

대한민국 법제경험, 아시아와 나눕니다

Asia shares legislative experience



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Legislative Study on Safety
Management
to Respond to Disasters

The 5th Asian Legislative Experts Symposium

November 1, 2017 (Wed.)

Grand Ballroom, Millennium Seoul Hilton (B1F)



Ministry of Government
Legislation

KLRI
KOREA LEGISLATION RESEARCH INSTITUTE

PROGRAM

Legislative Study on Safety Management
to Respond to Disasters

구분	시 간		내 용
개회식	14:00-14:15	5'	■ 개회사
		5'	■ 환영사
		5'	■ 축사
기조연설	14:15-14:45	30'	■ 기조연설
휴식	14:45-15:00	15'	커피 브레이크
제1세션	15:00-16:00	60'	■ 제1세션 자연 재난·재해 대응을 위한 아시아의 법제적 노력 개관 * 발제 및 토론
휴식	16:00-16:20	20'	커피 브레이크
제2세션	16:20-17:50	90'	■ 제2세션 자연 재난·재해 대응을 위한 시설물 안전관리 법제 정비 방안(인도네시아를 중심으로) * 발제 및 토론
만찬	18:00~		

Events	Time		Contents
Opening Ceremony	14:00–14:15	5′	■ Opening Remarks
		5′	■ Welcoming Address
		5′	■ Congratulatory Address
Keynote Speech	14:15–14:45	30′	■ Keynote Speech
Recess	14:45–15:00	15′	Coffee Break
Session 1	15:00–16:00	60′	■ Session 1: Overview of Asia's legislative efforts to respond to natural disasters * Presentations and Debates
Recess	16:00–16:20	20′	Coffee Break
Session 2	16:20–17:50	90′	■ Session 2: Measures for legislative modification related to facility safety to respond to natural disasters * Presentations and Debates
Dinner	18:00~		

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Indonesia's ambassador to South Korea
Umar Hadi

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Choi Jong Jin

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Senior Researcher Fellow / Korea Legislation Research Institute(KLRI)

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Professor / Department of Civil Engineering, Konkuk University

Ha Dong Ho



The 5th Asian Legislative Experts Symposium

■ Opening Remarks

Good afternoon, I am Kim Oe-sook, Minister of Government Legislation.

First of all, I would like to express my deepest gratitude to Rhee Ik-hyeon, president of Korea Legislation Research Institute and Umar Hadi, Indonesia's ambassador to South Korea for taking your time to honor us with your presence out of your busy schedule.

And it is my pleasure to welcome the experts in legislation and disaster management who have come afar from Indonesia, Thailand, and China. I would like to sincerely thank our honored guests from academia and legal profession and foreign diplomats in Korea for participating in this symposium.

The Ministry of Government Legislation has hosted the Asian Legislative Experts Symposium (ALES) every year since 2013. Since then, we have endeavored to enhance exchange and cooperation with other Asian countries by sharing our experience of developing legislation in ALES.

This 5th ALES aims to look into the status of legislation of Asian countries and their legislative strategies for effectively responding to disasters that occur more frequently.

Disasters are resulting not only from natural processes of the Earth that are beyond the control of human beings, but also from reckless development and negligence. Disasters pose a threat to the lives of the people and especially inflict more serious damage to vulnerable populations, such as women and children. Even poor management of disasters can shake the foundation of a nation.

Prevention of and swift response to disasters are not just needed for facility safety, but for the protection of the lives and human rights of the people.

Additionally, collective cooperation and response of the international community are essential, because we are living in the era where every country and region is not free from today's disasters, such as abnormal climate caused by climate change, earthquakes, and nuclear accidents.

In this regard, I hope that this symposium serves as a venue to meet the needs of the times by comparing and analyzing laws for disasters and sharing good practices each other.

Once again, I would like to thank the persons concerned for your help in organizing this event and I wish all the participants' health, great success, and happiness.

Thank you.

Minister of Government Legislation
Kim Oe-sook

■ Welcoming Address

Your Excellency,
Distinguished Guests,
Ladies and Gentlemen,

I am Ikhyeon Rhee, President of Korea Legislation Research Institute.

It is an honor and pleasure for me to host the 5th Asian Legislative Experts Symposium together with the Ministry of Government Legislation.

I wish to express my sincere gratitude to His Excellency, Umar Hadi, Ambassador of the Republic of Indonesia to Korea, for being present to give his congratulatory message in spite of his busy schedule. I would also like to extend my gratitude to two keynote speakers, Director Dong–Ju Moon from Management Division of the Korea Infrastructure Safety and Technology Corporation, and Dean Kuk–Woon Lee of the School of Law of the Handong Global University. I should also thanks to all speakers, discussants, and the audience who are here today with keen interest.

“Asian Legislative Experts Symposium” was established to provide a place for experts of legislation and policy in Asian countries to share experiences and knowledge for legislative improvement. The Symposium has been making efforts to find better alternatives of issues that many countries have been facing such as urban transportation and e–government.

The topic of this year’s Symposium, Natural Disasters, is not an issue limited to only a certain country but an issue that the world is facing. Natural disasters caused by global climate change have become constant threats to many countries. They have been on the rise due to globalization, urbanization and technical development, and have driven the loss of life and property to a greater scale.

Against this backdrop, we will focus our discussion today on Asia's legislative efforts to respond to natural disasters and measures for legislative modification related to facility safety against natural disasters. When it comes to the accuracy of forecast and prevention of natural disasters, there are limits to what we can achieve in spite of technical development. Therefore, it is imperative to carry out research covering from the prevention of the spread of damage with prompt and effective responses to post-recovery as well as the prevention of disasters. I hope that we can make the best use of today's Symposium to learn the importance of disaster management and share experiences to improve legislation related to natural disasters and to mitigate damages caused thereby.

Once again, I would like to give my sincere gratitude to Minister Oo-sook Kim for planning and providing this significant event and to His Excellency Umar Hadi Ambassador of Indonesia to Korea for being with us here today. Thanks must also go to Director of Management Division of the Korea Infrastructure Safety and Technology Corporation, Dong-Ju Moon, and Dean of the School of Law of the Handong Global University, Kuk-Woon Lee.

And last but not least, I should also like to thank warmly the speakers, discussants, and audience for their valuable contributions to the Symposium throughout the day.

I hope that today's discussion is to be productive and fruitful for all of us here today. Thank you very much.

President, Korea Legislation Research Institute
Rhee Ik hyeon

■ Congratulatory Address

Her Excellency Ms. Kim Oe Sook, Minister of Government Legislation of the Republic of Korea,

Distinguished guests,

Ladies and Gentlemen,

I am truly humbled and honored by the invitation to deliver this congratulatory remark in such an important forum.

Allow me first of all to praise Her Excellency Minister Kim, and her team at the Ministry of Government Legislation, for organizing the fifth Asian Legislative Expert Symposium. This symposium is among the key initiatives undertaken by the Government of the Republic of Korea that represents its responsible leadership in the region. This unique symposium has emerged as an important forum for the participating countries to share experiences and best practices in the crafting of national legislations. Moreover, it creates a market of ideas and valuable networks among practitioners and experts in the region.

In our fast-changing societies today, national legislations are required not only to respond to our peoples' immediate needs but also to anticipate the apparent trends in their livelihood. Perhaps even the notion of social engineering as a function of the law should be revisited, and placed in contemporary context. In this regard, government transparency and public participation are the two sides of the same coin. Today, governing through legislation is about putting the people first.

I should also like to take this opportunity to express my gratitude to the Minister and her team for taking up responding to disasters as the theme of this symposium.

Indonesia, like many other countries in the world, often face difficulties in responding to disasters. It has been too often that what started as a natural phenomenon, such as earthquake or volcanic eruption, quickly turned into a disaster that took too many human casualties. And it happened simply because of the lack of preparedness. Hence, legislation should ensure preparedness and always put human safety first.

Another great challenge of today is the fact that disasters often take place across national borders. For example, the infamous tsunami on December 26th, 2004, affected not only parts of Indonesia but also six other countries. In this regard, Indonesia has learned the hard way that, in responding to disasters, international cooperation is not an option; it is a necessity. Hence, legislation should ensure openness to international cooperation.

Ladies and Gentlemen,

I am confident that this symposium will benefit all participating countries. I wish therefore to congratulate each and every participating expert for taking up this important responsibility.

Allow me to close by expressing my highest appreciation to the Government of the Republic of Korea for its leadership in promoting government legislations that provide more relevance and better services to the people.

I thank you very much.

Indonesia's ambassador to South Korea
Umar Hadi

A faint, light gray map of the Asian continent is visible in the background, spanning across the top and bottom of the page. The map shows the outlines of major landmasses including China, India, and Southeast Asian archipelagos.

The 5th Asian Legislative Experts Symposium



Keynote Speech



Transfer of Korean "Special act on the safety
control of public structures" to Indonesia

Executive Director / Business and Management Division,
Korea Infrastructure Safety&Technology Corporation(KISTEC)

Moon Dong Ju



The Law for Human Disasters

Professor, Chairperson of the Department of Law / Handong University

Lee Kuk Woon



문 동 주

Keynote Speech

한국시설안전공단 경영기획이사

Moon Dong Ju

Executive Director of Business and Management Division,
Korea Infrastructure Safety & Technology Corporation (KISTEC)

▶ 학력

- 1987 단국대학교 무역학과 졸업
- 2014 성균관대학교 경영학 석사

▶ Academic Background

- 1987 Bachelor's degree in Commerce and Trade, Dankook University
- 2014 Master's degree in Business Administration, Sungkyunkwan University

▶ 주요경력

- 1988 ~ 2003 대통령경호실 사무관
- 2003 ~ 2009 대통령경호실 경호과장, 감사과장
- 2009 ~ 2012 대통령실 경호처 경호부장, 인사부장
- 2012 ~ 2014 대통령경호실 경호안전교육원장
- 2015 ~ 2017.9 한국시설안전공단 경영지원본부장
- 2017.9 ~ 현재 한국시설안전공단 경영기획이사

▶ Work Experience

- 1988 ~ 2003 Deputy Director, Presidential Security Service (PSS)
- 2003 ~ 2009 Manager of Protection Division & Manager of Inspection Division, Presidential Security Service (PSS)
- 2009 ~ 2012 Director of Protection Division & Director of HR Department, Presidential Security Service (PSS)
- 2012 ~ 2014 Head of PSS Training Center, Presidential Security Service (PSS)
- 2015 ~ 2017 Director of Management Division, Korea Infrastructure Safety & Technology Corporation (KISTEC)
- 2017 ~ Present Executive Director of Business and Management Division, Korea Infrastructure Safety & Technology Corporation (KISTEC)



Transfer of Korean "Special act on the safety control of public structures" to Indonesia

Moon Dong Ju

(Executive Director of Business and Management, KISTEC)

1. Introduction

Korea enacted "Special act on the safety control of public structures(SPECIAL ACT)" in 1995 after collapse of Sungsu Bridge and has performed safety control on the nationally important structures up to date. The structures, managed under SPECIAL ACT, have been managed soundly without any collapse for the last 20yrs after the enactment.

Indonesia felt the need of new facility safety management(FSM) system after continuous failures of nationally important structures like Kutai bridge(2011), Kapuas bridge(2009), Cipunegara bridges(2004), etc. And Indonesia acknowledged the excellency of SPECIAL ACT and wanted to enact Indonesian SPECIAL ACT with an ODA project(PROJECT) for the transfer Korean SPECIAL ACT system and technology to Indonesia.

So Indonesia requested the PROJECT in 2012 and KISTEC(Korea Infrastructure Safety & Technology Corporation) and Daum Eng. Co, selected as consultants by KOICA(Korea International Cooperation Agency) in 2014, carried out the PROJECT until 2016 to get the draft of the minister regulation on the safety management of public facilities in Indonesia. Currently KISTEC has dispatched one expert to Indonesia to assist the enactment of the minister regulation.

So this presentation will first look over the overall of the SPECIAL ACT and PROJECT, then, propose the benchmarking of PROJECT by ASEAN countries to enjoy healthy and safe life.

2. SPECIAL ACT

① Context of enactment

Before the collapse of the Sungsu bridge, Korea only had "Construction Technology Promotion Act", enacted in 1987, which focused on the new construction and didn't have social consensus on the FSM so didn't have institute and organization for the systematic FSM.

But the failure of Sungsu bridge in 1994 brought up the need of FSM on the nationally important structures, forming social consensus and resulting in the enactment of SPECIAL ACT in 1995 which enabled regular inspection and diagnosis on the important structures.

At the time, Korea had GDP per capita of US\$12,000 and focused on new construction rather than FSM. But the need to introduce the institute and policies to prevent the safety accident has arose amid rehabilitation process of Sungsu bridge which incurred 32 casualties and 17 wounded, resulting in the SPECIAL ACT.

SPECIAL ACT stipulated the systematic inspection and maintenance, imposed duties and liabilities of maintenance to the facilities management entities, and stipulated the fostering of reliable private diagnosis companies which can carry out the diagnosis

The unique feature of the SPECIAL ACT is to set up the diagnosis companies as the third eyes, the impartial safety evaluators, and the companies' role is very important to secure the safety of national facilities which are used by people. The reason is that government officials had conducted the inspection and diagnosis of the major facilities



in the past and tended to hide defects which were caused by administrative irregularity, resulting in the failure of the national facilities.

To resolve such fundamental problems, private diagnosis companies and KISTEC only are allowed to perform safety diagnosis as third eyes to secure objectivity of the results of the diagnosis which is the most important activity in FSM.



<Failure of Sungsu bridge, 1994>



<Failure of Samping department store, 1995>

② Main contents

SPECIAL ACT is the highest level law in terms of FSM in Korea, consisting of 6 chapters and 44 clauses and contains the followings.

Chapter 1 contains objective of law, terminology, 5yr basic plan

Chapter 2 contains the timing and subject of diagnosis, registration process and duties of private diagnosis companies

Chapter 3 contains facilities maintenance method and cost bearing subject

Chapter 4 contains the establishment and work scope of KISTEC

Chapter 5 contains fund securing for FSM, confidentiality on the inspection results, means to prevent the faulty construction

Chapter 6 contains penalties, mutual discipline and fine

There are presidential regulation, minister regulation, administrative directive, minister note, etc under the law, which carry the details that are hard to be contained in the law.

③ Managed facilities

SPECIAL ACT has bridge, tunnel, harbor, dam, building, river, water supply, retaining wall, common conduit as the 9 facility types and the most important and biggest structures in 9 facility types are managed by SPECIAL ACT, being classified by type 1 and type 2 facilities

Type 1 facilities are defined as facilities which need to be specially managed for the public's usage and safety, or to have high level technology to manage and type 2 facilities are facilities which need general maintenance and inspection other than type 1 facilities.

KISTEC is managing information of the facilities under SPECIAL ACT using FMS (Facility Management System) and the total number of the facilities in FMS is 85,498, consisting of 9,116(11%) type 1 and 76,382(89%) type 2 facilities as of September this year.

④ Accomplishment of SPECIAL ACT

SPECIAL ACT had 16 facilities when enacted in 1995 but expanded to have 9 type 40 facilities due to social demand for the safety management. During the expansion, SPECIAL ACT continuously has evolved to reflect change in FSM market and advance in technology, pursuing the advancement of the system. As a result, the facilities managed by SPECIAL ACT have been managed without any failure up to date and the national facilities due to be repaired by not good grading are 0.08% which means the national facilities are in very good condition.



And the good grade(A, B) facilities are 95% and people's concern on facility safety has reduced from 65% to 22%. KISTEC has carried out the training of diagnosis engineers, advancing the human resources and technology and expanding the related market.

Also the proportion of repair to inspection has reduced for the last 20 years after the SPECIAL ACT enactment which tells the national facilities have improved to very good condition.

3. Transfer of SPECIAL ACT to Indonesia

KOICA funded the PROJECT from Dec. 2014 ~ Dec. 2016 and KISTEC consortium carried out the PROJECT drawing the draft of minister regulation on public facilities safety management in Indonesia.

Major activities related to the PROJECT are MOD between KOICA and Indonesia, MOU between Ministry of Land, Infrastructure and Transport of Korea and Indonesian MPWH(Ministry of Public Works and public Housing) in terms of cooperation on the safety management of facilities and ensuing annual forums, and 30 MPWH officials' visit to KISTEC for training.

Especially KISTEC consortium sent 100 experts to Indonesia for establishment of framework of safety management policy, pilot inspection on Fisabilillah bridge, and conceded the inspection equipment.

After the PROJECT, KISTEC sent one expert to Indonesia to help Indonesia to enact the public facility safety management regulation and to revise the related bridge safety management regulation.



(Fisabilillah bridge)



(Training)



(Workshop)



(Pilot inspection)

4. Transfer of SPECIAL ACT to ASEAN

Other ASEAN countries also need to introduce SPECIAL ACT like Indonesia to resolve the safety concern related to aging and failure of national facilities.

Through the SPECIAL ACT, ① reshuffle of safety management organization ② extension of lifespan of facilities ③ prevention of failure ④ development of FSM technology suitable for ASEAN countries and ⑤ protection of people's lives and properties will be obtained.

Also SPECIAL ACT will foster FSM industry in ASEAN countries, contributing to creation of new jobs when enacted and enforced.

Thank you.



