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The Regulations on Post-Wenchuan Earthquake Rehabilitation and Reconstruction, which were adopted at the 11th executive meeting of the State Council on June 4, 2008, are hereby promulgated, and shall come into effect on the date of promulgation.

Premier Wen Jiabao

June 8, 2008

Regulations on Post-Wenchuan Earthquake Rehabilitation and Reconstruction

中华人民共和国国务院令
(第 526 号)

(相关资料: [法律 3 篇](#) [行政法规 4 篇](#) [部门规章 23 篇](#) [地方法规 80 篇](#) [相关论文 3 篇](#))

《汶川地震灾后恢复重建条例》已经 2008 年 6 月 4 日国务院第 11 次常务会议通过，现予公布，自公布之日起施行。

总理 温家宝
二〇〇八年六月八日

汶川地震灾后恢复重建条例

Chapter I General Provisions

第一章 总则

Article 1 These Regulations are formulated according to [the Emergency Response Law of the People's Republic of China](#) and [the Law of the People's Republic of China on Earthquake Preparedness and Disaster Reduction](#), for the purposes of ensuring the vigorous, orderly and effective implementation of post-Wenchuan earthquake rehabilitation and reconstruction, actively and stably resuming the normal living, production, study and work conditions for the disaster-stricken people, and promoting the economic and social rehabilitation and development of disaster-stricken areas.

第一条 为了保障汶川地震灾后恢复重建工作有力、有序、有效地开展，积极、稳妥恢复灾区群众正常的生活、生产、学习、工作条件，促进灾区经济社会的恢复和发展，根据《[中华人民共和国突发事件应对法](#)》和《[中华人民共和国防震减灾法](#)》，制定本条例。

Article 2 The guidelines of people orientation, scientific planning, overall consideration, multiple-step implementation, self-reliance, state support and social assistance shall be adhered to in the post-earthquake rehabilitation and reconstruction.

第二条 地震灾后恢复重建应当坚持以人为本、科学规划、统筹兼顾、分步实施、自力更生、国家支持、社会帮扶的方针。

Article 3 The post-earthquake rehabilitation and reconstruction shall conform to the following principles:

第三条 地震灾后恢复重建应当遵循以下原则：

1. Self-reliance and self-help production in disaster-stricken areas combined with state support and one-on-one assistance;
2. Government dominance combined with social participation;
3. In-situ rehabilitation and reconstruction combined with ex-situ new construction;
4. Quality guarantee combined with efficiency enhancement;
5. Short-term considerations combined with long-term considerations; and
6. Economic and social development combined with protection of ecological environment and resources.

Article 4 The people's governments at all levels shall strengthen the leadership, organization and coordination of work of post-earthquake rehabilitation and reconstruction, and if necessary, set up a coordination institution for post-earthquake rehabilitation and reconstruction to organize and coordinate work of post-earthquake rehabilitation and reconstruction.

The relevant departments under the people's government at or above the county level shall, under the uniform leadership of the people's government, closely cooperate with each other, take effective measures and jointly do a good job in the work of post-earthquake rehabilitation and reconstruction, according to their division of functions.

Article 5 The people's governments at all levels in the earthquake-stricken areas shall be self-reliant, hardworking, diligent and thrifty, raise funds and materials through various channels, and conduct post-earthquake rehabilitation and reconstruction.

The state shall give fiscal support, tax preferences and financial assistance to the post-earthquake rehabilitation and reconstruction, and actively provide support in such respects as materials, technologies and human resources.

The state shall encourage citizens, legal persons and other organizations to actively participate in the work of post-earthquake rehabilitation and reconstruction, and support the use of advanced technologies, equipment and materials in the post-earthquake rehabilitation and reconstruction.

The state shall accept aids provided by foreign governments and international organizations necessary for the post-earthquake rehabilitation and reconstruction.

Article 6 Commendations and awards shall be given to those entities and individuals that have made outstanding contributions to the work of post-earthquake rehabilitation and reconstruction, according to the relevant provisions of the state.

Chapter II Transitional Resettlement

Article 7 The transitional resettlement of disaster-stricken people in

(一) 受灾地区自力更生、生产自救与国家支持、对口支援相结合;

(二) 政府主导与社会参与相结合;

(三) 就地恢复重建与异地新建相结合;

(四) 确保质量与注重效率相结合;

(五) 立足当前与兼顾长远相结合;

(六) 经济社会发展与生态环境资源保护相结合。

第四条 各级人民政府应当加强对地震灾后恢复重建工作的领导、组织和协调,必要时成立地震灾后恢复重建协调机构,组织协调地震灾后恢复重建工作。县级以上人民政府有关部门应当在本级人民政府的统一领导下,按照职责分工,密切配合,采取有效措施,共同做好地震灾后恢复重建工作。

第五条 地震灾区的各级人民政府应当自力更生、艰苦奋斗、勤俭节约,多种渠道筹集资金、物资,开展地震灾后恢复重建。

国家对地震灾后恢复重建给予财政支持、税收优惠和金融扶持,并积极提供物资、技术和人力等方面的支持。

国家鼓励公民、法人和其他组织积极参与地震灾后恢复重建工作,支持在地震灾后恢复重建中采用先进的技术、设备和材料。

国家接受外国政府和国际组织提供的符合地震灾后恢复重建需要的援助。

第六条 对在地震灾后恢复重建工作中做出突出贡献的单位和个人,按照国家有关规定给予表彰和奖励。

第二章 过渡性安置

第七条 对地震灾区的受灾群众进行过渡

disaster-stricken areas shall be conducted based on the actualities of disaster-stricken areas and in such ways as in-situ resettlement combined with ex-situ resettlement, centralized resettlement combined with decentralized resettlement, and government resettlement combined with resettlement with relatives or friends or self-resettlement.

Governments shall give proper subsidies to those disaster-stricken people who resettle with relatives or friends or otherwise resettle themselves. The specific measures shall be formulated by the provincial people's governments.

Article 8 The selected transitional resettlement sites shall be located in an area that has convenient transport conditions and facilitates the people's rehabilitation of production and life, avoid an area of earthquake active fault or area where flood, landslide or collapse, mud and rock flow, ground caving-in, lightning or any other disaster is likely to occur, and avoid factories that produce and warehouses that store flammable and explosive hazardous substances.

In implementation, the transitional resettlement shall occupy abandoned or open land, shall not occupy or shall occupy as less as possible farmland, and shall avoid causing damages to any nature reserves, drinking water source protection areas and ecologically fragile regions.

Article 9 The people's governments at all levels in the earthquake-stricken areas shall take measures adapted to the local conditions for arranging for temporary housing for disaster-stricken people, based on the actualities. The temporary housing may be tents and tarpaulin rooms, or simple houses and prefabricated houses where conditions permit. Where it is really difficult to arrange for temporary housing, school playgrounds and stadiums that pass the security inspection may serve as temporary refuges.

The state shall encourage and provide subsidies to rural residents in earthquake-stricken areas to establish themselves temporary housing meeting the safety requirements. The specific measures shall be formulated by the provincial people's governments.

Article 10 The quality and safety of materials used for transitional resettlement shall be guaranteed. Production entities shall ensure the product quality of tents and tarpaulin rooms. Construction and production entities shall adopt qualified building materials to ensure the safety, quality and good seismic performance of simple houses and prefabricated houses.

