope of observation environment protection;
2. set garbage dumps, pollutant discharge outlets or other interference sources within 10,000 meters around observation fields; and
3. construct buildings or structures within 1,000 meters around observation fields.

Article 13 The following conduct that damages the observation environment of national reference climate stations or national basic

第九条 各级气象主管机构应当按照相关质量标准和技术要求配备气象设施，设置必要的保护装置，建立健全安全管理制度。

地方各级气象主管机构应当按照国务院气象主管机构的规定，在气象设施附近显著位置设立保护标志，标明保护要求。

第十条 禁止实施下列危害气象设施的行为：

（一）侵占、损毁、擅自移动气象设施或者侵占气象设施用地；

（二）在气象设施周边进行危及气象设施安全的爆破、钻探、采石、挖砂、取土等活动；

（三）挤占、干扰依法设立的气象无线电台（站）、频率；

（四）设置影响大型气象专用技术装备使用功能的干扰源；

（五）法律、行政法规和国务院气象主管机构规定的其他危害气象设施的行为。

第十一条 大气本底站、国家基准气候站、国家基本气象站、国家一般气象站、高空气象观测站、天气雷达站、气象卫星地面站、区域气象观测站等气象台站和单独设立的气象探测设施的探测环境，应当依法予以保护。

第十二条 禁止实施下列危害大气本底站探测环境的行为：

（一）在观测场周边 3 千米探测环境保护范围内新建、扩建城镇、工矿、区，或者在探测环境保护范围上空设置固定航线；

（二）在观测场周边 1 千米范围内设置垃圾场、排污口等干扰源；

（三）在观测场周边 1000 米范围内修建建筑物、构筑物。

第十三条 禁止实施下列危害国家基准气候站、国家基本气象站探测环境

meteorological stations shall be prohibited:

1. construct buildings or structures higher than buildings or structures, which are 1/10 away from observation fields within the scope of observation environment protection, 2,000 meters around the observation fields of national reference climate stations, or within the scope of observation environment protection, 1,000 meters around the observation fields of national basic meteorological stations;
2. set garbage dumps, pollutant discharge outlets or other interference sources within 500 meters around observation fields;
3. build railways within 200 meters around observation fields;
4. dig ponds within 100 meters around observation fields; and
5. build highways, or plant trees or crops higher than one meter within 50 meters around observation fields.

Article 14 The following conduct that damages the observation environment of national general meteorological stations shall be prohibited:

1. construct buildings or structures higher than buildings or structures, which are 1/8 away from observation fields within the scope of observation environment protection, 800 meters around observation fields;
2. set garbage dumps, pollutant discharge outlets or other interference sources within 200 meters around observation fields;
3. build railways within 100 meters around observation fields;
4. dig ponds within 50 meters around observation fields; and
5. build highways, or plant trees or crops higher than one meter within 30 meters around observation fields.

Article 15 The observation environment of high altitude meteorological stations, weather radar stations, meteorological satellite ground stations, regional meteorological stations and meteorological observation facilities that are separately set up shall be protected in strict accordance with the protection scope and requirements prescribed by the state.

The protection scope and requirements as mentioned in the preceding paragraph shall be issued by the meteorological administration of the State Council, and if radio frequency management is involved, the meteorological administration of the State Council shall obtain the approval of the radio administrative department of the State Council.

Article 16 The local meteorological administration at each level shall submit the report on the requirements for the protection of meteorological observation environment within its administrative region to the people's government at the same level and the meteorological administration at the

的行为:

- (一) 在国家基准气候站观测场周边 2000 米探测环境保护范围内或者国家基本气象站观测场周边 1000 米探测环境保护范围内修建高度超过距观测场距离 1/10 的建筑物、构筑物;
- (二) 在观测场周边 500 米范围内设置垃圾场、排污口等干扰源;
- (三) 在观测场周边 200 米范围内修建铁路;
- (四) 在观测场周边 100 米范围内挖筑水塘等;
- (五) 在观测场周边 50 米范围内修建公路、种植高度超过 1 米的树木和作物等。

第十四条 禁止实施下列危害国家一般气象站探测环境的行为:

- (一) 在观测场周边 800 米探测环境保护范围内修建高度超过距观测场距离 1/8 的建筑物、构筑物;
- (二) 在观测场周边 200 米范围内设置垃圾场、排污口等干扰源;
- (三) 在观测场周边 100 米范围内修建铁路;
- (四) 在观测场周边 50 米范围内挖筑水塘等;
- (五) 在观测场周边 30 米范围内修建公路、种植高度超过 1 米的树木和作物等。