Transfer of Korean "Special act on the safety control of public structures" to Indonesia

Moon Dong-ju
Executive Director
of Business and Management
KISTEC

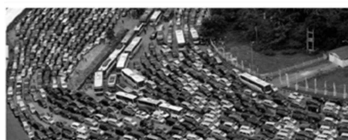


Facility failure and enactment of SPECIAL ACT

〈Sungsu bridge, 1994〉



Needs of FSM in Indonesia



Over loading



Heavy Rainfall



Kutai Bridge

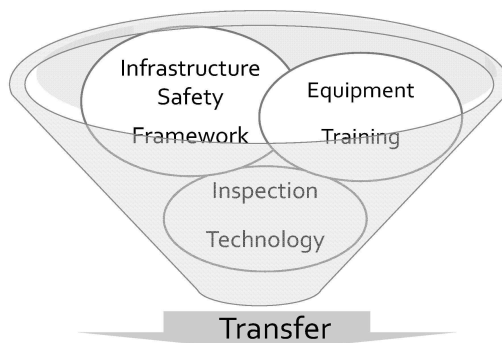


Cirendeu Dam

- 2 -



Transfer of SPECIAL ACT to Indonesia



Indonesian Infrastructures Safety management System

- 3 -





SPECIAL ACT and accomplishment

Korean War
(1950~1953)



Rapid development...lack of FSM



SPECIAL ACT and accomplishment

< Sungsu bridge, 1994 >



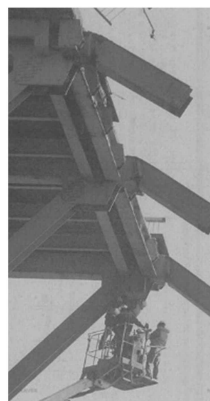
SPECIAL ACT and accomplishment

〈 Sungsu bridge, 1994 〉



SPECIAL ACT and accomplishment

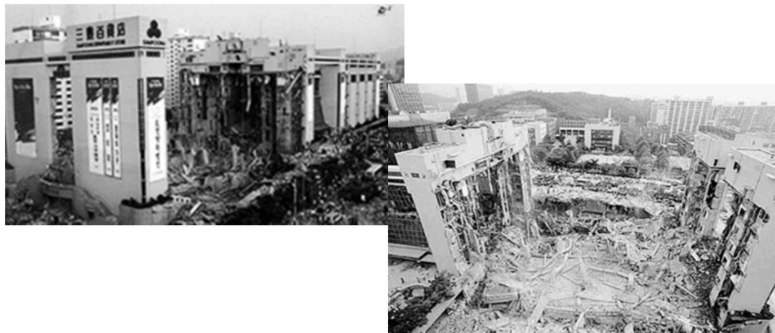
〈 Sungsu bridge, 1994 〉





SPECIAL ACT and accomplishment

〈Sampung department store, 1995〉



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SPECIAL ACT and accomplishment

〈Sampung department store, 1995〉



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SPECIAL ACT and accomplishment

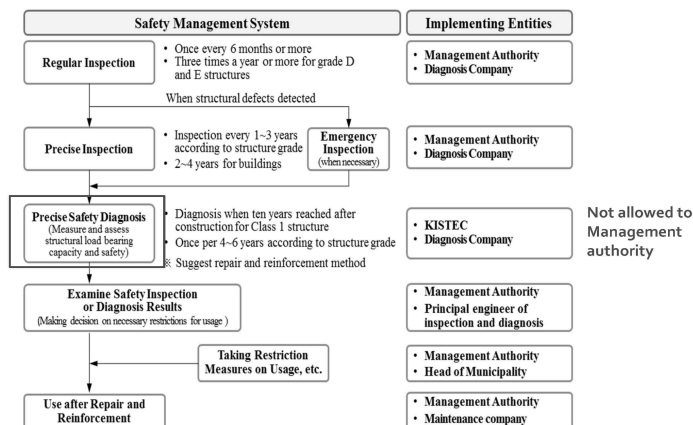
〈Sampung department store, 1995〉



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SPECIAL ACT and accomplishment



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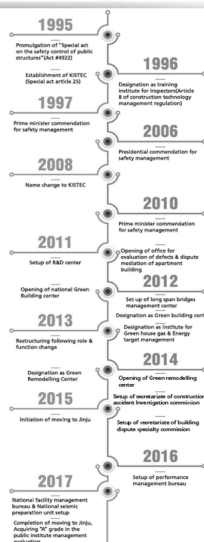




SPECIAL ACT and accomplishment

<Establishment of KISTEC>

- Focusing on diagnosis -

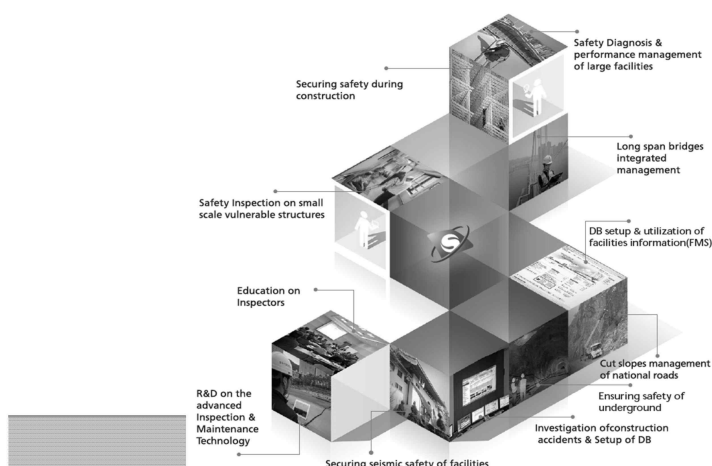


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KISTEC

SPECIAL ACT and accomplishment

<Expansion of work scope of KISTEC>



KISTEC

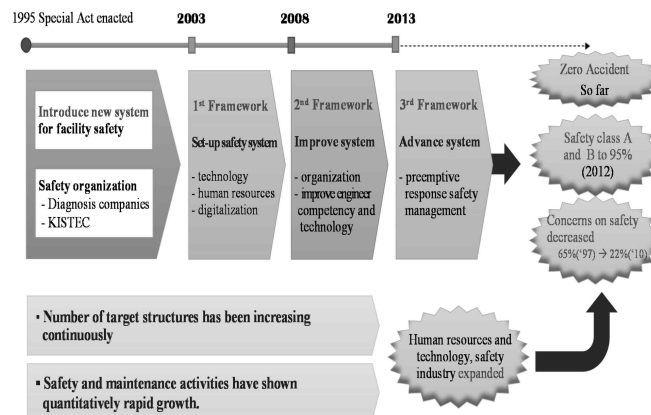
SPECIAL ACT and accomplishment

Classification		Total No. of facilities	No. of vulnerable facilities (Grade D and E)	Rate of vulnerable facilities (%)
Special act facilities	Public facility	24,800	50	0.20
	Building	38,100	1	0.00
	Sub total	62,900	51	0.08
Disaster act facilities	Public facility	19,700	268	1.36
	Building	177,900	1,196	0.67
	Sub total	197,600	1,465	0.74
Other act facilities (building, rese rvoirs, etc)	Public facility	71,700	N/A	-
	Building	6,580,200	N/A	-
	Sub total	6,651,900	N/A	-
Total	Public facility	116,200	318	0.27
	Building	6,796,200	1,197	0.02
	Sub total	6,912,400	1,515	0.02

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SPECIAL ACT and accomplishment

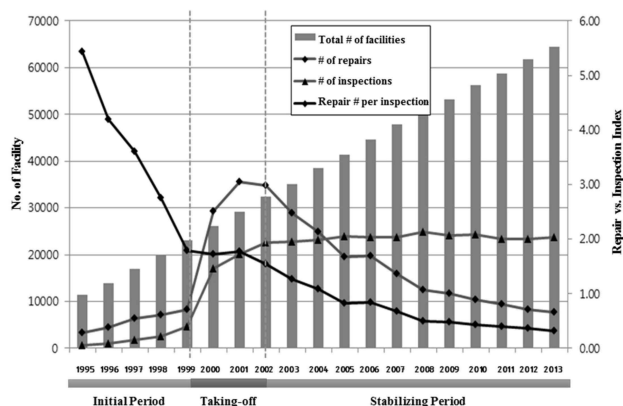


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SPECIAL ACT and accomplishment



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Transfer of SPECIAL ACT to Indonesia

Chronology

- Request of PROJECT from Indonesia(2012)
- MOD between KOICA and Indonesia on PROJECT(2014)
- Inception of PROJECT
 - PROJECT duration: '14.12 ~ '16.12
 - Consultants: KISTEC consortium
- MOU between MOLIT and MPWH on FSM('15.3)



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Transfer of SPECIAL ACT to Indonesia

Chronology

○ Annual forum following MOU('16.6, Jakarta)

- Forum, exhibition, field visit



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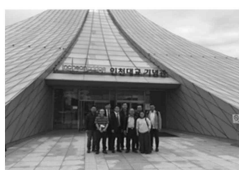


Transfer of SPECIAL ACT to Indonesia

Chronology

○ Annual forum following MOU('17.8, Seoul)

- Forum, field visit, business meeting



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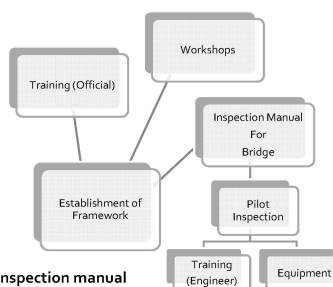




Transfer of SPECIAL ACT to Indonesia

Project details

- **Framework establishment on FSM policy**
 - Direction on FSM policy setting and reshuffle of related law & institution
 - Bridge inspection manual included
- **Training**
 - High level Official : Framework
 - Engineer: Bridge inspection
- **Equipment**
 - Equipment for inspection
- **Workshop**
 - Opinion gathering, propagation of FSM
- **Pilot Inspection**
 - Pilot inspection on Fisabilillah bridge using bridge inspection manual



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Transfer of SPECIAL ACT to Indonesia

Framework

- **Framework establishment on FSM policy**
 - Bridge inspection manual included



KOICA meeting



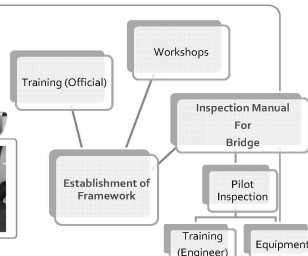
DGCD pre meeting



MoPWH meeting



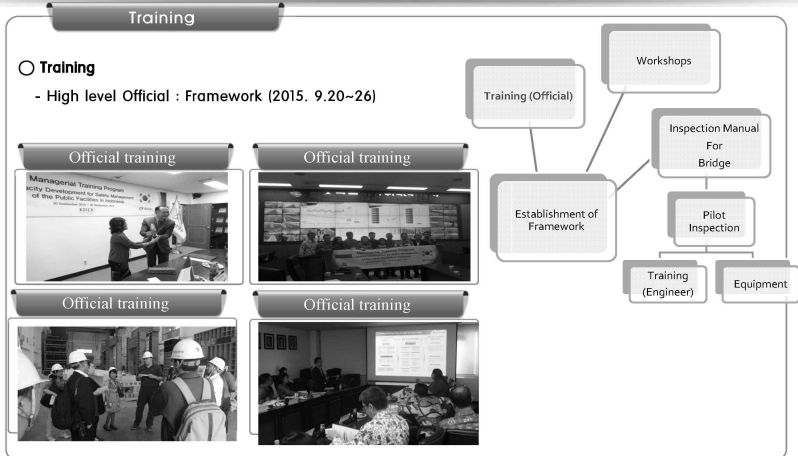
DG Human resources



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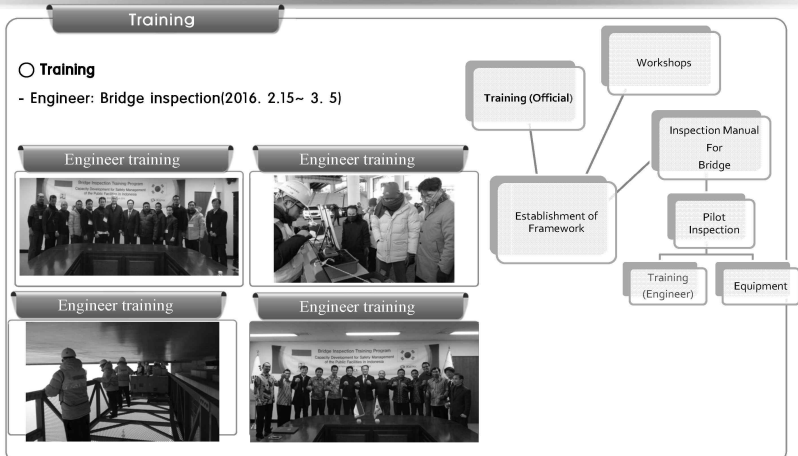
Transfer of SPECIAL ACT to Indonesia



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Transfer of SPECIAL ACT to Indonesia



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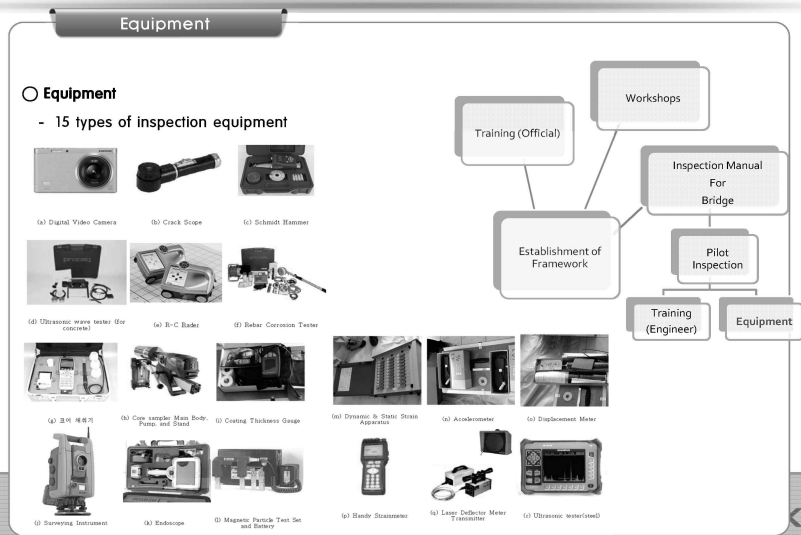
Transfer of SPECIAL ACT to Indonesia



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Transfer of SPECIAL ACT to Indonesia



Transfer of SPECIAL ACT to Indonesia

Pilot inspection

○ Pilot inspection on Fisabilillah bridge

- Duration: '16.3.~6.11

Appearance



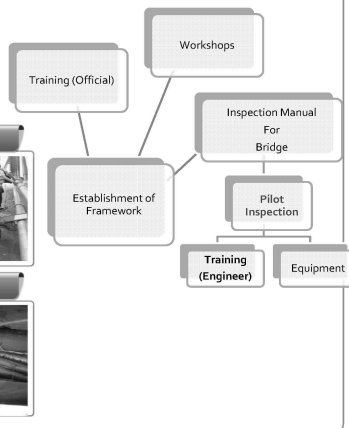
Major defect



Tension measurement



Major defect



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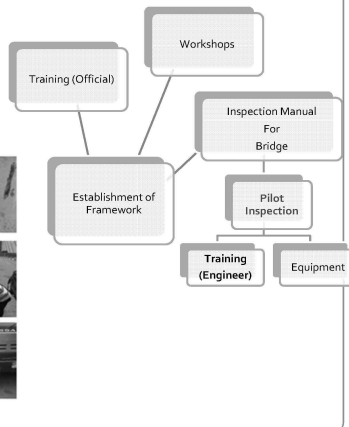


Transfer of SPECIAL ACT to Indonesia

Pilot inspection

○ Pilot inspection on Fisabilillah bridge

- Duration: '16.3.~6.11

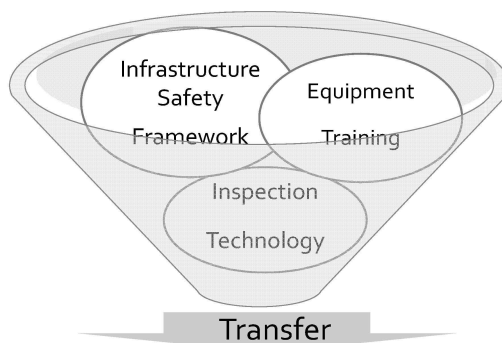


- 27 -





Transfer of SPECIAL ACT to ASEAN



ASEAN Infrastructures Safety management System

- 28 -



Transfer of SPECIAL ACT to ASEAN

Benefits?

- ✓ Reshuffle of safety management organization
- ✓ Extension of lifespan of facilities
- ✓ Prevention of failure for protection of people's lives and properties
- ✓ Development of FSM technology suitable for ASEAN countries
- ✓ Foster FSM industry in ASEAN countries, contributing to creation of new jobs

- 29 -



Thank you for attention

- 30 -





The 5th Asian Legislative Experts Symposium



이 국 운

Keynote Speech

한동대학교 법학부 교수, 법학부장 및 공익법센터 소장

Lee Kuk Woon

Professor of Law, Handong University,
Chairperson of the Department of Law,
Director of the Handong Public Interest Law Center

▶ 학력

- 서울대학교 법과대학 졸업
- 서울대학교 대학원 법학 석사
- 서울대학교 대학원 법학 박사

▶ Academic Background

- Bachelor's degree in Law, Seoul National University
- LL.M in Law, Seoul National University
- Ph.D. in Law, Seoul National University

▶ 주요경력

- 미국 페퍼다인 대학교 로스쿨
- 전미법률가재단
- 스페인 국제법사회학연구소 근무
- 법과사회이론학회 부회장
- 한국헌법학회 이사

▶ Work Experience

- Pepperdine University School of Law
- The American Bar Foundation in US
- The International Institute for Sociology of Law in Spain
- Vice president of the Law & Society Association in Korea
- Director of the Korean Constitutional Law Association



The Law for Human Disasters

Lee Kuk Woon (Professor of Law, Handong University)

Dear Minister of Legislation, distinguished scholars from the great country of Indonesia, and my fellow legal scholars of the Republic of Korea! I would like to express my deepest gratitude to you all before I start the keynote speech today for this monumental event of international symposium for the law for disaster. It is the most honorable privilege for me to address my idea on the topic of today. As a constitutional law professor and a sociologist of law, I am going to talk a little bit about the issue in the perspectives of sociological changes as well as constitutional remedies.

Let us first think about the reason why we have to pay so much attention to this matter in recent years. As we all acknowledge, disaster has always been with us in human history. It is not an exaggeration to say that human civilization is a sort of struggling to respond and overcome various kinds of natural disaster; drought, cold wave, earth quake, volcanic explosion, tsunami, typhoon, deluge flood, famine, infectious disease etc. Before natural disasters, what human beings can do is so limited that they cannot but become very much humble and unpleasantly admit their vulnerable, miserable, and helpless existence.