Article 11 To ensure the basic living needs of disaster-stricken people, for transitional resettlement sites, such related infrastructure as water supply, power supply and roads shall be constructed, and such related public service facilities as schools, medical centers, water supply points, public

性安置,应当根据地震灾区的实际情况,采取就地安置与异地安置,集中安置与分散安置,政府安置与投亲靠友、自行安置相结合的方式。

政府对投亲靠友和采取其他方式自行安置的受灾群众给予适当补助。具体办法由省级人民政府制定。

第八条 过渡性安置地点应当选在交通条件便利、方便受灾群众恢复生产和生活的区域,并避开地震活动断层和可能发生洪灾、山体滑坡和崩塌、泥石流、地面塌陷、雷击等灾害的区域以及生产、储存易燃易爆危险品的工厂、仓库。实施过渡性安置应当占用废弃地、空旷地,尽量不占用或者少占用农田,并避免对自然保护区、饮用水水源保护区以及生态脆弱区域造成破坏。

第九条 地震灾区的各级人民政府根据实际条件,因地制宜,为灾区群众安排临时住所。临时住所可以采用帐篷、篷布房,有条件的也可以采用简易住房、活动板房。安排临时住所确实存在困难的,可以将学校操场和经安全鉴定的体育场馆等作为临时避难场所。国家鼓励地震灾区农村居民自行筹建符合安全要求的临时住所,并予以补助。具体办法由省级人民政府制定。

第十条 用于过渡性安置的物资应当保证质量安全。生产单位应当确保帐篷、篷布房的产品质量。建设单位、生产单位应当采用质量合格的建筑材料,确保简易住房、活动板房的安全质量和抗震性能。

第十一条 过渡性安置地点应当配套建设水、电、道路等基础设施,并按比例配备学校、医疗点、集中供水点、公共卫生间、垃圾收集点、日常用品供应点、

toilets, rubbish collection points, daily supplies points, special supplies points for ethnic minority and necessary cultural publicity facilities shall be equipped in proportion.

A transitional resettlement site shall be on a moderate scale, be installed with necessary lightning proof facilities, reserve necessary escape ways for fire control in advance, and be equipped with corresponding fire control facilities to prevent the occurrence of fires and lightning disasters.

Article 12 Temporary housing shall have such functions as fire, wind and rain prevention.

Article 13 In the use of prefabricated houses, priority shall be given to the seriously affected areas and disaster-stricken people needing to be resettled ex-situ, the seriously affected households whose collapsing houses can not be rehabilitated and reconstructed within a short term, particularly the death victims' families, pregnant women, infants, orphans, bereaved old folks and the disabled, and such public service facilities as schools and medical centers.

Article 14 The distribution and use of temporary housing and transitional resettlement funds and materials shall be open and transparent, be announced on a regular basis, and be subject to the supervision of the relevant departments and the general public. The specific measures shall be formulated by the provincial people's governments.

Article 15 The land for transitional resettlement shall be arranged for on a temporary basis, and may be used first, with the relevant land use formalities to be handled later according to law; the land for transitional resettlement that is not turned into the land for permanent use at expiration shall be reclaimed and returned to the original land user.

Article 16 The people's government at the county level at the place where transitional resettlement sites are located shall organize the relevant departments to strengthen the monitoring of secondary disasters, drinking water quality, food sanitation and epidemic, situation, the epidemiological investigation and the treatment of environmental sanitation. The used disinfectants and detergents shall conform to the environmental protection requirements, and avoid causing pollutions to the soil, water resources, environment, etc.

The public security organs at the place where transitional resettlement sites are located shall strengthen the public security administration, timely punish illegal acts, and maintain the normal social order.

The disaster-stricken people shall, as organized by the people's government at the county or township (town) level at the place where transitional resettlement sites are located, set up public security and fire control assisting teams to carry out patrol of public security and fire

少数民族特需品供应点以及必要的文化宣传设施等配套公共服务设施, 确保受灾群众的基本生活需要。

过渡性安置地点的规模应当适度, 并安装必要的防雷设施和预留必要的消防应急通道, 配备相应的消防设施, 防范火灾和雷击灾害发生。

第十二条 临时住所应当具备防火、防风、防雨等功能。

第十三条 活动板房应当优先用于重灾区 and 需要异地安置的受灾群众, 倒塌房屋在短期内难以恢复重建的重灾户特别是遇难者家庭、孕妇、婴幼儿、孤儿、孤老、残疾人员以及学校、医疗点等公共服务设施。

第十四条 临时住所、过渡性安置资金和物资的分配和使用, 应当公开透明, 定期公布, 接受有关部门和社会监督。具体办法由省级人民政府制定。

第十五条 过渡性安置用地按临时用地安排, 可以先行使用, 事后再依法办理有关用地手续; 到期未转为永久性用地的, 应当复垦后交还原土地使用者。

第十六条 过渡性安置地点所在地的县级人民政府, 应当组织有关部门加强次生灾害、饮用水水质、食品卫生、疫情的监测和流行病学调查以及环境卫生整治。使用的消毒剂、清洗剂应当符合环境保护要求, 避免对土壤、水资源、环境等造成污染。

过渡性安置地点所在地的公安机关, 应当加强治安管理, 及时惩处违法行为, 维护正常的社会秩序。

受灾群众应当在过渡性安置地点所在地的县、乡(镇)人民政府组织下, 建立治安、消防联队, 开展治安、消防巡查等自防自救工作。

control and other self-defense and self-rescue work.

Article 17 The people's governments at all levels in disaster-stricken areas shall organize disaster-stricken people and enterprises to conduct self-help production and actively rehabilitate production, and do a good job in the psychological aid of disaster-stricken people.

Article 18 The people's governments at all levels and their administrative departments for agriculture in disaster-stricken areas shall timely organize the rehabilitation of damaged agricultural production facilities, development of rush planting and rush harvesting and provision of guidance on agricultural production technologies, and safeguard the supply of agricultural input and agricultural machinery equipment.

Article 19 The people's governments at all levels and their relevant departments in disaster-stricken areas shall first organize the enterprises supplying power, water, gas, etc. to rehabilitate production, provide support for major large-scale enterprises to rehabilitate production, and provide conditions for the full rehabilitation of production and operation of the industry and service sector.

Chapter III Survey and Assessment

Article 20 The relevant departments under the State Council shall organize the work of earthquake disaster survey and assessment so as to provide grounds for compiling the post-earthquake rehabilitation and reconstruction planning.

Article 21 The earthquake disaster survey and assessment shall cover the following matters:

1. Extent of damage to and numbers of damaged cities, towns and villages;
2. Casualties, extent of damage to and number of damaged houses, extent of damage to and numbers of damaged infrastructure, public service facilities, industrial and agricultural production facilities and trade circulation facilities, extent of damage to and number of damaged land for agricultural use;
3. Number of people that need to be resettled, numbers of injured and handicapped people that need assistance, numbers of bereaved old folks and minors that need help, number of houses that need to be provided, infrastructure and public service facilities that need to be rehabilitated and reconstructed, production facilities that need to be rehabilitated and reconstructed, agricultural land need to be consolidated and reclaimed, etc.;
4. Conditions about environmental pollution, ecological damage, damage to natural, historic and cultural heritage, etc.;

第十七条 地震灾区的各级人民政府，应当组织受灾群众和企业开展生产自救，积极恢复生产，并做好受灾群众的心理援助工作。

第十八条 地震灾区的各级人民政府及政府农业行政主管部门应当及时组织修复毁损的农业生产设施，开展抢种抢收，提供农业生产技术指导，保障农业投入品和农业机械设备的供应。

第十九条 地震灾区的各级人民政府及政府有关部门应当优先组织供电、供水、供气等企业恢复生产，并对大型骨干企业恢复生产提供支持，为全面恢复工业、服务业生产经营提供条件。

第三章 调查评估

第二十条 国务院有关部门应当组织开展地震灾害调查评估工作，为编制地震灾后恢复重建规划提供依据。

第二十一条 地震灾害调查评估应当包括下列事项：

- （一）城镇和乡村受损程度和数量；
- （二）人员伤亡情况，房屋破坏程度和数量，基础设施、公共服务设施、工农业生产设施与商贸流通设施受损程度和数量，农用地毁损程度和数量等；
- （三）需要安置人口的数量，需要救助的伤残人员数量，需要帮助的孤寡老人及未成年人的数量，需要提供的房屋数量，需要恢复重建的基础设施和公共服务设施，需要恢复重建的生产设施，需要整理和复垦的农用地等；
- （四）环境污染、生态损害以及自然和历史文化遗产毁损等情况；
- （五）资源环境承载能力以及地质灾害、地震次生灾害和隐患等情况；
- （六）水文地质、工程地质、环境地

5. Bearing capacity of resources and environment, conditions about geologic hazards, seismic secondary disasters and hidden risks, etc.;
6. Conditions about the impact on hydrogeology, engineering geology, environmental geology, topography, river and hydrological situation, major water conservancy and hydropower projects, etc.;
7. Events of public health emergency and hidden dangers; and
8. Other elements that need to be surveyed and assessed for compiling the post-earthquake rehabilitation and reconstruction planning.