第十五条 高空气象观测站、天气雷达站、气象卫星地面站、区域气象观测站和单独设立的气象探测设施探测环境的保护, 应当严格执行国家规定的保护范围和要求。

前款规定的保护范围和要求由国务院气象主管机构公布, 涉及无线电频率管理的, 国务院气象主管机构应当征得国务院无线电管理部门的同意。

第十六条 地方各级气象主管机构应当将本行政区域内气象探测环境保护要求报告本级人民政府和上一级气象主管机构, 并抄送同级发展改革、国土资

next higher level, and send a copy to the departments of development and reform, land and resources, urban and rural planning, housing construction, radio management, and environmental protection at the same level.

For the buildings, structures and interference sources which fail to satisfy the requirements for the protection of meteorological observation environment, the local meteorological administration at each level shall, in consideration of the actual circumstances, consult with relevant departments to put forward the treatment plan, report the plan to the people's government at the same level for approval and organize the implementation of the plan.

Article 17 The new construction, reconstruction or expanded construction of projects within the scope of observation environment protection in meteorological stations shall not damage the meteorological observation environment; and if damage is unavoidable, the construction entity shall report to the meteorological administration of the State Council or the meteorological administration of the province, autonomous region or municipality directly under the Central Government and put forward corresponding remedial measures and obtain the written approval of the meteorological administration of the State Council or the meteorological administration of the province, autonomous region or municipality directly under the Central Government. Relevant department shall not approve construction where the written approval of the meteorological administration is not obtained or remedial measures are not implemented. To conduct the new construction, reconstruction or expanded construction of projects within the scope of observation environment protection in meteorological observation facilities that are separately set up, the construction entity shall report to the local meteorological administration in advance, and take necessary engineering and technical measures as required.

Article 18 The sites of meteorological stations shall be stable for a long term, and no entity or individual shall relocate any meteorological station without approval.

Where it is indeed necessary to relocate a meteorological station due to the construction of a national key project or the change of overall urban (town) planning, the construction entity or the local people's government shall file an application with the meteorological administration of the province, autonomous region or municipality directly under the Central Government, and the latter shall organize experts to evaluate the scientificity and reasonableness of the new site, and if the requirements for the protection of meteorological facilities and meteorological observation environment are satisfied, the meteorological station shall be relocated under the principle of building the station before the relocation, after the relocation is included in the detailed urban (town) control

源、城乡规划、住房建设、无线电管理、环境保护等部门。

对不符合气象探测环境保护要求的建筑物、构筑物、干扰源等，地方各级气象主管机构应当根据实际情况，商有关部门提出治理方案，报本级人民政府批准并组织实施。

第十七条 在气象台站探测环境保护范围内新建、改建、扩建建设工程，应当避免危害气象探测环境；确实无法避免的，建设单位应当向国务院气象主管机构或者省、自治区、直辖市气象主管机构报告并提出相应的补救措施，经国务院气象主管机构或者省、自治区、直辖市气象主管机构书面同意。未征得气象主管机构书面同意或者未落实补救措施的，有关部门不得批准其开工建设。

在单独设立的气象探测设施探测环境保护范围内新建、改建、扩建建设工程的，建设单位应当事先报告当地气象主管机构，并按照要求采取必要的工程、技术措施。

第十八条 气象台站站址应当保持长期稳定，任何单位或者个人不得擅自迁移气象台站。

因国家重点工程建设或者城市（镇）总体规划变化，确需迁移气象台站的，建设单位或者当地人民政府应当向省、自治区、直辖市气象主管机构提出申请，由省、自治区、直辖市气象主管机构组织专家对拟迁新址的科学性、合理性进行评估，符合气象设施和气象探测环境保护要求的，在纳入城市（镇）控制性详细规划后，按照先建站后迁移的原则进行迁移。

申请迁移大气本底站、国家基准气



planning.

For the application for the relocation of an atmospheric background station, a national reference climate station or a national basic meteorological station, the meteorological administration of the province, autonomous region or municipality directly under the Central Government that accepts the application shall sign opinions and report to the meteorological administration of the State Council for examination and approval; and the application for relocating any other meteorological station shall be subject to the examination and approval of the meteorological administration of the province, autonomous region or municipality directly under the Central Government and be filed with the meteorological administration of the State Council.