In my view, the law for natural disaster in any human civilization is basically based upon this undeniable helplessness of human existence. Because human beings are in great deal of danger with natural disasters, they have to find out some help from the outer world. I think the term of 'outer' is very important in this case. Since natural disaster is a kind of sudden invasion from outside of human lives, the help that helps them to respond to it should come from far more outside, I mean, 'outer' world of

natural disaster. Then, the question becomes very evident. How can human beings reach out the desirable 'outer' world where natural disasters are from and their remedies could be found? I believe that this is a very natural response and attitude that everybody takes when they are faced with natural disasters all of sudden.

In this context, the law for natural disaster becomes closely related to the law of emergency, which is characterized by intentional centralization of power until the situation of emergency can be controlled successfully. Referring to the danger of natural disasters, the law for natural disaster asks human beings to give up their political and legal system for ordinary life and take simpler and more primitive one. For example liberal democracies in natural disasters justify a kind of temporary dictatorship during at least some period of time rather than adhere to a long-standing constitutional principle of the separation of powers. As I mentioned above, the reason of this temporary transformation of law is to secure the power to reach out the outer world. In the vortex of natural disasters, law even revives a kind of theocracy, a religious rule upon political matters, to human society for the same purpose.

What I have described so far is not difficult to understand. It is a classical theme of Hollywood disaster movies. However, we can raise some issues about the relationship between the law for disaster and the law of emergency. Is it really necessary to relate those two to each other? Is it impossible to respond to disaster without mobilizing the law of emergency and yielding the political and legal system for ordinary life? Do we have to be always emergent in order to overcome disaster? I think these questions are very important nowadays, because the nature of disasters has changed very dramatically.

The disasters on issue in so-called post-industrial society are not as same as they used to be. Global warming, shortage of waters, environmental pollution, unprecedented disease, nuclear crisis, psychological instabilities, and blind terrorism share one common feature together. Those are not purely natural but definitely man-made at least in part. Indeed, the dangerous disasters in recent years are always



combinations between natural causes and their artificial amplifications. For example, in Fukushima, Japan, some years ago, earthquake provoked tsunami and tsunami made a breakdown of nuclear power—plant and that accident caused a great deal of damage including psychological instability of the society. The chain of causes between the natural and the artificial makes huge danger that human beings have never experienced before.

Hence, we can dare to say that human beings in this age are not only the objects but also the subjects of disasters. Moreover, it is already noticed that human subjectivity causing disasters will be upgraded to the unprecedented level with the coming of Artificial Intelligence, Internet of Things, and so-called the 4th Industrial Revolution. If human beings are totally surrounded with man-made nature by those total transformation of life, how can we avoid disasters without focusing and resolving its human factors? Regarding to the disasters in this age and future, we have to accept the vivid fact that human beings are problems rather than problem-solvers.

Therefore, what we need most urgently right now is the law for human disasters. Even if human beings are a part of nature, it is not correct to identify them as nature itself. Rather, man-made disasters should be considered differently from purely natural disasters. As I touched before, we perhaps need a kind of intentional centralization of powers or even temporary dictatorship to respond to the latter. But for the former we need to think about to behave in quite opposite way. Because it is man-made disaster, we have to deal with human factors first and foremost. This means to turn the direction of thinking and applying the law for disasters. For the human disasters, we have to see our inner world and find out the real cause of the disasters rather than to look for the outer world.

In the early modern age Europe, an English political philosopher Thomas Hobbes established a very influential theory of state politics. His basic idea was to reason and justify the necessity of state law as law of emergency in the context of European religious civil war, a kind of man-made disaster in his time. Even if Hobbes called it

natural state, I believe that it is a kind of mismatch to relate the law of emergency to the man-made disaster. Before trying to connect those two to each other, we have to think about that those two things, disasters and law, are truly man-made. If the disasters are man-made, why don't we find out some resolutions for them by reconsidering our lifestyle that made those disasters rather than imprudently mobilizing the law of emergency? The law of emergency could be one of the remedies for man-made disasters. But it should not be considered as the only one possible resolution ever.

In this regard, the law for human disasters in this age asks us to take totally different perspective from before. First of all, we must start with thinking about how to reduce the human risks anyway. We must not forget the fact that in this post-industrial age human beings are not only problem-solvers but also problems themselves. Second, we must doubt the decisive role of nation-state or its centralized government in doing disaster relief. As in many tragic disaster cases in recent years showed, nation-state and its centralized government are too big and slow to respond and react effectively. Third, we must emphasize the role of local authorities and communities and the importance of consistent inter-local cooperation. Because the disasters happen always in some locales but its remedies exist in some other locales, the best solution for disasters should be to interconnect those two locales.

However, as a constitutional and sociological scholar of law, I want to put my personal emphasis in some other aspect. The law for disaster has been regarded as a kind of law of emergency for a long time. But, I believe, this tendency should be challenged at least in the field of law for human disasters. In this perspective, I believe that we have to rediscover the value of ordinary life.

Even in the vortex of severe disasters, ordinary life is always going on. Ordinary life is the fountain of new energy, idea, and solidarity which can make us overcome the disasters. Neither the law of emergency nor intentional centralization of powers or temporary dictatorship can be the ultimate resolutions for disasters. Since it is human



beings who make disasters, it should be human beings who can solve them. This possibility can only come from human beings' mysterious ability to live ordinary lives in any circumstances. Let us rediscover the potential of ordinary life in order to poster the law for human disasters.

As one of constitutional law scholars who are interested in the law for human disasters, I anticipate that today's symposium is going to be a turning point for the legal systems of both countries. Unless the law for human disasters is equipped, no legal system in this post-industrial age could be called well-functioning. In this very sense, today's symposium already include a kind of destiny to develop the law for human disasters for the legal systems of both countries. I hope there will be a lot of stimulating mutual lessons amongst the participants from Indonesia and Korea.

Thank you for your attention!

A faint, light gray map of the Asian continent is visible in the background, spanning across the top and bottom of the page. The map shows the outlines of major landmasses including China, India, Southeast Asia, and Australia.

The 5th Asian Legislative Experts Symposium



Session 1



Overview of Asia's legislative
efforts to respond to natural
disasters



정 명 운

Chairperson

한국법제연구원 행정법제연구실 연구위원

Jung Myeong Yoon

Fellow / Office of Administrative Legal Research,
Korea Legislation Research Institute

▶ 학력

- 일본 메이조(名城)대학 도시정보학 학사(1995-1999)
- 일본 메이조대학 대학원 법학 석사(2002-2004)
- 일본 메이조대학 대학원 법학 박사(2004-2007)

▶ Academic Background

- Bachelor's degree in Urban Informatics, Meijo University, Japan(1995-1999)
- Master's degree in Administrative Law, Meijo University, Japan(2002-2004)
- Doctor's degree in Administrative Law, Meijo University, Japan(2004-2007)

▶ 주요경력

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- 농림수산식품부 도농교류과 법률자문위원(2008)
- 한국법제연구원 글로벌법제연구센터 녹색성장 법제TF팀장(2011)
- 한국법제연구원 글로벌법제연구실장(2012-2013)

▶ Work Experience

- Research Fellow of Office of Administrative Legal Research, Korea Legislation Research Institute(2007-2009)
- Legal Advisor of Rural and Urban Exchange Division, Ministry for Food, Agriculture, Forestry and Fisheries(2008)
- Head of Green Growth Legislation TF Team at Global Legal Research Center, Korea Legislation Research Institute(2011)
- Head of Office of Global Legal Research, Korea Legislation Research Institute(2012-2013)
- Fellow of Office of Administrative Legal Research, Korea Legislation Research Institute(2013-Present)



The 5th Asian Legislative Experts Symposium



Adelina Kamal

Presentation 1

아세안 재난지원 조정센터 소장
Executive Director / AHA Centre
(ASEAN Coordinating Centre for Humanitarian Assistance)

▶ 학력

- 인도네시아 IPMI 비즈니스 스쿨 경영학 석사
- 호주 멜버른 모내시대학교 경영학 석사
- 인도네시아 트리삭티대학교 경영학 학사

▶ Academic Background

- Master's degree in Management, IPMI Business School, Indonesia
- MBA degree, Monash University, Melbourne, Australia
- Bachelor's degree in Management, Trisakti University

▶ 주요경력

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- 아세안 재난지원 조정센터 부소장
- 아세안 재난지원 조정센터 소장

▶ Work Experience

- Director of Sustainable Development Directorate, ASEAN Socio-Cultural Community Department
- Deputy Executive Director of AHA Centre(ASEAN Coordinating Centre for Humanitarian Assistance)
- Executive Director of AHA Centre(ASEAN Coordinating Centre for Humanitarian Assistance)



Every year, on average, the ASEAN region experiences losses related to natural disasters estimated at US\$ 4.4 billion

From 2004 – 2014, more than 50% of global disaster mortalities (354,000 deaths) occurred in the ASEAN region, with total economic loss of USD91 billion



Sources: (1) Advancing Disaster Risk Financing and Insurance in ASEAN Countries by World Bank, GFDRR, ASEAN and UNISDR, and (2) ASEAN Vision 2025 on Disaster Management

In view of significant losses and frequency of disasters, ASEAN came up with the ASEAN Agreement on Disaster Management Emergency Response (AADMER), signed by the ASEAN Foreign Ministers signed in July 2005, just a few months after the Indian Ocean Tsunami

IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments have signed this Agreement.

DONE at Vientiane, Lao PDR, this Twenty-Sixth Day of July in the Year Two Thousand and Five, in a single copy in the English Language.

FOR BRUNEI DARUSSALAM:  MOHAMED BOLKIAH MINISTER OF FOREIGN AFFAIRS	FOR THE UNION OF MYANMAR:  MYAN WIN MINISTER OF FOREIGN AFFAIRS
FOR THE KINGDOM OF CAMBODIA:  NOR NAMHONG DEPUTY PRIME MINISTER AND MINISTER OF FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION	FOR THE REPUBLIC OF THE PHILIPPINES:  ALBERTO G. ROMULO SECRETARY OF FOREIGN AFFAIRS
FOR THE REPUBLIC OF INDONESIA:  DR. N. HASSAN WIRAJUDA MINISTER OF FOREIGN AFFAIRS	FOR THE REPUBLIC OF SINGAPORE:  GEORGE YONG-BOON YEO MINISTER OF FOREIGN AFFAIRS
FOR LAO PEOPLE'S DEMOCRATIC REPUBLIC:  SOMKAVUT LENGSAVAD DEPUTY PRIME MINISTER AND MINISTER OF FOREIGN AFFAIRS	FOR THE KINGDOM OF THAILAND:  DR. KANTATHI SUPHAMONGKHON MINISTER OF FOREIGN AFFAIRS
FOR MALAYSIA:  DATU SERI SYED HAMID ALBAR MINISTER OF FOREIGN AFFAIRS	FOR THE SOCIALIST REPUBLIC OF VIET NAM:  NGUYEN DY NIEN MINISTER OF FOREIGN AFFAIRS



- A legal framework that serves as a common platform for all ASEAN Member States with the objective to reduce disaster losses in ASEAN region, and jointly respond to disaster emergencies
- A comprehensive agreement that covers various aspects of disaster management, such as Risk Assessment, Prevention and Mitigation, Preparedness, Emergency Response, Recovery, Technical Cooperation & Scientific Research
- A foundation that provides mandate and role of the ASEAN Coordinating Centre for Humanitarian Assistance (AHA Centre) as the operational coordination body and engine of AADMER



AADMER (2005), and the Agreement on the Establishment of the AHA Centre (2011), provide the AHA Centre with a strong mandate as the regional operational coordination engine



The AHA Centre shall be established for the purpose of facilitating co-operation and co-ordination among the Parties, and with relevant United Nations and international organisations, in promoting regional collaboration (AADMER Article 20.1 and Agreement on the Establishment of AHA Centre Article 3.1)



The AHA Centre shall work on the basis that the Party will act first to manage and respond to disasters. In the event that the Party requires assistance to cope with such situation, in addition to direct request to any Assisting Entity, it may seek assistance from the AHA Centre to facilitate such request (AADMER Article 20.2 Agreement on the establishment of AHA Centre Article 3.2)





The ASEAN Declaration on One ASEAN One Response, signed by the ASEAN Leaders on 6 September 2016 in Vientiane, reaffirms the role of AHA Centre as the primary ASEAN regional coordinating agency on disaster management and emergency response

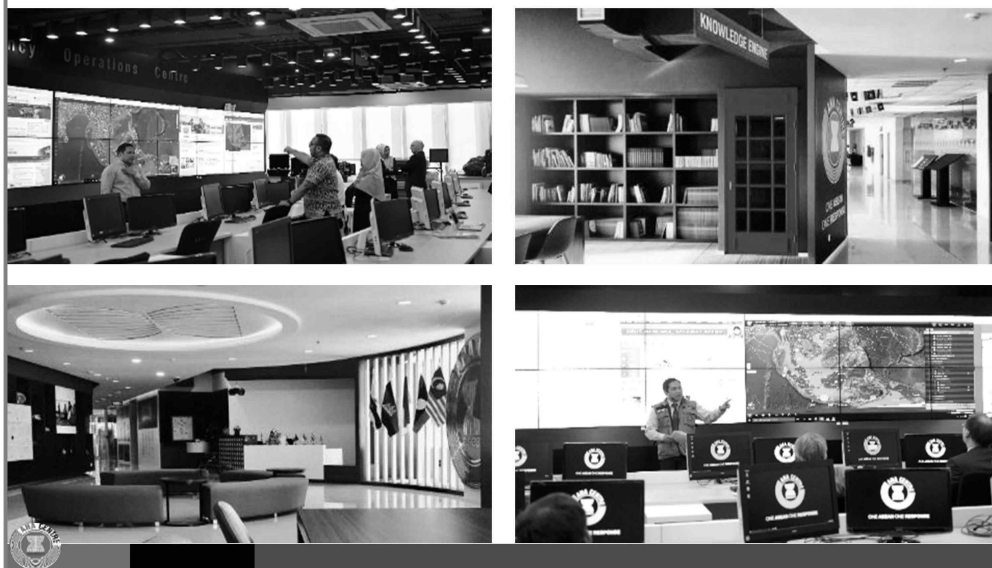
"AHA Centre is the primary ASEAN regional coordinating agency on disaster management and emergency response and, where appropriate, will work in partnership with relevant regional and international agencies and centres to strengthen HADR efforts that include civilian and military coordination"



ONE ASEAN
ONE RESPONSE



The AHA Centre is located at the Indonesia's National Disaster Management Authority (BNPB) in Jakarta. Its Emergency Operations Centre (EOC) serves as the central location in monitoring disasters and coordinating ASEAN's collective response to disasters



AHA Centre Emergency Operation Centre

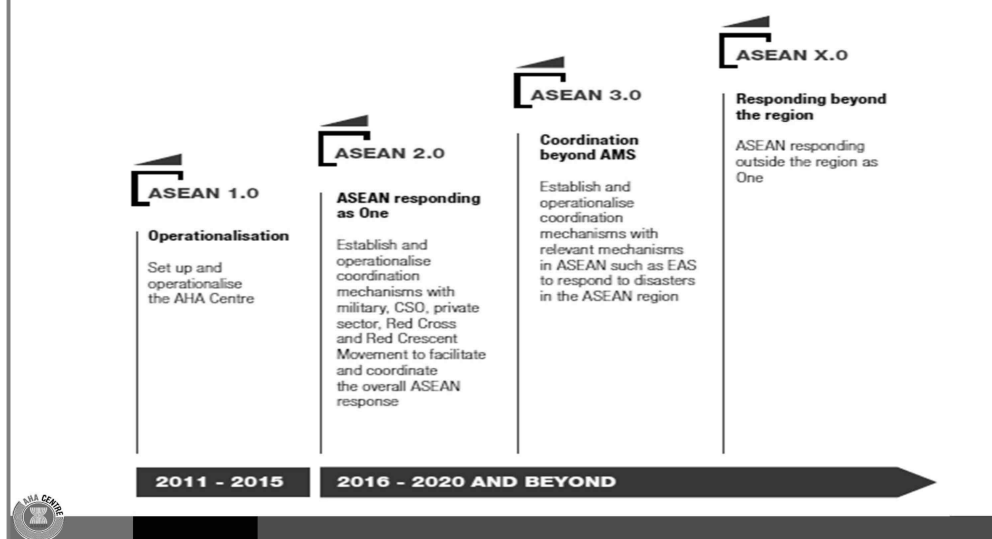
The AHA Centre's office also houses the Emergency Operations Centre (EOC), which serves as the central location in monitoring disasters and coordinating ASEAN's collective response to disasters



ONE ASEAN
ONE RESPONSE



Following the establishment and operationalisation of the AHA Centre (ASEAN 1.0), the AHA Centre is now moving forward with the next steps of operationalisation of One ASEAN One Response, i.e. ASEAN 2.0, ASEAN 3.0 and ASEAN X.0



**ASEAN Vision 2025
on Disaster Management**



on becoming a global leader on disaster management



The ASEAN Vision 2025 on Disaster Management, adopted by the ASEAN Ministerial Meeting on Disaster Management in December 2015, envisions that ASEAN shall be the global leader on disaster management



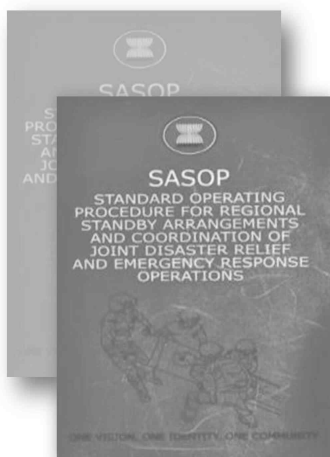
AHA Centre could play “a stronger role in facilitating capacity building to bring ASEAN Member States to a regionally and globally recognised standards”

AHA Centre should serve as “a platform for exchange and repository of information sharing of lessons learned and best practices”