Article 22 The people's governments at and above the county level shall, based on their division of functions, organize the relevant departments and experts to conduct the project quality and seismic performance assessment of the seriously damaged water conservancy, road, power supply and other infrastructure, schools and other public service facilities and other construction projects, keep the relevant materials and samples, conduct the survey and assessment of mechanism of damage caused by seismic activities to the relevant construction projects, so as to provide scientific grounds for improving the aseismic design criteria and engineering construction criteria for construction projects and taking aseismic preventative measures.

Article 23 The earthquake disaster survey and assessment shall be conducted in such methods as comprehensive survey and assessment, field survey and assessment and integrated assessment, and ensure the authenticity, accuracy and timeliness of data and materials as well as the reliability of assessment conclusions.

The seismic departments and seismic surveillance stations and networks shall collect and keep all the materials and information before, during and after earthquake, and maintain complete files.

The work of earthquake disaster survey and assessment shall be developed according to the laws and regulations of the state and the relevant technical standards and requirements.

Article 24 The reports on earthquake disaster survey and assessment shall be submitted to the State Council in a timely manner.

Chapter IV Rehabilitation and Reconstruction Planning

Article 25 The development and reform department under the State Council, in conjunction with the relevant departments under the State Council and the provincial people's governments in earthquake-stricken areas, shall jointly organize the compilation of the post-earthquake rehabilitation and reconstruction planning, and organize the implementation of the planning after the planning has been reported to and approved by the State Council.

The post-earthquake rehabilitation and reconstruction planning shall

质、地形地貌以及河势和水文情势、重大水利水电工程的受影响情况;

(七) 突发公共卫生事件及其隐患;

(八) 编制地震灾后恢复重建规划需要调查评估的其他事项。

第二十二条 县级以上人民政府应当依据各自职责分工组织有关部门和专家,对毁损严重的水利、道路、电力等基础设施,学校等公共服务设施以及其他建设工程进行工程质量和抗震性能鉴定,保存有关资料和样本,并开展地震活动对相关建设工程破坏机理的调查评估,为改进建设工程抗震设计规范和工程建设标准,采取抗震设防措施提供科学依据。

第二十三条 地震灾害调查评估应当采用全面调查评估、实地调查评估、综合评估的方法,确保数据资料的真实性、准确性、及时性和评估结论的可靠性。

地震部门、地震监测台网应当收集、保存地震前、地震中、地震后的所有资料和信息,并建立完整的档案。

开展地震灾害调查评估工作,应当遵守国家法律、法规以及有关技术标准和要求。

第二十四条 地震灾害调查评估报告应当及时上报国务院。

第四章 恢复重建规划

第二十五条 国务院发展改革部门会同国务院有关部门与地震灾区的省级人民政府共同组织编制地震灾后恢复重建规划,报国务院批准后组织实施。

地震灾后恢复重建规划应当包括地震灾后恢复重建总体规划和城镇体系规划、农村建设规划、城乡住房建设规划、基础设施建设规划、公共服务设施建设规

include the overall post-earthquake rehabilitation and reconstruction planning and such specialized planning as urban system planning, rural construction planning, urban and rural housing construction planning, infrastructure construction planning, public service facility construction planning, productivity layout and industrial adjustment planning, market service system planning, disaster prevention and reduction and ecological rehabilitation planning and land utilization planning.

Article 26 The people's governments at the municipal and county levels in disaster-stricken areas shall organize the compilation of the post-earthquake rehabilitation and reconstruction planning for their respective administrative areas, under the guidance of the provincial people's government.

Article 27 The compilation of the post-earthquake rehabilitation and reconstruction planning shall fully implement the view of scientific development, insist on people orientation, and give priority to the rehabilitation and reconstruction of basic living and public service facilities for disaster-stricken people; respect science and nature, and give full consideration to the bearing capacity of resources and environment; give overall consideration, in combination with the boost of industrialization, urbanization, new rural construction, construction of main function zones and industrial structure optimization and upgrading, and adhere to the principles of unified deployment and division of functions, distinguishing between greater and lesser urgencies and giving prominence to key tasks, mutual connection and vertical coordination, and standardization, orderliness and advancement according to law.

The compilation of the post-earthquake rehabilitation and reconstruction planning shall abide by laws, regulations and relevant national standards.

Article 28 The geological, surveying, mapping, hydrological, environmental and other basic materials obtained from post-earthquake survey and assessment shall serve as the basis for compiling the post-earthquake rehabilitation and reconstruction planning.

The competent department for seismic work shall review the zoning map of seismic dynamic parameters according to the research results about seismic geology and seismic activity and the conditions about seismic intensity distribution so as to provide basis for compiling the post-earthquake rehabilitation and reconstruction planning and making the aseismatic fortification of construction projects.

Article 29 The post-earthquake rehabilitation and reconstruction planning shall include the earthquake disaster situation and regional analysis, rehabilitation and reconstruction principles and objectives, extent of regions for rehabilitation and reconstruction, spatial layout for rehabilitation and reconstruction, rehabilitation and reconstruction tasks

划、生产力布局和产业调整规划、市场服务体系规划、防灾减灾和生态修复规划、土地利用规划等专项规划。

第二十六条 地震灾区的市、县人民政府应当在省级人民政府的指导下，组织编制本行政区域的地震灾后恢复重建实施规划。

第二十七条 编制地震灾后恢复重建规划，应当全面贯彻落实科学发展观，坚持以人为本，优先恢复重建受灾群众基本生活和公共服务设施；尊重科学、尊重自然，充分考虑资源环境承载能力；统筹兼顾，与推进工业化、城镇化、新农村建设、主体功能区建设、产业结构优化升级相结合，并坚持统一部署、分工负责，区分缓急、突出重点，相互衔接、上下协调，规范有序、依法推进的原则。

编制地震灾后恢复重建规划，应当遵守法律、法规和国家有关标准。

第二十八条 地震灾后调查评估获得的地质、勘察、测绘、水文、环境等基础资料，应当作为编制地震灾后恢复重建规划的依据。

地震工作主管部门应当根据地震地质、地震活动特性的研究成果和地震烈度分布情况，对地震动参数区划图进行复核，为编制地震灾后恢复重建规划和进行建设工程抗震设防提供依据。

第二十九条 地震灾后恢复重建规划应当包括地震灾害状况和区域分析，恢复重建原则和目标，恢复重建区域范围，恢复重建空间布局，恢复重建任务和政策措施，有科学价值的地震遗址、遗迹保

and policy measures, protection of earthquake ruins and vestiges with scientific value, repair of damaged cultural relics and buildings and structures with historic value and ethnic characteristics, implementation steps and stages, and other major contents.

The post-earthquake rehabilitation and reconstruction planning shall give priority to the arrangements for the urban and rural layout, housing construction, infrastructure construction, public service infrastructure construction, agricultural production infrastructure construction, industrial production infrastructure construction, disaster prevention and reduction, protection of ecological environment, natural resources and historical and cultural heritage, land consolidation and reclamation, etc.

Article 30 The rehabilitation and reconstruction of production, living and other facilities of central enterprises in disaster-stricken areas shall be incorporated into the post-earthquake rehabilitation and reconstruction planning for overall arrangement.

Article 31 In the compilation of post-earthquake rehabilitation and reconstruction planning, the relevant departments and experts shall be invited to participate and the opinions of disaster-stricken people in disaster-stricken areas shall be fully heeded; for major matters, experts in the relevant fields shall be invited to make specialized demonstrations.