The expenses for the relocation and construction of the meteorological station shall be assumed by the construction entity.

Article 19 Where the observation environment of a meteorological station is seriously damaged, and cannot be treated or restored, the meteorological administration of the State Council or the meteorological administration of the province, autonomous region or municipality directly under the Central Government may decide to relocate the meteorological station based on its duties and powers and under the principle of building the station before the relocation. The local people's government at the place where the meteorological station is located shall guarantee the land used for the relocation of the meteorological station, and assume the expenses for relocation and construction. The local people's government may, after assuming the expenses for relocation and construction, recover the expenses from the liable party that destroys the observation environment.

Article 20 To relocate a meteorological station, comparative observation between the new site and the old site shall be conducted for at least one year in accordance with the provisions of the meteorological administration of the State Council.

The new meteorological station shall pass the check of the meteorological administration that approves and decides the relocation, and the use of the old site may be changed only after the new meteorological station is officially put into use.

Article 21 Where it is necessary to relocate meteorological observation facilities that are separately set up for the purpose of project construction or the treatment of meteorological observation environment, the approval of the entity that has set up such meteorological observation facilities shall be obtained, and such facilities shall be rebuilt in accordance with the technical requirements prescribed by the meteorological administration of the State Council.

候站、国家基本气象站的，由受理申请的省、自治区、直辖市气象主管机构签署意见并报送国务院气象主管机构审批；申请迁移其他气象台站的，由省、自治区、直辖市气象主管机构审批，并报送国务院气象主管机构备案。

气象台站迁移、建设费用由建设单位承担。

第十九条 气象台站探测环境遭到严重破坏，失去治理和恢复可能的，国务院气象主管机构或者省、自治区、直辖市气象主管机构可以按照职责权限和先建站后迁移的原则，决定迁移气象台站；该气象台站所在地地方人民政府应当保证气象台站迁移用地，并承担迁移、建设费用。地方人民政府承担迁移、建设费用后，可以向破坏探测环境的责任人追偿。

第二十条 迁移气象台站的，应当按照国务院气象主管机构的规定，在新址与旧址之间进行至少 1 年的对比观测。

迁移的气象台站经批准、决定迁移的气象主管机构验收合格，正式投入使用后，方可改变旧址用途。

第二十一条 因工程建设或者气象探测环境治理需要迁移单独设立的气象探测设施的，应当经设立该气象探测设施的单位同意，并按照国务院气象主管机构规定的技术要求进行复建。

Article 22 Meteorological administrations at all levels shall strengthen the routine patrol check, supervision and inspection of the protection of meteorological facilities and meteorological observation environment. Meteorological administrations at all levels may take the following measures:

1. require the entity or individual under inspection to provide relevant documents, certificates, licenses and materials;
2. require the entity or individual under inspection to make an explanation on relevant issues; and
3. enter the site to investigate and take evidence.

Where a meteorological administration at a level finds any illegal conduct that shall be investigated by any other department in supervision and inspection, it shall notify the relevant department to investigate and deal with the conduct. Where the relevant department fails to investigate and deal with the conduct in a timely manner, the meteorological administration at a level may directly make an announcement or report to the relevant local people's government asking the latter to order the relevant department to investigate and deal with the conduct.

Article 23 Where the meteorological administration at any level, the department of development and reform, land and resources, urban and rural planning, radio management, or environmental protection, or any of its personnel commits any of the following conduct in violation of this Regulation, the people's government at this level or the superior authority of the administration or department shall order the violator to make corrections, and circulate a notice of criticism on the violator; the person directly in charge and other directly liable persons shall be subject to disciplinary actions in accordance with law; and if any crime is constituted, the violator shall be subject to criminal liability in accordance with law.

1. relocate a meteorological station without approval;
2. illegally approve the setting up of garbage dump, pollutant discharge outlet, radio station or any other interference source, or new construction, reconstruction or expanded construction of a project within the scope of protection of meteorological observation environment, which damages meteorological observation environment; or
3. abuse powers, neglect duties, make falsification, practice favoritism, or otherwise fail to perform the duties of protecting meteorological facilities and meteorological observation environment.