AHA Centre should “become the network coordinator for regional centres for excellence for training and leadership in disaster management and emergency response and the engagement of the regional policy community to allow for the development of next generation of leaders and thought-leadership in ASEAN”



The AHA Centre's operation is guided by the Standard Operating Procedure for Regional Standby Arrangements and Coordination of Joint Disaster Relief and Emergency Response Operation (SASOP)



Guides and templates to initiate the establishment of the ASEAN Standby Arrangements for Disaster Relief and Emergency Response

Procedures for joint disaster relief and emergency response operations

Procedures for the facilitation and utilisation of military and civilian assets and capacities, personnel, transportation and communication equipment, facilities, good and services, and the facilitation of their trans-boundary movement

Methodology for the periodic conduct of the ASEAN Regional Disaster Emergency Response Simulation Exercises (ARDEX) which shall test the effectiveness of these procedures





and.. the AHA Centre is also tasked to perform most of the aspects under SASOP

NOTIFICATION OF DISASTER

- The AHA Centre to analyse the initial report and notify other Party/entity of the disaster
- The AHA Centre to analyse each situation report and immediately notify the other Party /entity of the significant developments (a) periodically or (b) by 10:00 am (Jakarta time)

REQUEST FOR ASSISTANCE

- The AHA Centre to forward the request to other Party/entity
- The AHA Centre will explore other possible assistance

OFFER OF ASSISTANCE

The AHA Centre to forward the offer to the receiving Party

DISASTER SITUATION UPDATE

The AHA Centre to receive report within 24 to 48 hours of arrival of assistance at disaster site



JOINT ASSESSMENT OF REQUIRED ASSISTANCE

- The AHA Centre to facilitate mobilisation of ERAT
 - The AHA Centre to receive updates on any plans and findings of joint assessment
 - The AHA Centre to receive copy of the Contractual Agreement for Assistance
- #### MOBILISATION OF ASSETS AND CAPACITIES

The AHA Centre to facilitate the processing of exemption for provision of assistance and facilities, transit of personnel and equipment

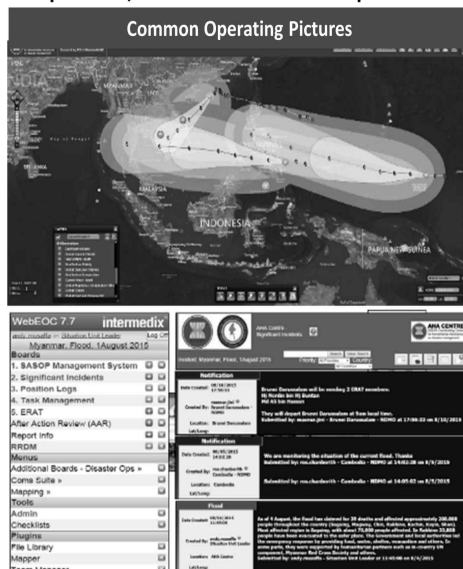
DEMOBILISATION OF ASSISTANCE AND REPORTING

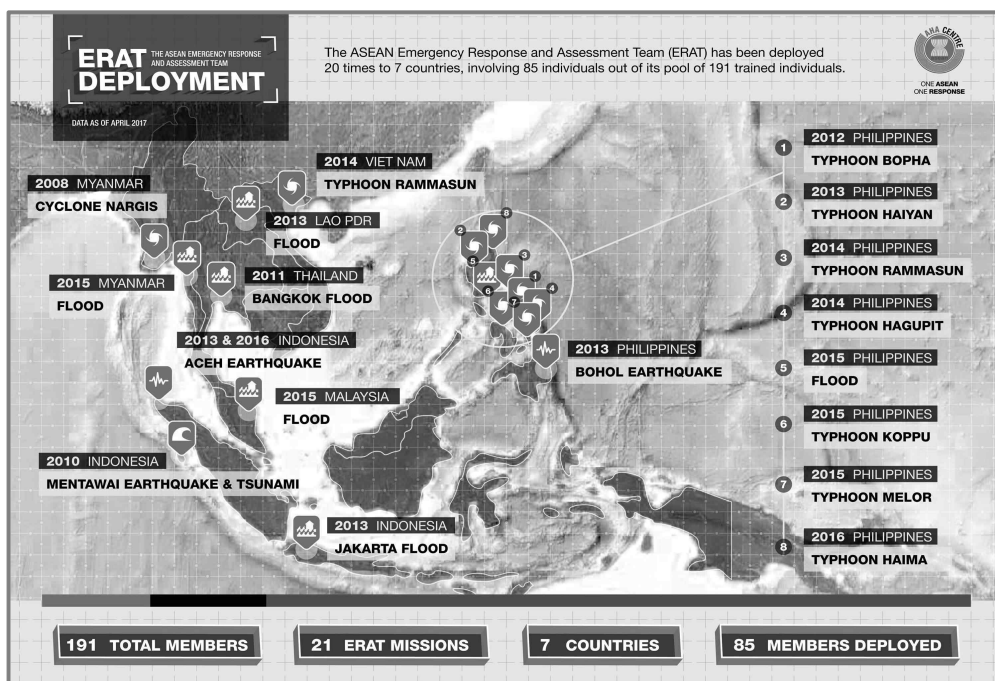
The AHA Centre to receive and update of this development

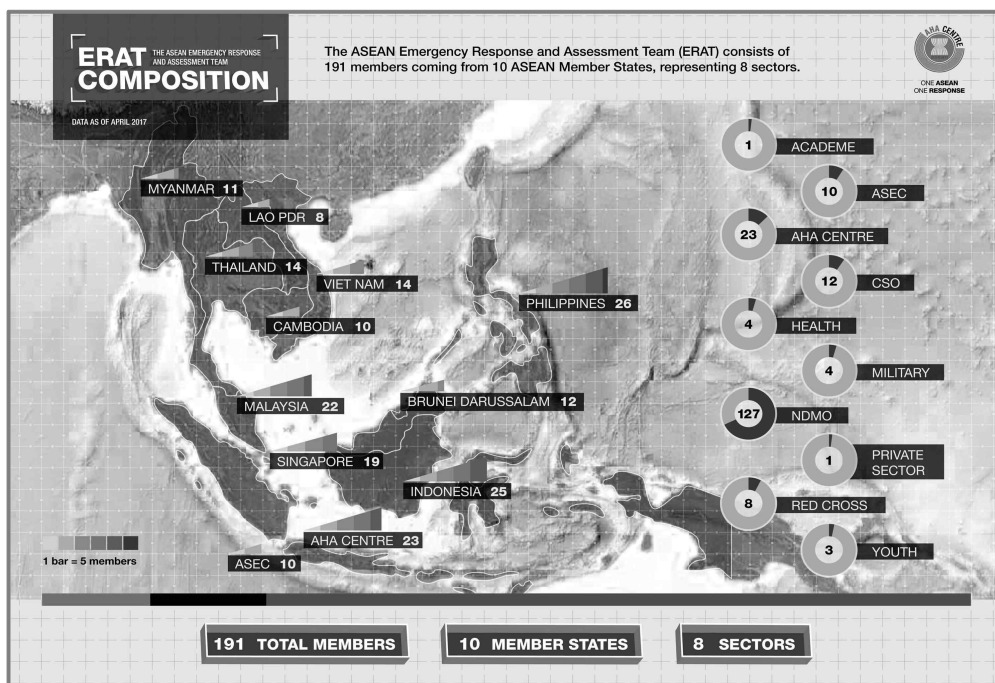
The AHA Centre to receive the final report within 2 weeks of departure from the affected country



The AHA Centre provides a common platform for information exchange among ASEAN Member States and partners, and shares information products to the ASEAN countries, partners and stakeholders







In times of emergency, AHA Centre will establish coordination points: (1) at the EOC in Jakarta, (2) at the capital of the affected country, close to the National Disaster Management Organisation, and (3) on the ground



The AHA Centre is managing the Disaster Emergency Logistic System for ASEAN (DELSA), which consists of a stockpile of relief items located in Subang, Malaysia. Two other satellite warehouses in the Philippines and Thailand are being established.



To operationalise One ASEAN One Response, the AHA Centre has developed the ASEAN Joint Disaster Response Plan with aims to increase the speed and volume of emergency relief capacities and assets offered and delivered to the affected Member State



AJDRP identifies 3 possible large-scale emergencies as a basis to develop the response plan:



Large-scale earthquake in Metro Manila



Tsunami in west coast of Sumatra



Tropical cyclone in rural areas in Myanmar



AHA Centre co-organises regular exercises called the ASEAN Regional Disaster Emergency Response Simulation Exercise (ARDEX) to test & validate the ASEAN-SASOP. The next ARDEX is scheduled in Nov 2018 in Indonesia.



To prepare future leaders in disaster management, the AHA Centre Executive Programme has been conducted in three batches since 2014, resulting in 45 graduates trained through 1000-hour course so far, and aiming to produce at least 55 more



aiming to produce at least **100** graduates by the year 2020







The 5th Asian Legislative Experts Symposium



박 용 수

Presentation 2

행정안전부 재난관리실 재난관리정책과장

Park Yong Su

Director of Disaster Management Policy Division

▶ 학력

- 청주대학교 법학과 학사
- 영국 버밍엄대 행정학과 석사

▶ Academic Background

- Bachelor of Laws, Cheongju University
- Master of Public Administration, University of Birmingham

▶ 주요경력

- 행정안전부 지역발전정책국 지역발전과, 재난안전실 재난대책과 행정사무관
- 행정안전부 재난안전실 재난대책과, 조직실 제도총괄과 서기관
- 안전행정부 안전관리본부 안전정책과 서기관
- 국민안전처 안전정책실 안전기획과 서기관
- 국민안전처 기획조정실 창조행정담당관
- 국민안전처 기획조정실 기획재정담당관
- 행정안전부 재난관리실 재난관리정책과장

▶ Work Experience

- Deputy Director, Regional Development Division of Regional Development Bureau & Disaster Prevention and Policy Division of Disaster Safety Office, Ministry of Public Administration and Security
- Director, Disaster Prevention and Policy Division of Disaster Safety Office & Policy Division of Organization Management Office, Ministry of Public Administration and Security
- Director, Safety Policy Division of Safety Management Bureau, Ministry of Security and Public Administration
- Director, Safety Planning Division of Safety Policy Office, Ministry of Public Safety and Security
- Director, Creative Administration Division of Planning&Coordination Office, Ministry of Public Safety and Security
- Director, Planning Finance Division of Planning&Coordination Office, Ministry of Public Safety and Security
- Director of Disaster Management Police Division of Disaster Management Office, Ministry of the Interior and Safety



November, 2017

Korea's Disaster Laws

Director of Disaster Management
Policy Division, Ministry of the
Interior and Safety



Contents

- I. Overview
- II. Legal Framework of Disaster Laws
- III. Formation and Main Contents of the Framework Act
on the Management of Disasters and Safety
- IV. Formation and Main Contents of the
Countermeasures against Natural Disasters Act
- V. Direction for Improving Disaster Laws

I . Overview

1. What is disaster?

- **Disaster: a sudden misfortune** <source: Minjungkooka dictionary>

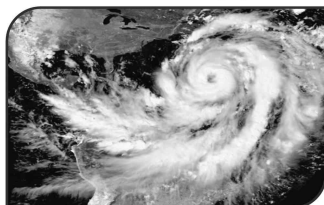
☞ dis(the opposite processes, qualities, or states) +
aster(star) : a calamity blamed on the position of planets

☞ 災難 (Chinese characters): disaster →an event bringing great damage

- **Damage: damage caused by disasters**

2. Legal Definition of Disaster

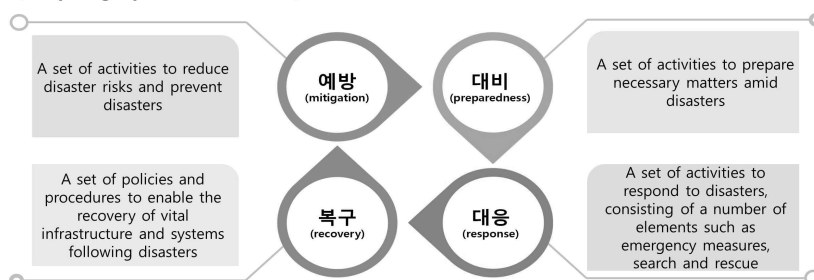
- An event bringing damage, loss, or destruction to the lives, bodies, and property of citizen and the State (subparagraph 1 of Article 3)
- Type of disaster : natural disaster, social accidents (August, 2013)
 - natural disaster : resulting from natural processes of the Earth
 - social accidents : damage, beyond the scale prescribed by Presidential Decree, caused by a fire, collapse, explosion; damage by infrastructure failure; damage caused by spread of infectious diseases or contagious animal diseases





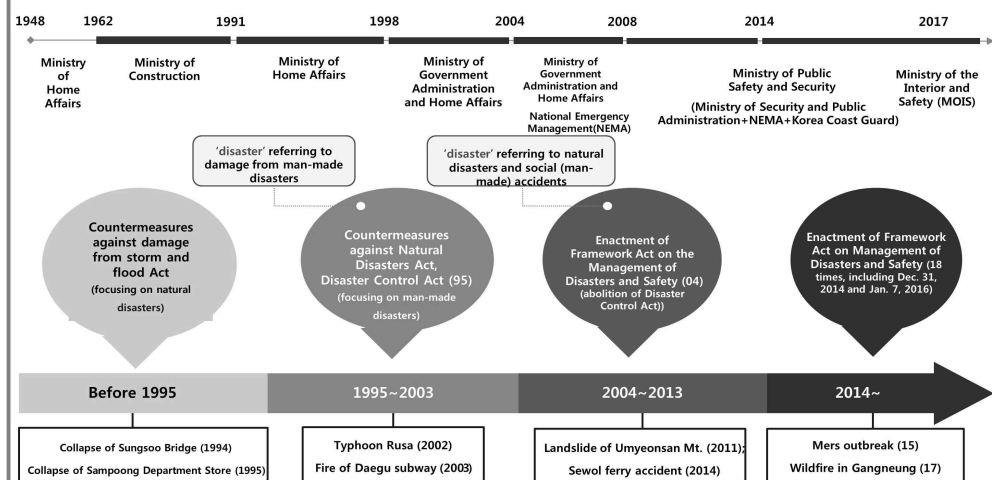
3. Disaster & Safety Management

- (Disaster management) all activities for mitigation, preparedness, response, recovery (subparagraph 3 of Article 3)



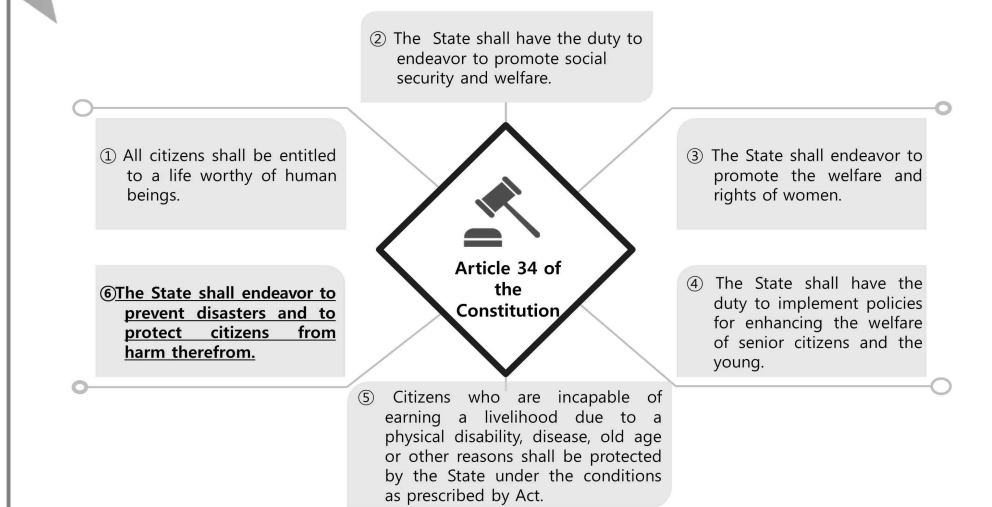
- (Safety management) all activities to protect the lives, bodies, and property of citizens from disasters and accidents

4. Disaster-Related Organizations & History of Relevant Laws



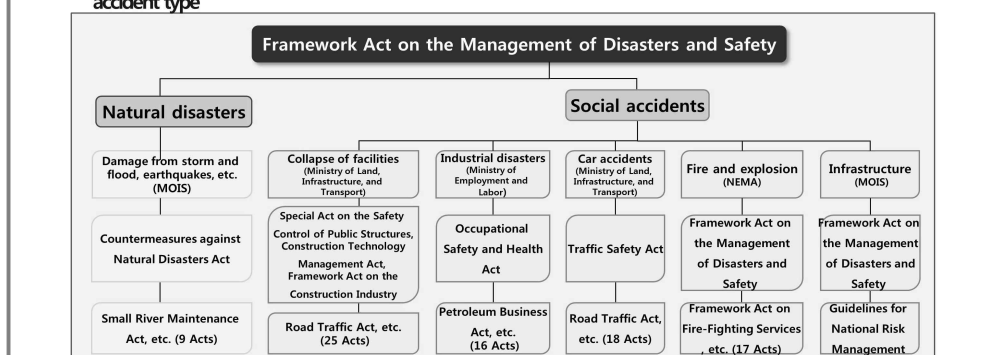
II. Legal Framework of Disaster Laws

1. Constitution



2. Legal Framework

- **Framework Act : Framework Act on the Management of Disasters and Safety (Ministry of the Interior and Safety)**
- prescribing matters necessary for disaster safety management to prepare for natural disasters and social accidents
- * In particular, for natural disasters, Countermeasures against Natural Disasters Act is a general law.
- **Statutes : laws made by each administrative agency for disaster safety management by disaster and accident type**