Article 32 Where the cities, towns and villages are totally destroyed in the earthquake-stricken area, there exist major hidden safety risks or the size of population exceeds the bearing capacity of environment, and ex-situ new construction is needed, a new site shall avoid earthquake faults, ecologically fragile regions, regions where such disaster as flood, landslide, collapse, mud and rock flow or ground caving-in may occur and natural foci of infectious diseases.

The local people's government at or above the county level in earthquake-stricken areas shall organize the relevant departments and experts to conduct demonstrations about a new site, heed opinions of the general public and report the new site to the people's government at the next higher level for approval.

Article 33 The post-earthquake rehabilitation and reconstruction planning as approved by the State Council shall be the fundamental basis for post-earthquake rehabilitation and reconstruction, and shall be announced timely. All entities and individuals shall abide by the post-earthquake rehabilitation and reconstruction planning as announced upon approval, and obey the planning management.

Where the post-earthquake rehabilitation and reconstruction planning needs amendment as any of the basic data on which the post-earthquake rehabilitation and reconstruction planning relies changes or any other objective condition changes, or needs amendment as the work of

护, 受损文物和具有历史价值与少数民族特色的建筑物、构筑物的修复, 实施步骤和阶段等主要内容。

地震灾后恢复重建规划应当重点对城镇和乡村的布局、住房建设、基础设施建设、公共服务设施建设、农业生产设施建设、工业生产设施建设、防灾减灾和生态环境以及自然资源和历史文化遗产保护、土地整理和复垦等做出安排。

第三十条 地震灾区的中央所属企业生产、生活等设施的恢复重建, 纳入地震灾后恢复重建规划统筹安排。

第三十一条 编制地震灾后恢复重建规划, 应当吸收有关部门、专家参加, 并充分听取地震灾区受灾群众的意见; 重大事项应当组织有关方面专家进行专题论证。

第三十二条 地震灾区内的城镇和乡村完全毁损, 存在重大安全隐患或者人口规模超出环境承载能力, 需要异地新建的, 重新选址时, 应当避开地震活动断层或者生态脆弱和可能发生洪灾、山体滑坡、崩塌、泥石流、地面塌陷等灾害的区域以及传染病自然疫源地。

地震灾区的县级以上地方人民政府应当组织有关部门、专家对新址进行论证, 听取公众意见, 并报上一级人民政府批准。

第三十三条 国务院批准的地震灾后恢复重建规划, 是地震灾后恢复重建的基本依据, 应当及时公布。任何单位和个人都应当遵守经依法批准公布的地震灾后恢复重建规划, 服从规划管理。

地震灾后恢复重建规划所依据的基础资料修改、其他客观条件发生变化需要修改的, 或者因恢复重建工作需要修改的, 由规划组织编制机关提出修改意见, 报国务院批准。

rehabilitation and reconstruction requires, the department that organizes the compilation of the planning shall introduce suggestions on amendment and report them to the State Council for approval.

Chapter V Implementation of Rehabilitation and Reconstruction

Article 34 The provincial people's government in earthquake-stricken areas shall organize and implement the post-earthquake rehabilitation and reconstruction according to the post-earthquake rehabilitation and reconstruction planning and local economic and social development levels step by step as planned.

The relevant departments under the State Council shall provide support, assistance and guidance for the work of rehabilitation and reconstruction in earthquake-stricken areas.

In the urban rehabilitation and reconstruction, the original overall planning of a city or town shall be fully considered, the original ethnic architectural style shall be particularly embodied, and the urban construction scale and criteria shall be reasonably determined to conform to the aseismatic fortification requirements.

Article 35 The development and reform department shall be specifically responsible for the arrangements for the overall planning, policies and suggestions, investment plans, organization and coordination, and major construction projects for the post-earthquake rehabilitation and reconstruction.

The finance department shall be responsible for introducing capital arrangements and policy proposals in conjunction with other relevant departments, and be specifically responsible for appropriation and management of financial funds for post-disaster rehabilitation and reconstruction.

The departments of transport, water resources, railway, electricity, telecommunications, radio, film and television, etc. shall be specifically responsible for organizing the implementation of post-disaster rehabilitation and reconstruction of the relevant infrastructure, according to the division of functions.

The construction department shall specifically organize the implementation of post-disaster rehabilitation and reconstruction of houses and urban public facilities.

The civil affairs department shall specifically organize the implementation of temporary basic living guarantee for disaster-stricken people, relief of living hardship, subsidies for rehabilitation and reconstruction of damaged rural houses, rehabilitation and reconstruction of social welfare facilities, as well as resettlement, subsidies, psychological aid and recovery of injury and disability for orphans, bereaved old folks and the handicapped. The departments of education, science and technology, culture, health, radio, film and television, physical education, human resources and social

第五章 恢复重建的实施

第三十四条 地震灾区的省级人民政府，应当根据地震灾后恢复重建规划和当地经济社会发展水平，有计划、分步骤地组织实施地震灾后恢复重建。

国务院有关部门应当支持、协助、指导地震灾区的恢复重建工作。

城镇恢复重建应当充分考虑原有城市、镇总体规划，注重体现原有少数民族建筑风格，合理确定城镇的建设规模和标准，并达到抗震设防要求。

第三十五条 发展改革部门具体负责灾后恢复重建的统筹规划、政策建议、投资计划、组织协调和重大建设项目的安排。

财政部门会同有关部门负责提出资金安排和政策建议，并具体负责灾后恢复重建财政资金的拨付和管理。

交通运输、水利、铁路、电力、通信、广播影视等部门按照职责分工，具体组织实施有关基础设施的灾后恢复重建。

建设部门具体组织实施房屋和市政公用设施的灾后恢复重建。

民政部门具体组织实施受灾群众的临时基本生活保障、生活困难救助、农村毁损房屋恢复重建补助、社会福利设施恢复重建以及对孤儿、孤老、残疾人员的安置、补助、心理援助和伤残康复。

教育、科技、文化、卫生、广播影视、体育、人力资源社会保障、商务、工商等部门按照职责分工，具体组织实施公共服务设施的灾后恢复重建、卫生防疫和医疗救治、就业服务和社会保障、重要生活必需品供应以及维护市场秩序。高等学校、科学技术研究开发机构应当加强对有关问题的专题研究，为地震灾后恢复重建提供科学技术支撑。

security, commerce, industry and commerce, etc. shall, according to the division of functions, specifically organize the implementation of post-disaster rehabilitation and reconstruction of the public service facilities, hygiene, disease control and medical treatment, employment services and social security, supply of important living necessities and maintenance of market order. Institutions of higher learning and institutions of scientific and technological research and development shall strengthen the specialized study of relevant issues to provide scientific and technological support for post-earthquake rehabilitation and reconstruction.

The departments of agriculture, forestry, water resources, land and resources, commerce and industry, etc. shall, according to the division of functions, specifically organize the implementation of animal epidemic surveillance, rehabilitation and reconstruction of agricultural production facilities and rehabilitation of agricultural production conditions, land use arrangements for post-earthquake rehabilitation and reconstruction, land consolidation and reclamation, geologic hazard prevention and control, trade circulation, rehabilitation and reconstruction of industrial production facilities, etc.

The departments of environmental protection, forestry, civil affairs, water resources, science and technology, work safety, earthquake, meteorology, mapping, etc. shall, according to the division of functions, be specifically responsible for the ecological environmental protection and disaster prevention and reduction, technical guarantee of work safety, and rehabilitation and reconstruction of public service facilities.

The People's Bank of China and the regulatory authorities for banking, securities and insurance shall, according to the division of functions, be specifically responsible for formulating and fulfilling the financial support and service policies for post-earthquake rehabilitation and reconstruction. The public security organs shall be specifically responsible for maintaining and stabilizing the social order in earthquake-stricken areas.

The customs and entry-exit inspection and quarantine departments shall, according to the division of functions, organize the implementation of check and clearance, inspection and quarantine of imported rehabilitation and reconstruction materials and donated materials from abroad.