Article 24 Where anyone damages meteorological facilities in violation of this Regulation, the meteorological administration shall order the violator to cease the illegal conduct and make restoration to the original state or take other remedial measures within the prescribed time limit; if the violator refuses to make restoration to the original state or take other remedial measures within the prescribed time limit, the meteorological administration shall, in accordance with law, apply to the people's court

第二十二条 各级气象主管机构应当加强对气象设施和气象探测环境保护的日常巡查和监督检查。各级气象主管机构可以采取下列措施：

- （一）要求被检查单位或者个人提供有关文件、证照、资料；
- （二）要求被检查单位或者个人就有关问题作出说明；
- （三）进入现场调查、取证。

各级气象主管机构在监督检查中发现应当由其他部门查处的违法行为，应当通报有关部门进行查处。有关部门未及时查处的，各级气象主管机构可以直接通报、报告有关地方人民政府责成有关部门进行查处。

第二十三条 各级气象主管机构以及发展改革、国土资源、城乡规划、无线电管理、环境保护等有关部门及其工作人员违反本条例规定，有下列行为之一的，由本级人民政府或者上级机关责令改正，通报批评；对直接负责的主管人员和其他直接责任人员依法给予处分；构成犯罪的，依法追究刑事责任：

- （一）擅自迁移气象台站的；
- （二）擅自批准在气象探测环境保护范围内设置垃圾场、排污口、无线电台（站）等干扰源以及新建、改建、扩建建设工程危害气象探测环境的；
- （三）有其他滥用职权、玩忽职守、徇私舞弊等不履行气象设施和气象探测环境保护职责行为的。

第二十四条 违反本条例规定，危害气象设施的，由气象主管机构责令停止违法行为，限期恢复原状或者采取其他补救措施；逾期拒不恢复原状或者采取其他补救措施的，由气象主管机构依法申请人民法院强制执行，并对违法单位处 1 万元以上 5 万元以下罚款，对违

for enforcement, impose a fine of not less than 10,000 yuan but not more than 50,000 yuan on the entity that violates the law, and impose a fine of not less than 100 yuan but not more than 1,000 yuan on the individual that violates the law; if any damage is caused, the violator shall assume liability for compensation in accordance with law; if a violation of public security administration is constituted, the violator shall be given a public security administration punishment by the public security organ in accordance with law; and if any crime is constituted, be subject to criminal liability in accordance with law.

Anyone that usurps or interferes with the meteorological radio station or frequency set up pursuant to law shall be punished in accordance with the provisions of relevant laws and regulations on radio management.

Article 25 Where anyone damages meteorological observation environment in violation of this Regulation, the meteorological administration shall order the violator to cease the illegal conduct, order dismantling or restoration to the original state within the prescribed time limit, and if the circumstances are serious, impose a fine of not less than 20,000 yuan but not more than 50,000 yuan on the entity that violates the law, and impose a fine of not less than 200 yuan but not more than 5,000 yuan on the individual that violates the law; if the violator refuses to dismantle or restore to the original state within the prescribed time limit, the meteorological administration shall, in accordance with law, apply to the people's court for enforcement; and if any damage is caused, the violator shall assume liability for compensation in accordance with law. Anyone that approves land occupation in violation of law, or illegally occupies land to build new construction or other facilities within the scope of protection of meteorological observation environment shall be punished in accordance with relevant laws and regulations on urban and rural planning and land management.

Article 26 This Regulation shall come into force on December 1, 2012.

法个人处 100 元以上 1000 元以下罚款;造成损害的,依法承担赔偿责任;构成违反治安管理行为的,由公安机关依法给予治安管理处罚;构成犯罪的,依法追究刑事责任。

挤占、干扰依法设立的气象无线电台(站)、频率的,依照无线电管理相关法律法规的规定处罚。

第二十五条 违反本条例规定,危害气象探测环境的,由气象主管机构责令停止违法行为,限期拆除或者恢复原状,情节严重的,对违法单位处 2 万元以上 5 万元以下罚款,对违法个人处 200 元以上 5000 元以下罚款;逾期拒不拆除或者恢复原状的,由气象主管机构依法申请人民法院强制执行;造成损害的,依法承担赔偿责任。

在气象探测环境保护范围内,违法批准占用土地的,或者非法占用土地新建建筑物或者其他设施的,依照城乡规划、土地管理等相关法律法规的规定处罚。

第二十六条 本条例自 2012 年 12 月 1 日起施行。