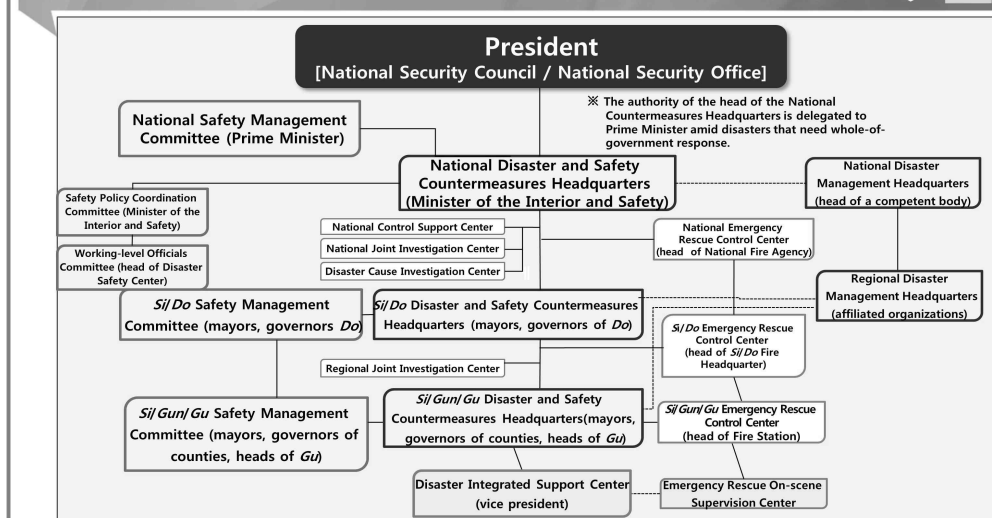




3. Disaster and Safety Management Organizations

Classification	Decision-making and advisory body		Control centers	
	Name	Chairperson	Name	Head
Central	National Safety Management Committee	Prime Minister	Natural Disaster and Safety Status Control Center	Head: Minister of the Interior and Safety ※ Authority of the head is delegated to Prime Minister amid large-scale disasters
	Safety Policy Coordination Committee	Minister of the Interior and Safety	National Disaster Management Headquarters	Head: Ministers
	Working-level Officials Committee	Head of the Disaster Safety Management Center		
	Central Disaster Broadcasting Committee	Appointment by the Minister of Science and ICT	National Emergency Rescue Center	Head: head of National Fire Agency
	National Public Private Partnership (PPP) Committee	Head of Disaster Safety Center, Representative of private sector		
Metropolitan cities	<i>Si/Do</i> Safety Management Committee	Mayors and governors of <i>Do</i>	<i>Si/Do</i> Disaster Safety Countermeasure Headquarters	Mayors and governors of <i>Do</i>
	Safety Policy Coordination Committee	* Determination according to ordinances of local governments	<i>Si/Do</i> Emergency Rescue Center	Head of National Fire Headquarters
	<i>Si/Do</i> Disaster Broadcasting Committee			
	<i>Si/Do</i> PPP Committee			
Other cities and counties	<i>Si/Gun/Gu</i> Management Committee	Mayors, governors of counties, heads of <i>Gu</i>	<i>Si/Gun/Gu</i> Disaster and Safety Countermeasures Headquarters	Mayors, governors of counties, heads of <i>Gu</i>
	Safety Policy Coordination Committee		Disaster Integrated Support Center	Vice head
	<i>Si/Gun/Gu</i> Disaster Broadcasting Committee	* Determination according to ordinances of local governments	<i>Si/Gun/Gu</i> Emergency Rescue Control Center	Head of a Fire Station
	<i>Si/Gun/Gu</i> PPP Committee			

4. Organizational Chart of Disaster and Safety Management



III. Framework Act on the Management of Disasters and Safety

1. History of the Framework Act – ①



1. History of the Framework Act – ②



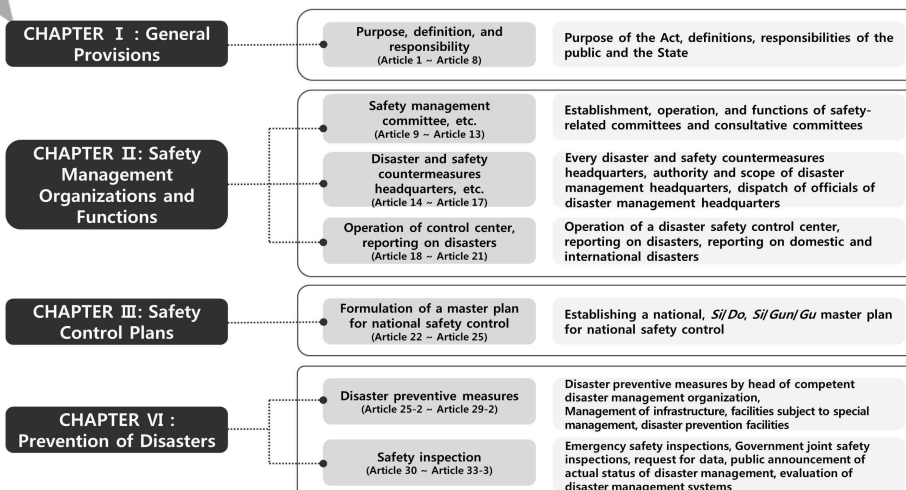


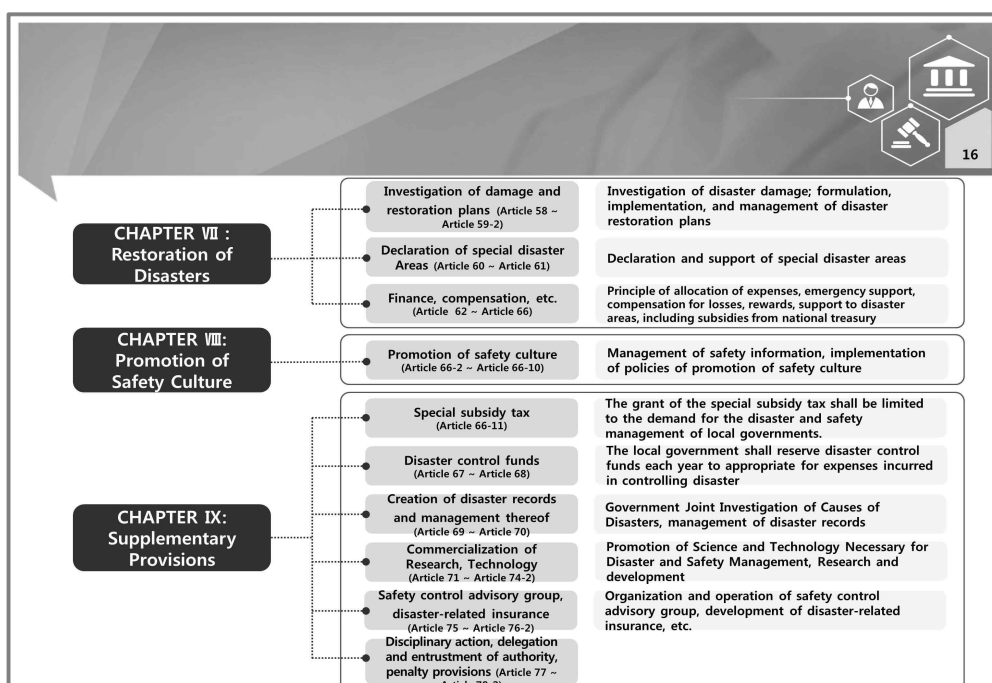
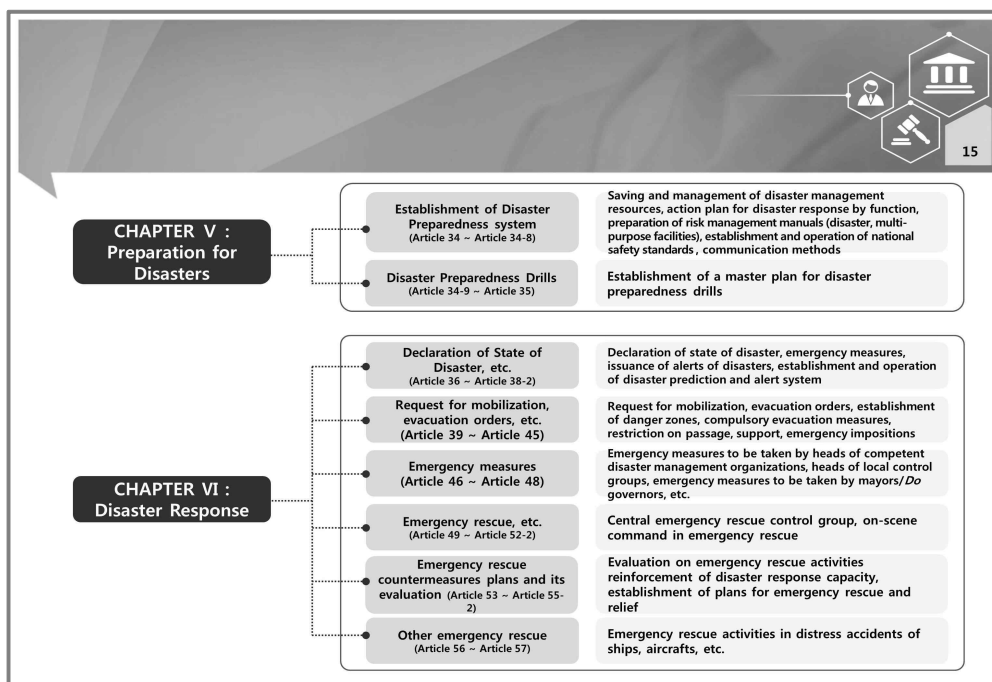
2. Characteristics of the Framework Act



1. Disaster management consists of 4 phases; mitigation, preparedness, response, and recovery
2. Prescribing safety management organization¹⁾-planning²⁾-implementation³⁾-implementation methods⁴⁾
 - 1) Safety Management Committee, Safety Policy Coordination Committee
 - 2) Master Plan for National Safety Management, implementation plans
 - 3) Special Subsidy Tax for Disaster and Safety Management, disaster management funds
 - 4) Safety inspection, a warning to an agency
3. Establishing the cooperation between central and local governments (connecting the national countermeasures headquarters, the national management headquarters, and the regional countermeasures headquarters)
4. Disaster and safety management through public private partnership (campaign for safety-centered culture, responsibility of private sector for multi-purpose facilities, insurance, etc.)

3. Main contents of the Framework Act

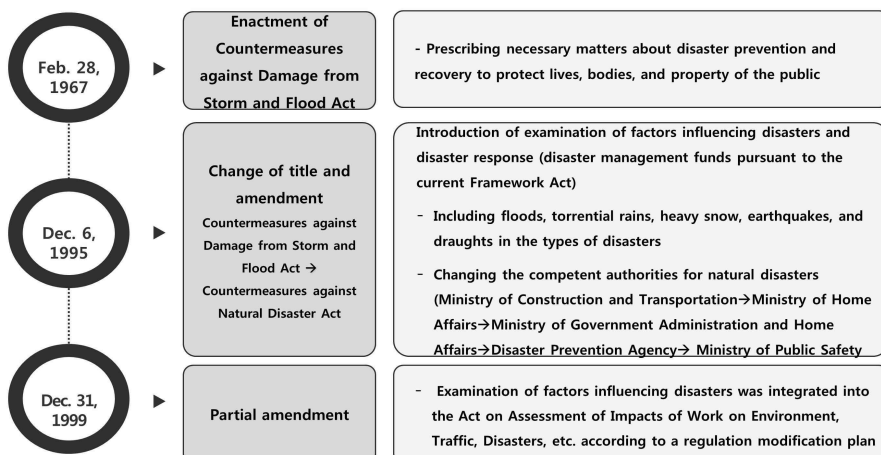




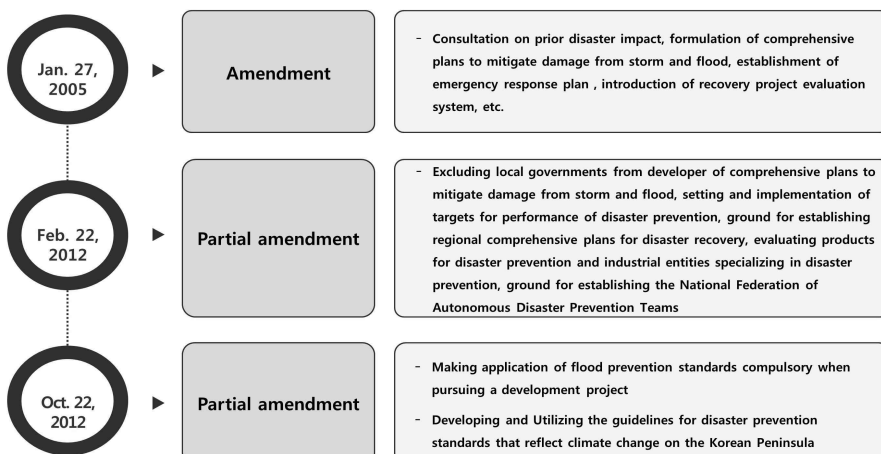


VI. Formation and Main Contents of Countermeasures against Natural Disasters Act

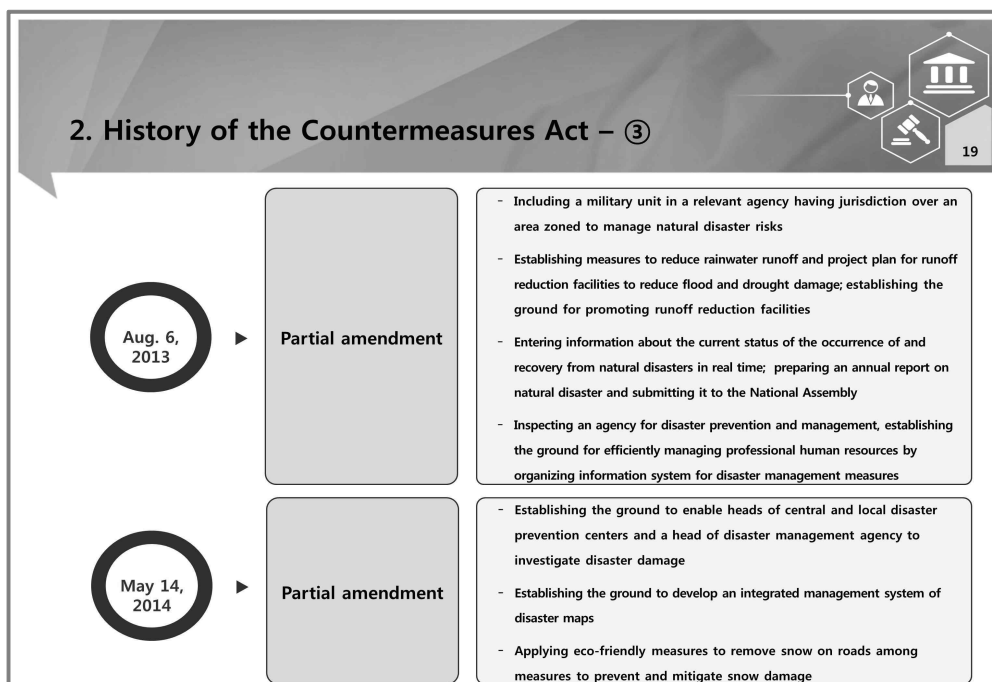
1. History of the Countermeasures Act – ①



1. History of the Countermeasures Act – ②



2. History of the Countermeasures Act – ③



2. Characteristics of the Countermeasures Act

1. Prescribing necessary matters about mitigation, recovery, and other countermeasures against natural disasters
2. Disaster impact evaluation and prevention plans as part of development projects (plans to reduce damage from storm and flood, runoff reduction, etc.)
3. Various measures by disaster type such as damage from storm and flood, hail, snow damage, drought, etc.
4. Matters about development and operation of various disaster prevention standards in preparedness for climate change

* Natural disasters are different from social accidents in terms of management system; natural disasters are dealt with separately because the Framework Act cannot be applied.