The Ministry of Foreign Affairs shall, according to the division of functions, coordinate the development of foreign-related work on post-earthquake rehabilitation and reconstruction, in conjunction with the relevant departments.

Article 36 The competent department for seismic work under the State Council in conjunction with the cultural relics and other relevant departments shall organize experts to conduct onsite survey of earthquake ruins, and demarcate earthquake ruins and vestiges that are typical, representative, of scientific value and memorial significance to

农业、林业、水利、国土资源、商务、工业等部门按照职责分工，具体组织实施动物疫情监测、农业生产设施恢复重建和农业生产条件恢复，地震灾后恢复重建用地安排、土地整理和复垦、地质灾害防治，商贸流通、工业生产设施等恢复重建。

环保、林业、民政、水利、科技、安全生产、地震、气象、测绘等部门按照职责分工，具体负责环境保护和防灾减灾、安全生产的技术保障及公共服务设施恢复重建。

中国人民银行和银行、证券、保险监督管理机构按照职责分工，具体负责地震灾后恢复重建金融支持和服务政策的制定与落实。

公安部门具体负责维护和稳定地震灾区社会秩序。

海关、出入境检验检疫部门按照职责分工，依法组织实施进口恢复重建物资、境外捐赠物资的验放、检验检疫。

外交部会同有关部门按照职责分工，协调开展地震灾后恢复重建的涉外工作。

（相关资料: [地方法规 1 篇](#)）

第三十六条 国务院地震工作主管部门应当会同文物等有关部门组织专家对地震废墟进行现场调查，对具有典型性、代表性、科学价值和纪念意义的地震遗址、遗迹划定范围，建立地震遗址博物

build earthquake museums.

Article 37 The provincial people's government in earthquake-stricken areas shall organize departments for and experts in ethnic affairs, construction, environmental protection, seismic work, cultural relics, etc. to formulate a clear-up and protection scheme and determine the protected objects, such as protected entities of earthquake ruins and vestiges and cultural relics and buildings and structures of historical value and ethnic characteristics, and their demarcation, according to earthquake disaster survey and assessment results, and report them to the State Council for approval before implementation.

Article 38 The clear-up and protection of earthquake disaster scenes shall be conducted on the principle of unified organization, scientific planning, overall consideration and emphasis on protection and on the premise that there is no sign of human life or a major epidemic. Where any sign of human life is discovered on an earthquake disaster scene, rescue shall be conducted promptly.

Article 39 The earthquake ruins and vestiges determined in the clear-up and protection scheme shall be protected by the adoption of effective measures within the protective scope, the technical data and physical data of scientific research value shall be salvaged and collected, the buildings and structures at the risk of collapse shall be consolidated without affecting the overall style and features, and poisonous and harmful wastes and residues in ruins shall be cleared up. In-situ protection shall be conducted for the protected historic and cultural sites. For immovable cultural relics, buildings and structures of historical value and ethnic characteristics and historical buildings, which still can be preserved, such protective measures as consolidation shall be adopted; for those that cannot be preserved but may be rehabilitated and reconstructed in the future, image data shall be collected and sorted out. For material carriers of movable cultural relics and non-material cultural heritage such as cultural relics in museum and cultural relics in civil collection shall be timely salvaged, sorted out and registered, and the material carriers of movable cultural relics and non-material cultural heritage that are sorted out shall be transported to safe places for proper preservation.

Article 40 The earthquake disaster scenes shall be cleared up through the division of zones and categories according to the clear-up and protection scheme. The excavated remains of victims shall be dealt with in deference to the local ethnic traditions and customs; the categories, characteristics, quantities, time and places of clear-up and other conditions of the excavated property shall be registered in detail and properly preserved. Where conditions permit, family members of victims

馆。

第三十七条 地震灾区的省级人民政府应当组织民族事务、建设、环保、地震、文物等部门和专家，根据地震灾害调查评估结果，制定清理保护方案，明确地震遗址、遗迹和文物保护单位以及具有历史价值与少数民族特色的建筑物、构筑物等保护对象及其区域范围，报国务院批准后实施。

第三十八条 地震灾害现场的清理保护，应当在确定无人类生命迹象和无重大疫情的情况下，按照统一组织、科学规划、统筹兼顾、注重保护的原则实施。发现地震灾害现场有人类生命迹象的，应当立即实施救援。

第三十九条 对清理保护方案确定的地震遗址、遗迹应当在保护范围内采取有效措施进行保护，抢救、收集具有科学研究价值的技术资料 and 实物资料，并在不影响整体风貌的情况下，对有倒塌危险的建筑物、构筑物进行必要的加固，对废墟中有毒、有害的废弃物、残留物进行必要的清理。对文物保护单位应当实施原址保护。对尚可保留的不可移动文物和具有历史价值与少数民族特色的建筑物、构筑物以及历史建筑，应当采取加固等保护措施；对无法保留但将来可能恢复重建的，应当收集整理影像资料。对馆藏文物、民间收藏文物等可移动文物和非物质文化遗产的物质载体，应当及时抢救、整理、登记，并将清理出的可移动文物和非物质文化遗产的物质载体，运送到安全地点妥善保管。

第四十条 对地震灾害现场的清理，应当按照清理保护方案分区、分类进行。清理出的遇难者遗体处理，应当尊重当地少数民族传统习惯；清理出的财物，应当对其种类、特征、数量、清理时间、地点等情况详细登记造册，妥善保管。有条件的，可以通知遇难者家属和所有

and owners of property may be notified to be present at the scene.
The abandoned hazardous chemicals and other wastes and remnants that are excavated shall be dealt with by category and in conformity with the relevant provisions of the state.

Article 41 The people's governments at all levels in earthquake-stricken areas shall do a good job in the animal epidemic prevention and control in earthquake-stricken areas. For the excavated animal corpses, such harmless treatment measures as disinfection and extinguishment shall be adopted to prevent the occurrence of any major animal epidemic.

Article 42 The worn-out building materials demolished or dismantled in the course of onsite clear-up and the prefabricated houses that are no longer used after expiration of the term of transitional resettlement shall be recycled if possible.

Article 43 In the post-earthquake rehabilitation and reconstruction, infrastructure and public service facilities in such respects as transport, railway, communications, water supply, electricity supply, housing, school, hospital, social welfare, culture, radio and television and finance shall be constructed under overall arrangement.

In the post-earthquake rehabilitation and reconstruction of cities and towns, overall arrangement shall be made on the urban public utilities, public service facilities and other facilities, and their construction scale and time order shall be reasonably determined.

In the post-earthquake rehabilitation and reconstruction of rural areas, the wills of farmers shall be respected, the functions of villager self-governance organizations shall be discharged, priority shall be given to the self-construction by the mass, the government shall provide subsidies, the society shall provide support, one-on-one assistance shall be designated, the measures adapted to local conditions shall be taken, land shall be saved and intensively utilized, and arable land shall be protected. The people's governments at the county level in earthquake-stricken areas shall organize the relevant departments to guide villagers in the selection of house sites, and provide various housing design drawings that can meet the local actualities for villagers to choose. The houses of villagers shall meet the aseismatic fortification requirements and show the original local characteristics, ethnic features and traditional style.

Article 44 For an approved post-earthquake rehabilitation and reconstruction project, the land to be used may be firstly arranged for according to the overall land utilization planning, the project may be constructed while awaiting the approval of land use, and the land use formalities shall be handled according to the relevant provisions. For arable land, farmland and roads, land for emergency rescue and disaster relief, land for transitional resettlement, abandoned cities, towns, villages

and owners of property may be notified to be present at the scene.

对清理出的废弃危险化学品和其他废弃物、残留物，应当实行分类处理，并遵守国家有关规定。

第四十一条 地震灾区的各级人民政府应当做好地震灾区的动物疫情防控工作。对清理出的动物尸体，应当采取消毒、销毁等无害化处理措施，防止重大动物疫情的发生。

第四十二条 对现场清理过程中拆除或者拆解的废旧建筑材料以及过渡安置期结束后不再使用的活动板房等，能回收利用的，应当回收利用。

第四十三条 地震灾后恢复重建，应当统筹安排交通、铁路、通信、供水、供电、住房、学校、医院、社会福利、文化、广播电视、金融等基础设施和公共服务设施建设。

城镇的地震灾后恢复重建，应当统筹安排市政公用设施、公共服务设施和其他设施，合理确定建设规模和时序。

乡村的地震灾后恢复重建，应当尊重农民意愿，发挥村民自治组织的作用，以群众自建为主，政府补助、社会帮扶、对口支援，因地制宜，节约和集约利用土地，保护耕地。

地震灾区的县级人民政府应当组织有关部门对村民住宅建设的选址予以指导，并提供能够符合当地实际的多种村民住宅设计图，供村民选择。村民住宅应当达到抗震设防要求，体现原有地方特色、民族特色和传统风貌。

第四十四条 经批准的地震灾后恢复重建项目可以根据土地利用总体规划，先行安排使用土地，实行边建设边报批，并按照国家有关规定办理用地手续。对因地震灾害毁损的耕地、农田道路、抢险救灾应急用地、过渡性安置用地、废弃的城镇、村庄和工矿旧址，应当依法进行土

and old sites of factories and mines that are damaged due to the earthquake disaster, land consolidation and reclamation shall be conducted according to law, and geologic hazards shall be treated.

Article 45 The relevant departments under the State Council shall organize the review of seismic dynamic parameters, aseismatic fortification requirements and engineering construction standards for earthquake-stricken areas, and shall timely organize the revision thereof if necessary.

The seismic fortification requirements and relevant engineering construction standards for earthquake-stricken areas shall be correspondingly revised according to the revised seismic dynamic parameters of earthquake-stricken areas.

Article 46 The buildings, structures and facilities in earthquake-stricken areas that still can be used shall be subject to seismic performance appraisal according to the aseismatic fortification requirements for earthquake-stricken areas, and be consolidate, reconstructed, etc. according to the appraisal results.

Article 47 The sites of post-earthquake reconstruction projects shall be selected in conformity with the post-earthquake rehabilitation and reconstruction planning and the requirements of aseismatic fortification and disaster prevention and reduction, and avoid earthquake faults, ecologically fragile regions, regions where any major disaster may occur and natural foci of infectious diseases.

Article 48 The design entities shall conduct the aseismatic design in strict accordance with the aseismatic fortification requirements and mandatory criteria for engineering construction, and be responsible for the quality of aseismatic design and the authenticity of construction plans issued.

The construction entities shall construct projects according to the design documents on construction plans and the mandatory criteria for engineering construction, and be responsible for construction quality.

The building entities and construction entities shall select and use the materials, components, fittings and equipment set out in the design documents on construction plans and the relevant state standards.

The project supervision entities shall conduct supervision according to the design documents on construction plans and the mandatory criteria for engineering construction, and be responsible for construction quality in their capacity of supervision.

Article 49 When the construction of a post-earthquake rehabilitation and reconstruction project is completed and inspection for acceptance is conducted according to the relevant provisions of the state, emphasis shall be placed on the inspection of whether the project has met the

地整理和复垦，并治理地质灾害。

第四十五条 国务院有关部门应当组织对地震灾区地震动参数、抗震设防要求、工程建设标准进行复审；确有必要修订的，应当及时组织修订。

地震灾区的抗震设防要求和有关工程建设标准应当根据修订后的地震灾区地震动参数，进行相应修订。

第四十六条 对地震灾区尚可使用的建筑物、构筑物 and 设施，应当按照地震灾区的抗震设防要求进行抗震性能鉴定，并根据鉴定结果采取加固、改造等措施。

第四十七条 地震灾后重建工程的选址，应当符合地震灾后恢复重建规划和抗震设防、防灾减灾要求，避开地震活动断层、生态脆弱地区、可能发生重大灾害的区域和传染病自然疫源地。

第四十八条 设计单位应当严格按照抗震设防要求和工程建设强制性标准进行抗震设计，并对抗震设计的质量以及出具的施工图的准确性负责。

施工单位应当按照施工图设计文件和工程建设强制性标准进行施工，并对施工质量负责。

建设单位、施工单位应当选用施工图设计文件和国家有关标准规定的材料、构配件和设备。

工程监理单位应当依照施工图设计文件和工程建设强制性标准实施监理，并对施工质量承担监理责任。

第四十九条 按照国家有关规定对地震灾后恢复重建工程进行竣工验收时，应当重点对工程是否符合抗震设防要求进行查验；对不符合抗震设防要求的，不得

aseismic fortification requirements; if not, no report on inspection and acceptance of a completed project may be issued.

Article 50 Schools, hospitals, stadiums, museums, cultural centers, libraries, theaters, shopping malls, transportation hubs and other people-intensive public service facilities shall be designed according to the aseismic fortification requirements higher than those for the construction of local buildings, so as to enhance the aseismic fortification capacity.

Article 51 Where cultural relic protection, nature reserves, wildlife conservation and earthquake ruins and vestiges protection are involved in the post-earthquake rehabilitation and reconstruction, they shall be conducted according to the relevant laws and regulations of the state.

Article 52 In the post-earthquake rehabilitation and reconstruction, the government procurement of goods, projects and services shall be conducted in strict accordance with the relevant provisions of [the Government Procurement Law of the People's Republic of China](#).

Chapter VI Fundraising and Policy Support

Article 53 The people's governments at and above the county levels shall raise funds for post-earthquake rehabilitation and reconstruction in such ways as government input, one-on-one assistance, public raising and market operation.

Article 54 The state shall create a post-earthquake rehabilitation and reconstruction fund according to the earthquake intensity, actual losses and other factors, and use the fund specially for the post-earthquake rehabilitation and reconstruction.

The post-earthquake rehabilitation and reconstruction fund shall consist of the budgetary fund and other financial funds.

The administrative measures for the raising and use of the post-earthquake rehabilitation and reconstruction fund shall be formulated by the finance department under the State Council.

Article 55 The state shall encourage citizens, legal persons and other organizations to donate money and materials for post-earthquake rehabilitation and reconstruction. The use of donated money and materials shall respect the wills of donors and be incorporated into the post-earthquake rehabilitation and reconstruction planning. As the donee, the people's government at or above the county level and its departments shall use the donated money and materials for post-earthquake rehabilitation and reconstruction. As the donee, a nonprofit social group or nonprofit public institution shall disclose to the public

出具竣工验收报告。

第五十条 对学校、医院、体育场馆、博物馆、文化馆、图书馆、影剧院、商场、交通枢纽等人员密集的公共服务设施，应当按照高于当地房屋建筑的抗震设防要求进行设计，增强抗震设防能力。

第五十一条 地震灾后恢复重建中涉及文物保护、自然保护区、野生动植物保护和地震遗址、遗迹保护的，依照国家有关法律、法规的规定执行。

第五十二条 地震灾后恢复重建中，货物、工程和服务的政府采购活动，应当严格依照《[中华人民共和国政府采购法](#)》的有关规定执行。

（相关资料: [地方法规 1 篇](#)）

第六章 资金筹集与政策扶持

第五十三条 县级以上人民政府应当通过政府投入、对口支援、社会募集、市场运作等方式筹集地震灾后恢复重建资金。

第五十四条 国家根据地震的强度和损失的实际情况等因素建立地震灾后恢复重建基金，专项用于地震灾后恢复重建。地震灾后恢复重建基金由预算资金以及其他财政资金构成。

地震灾后恢复重建基金筹集使用管理办法，由国务院财政部门制定。

第五十五条 国家鼓励公民、法人和其他组织为地震灾后恢复重建捐赠款物。捐赠款物的使用应当尊重捐赠人的意愿，并纳入地震灾后恢复重建规划。县级以上人民政府及其部门作为受赠人的，应当将捐赠款物用于地震灾后恢复重建。公益性社会团体、公益性非营利的事业单位作为受赠人的，应当公开接受捐赠的情况和受赠财产的使用、管理

information about acceptance of donations and use and management of donated money and materials, and accept the supervision of the relevant government departments, donors and general public.