3. Main Contents of the Countermeasures Act (CHAPTER I ~ CHAPTER II)

General Provisions	Purpose, definitions, and obligations (Article 1 ~ Article 3)	Purpose, definitions, obligations of the public and the State
	Prior consultation on Examination of Factors Influencing Disasters (Article 4 ~ Article 7) Investigation and analysis of causes of disasters (Article 9 ~ Article 11) Areas zoned to manage natural disaster risks (Article 12 ~ Article 15) Comprehensive plans to mitigate damage from storm and flood (Article 16) Runoff reduction measures (Article 19 ~ Article 19-6)	Examination of factors influencing disasters for administration plans and development projects Operation of council for disaster reduction measures to investigate the causes of disasters Projects to modify danger areas by segmenting them into areas vulnerable to flooding, loss, collapse, isolation, and hail and areas vulnerable to disasters Providing risk analysis of areas vulnerable to damage from storm and flood and modification measures (stream, earth and sand, coast, wind, etc.) Standards for runoff reduction facilities, etc.
Consultation of and Preparation for Natural Disaster	Regional targets for disaster prevention performance (Article 16-2 ~ Article 16-3)	Standards for wind-resistance designs (Article 20)
	Guidelines for disaster prevention standards (Article 16-4) Flood control standards (underground space, etc.) (Article 17) Flood prevention standards by district (Article 18) (Standards for runoff reduction facilities (Article 19)) Standards for wind-resistance designs (Article 20) Standards for snow-resistant designs (Article 26-4)	Flood maps, maps for forecasting flood (maps flood and inundation risks, maps for forecasting flood in coastal region) maps for information on disasters (maps for evacuation, for information about disaster prevention, and for education on disaster prevention) Investigation and study for reduction of damage caused by tidal waves, designation of areas vulnerable to tidal waves, formulation of plans to mitigate damage from tidal waves Establishing measures to prevent and mitigate snow damage, mid-to-long-term measures to mitigate snow damage in areas prone to snow damage, responsibilities of person in charge of managing buildings for removing snow Research and study for preventing disasters caused by drought, restrictions on water supply and electricity generation, obligations of managers of water resources, mid-to long-term measures to mitigate damage in areas
Disaster Information and Emergency Support, etc.	Production and use of various disaster maps (Article 21 ~ Article 21-3)	Measures to reduce damage caused by tidal waves (Article 25-3 ~ Article 25-4)
	Measures to reduce damage caused by tidal waves (Article 25-3 ~ Article 25-4) Measures to prevent and mitigate snow damage (Article 26 ~ Article 28) Measures to prevent droughts (Article 29 ~ Article 33)	Measures to prevent and mitigate snow damage (Article 26 ~ Article 28) Measures to prevent droughts (Article 29 ~ Article 33)

3. Main contents of the Countermeasures Act (CHAPTER III ~ CHAPTER V)

Disaster Information and Emergency Support, etc.	Establishment of disaster information system (Article 34)	Establishment of a system to forecast damages, establishment of information system for earthquakes, recovery, rescue, insurance, etc.
	Establishment of central emergency support system (Article 35 ~ Article 36) Formulation of emergency plans (Article 37) Plans for disaster prevention and management (Article 38 ~ Article 44-2) Action guidelines by disaster type (Article 45)	Establishment of central and regional emergency support system, 11 functions for emergency support Facilities which require earthquake-proof design, dams, reservoirs, etc. Prior review and consultation on factors influencing disasters, plans to improve areas vulnerable to natural disasters, comprehensive plans to mitigate wind and flood damage, runoff reduction measures, emergency plans, evaluation of damage recovery projects and proxy registration The heads of disaster management agencies shall prepare action guidelines by disaster type.
Disaster Recovery	Disaster recovery plans (Article 46 ~ Article 48)	Formulation of disaster recovery plans, disaster register, comprehensive zonal recovery plans, central joint investigation team, training of public officials in charge of investigating disasters
	Implementing disaster recovery projects (Article 49 ~ Article 55) Annual reports on natural disaster recovery (Article 55-2) Analysis and evaluation of disaster projects (Article 57)	Plans to implement disaster recovery projects, implementation of large-scale disaster recovery projects, methods of placing order, advance payment of recovery expenses, settlement of recovery budget, prior deliberation Submitting an annual report on natural disasters to the National Assembly Local governments shall draw up more than 30 billion won for recovery (excluding compensation)
Research of Plans to Promote Technology for Disaster Prevention	Technology for disaster prevention and disaster prevention industry (Article 58 ~ Article 63)	Research and development of technology for disaster prevention, designation, management, etc. of new technology for disaster prevention
	Technology for disaster prevention and disaster prevention industry (Article 58 ~ Article 63)	Research and development of technology for disaster prevention, designation, management, etc. of new technology for disaster prevention

3. Main Contents of the Countermeasures Act (CHAPTER VI)

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Supplementary Provisions

Evaluation of maintenance and management of facilities to prevent disasters (Article 64)

Nurturing corporations, training, community participation (Article 65 ~ Article 67)

Compensation for loss and disposition taken against violators (Article 68 ~ Article 69)

National subsidies and prohibition against seizure (Article 68 ~ Article 71)

Korea disaster prevention association (Article 72 ~ Article 73)
Issuance of written confirmation of fact of natural disaster-caused damage (Article 74)

Evaluation and giving prizes (Article 75)

Regional safety inspection (Article 75-2)

Delegation of authority, penalty provisions, administrative fines (Article 76 ~ Article 79)

The head of a disaster management agency shall maintain and manage facilities to prevent disasters; the minister of Public Safety and Security may evaluate the maintenance and management

Supporting research of technology for disaster prevention and a non-profit corporation, training for public officials, technicians, etc., regional autonomous disaster prevention team, National federation of autonomous disaster prevention teams, reflection of residents' opinions in policy

National subsidies for areas vulnerable to natural disasters; no recovery expenses and the right to receive them shall be confiscated.

National subsidies for areas vulnerable to natural disasters, prohibition against seizure of the right to receive recovery expenses of private facilities

Establishment of Korea disaster prevention association, etc.

Issuing a written confirmation of the fact of natural disaster-caused damage

Inspecting safety based on the frequency and the scale of damage and capabilities to mitigate damage by the relevant local government

V. Direction for Improving Disaster Laws

24

① Establishing a right to be safe when revising the Constitution

* We are trying to include the issue in a discussion for revision of the Constitution in the National Assembly.

- Revision bill: All citizens shall have the right to be safe from risks.

② Enactment of laws on countermeasures against social accidents

- Including measures to prevent disasters such as local governments' evaluation of risks, measures to deal with social accidents, and designation of areas zoned to manage disaster risks

③ Securing unity of the Framework Act on the Management of Disasters and Safety and enhancing the prestige of the Framework Act

- There are too many detailed provisions*, which aren't suitable as a framework act * compulsory insurance, emergency rescue from fires, response plans, etc.
- It is necessary to unify disaster-related legal terms (disaster/damage caused by disasters, prevention/mitigation, preparation/preparedness, etc.)



The 5th Asian Legislative Experts Symposium



Yordchatr Tasarika

Debates 1

태국 내각사무처 특임과장

Director of Special Affairs Division, Office of the Council of State

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- 브리스틀대학교 법학석사
- 탐마삿대학교 법학사
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- 2003~2008 공공금융법 부서 국가변호사 고문
- 2001~2003 외국 무역 및 지적재산권법 법률단

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- 2014~2016 Council of State Lawyer of Commercial and Industrial Law Division
- 2008~2014 Council of State Lawyer of Transport Law Division
- 2003~2008 Council of State Lawyer of Public Finance Law Division
- 2001~2003 Foreign Trade and Intellectual Property Law Group



Discussion Paper Overview of Asia's Legislative efforts to respond to natural disasters¹⁾

Yordchatr Tasarika

(Director of Special Affairs, Office of the Council of State, Thailand)

From the outset, I would like to take this opportunity to express my sincerest thanks to the Minister of Government Legislation and organizers of the Asian Legislative Experts Symposium (ALES) for providing this invaluable opportunity to exchange legislative information between Asian countries, and in particular, for the focus on response to natural disasters, a topic which is very relevant to current environmental and climatic changes, and a continuing challenge for policy-makers and legislators alike. I would also like to thank the Executive Director of AHA Center for the wonderful presentation on ASEAN Disaster Management Mechanism, which illustrates in elaborate detail the cooperation and coordination of ASEAN member states, as well as the achievements that have been made possible through a show of regional solidarity.

1. ASEAN Disaster Management Mechanism

I have been informed of my role as a discussant on the distinguished speaker's presentation. This is by no means an easy task, for it is unimaginable that any person could provide a better insight of AADMER and AHA Centre's operations than the Executive Director. I am in a position, however, to commend the regional developments and high standards of operations set by AHA Centre in coordinating assistance of member states, while focussing my discussion on the relevance of this

1) Discussion paper submitted for presentation at the Asian Legislative Experts Symposium (ALES) on 1st November 2017, at the Grand Ballroom of Millennium Seoul Hilton, Republic of Korea.

obligation on the legislation of member states.

Whilst natural disasters have traditionally been dealt with by local and national governments, with aid from foreign nations or international humanitarian bodies on an ad hoc basis, we have come to realise the unpredictability and uncertainty of such forms of assistance. This risk was exacerbated when a disaster to the scale of the 2004 Boxing Day tsunami affected large part of the region. The need for a coordinated regional approach for prevention, mitigation, response and rehabilitation could not have been more clearly highlighted.

The terms “cooperation” and “coordination” are repeated several times in AADMER. Although no law is needed to encourage this humanitarian spirit, it is the formalisation of this spirit of cooperation and coordination into a binding legal text which represents a giant leap in terms of legal development. To be able to achieve this in the regional context within a relatively brief period makes it all the more impressive.

There were possibly two factors which contributed to the success of the ASEAN Disaster Management Mechanism. Firstly, the commonality and urgency of the subject matter might have acted as catalysts for expeditious implementation by member states. With political wills clearly aligned, there could be little cause for opposition when introducing a legislative programme within each nation. Governments and oppositions were in most likelihood in agreement that losses could have been curbed if there was some form of scientific cooperation to enable early detection and prevention, and that responses would have been more efficient if regional resources were shared. Secondly, ASEAN member states are geographically situated in an area prone to seasonal climatic threats. Against this background, nations will have accumulated experience and know-how in dealing with natural disasters. Consequently, the legislative framework of each nation should, to some extent, have already been configured to prevent, mitigate and respond to these recurring threats. Accepting AADMER should not require a major upheaval of the member states' laws, but merely minor tweaks to ensure the nation's ability to implement the obligations stated therein.



Nonetheless, keeping in line with the theme of this symposium, it is worth mentioning the legislative issues which come into consideration when implementing AADMER. These will be discussed in turn with the occasional reference to Thailand's legal provisions.

2. Constitutional Considerations

A government expressing an intent to be bound by an international obligation has to ensure that constitutional requirements are met, both substantively and procedurally. In many jurisdictions, consent of the legislature may be a prerequisite to acceptance of an international obligation. The conditions under each constitution vary. In Thailand, section 178²⁾ of the Constitution stipulates that an international agreement which requires a legislative act or a change in any aspect of sovereign powers will have to be approved by the legislative body before the executive can express an intent to be bound. Failure to comply with this constitutional requirement has been ruled by the

2) Section 178. The King has the Royal Prerogative to conclude a peace treaty, armistice, and other treaties with other countries or international organisations.

Any treaty which provides for a change in Thai territories or external territories over which Thailand has sovereign right or jurisdiction under a treaty or international law, or which requires the enactment of an Act for implementation, and other treaties which may have wide scale effects on the security of economy, society, or trade or investment of the country must be approved by the National Assembly. In this regard, the National Assembly shall complete its consideration within sixty days as from the date of receipt of such matter. If the National Assembly does not complete the consideration within such period of time, it shall be deemed that the National Assembly has given approval.

Other treaties which may have wide scale effects on the security of economy, society, or trade or investment of the country under paragraph two are treaties pertaining to free trade, common customs union, or the authorisation of natural resources utilisation, or which cause the country to lose rights over natural resources, in whole or in part, or on any other treaties provided by law.

There shall also be a law prescribing procedures for the public to participate in the expression of opinions and to obtain necessary remedy from the effects of conclusion of a treaty under paragraph three.

Where a question arises as to whether any treaty constitutes a case under paragraph two or paragraph three, the Council of Ministers may request the Constitutional Court to render a decision thereon. The Constitutional Court shall complete its decision within thirty days as from the date of receipt of such request.

Constitutional Court to constitute an irregularity rendering the executive void³⁾. Although irregular procedures could arguably be rectified through a process of ratification, the political consequences could not be undone.

3. Organisational Structure and Scope of Functions and Responsibilities

Next on the agenda would be to consider the provisions of article 4 of AADMER which imposes a general obligation on all member states to take legislative, administrative and other measures as necessary to implement their obligations under this Agreement. Hence, a legislative draftsman examining this provision may have to review the existing organisational structure of government agencies and their respective functions and responsibilities to ensure that the relevant obligations are duly fulfilled. If a country was founded anew, such a task would not be too sophisticated, much like designing a new building for a single purpose. In such a case, a single command agency may be established in a single legislative act to deal with disaster management.

However, the challenge faced by most nations is the fact that an existing structure is in place and most governments would have to make the appropriate retrofit adjustments. This may not be simple as most agencies have been established for a variety of purposes in the backdrop of differing historical backgrounds. One solution would be to divide tasks to separate agencies in what would be regarded as the “best possible fit”. This approach may provide a quick fix which allows for expeditious implementation, but may not be the most desirable approach.

3) Constitutional Court Ruling No. 6–7/2551, given on 8th July B.E. 2551 (2008), struck down an attempt to bind Thailand in a joint communique for failing to obtain legislative consent. The ruling iterated that a change in sovereign powers has to be interpreted liberally to include indirect impact on the nation's territorial integrity.



Take for instance the obligation on disaster risk identification, assessment and monitoring set out in Part II of AADMER. The agreement states that parties shall take appropriate measures to identify disaster risks in its respective territories as well as to develop strategies to identify, prevent and reduce risks arising from hazards. The implications of these obligations are that there shall be one or more agencies entrusted with the capabilities of collecting and analysing data on potential hazards. The key to successful implementation is that data should be current, accurate and compiled in a form that makes decision-making possible. When a number of authorities are involved, exchange, coordination and cooperation are vital for the attainment of these objectives. But when more than one agency is involved, the added administrative burden will have to be weighed against speed and efficiency of operations.

Thailand's experience from the 2011 major flood is instructive in many respects. Water has always been regarded as a vital resource for Thailand's agricultural economy. Therefore, the regulation of water supply, i.e. sufficient water for agriculture during dry seasons and prevention of damage to crops during wet seasons, is an important item in the government's agenda.

Against this backdrop, it makes good sense to entrust the Department of Irrigation, an agency within the Ministry of Agriculture and Cooperatives, with the main responsibility of regulating water within the waterways – rivers and canals. But when there are unprecedented amounts of rainfall, weather data has to be transmitted from the Meteorological Department, an agency within the Ministry of Digital Economy and Society, and processed by the Department of Irrigation. In the unfortunate event of water exceeding the capacity of dams, areas of Thailand's flood plains may have to be sacrificed, along with cities and villages situated in the water's paths. Data will be transmitted to local governments who have to plan for ways to divert water from populous or commercial areas into channel the water into drainage systems in the most expeditious manner. A "planned" flooding would be least destructive if town and country plans are designed compatibly –town and country planning are within the

responsibility of the Department of Public Works and Town and Country Planning, Ministry of Interior, in conjunction with local government. Roads and highways should also not pose obstacles to flood water drainage – the planning and construction of local roads being the responsibility of local governments and public highways being the responsibility of the Department of Highways, Ministry of Transport. In brief, massive efforts are expended on national planning and coordination.

What then are the possible solutions to the legislative draftsman? One possibility is the establishment of an interagency coordination mechanism. This mechanism may take the form of a coordinating committee comprising representatives of all agencies involved in the planning of water management and prevention of water-related disasters. An advantage to this approach is its relative simplicity. No new agency is established. No changes are introduced to the existing functions of existing agencies, and therefore the mechanism can be initiated quickly with minimal transition. The only extra burden imposed is the need to designate an agency to act as the committee's secretariat. This burden, though, may be outweighed by the benefits gained from increased efficiency. Yet caution must be exercised when setting up a new committee due to the inherent inefficiencies associated with any collective decision-making body⁴⁾.

A second possibility would be to establish an entirely new agency and transfer the relevant functions and responsibilities of existing agencies to this new agency. This integrated approach offers an effective means of achieving the desired legislative policy. It does not, however, come without costs. The establishment of a new agency imposes a heavy burden in terms of financial, human and administrative costs. Moreover, when functions are transferred from an existing agency to a new agency, the existing agency should still be left with sufficient resources to meet its objectives⁵⁾.

4) Due to the proliferation of laws providing for the establishment of committees and the inefficiencies caused by collective decision-making methods, inter alia delays in convening a meeting, indecisiveness, lack of individual accountability and high administrative costs, the Constitution of the Kingdom of Thailand stipulates a legislative policy in section 77 whereby a law may only establish a committee where necessary.



A third option would be to restructure existing agencies. Again, this is a complex exercise which involves a balancing act to determine the most efficient allocation of public resources to meet the overriding public objectives. Nevertheless, restructuring gives governments an opportunity to recalibrate many agencies to align with political objectives.

In any event, the legislative draftsman has to construct a system which allows for effective planning and monitoring whilst at the same time being wary of creating any duplicity of functions and avoid creating unnecessary procedures which would defeat the overall objective of responding efficiently to natural disasters.

5) An amendment to the Public Administration Law in the year 2002 established a Public Sector Reform Commission to screen the establishment of a new agency or restructuring of any agency in Thailand. The overall objective is to prevent multiplicity of functions and eliminate unnecessary administrative functions.

4. Budgeting and Fiscal Management

Financial resources are key to the performance of any government function. Legislation governing budgeting and fiscal management should therefore be designed to accommodate the performance of both regular functions of data collection and monitoring, as well as emergency response functions. The allocation of budgets and disbursement of funds to the relevant agencies and tasks during regular times are in accordance with regular budgetary procedures. Most jurisdictions already have well established legislation in this regard.

A point of concern, though, is whether a nation has procedures for disbursement of emergency funds. This point is worth noting as procedures for the disbursement of public funds are understandably an area which is heavily regulated by law. The law should provide some leeway for funds to be disbursed quickly and in sufficient amounts either to avert a calamity or provide quick relief upon the occurrence of a disaster. In Thailand, a special regulation has been issued under the budgetary procedure law to allow regional governments to identify and declare areas of emergency and expend up to the sum of ten million baht (approximately three hundred thousand US dollars) immediately without having to seek authorization from the central government⁶⁾. This is not a large sum, but it can be disbursed very quickly in response to a natural disaster, and can at least either avert or mitigate the situation while public officials process the necessary paperwork to release more funds from the regular budget. Should the responsible agency find that it does not have sufficient funds in its budgetary allocation, a request may be submitted for use of the Central Emergency Fund, a special budgetary allocation permitted under the budgetary law which may be used for emergency relief operations. Disbursement of the Central Emergency Fund requires authorization of the Director-General of the Budget Bureau (for an amount not exceeding 10 million baht), the Prime Minister (for an amount not

6) Regulation of the Ministry of Finance on Provisional Funds for Relieve of Emergency Victims B.E. 2556 (2013).



exceeding 100 million baht) or the Council of Ministers (for an amount exceeding 100 million baht). When granting authorizing the use of the Central Emergency Fund, the relevant authority may also impose conditions as deemed appropriate to ensure proper supervision.

Thailand's budgetary system provides just one example of how the budgetary and fiscal laws of a country can be designed to deal with natural disasters. But in any case, there are several key points which a legislative draftsman has to take into consideration when designing such a system. Firstly, one will have to determine the appropriate authority for approval of funds. A choice has to be made between speed versus scrutiny as well as central decision-making versus proximity to the affected area. Secondly, procedures also have to be in place to control the use of such funds to ensure that monies are applied for proper purposes. Such procedures should, however, not be an overburden and delay the much-needed aid of disaster victims. Thirdly, where there is a regional framework such as AADMER, the procedures should also allow for contribution of funds as aid to other nations.