When accepting donations, the people's governments at or above the county level and their departments, nonprofit social groups and nonprofit public institutions shall issue receipts of donations as uniformly printed by the finance departments at or above the provincial level to the donors. The funds, materials and personnel service for post-earthquake rehabilitation and reconstruction provided by foreign governments and international organizations and the multilateral and bilateral post-earthquake rehabilitation and reconstruction projects arranged by foreign governments and international organizations for implementation shall be governed by the relevant provisions of the state.

Article 56 The state shall encourage citizens, legal persons and other organizations to invest in the rehabilitation and reconstruction of infrastructure and public service facilities in disaster-stricken areas according to law.

Article 57 The state shall apply tax preferences to the post-earthquake rehabilitation and reconstruction. The specific measures shall be formulated by the finance and taxation departments under the State Council.

During the period of post-earthquake rehabilitation and reconstruction in disaster-stricken areas, local people's governments at or above the county level shall implement local tax preferences according to law.

Article 58 All administrative charges in disaster-stricken areas may be reduced or exempted properly. The specific measures shall be formulated by the relevant administrative departments.

Article 59 The state shall provide financial discounts for housing loans, loans for rehabilitation and reconstruction of public service facilities, loans for rehabilitation of production and business operation of the industry and service sector, loans for agricultural production rehabilitation, etc. in disaster-stricken areas. The specific measures shall be formulated by the finance department under the State Council in conjunction with other relevant departments.

Article 60 When arranging for construction funds, the state shall give priority to the construction of infrastructure and public service facilities in such respects as transport, railway, energy, agriculture, water conservancy, telecommunications, finance, urban public utilities, education, health, culture, radio and television, disaster prevention and reduction and environmental protection and the construction of major engineering facilities related to national security in disaster-stricken areas.

情况，接受政府有关部门、捐赠人和社会的监督。

县级以上人民政府及其部门、公益性社会团体、公益性非营利的事业单位接受捐赠的，应当向捐赠人出具由省级以上财政部门统一印制的捐赠票据。

外国政府和国际组织提供的地震灾后恢复重建资金、物资和人员服务以及安排实施的多双边地震灾后恢复重建项目等，依照国家有关规定执行。

第五十六条 国家鼓励公民、法人和其他组织依法投资地震灾区基础设施和公共服务设施的恢复重建。

第五十七条 国家对地震灾后恢复重建依法实行税收优惠。具体办法由国务院财政部门、国务院税务部门制定。

地震灾区灾后恢复重建期间，县级以上地方人民政府依法实施地方税收优惠措施。

第五十八条 地震灾区的各项行政事业性收费可以适当减免。具体办法由有关主管部门制定。

第五十九条 国家向地震灾区的房屋贷款和公共服务设施恢复重建贷款、工业和服务业恢复生产经营贷款、农业恢复生产贷款等提供财政贴息。具体办法由国务院财政部门会同其他有关部门制定。

第六十条 国家在安排建设资金时，应当优先考虑地震灾区的交通、铁路、能源、农业、水利、通信、金融、市政公用、教育、卫生、文化、广播电视、防灾减灾、环境保护等基础设施和公共服务设施以及关系国家安全的重点工程设施建设。

Where mapping, meteorological, seismological, hydrological and other facilities are damaged due to the earthquake, the people's governments in disaster-stricken areas shall take urgent measures and organize forces to rehabilitate them to ensure their normal operation.

Article 61 The people's governments at all levels and their relevant departments shall strengthen the occupational skill training, employment services and employment assistance for disaster-stricken people, encourage enterprises and public institutions to first absorb qualified disaster-stricken people for employment; or may organize the disaster-stricken people to participate in post-earthquake rehabilitation and reconstruction in the way of welfare-to-work.

Article 62 For students receiving compulsory education in disaster-stricken areas, if their guardians are dead or lose the ability to work or their families become economically difficult due to the earthquake disaster, the state shall give living subsidies to them; for other students in disaster-stricken areas, if their parents are dead or lose the ability to work or their families become economically difficult due to the earthquake disaster, under the same conditions, their schools may first incorporate them into the state aid policy system and provide aid to them.

Article 63 The local people's governments at or above the county level and their relevant departments in the areas other than disaster-stricken areas shall support the rehabilitation and reconstruction of earthquake-stricken areas in various ways such as one-on-one assistance according to the arrangements of the state and the local people's governments. The state shall encourage enterprises and public institutions in the areas other than disaster-stricken areas to support the rehabilitation and reconstruction of earthquake-stricken areas in various ways such as aided construction.

Article 64 For matters in the post-earthquake rehabilitation and reconstruction that require the handling of administrative examination and approval formalities, the people's governments and relevant departments with the examination and approval power shall timely handle them according to law, on the principle of convenience for the people, simplified formalities and enhanced efficiency.

Chapter VII Supervision and Administration

Article 65 The people's governments at or above the county level shall strengthen the supervision and inspection in respect of the work of post-earthquake rehabilitation and reconstruction of the people's governments at lower levels.

测绘、气象、地震、水文等设施因地震遭受破坏的，地震灾区的人民政府应当采取紧急措施，组织力量修复，确保正常运行。

第六十一条 各级人民政府及政府有关部门应当加强对受灾群众的职业技能培训、就业服务和就业援助，鼓励企业、事业单位优先吸纳符合条件的受灾群众就业；可以采取以工代赈的方式组织受灾群众参加地震灾后恢复重建。

第六十二条 地震灾区接受义务教育的学生，其监护人因地震灾害死亡或者丧失劳动能力或者因地震灾害导致家庭经济困难的，由国家给予生活费补贴；地震灾区的其他学生，其父母因地震灾害死亡或者丧失劳动能力或者因地震灾害导致家庭经济困难的，在同等情况下其所在的学校可以优先将其纳入国家资助政策体系予以资助。

第六十三条 非地震灾区的县级以上地方人民政府及其有关部门应当按照国家和当地人民政府的安排，采取对口支援等多种形式支持地震灾区恢复重建。国家鼓励非地震灾区的企业、事业单位通过援建等多种形式支持地震灾区恢复重建。

第六十四条 对地震灾后恢复重建中需要办理行政审批手续的事项，有审批权的人民政府及有关部门应当按照方便群众、简化手续、提高效率的原则，依法及时予以办理。

第七章 监督管理

第六十五条 县级以上人民政府应当加强对下级人民政府地震灾后恢复重建工作的监督检查。县级以上人民政府有关部门应当加强对

The relevant departments of the people's governments at or above the county level shall strengthen the supervision in respect of the quality and safety of post-earthquake rehabilitation and reconstruction projects and product quality.

Article 66 Before determining the distribution schemes of post-earthquake rehabilitation and reconstruction funds and materials and the housing distribution scheme, the people's governments at all levels in disaster-stricken areas shall first make investigations, and announce them after democratic deliberations.

Article 67 The people's governments at all levels in disaster-stricken areas shall regularly release information about the sources, quantities, distribution and use of the funds and materials for post-earthquake rehabilitation and reconstruction, and accept the social supervision.

Article 68 The finance departments shall strengthen supervision and administration in respect of the appropriation and use of the post-earthquake rehabilitation and reconstruction funds.
The departments of development and reform, construction, transport, water resources, electricity supply, railway, industry and informatization, etc. shall, according to the division of functions, organize the implementation of supervision and inspection in respect of post-earthquake rehabilitation and reconstruction projects. The department of development and reform under the State Council shall organize the implementation of audit of major construction projects for post-earthquake rehabilitation and reconstruction.

Article 69 The audit organs shall strengthen the full follow-up audit of the raising, distribution, appropriation, use and efficacy of post-earthquake rehabilitation and reconstruction funds and materials, regularly release information about the use of post-earthquake rehabilitation and reconstruction funds and materials, and announce the final audit results after the end of audit.

Article 70 The people's governments at all levels and the relevant departments and entities in disaster-stricken areas shall register information on the construction projects and the raising, distribution, appropriation and use of post-earthquake rehabilitation and reconstruction funds and materials, create and improve files, and timely transfer the files to the construction administrative departments or other relevant departments after the inspection and acceptance of completed construction projects and the end of post-earthquake rehabilitation and reconstruction.

Article 71 The supervisory organs shall strengthen the supervision in

地震灾后恢复重建建设工程质量和安全以及产品质量的监督。

第六十六条 地震灾区的各级人民政府在确定地震灾后恢复重建资金和物资分配方案、房屋分配方案前，应当先行调查，经民主评议后予以公布。

第六十七条 地震灾区的各级人民政府应当定期公布地震灾后恢复重建资金和物资的来源、数量、发放和使用情况，接受社会监督。

第六十八条 财政部门应当加强对地震灾后恢复重建资金的拨付和使用的监督管理。
发展改革、建设、交通运输、水利、电力、铁路、工业和信息化等部门按照职责分工，组织开展对地震灾后恢复重建项目的监督检查。国务院发展改革部门组织开展对地震灾后恢复重建的重大建设项目的稽察。

第六十九条 审计机关应当加强对地震灾后恢复重建资金和物资的筹集、分配、拨付、使用 and 效果的全过程跟踪审计，定期公布地震灾后恢复重建资金和物资使用情况，并在审计结束后公布最终的审计结果。

第七十条 地震灾区的各级人民政府及有关部门和单位，应当对建设项目以及地震灾后恢复重建资金和物资的筹集、分配、拨付、使用情况登记造册，建立、健全档案，并在建设工程竣工验收和地震灾后恢复重建结束后，及时向建设主管部门或者其他有关部门移交档案。

第七十一条 监察机关应当加强对参与地

respect of the state organs, organizations having the functions of public affairs management as authorized by laws or regulations and their staff members that participate in the work of post-earthquake rehabilitation and reconstruction.

Article 72 Any entity or individual shall be entitled to report any illegal act or violation of disciplines committed in the post-earthquake rehabilitation and reconstruction.

The people's governments or relevant departments that have received reports shall immediately make investigations, handle them according to law and keep confidential the informants; shall feed back the handling results to the informants in the case of real-name reporting; and shall publicly release the handling results in the case of an illegal act or violation of disciplines with larger social impact.

Chapter VIII Legal Liability

Article 73 Where any relevant local people's government or government department encroaches on, intercepts or misappropriates the post-earthquake rehabilitation and reconstruction funds or materials, the finance department or the audit organ shall, in their respective capacities, order the violator to make correction, recover the post-earthquake rehabilitation and reconstruction funds or materials that have been encroached on, intercepted or misappropriated, confiscate illegal proceeds, and give a warning or circulate a notice of criticism to the entity violator; for any directly responsible principals and other directly liable persons, the department of appointment and removal or the supervisory organ shall impose the sanctions of demotion, removal from office until dismissal on them according to the powers of personnel management; and if a crime is constituted, the criminal liability shall be investigated according to law.

Article 74 Where, in the post-earthquake rehabilitation and reconstruction, any relevant local people's government or relevant government department delays in payment of project money, or explicitly or implicitly instructs a design entity or a construction entity to reduce the quality of construction projects in violation of the aseismatic fortification requirements and mandatory construction criteria, if any major safety accident is caused and a crime is constituted, the criminal liability shall be investigated according to law; if no crime is constituted, the department of appointment and removal or the supervisory organ shall impose the sanctions of demotion, removal from office until dismissal according to the powers of personnel management on the directly responsible principals and other directly liable persons.

Article 75 Where, in the post-earthquake rehabilitation and reconstruction,

震灾后恢复重建工作的国家机关和法律、法规授权的具有管理公共事务职能的组织及其工作人员的监察。

第七十二条 任何单位和个人对地震灾后恢复重建中的违法违纪行为，都有权进行举报。

接到举报的人民政府或者有关部门应当立即调查，依法处理，并为举报人保密。实名举报的，应当将处理结果反馈举报人。社会影响较大的违法违纪行为，处理结果应当向社会公布。

第八章 法律责任

第七十三条 有关地方人民政府及政府部门侵占、截留、挪用地震灾后恢复重建资金或者物资的，由财政部门、审计机关在各自职责范围内，责令改正，追回被侵占、截留、挪用的地震灾后恢复重建资金或者物资，没收违法所得，对单位给予警告或者通报批评；对直接负责的主管人员和其他直接责任人员，由任免机关或者监察机关按照人事管理权限依法给予降级、撤职直至开除的处分；构成犯罪的，依法追究刑事责任。

第七十四条 在地震灾后恢复重建中，有关地方人民政府及政府有关部门拖欠施工单位工程款，或者明示、暗示设计单位、施工单位违抗震设防要求和工程建设强制性标准，降低建设工程质量，造成重大安全事故，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，对直接负责的主管人员和其他直接责任人员，由任免机关或者监察机关按照人事管理权限依法给予降级、撤职直至开除的处分。

第七十五条 在地震灾后恢复重建中，建

a construction entity, survey entity, design entity, building entity or project supervision entity reduces the quality of construction projects, if any major safety accident is caused and a crime is constituted, the criminal liability shall be investigated according to law; if no crime is constituted, the construction administrative department or any other relevant department of the local people's government at or above the county level shall impose punishment according to the relevant provisions of [the Regulations on the Quality of Construction Projects](#).

Article 76 Where, for any seriously-damaged infrastructure, public service facility or other construction project, there is any major problem in the project quality as confirmed by the authentication in the survey and assessment, if a crime is constituted, the directly liable persons in responsible construction entity, design entity, building entity and project supervision entity shall be investigated for criminal liability according to law; if no crime is constituted, the construction administrative department or any other relevant department of the local people's government at or above the county level shall impose punishment according to the relevant provisions of [the Regulations on the Quality of Construction Projects](#); if offering and taking bribes is suspected, the criminal liability shall be investigated according to law.

Article 77 Where, in the post-earthquake rehabilitation and reconstruction, anyone disturbs the social public order, if a violation of public security administration is constituted, the public security organ shall impose punishment on the violator according to law.

Article 78 Where any state functionary misuses power, neglects duty, practices favoritism or makes falsehood in the work of post-earthquake rehabilitation and reconstruction, sanction shall be imposed on such a state functionary according to law; if a crime is constituted, such a state functionary shall be investigated for criminal liability.

Chapter IX Supplementary Provisions

Article 79 The application of other relevant laws and relevant policies in the post-earthquake rehabilitation and reconstruction shall be separately formulated by the State Council according to law, or be provided for by the relevant departments under the State Council or provincial people's governments in their respective capacities.

Article 80 These Regulations shall come into effect on the date of promulgation.

设单位、勘察单位、设计单位、施工单位或者工程监理单位，降低建设工程质量，造成重大安全事故，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，由县级以上地方人民政府建设主管部门或者其他有关部门依照《[建设工程质量管理条例](#)》的有关规定给予处罚。

第七十六条 对毁损严重的基础设施、公共服务设施和其他建设工程，在调查评估中经鉴定确认工程质量存在重大问题，构成犯罪的，对负有责任的建设单位、设计单位、施工单位、工程监理单位的直接责任人员，依法追究刑事责任；尚不构成犯罪的，由县级以上地方人民政府建设主管部门或者其他有关部门依照《[建设工程质量管理条例](#)》的有关规定给予处罚。涉嫌行贿、受贿的，依法追究刑事责任。

第七十七条 在地震灾后恢复重建中，扰乱社会公共秩序，构成违反治安管理行为的，由公安机关依法给予处罚。

第七十八条 国家工作人员在地震灾后恢复重建工作中滥用职权、玩忽职守、徇私舞弊的，依法给予处分；构成犯罪的，依法追究刑事责任。

第九章 附则

第七十九条 地震灾后恢复重建中的其他有关法律的适用和有关政策，由国务院依法另行制定，或者由国务院有关部门、省级人民政府在各自职权范围内做出规定。

第八十条 本条例自公布之日起施行。

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