As pointed out above, legislating a budgetary and fiscal procedure for one nation is a complex exercise. The establishment of AHA Centre may alleviate some of the burden on a member state by drawing expeditious external assistance. Nonetheless, each member state should also be mindful of its obligation to prepare their own legislation to allow the type of response to disasters in other states, such as they would expect to receive when suffering from a disaster on its own.

5. Emergency Administration

Upon the occurrence of a natural disaster, the regular bureaucratic machinery might not be best suited to provide a response which is quick or effective enough to alleviate the situation. The legislative framework of a nation has to take this special need into account. In Thailand, for example, the Prime Minister has command of all officials under the Public Administration Act B.E. 2534 (1991). When necessary, the Prime Minister may task an official from any agency to perform other government functions. This power unlocks much of the administrative web associated with the regular bureaucracy. This power, however, is subject to certain limitations. Firstly, where a law provides specific procedures for the exercise of certain powers, such as the mobilization of armed forces, the Prime Minister does not have the power to override such legal provisions. Secondly, where there is a need to exercise special powers which would have the effect of restricting some of the public's freedom, e.g. restriction of access to a certain area or imposing a travel ban into a certain locality, the Prime Minister, or any public authority for that matter, can do so without the proper legal basis. Hence, the legislative framers will have to take these special needs into consideration. Again, this is a balancing act. Granting too much power to an authority comes with risks of unfettered exercises of discretion. Giving very little or no discretion to act in emergency situations would, on the other hand, be an impediment to a swift and efficient response to natural disasters.

Thailand enacted a law on public administration in emergency situation in the year 2005. An emergency situation was defined to include natural disasters, amongst other types of emergencies to national security. The gist of this law is to allow the government, in the event of a declaration of a state of emergency, to abbreviate the chain of command in any area of the administration, including the armed forces, to ensure a quick, efficient and effective response to the emergency. The law also allows the head of this command center to issue regulations to restrict certain individual freedom as deemed necessary for the relief of victims and restoration of public order.



Although the law grants wide-ranging powers to the government, it has been viewed with great suspicion by the public, and therefore has never been applied to situations involving natural disasters.

6. Conclusion

Regional planning, monitoring, coordination and cooperation are essential for the protection of lives and livelihoods against natural disasters. The challenge for legislators and policy-makers lies in the fact that despite all the planning and monitoring that is undertaken, we cannot escape the fact that natural disasters are by their nature unpredictable. Any legislative framework has to be flexible enough to respond to these unexpected demands whilst at the same time install proper safeguard measures to ensure that any special powers granted are kept in check within reasonable parameters. A regional framework such as AADMER not only enhances the planning and response much needed by nations, but also forces all of us to rethink the sufficiency of our legal system. On this final note, I would once again like to express my deepest appreciation to the organizers of this forum and the distinguished speaker for giving us this opportunity to share our legislative experiences, and hope that with these new experiences we can better fulfill our respective roles in public service.



최 종 진

법제처 행정법제관

Debates 2

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- 법제처 경제법제국, 법령해석관리국, 기획조정관실 서기관
- 법제처 행정법제국 법제관 (국민권익위원회, 소방방재청 담당)
- 무역투자진흥공사 파견
- 법제처 법제정보과장
- 법제처 행정법제국 법제관 (행정안전부 지방행정, 재난안전 분야 담당)

▶ Work Experience

- Deputy Director, Legislation Bureau of Economic Affairs, Planning and Budget Division & Bureau of Statutory Interpretation, Ministry of Government Legislation
- Legislator, Legislation Bureau of Administrative Affairs, Ministry of Government Legislation
- Dispatched to Korea Trade-Investment Promotion Agency
- Director, Legislative Information Service Division, Ministry of Government Legislation
- Director, Legislation Bureau of Administrative Affairs, Ministry of Government Legislation



Discussion paper: Direction for Improving Korea's Laws on Disaster and Safety Management

Choi Jong Jin (Legislation Bureau of Administrative Affairs,
Ministry of Government Legislation)

Current laws on disasters and safety, such as the Framework Act on the Management of Disasters and Safety and the Countermeasures against Natural Disasters Act and relevant bills requested for examination make me think a lot about legislation on disasters and safety as a legislative officer in charge of statutory examination. It is a great honor for me to talk about my opinions on legislation on disasters and safety and the direction for improving the relevant laws.

Director of the Ministry of the Interior and Safety explained legal framework of our disaster-related laws and appropriately presented direction for improving the laws. I would like to share my opinions on the improvement and to ask some questions to the speaker about it.

1) Disaster response mechanism referred to in the Framework Act on the Management of Disasters and Safety

There are various laws on disasters in Korea based on the Framework Act on the Management of Disasters and Safety (hereinafter referred to as the Framework Act). The Framework Act encompasses all the administrative affairs related to disasters, damage and safety, and covers a wide range of matters. So the Framework Act plays a role as a fundamental law in the disaster and safety area.

The Framework Act focuses on the functions of surveillance and adjustment in terms of disaster prevention and response. Our government is making utmost efforts to respond to disasters by designating in advance a prior consultation body for disaster and safety management, organization for surveillance and adjustment, disaster management supervision agency, and organization in charge of disasters and by swiftly establishing a disaster control center.

Our experience of responding to minor and major disasters showed us the importance of swift response conducted by the primary responsible organization in the first stage. Based on the experience, the Framework Act was revised in 2013 and 2014. So a disaster management supervision agency was clarified and the provisions on the authority to command on a scene in emergency situation were revised. The provisions on risk management manuals prepared by each organization responsible for disaster management and on making disaster preparedness drills compulsory were newly inserted for the same reason. However, many people seem to question that we can swiftly respond to disasters as prescribed in the relevant laws. In particular, when disasters are complex and the authority and roles of various administrative agencies are overlapped, it may be difficult to swiftly adjust their authority and roles and deal with disasters. I would like to ask the speaker to explain practical measures to enhance the capability to deal with disasters in the first stage and to ensure the cooperation among organizations responsible for disaster response.

2) Direction for improving laws on social accidents

According to the Framework Act, social accidents refer to damage, beyond the scale prescribed by Presidential Decree, caused by a fire, collapse, explosion, traffic accidents, chemical, biological and radioactive accidents, environmental pollution incidents, etc. The people believe that we can prevent social accidents with a lot of efforts. So the people are more anxious about damage from social accidents than from



natural disasters. The Framework Act doesn't faithfully prescribe fundamental matters on disaster prevention, preparedness, and recovery.

I believe that the speaker considers making a law on social accidents as a way to deal with the accidents. However, I am concerned about making a separate law on social accidents, because disasters are caused by a combination of social and natural factors. So it may not be easy to systemize social accidents. And I doubt that the legislation of a separate law on social accidents could reduce the frequency of occurrence of social accidents. I think that improvement of the Framework Act by reinforcing its importance and by modifying the provisions on social accidents is a better idea, because the Framework Act is still a fundamental law on disaster and safety management.

3) The importance of the Framework Act in terms of safety management

Disaster laws will focus more on swift disaster response and on faithfully conducting prevention and preparedness activities in ordinary times in the future. And the importance of safety management policies for disaster prevention in normal times is increasing.

The Framework Act is also a fundamental law in terms of safety management according to our legal system. The Framework Act lacks a legal doctrine basically and commonly applied to laws on safety management, such as general ideology about and value of safety management and basic standards that safety laws should follow, excluding the Charter of Safety Management and the Safety Day. There are about 1300 laws on safety management in Korea and the management systems and standards are different each other. In addition, it is not easy to find out and apply the same and consistent matters about safety management, because some laws among them have conflicting interests and are closely related to regulations. I believe that the reason why

the speaker considers a new law on social accidents is to enhance safety management. I would like to ask the speaker to explain the Ministry's measures for safety management as a surveillance organization in terms of safety management.

4) Ensuring the public's right to be safe

I agree that the right to be safe should be included in the Constitution of the Republic of Korea. According to Article 34 (6) of the Constitution, the State shall endeavor to prevent disasters and to protect citizens from harm therefrom. However, the Article doesn't state the right to be safe.

In order to ensure the right to be safe, even if there is no legal ground in the Constitution, other statutes such as the Framework Act can prescribe the right to be safe. I would like to listen to your opinions about specific measures to ensure the right to be safe and about matters that should be included in the Framework Act.

5) Reinforcing the importance of the Framework Act as a fundamental law

I am aware of the discussion on segmenting the Framework Act. However, the Framework Act was enacted in 2004 to integrate various disaster laws, to unify disaster response and management mechanisms, and to reinforce the surveillance functions of disaster and safety management. The provisions related to the legislation purpose of the Act should remain. However, there are too many details and practical matters rather than fundamental matters in the Framework Act, such as provisions on organizational system for disaster response, disaster prevention system, response and recovery system, disaster insurance, a system of sending disaster information, and boosting disaster industry. Because the disaster and safety management is being segmented, the Framework Act should reflect the trend and the disaster-related laws



should be modified by delegating detailed matters to other statutes. In my opinion, statutes prescribing matters on disasters and safety should state their relation to the Framework Act and unify legal terms. In addition, we should create a long-term project to ensure unity and harmony of the relevant statutes.

I would like to wrap up my remarks. Thank you.

A faint, light gray map of the Asian continent is visible in the background, spanning across the top and bottom of the page. The map shows the outlines of major landmasses including China, India, and Southeast Asian archipelagos.

The 5th Asian Legislative Experts Symposium



Session 2



Measures for legislative
modification related to facility
safety to respond to natural
disasters



홍 성 곁

Chairperson

서울대학교 건축과 교수

Hong Sung Gul

Professor / Department of Architecture and Architectural Engineering,
Seoul National University

▶ 학력

- 서울대 건축학과 (77-81)
- 서울대대학원 석사(81-83)
- 리하이대학 공학박사(87-94)

▶ Academic Background

- Feb. 1981 Bachelor's degree in Architecture and Architectural Engineering, Seoul National University
- Feb. 1983 Master's degree, Seoul National University
- May 1994 Doctor's degree in Engineering, Lehigh University, USA

▶ 주요경력

- 한국지진공학회 회장(2011-2013)
- 한국콘크리트학회 부회장(2013-2015)
- 서울대 건축학과장(2013-2015)
- 서울대 중앙도서관장(2015-2017)

▶ Work Experience

- Ex-President of Korean Earthquake Engineering Society(2011-2013)
- Vice President of Korea Concrete Institute(2013-2015)
- Director General of the Department of Architecture and Architectural Engineering, Seoul National University(2013-2015)
- General Director of the Seoul National University Library(2015-2017)



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Dicki Rinaldi, ST, MT, M.Sc. Presentation 1

인도네시아 공공사업주택부 건설개발국 기획지부장
Subdivision Head of Planning, Planning of Evaluation Division,
Secretariat Directorate General of Construction Development,
Directorate General of Construction Development,
Ministry of Public Works and Housing

▶ 학력

- 반둥공과대학교 도시 및 지역 계획 공학
- 디본고로 대학교 도시계획학 석사
- 리옹 2 대학교 도시관리학 석사

▶ Academic Background

- Urban and Regional Planning Engineering - Bandung Institute of Technology
- Master of Urban Planning - University of Diponegoro
- Master of Urban Management - Universite Lyon II

▶ 주요경력

- 2013~2015 협력지부장, 기획부, 건설개발처, 공공사업부
- 2015~2016 행정지부장, 협력 및 자율경영부, 건설개발국, 공공사업주택부
- 2016~현재 기획지부장, 평가기획부, 건설개발국, 공공사업주택부

▶ Work Experience

- Subdivision Head of Planning, Planning of Evaluation Division, Secretariat Directorate General of Construction Development, Directorate General of Construction Development, Ministry of Public Works and Housing - October 2016 until Now
- Subdivision Head of Administration, Directorate of Cooperation and Empowerment, Directorate General of Construction Development, Ministry of Public Works and Housing - July 2015 until Oct 2016
- Subdivision Head of Cooperation, Planning Division, Construction Development Agency, Ministry of Public Works - March 2013 until July 2015



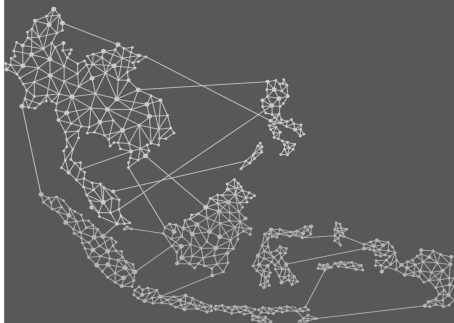
Special Act for Safety Management in Indonesia

1, Nov. 2017



Capacity Development for Safety Management of the Public Facilities in Indonesia

Project overall and progress



KOICA
Korea International
Cooperation Agency



Contents

1. New Law needs	03
2. Comparison of two country	05
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Safety Act in Indonesia

1. New Law Needs

Indonesia



Kutai Bridge



Cirendeu Dam

Korea



Sungsoo Bridge



Sampoong Department Store

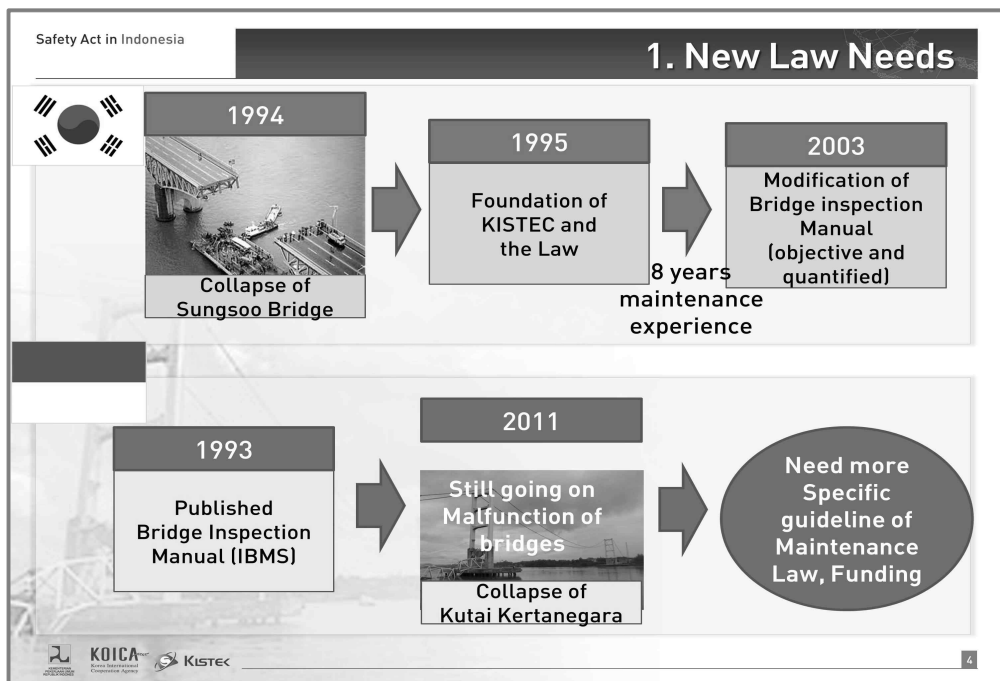


KOICA
Korea International
Cooperation Agency



KISTEK

3





Safety Act in Indonesia

2. Comparison of Special Act



KOREA HAS Intensive Safety Management System on Important Public Facilities
(Special act on the safety control of public structures)

INDONESIA HAS NO EXISTENCE OF Intensive Safety Management System on Important Public Facilities

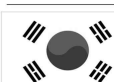


KOICA KISTEC

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Safety Act in Indonesia

2. Comparison of Construction related Laws



Korea

Planning

•Include public structure maintenance plans

Design

•Specify facility maintenance plans

Construction Completion

•Include public structure maintenance documents

Post Evaluation

•Analyze public structure maintenance documents

Maintenance

•Public structure management authorities are to safely and efficiently maintain public structure according to the special act on the safety control

Construction Technology Promotion Act

KOICA KISTEC

Indonesia

Regulation	About
Law Number 18 Year 1999	Construction Services
Government Regulation Number 28 Year 2000	Public Enterprises & Public Role in Construction Services
Government Regulation Number 29 Year 2000	Operation of Construction Services
Government Regulation Number 30 Year 2000	Operation of Fostering Construction Services
Government Regulation Number 4 Year 2010	Public Enterprises & Public Role in Construction Services
MPWH Regulation Number 8 Year 2011	Division of Subclassification & Subqualification of Construction Services

No concept of public facilities safety management in construction law

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Safety Act in Indonesia

3. Outline of the Project



Executing Agency
Korea International Cooperation Agency (KOICA)

Title
Capacity Development for Safety Management of the Public Facilities in Indonesia

Budget
USD 1,850,000 excluding Indonesian Contribution

Period
30 Dec. 2014 ~ 29 Dec. 2016

Consultants
KISTEC(Korea Infrastructure Safety & Technology Corporation) in association with Daum Engineering Co

Project Sites
Jakarta and Fisabilillah Bridge in Batam island(Pilot inspection)



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Safety Act in Indonesia

3. Outline of the Project

Project Contents

- Support of safety management system establishment for the public infrastructures in Indonesia
 - Proposal of the safety management framework
 - Training and workshops
 - Provision of inspection manual and equipment
 - Pilot inspection, etc.



Fisabilillah bridge planned for pilot inspection
❖ Daum Engineering Co., Ltd participates in a portion of pilot inspection



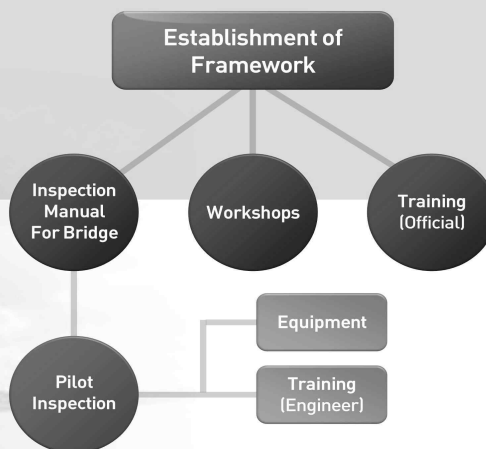
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Safety Act in Indonesia

4. Project Details

- Provision of the Framework Proposal for Infrastructures Safety Management
- Workshops (6 times)
- Pilot Inspection on Fisabilillah Bridge
- Training Programs in Korea
 - Managerial-level officials : 10 officials / 7 days
 - Bridge Engineers : 10 engineers / 21 days
- Provision of Inspection Equipment



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Safety Act in Indonesia

4. Project Details

- Purpose
 - Pilot inspection of the Fisabilillah bridge
- Period
 - Mar. 14 ~ Jun. 10, 2016
- Participants
 - 12 MPWH working level officials
- Lecturer
 - KISTEC & Daum
- Activities
 - Visual inspection, NDT, Loading test, tension test, etc



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KISTEC

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Safety Act in Indonesia

5. Framework _ PIU/Consultation/Workshop

Procedure

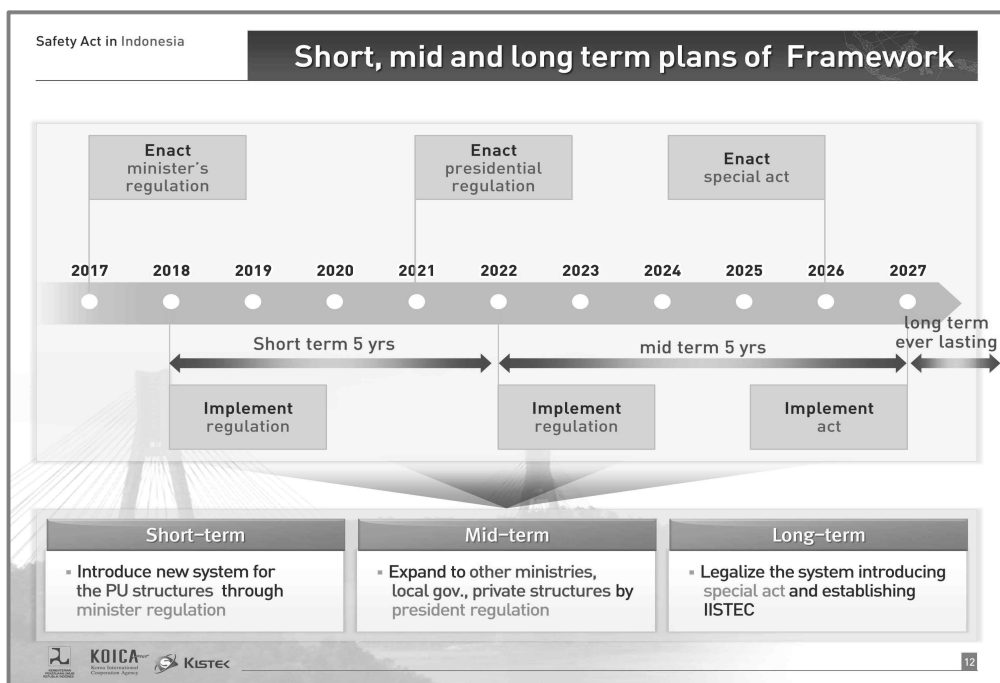
- Discuss the study results in PIU meeting
- Consult with MPWH officials and professors on the draft
- Gather opinions from the workshop
- Make final framework proposal on safety management on public facilities in Indonesia

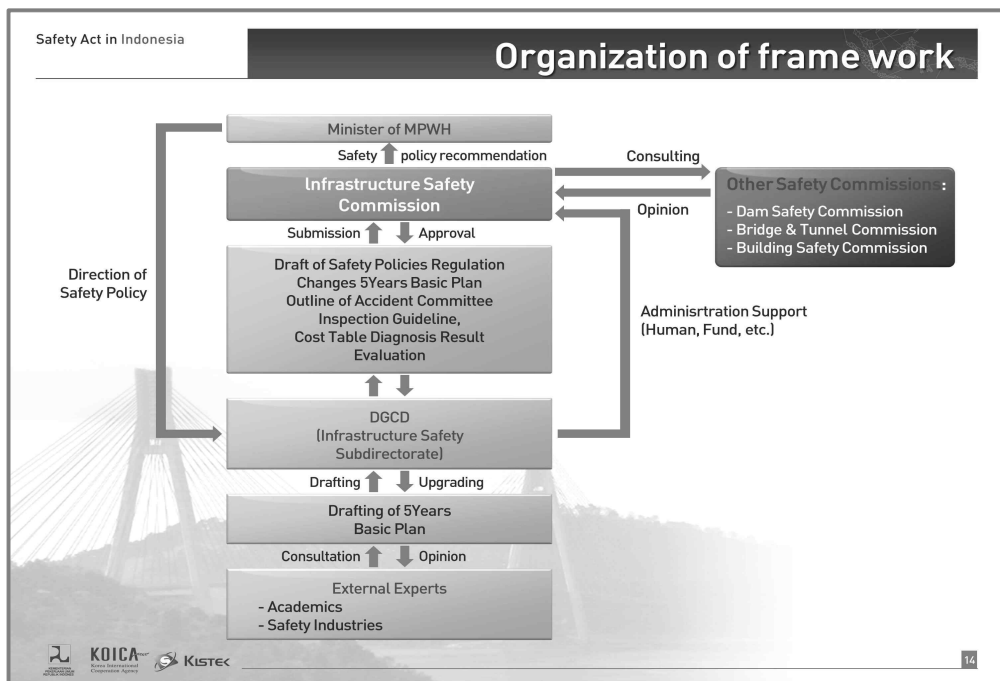


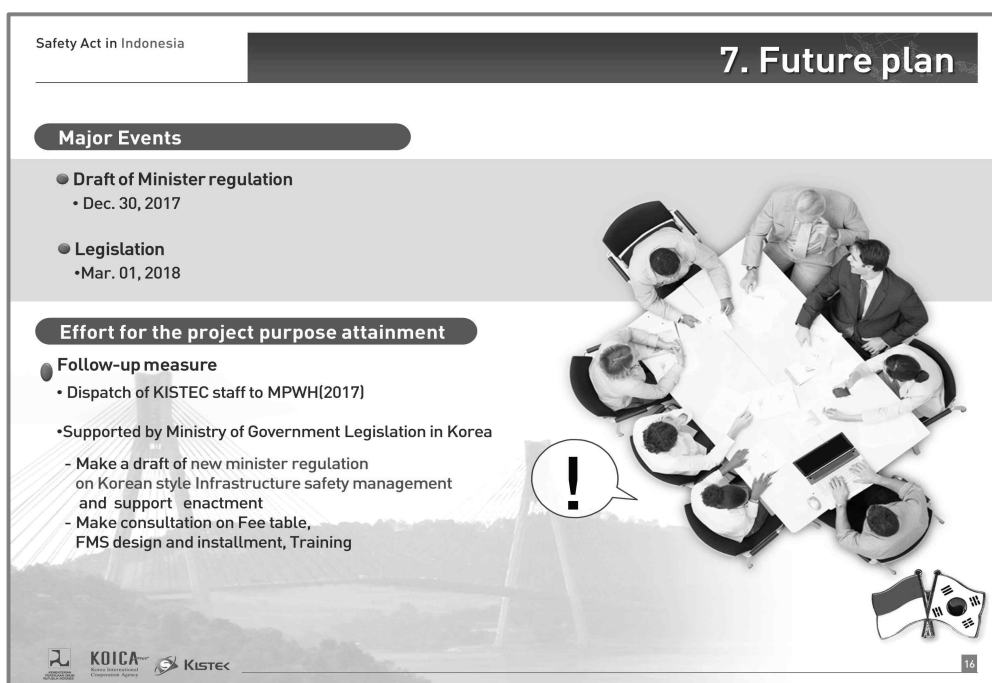
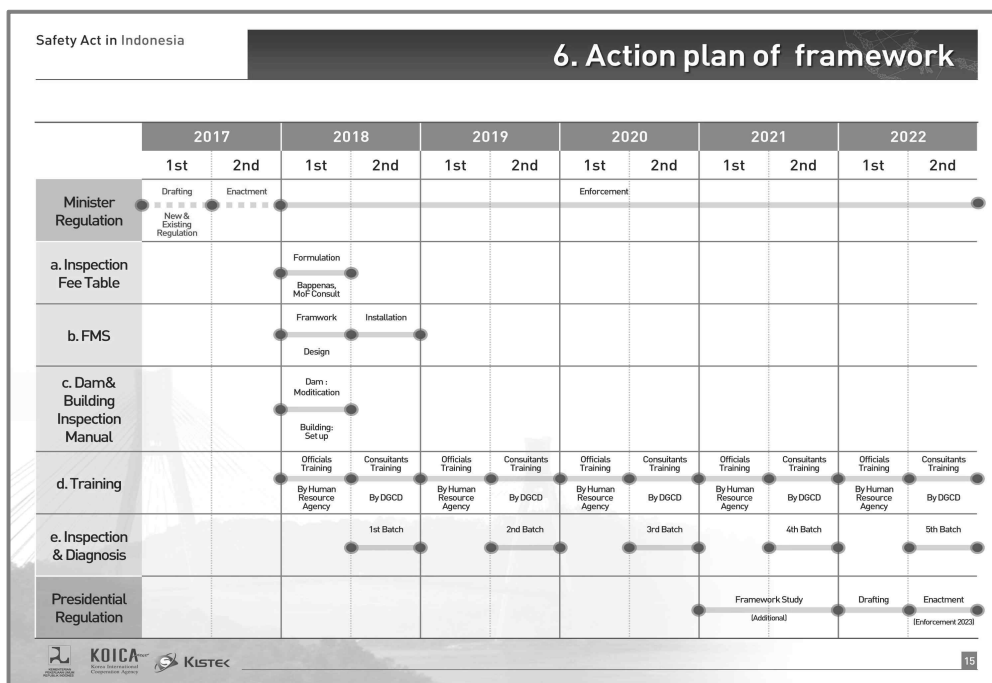
PIU meeting Workshop Workshop Consultation Consultation Workshop

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The 5th Asian Legislative Experts Symposium



조 혜 신

Presentation 2

한동대학교 법학부 조교수

Cho Hye Shin

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- 1998. 3. ~ 2002. 8. 연세대학교 법학과 법학사
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- 2006. 3. ~ 2011. 2. 서울대학교 대학원 법학과 법학박사(경제법)

▶ Academic Background

- Ph. D. in Law, Graduate School of Law, Seoul National University, Seoul, Korea (2011)
- Master of Law, Graduate School of Law, Seoul National University, Seoul, Korea (2006)
- LL.B., College of Law, Yonsei University, Seoul, Korea (2002) (Award: Honors)

▶ 주요경력

- Visiting Lecturer, Life University at Shihanoukville, Cambodia (2009 ~ 2010.)
- Visiting Lecturer, Huree University at Ulanbaatar, Mongolia (2010)
- Visiting Scholar, Tuebingen University at Tuebingen, Germany (2010)
- 건국대학교 법학전문대학원, 법과대학 강사 (2012 ~ 2015)
- 한국법제연구원 초청연구원 (2011)
- 한국법제연구원 부연구위원 (2011 ~ 2015)
- 한동대학교 법학부 조교수 (2015 ~ 현재)

▶ Work Experience

- Visiting Lecturer, Life University at Shihanoukville, Cambodia (2009 ~ 2010)
- Visiting Lecturer, Huree University at Ulanbaatar, Mongolia (2010 ~ 2010)
- Visiting Scholar, Tuebingen University at Tuebingen, Germany (2011 ~ 2011)
- Lecturer (part time), Konkuk University, Law School, Seoul, Korea (2012 ~ 2015)
- Visiting Researcher, Korea Legislation Research Institute (2011)
- Research Fellow, Korea Legislation Research Institute (2011 ~ 2015)
- Assistant Professor, Handong Global University (2015 ~ present)



5th Asian Legislative Experts Symposium

Legislative Organization for Safer Indonesian Buildings

Department of Law, Handong Global University
Cho Hye-shin

I. Introduction

Purpose of Study

- ▶ To understand how the Korean laws on safety management (aimed at responding to accidents and disasters and especially related to safety management of buildings, including roads, bridges, tunnels, railroads, ports, dams, buildings, rivers, water supply and drainage systems and waste landfill sites) were developed and are operated.
- ▶ To suggest how countries (such as Indonesia) that face various natural or man-made disasters, but still needs to refine safety management laws, can organize the laws.
- ▶ To suggest Indonesian government specific ways to establish and amend laws related to buildings, such as bridges, tunnels, dams and other structures.

Scope and Contents of Study

- ▶ Introduction
- ▶ Major contents and results of the Special Act on the Safety Control of Public Structures of Korea
- ▶ Indonesia's need for a building safety management system and direction for its improvement
- ▶ Suggestions on organizing building safety management law for Indonesia



II. Major contents and results of the Special Act on the Safety Control of Public Structures of Korea

History of the Special Act on the Safety Control of Public Structures of Korea

- ▶ The Korean construction industry focused on new construction projects, which helped the industry to grow significantly.
- ▶ The Construction Technology Management Act was enacted in 1987 to regulate matters related to construction of major national facilities, but the Act was not sufficient in terms of post-construction management, such as management of safety and maintenance.
- ▶ As Sungsu Bridge and Sampoong Department Store collapsed in 1994 and 1995, respectively, and caused enormous damages, people demanded for a new system that will assure safety of buildings.
- ▶ Accordingly, the Special Act on the Safety Control of Public Structures (law no. 4922, enacted on April 5, 1995) (“Building Safety Management Act”) was established and announced in 1995 to: fundamentally improve the building safety and maintenance system; organize the safety inspection and maintenance businesses; impose responsibilities and obligations for maintenance of buildings to the building managers; promote the expert authority that can be publicly trusted; and conduct professional safety inspections and precise safety diagnosis. This Special Act was amended 16 times thereafter.

Sungsu Bridge Accident

Date: October 21, 1994 (Friday)

Description of building: a bridge that connects Sungsu-dong and Apgujung-dong in Seoul.

Casualties: 32 persons were killed and 17 persons were injured.

Cause: defective welding in the areas where trusses (which supports the bridge decks) are connected, and poor maintenance.

Sampoong Department Store Accident

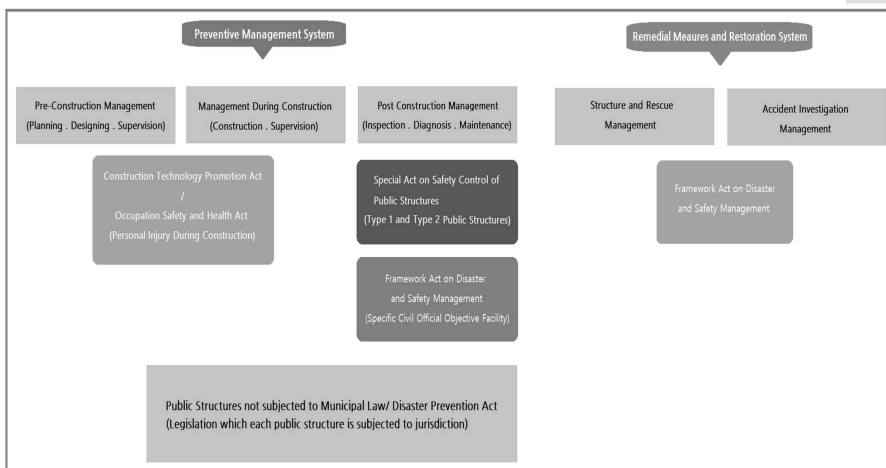
Date & time: 05:55 p.m., June 29, 1995

Address: 1675-3, Seocho-dong, Seocho-gu, Seoul

Casualties: 501 persons were killed, 937 persons were injured and 6 persons were missing.

Cause: inadequate structural design and bad construction.

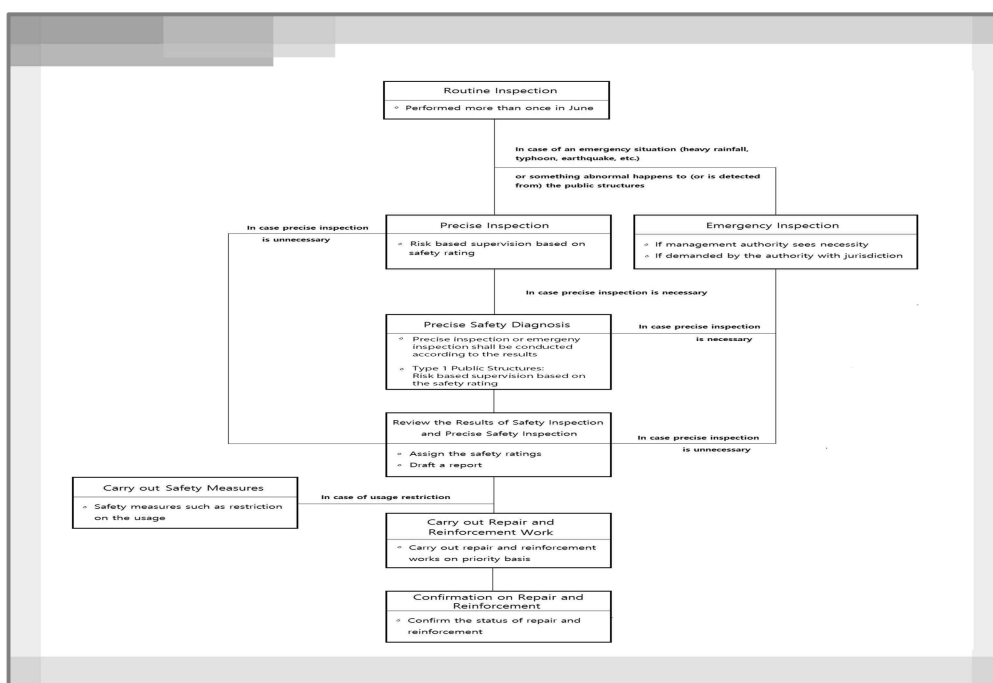
Importance of Laws for Facility Safety

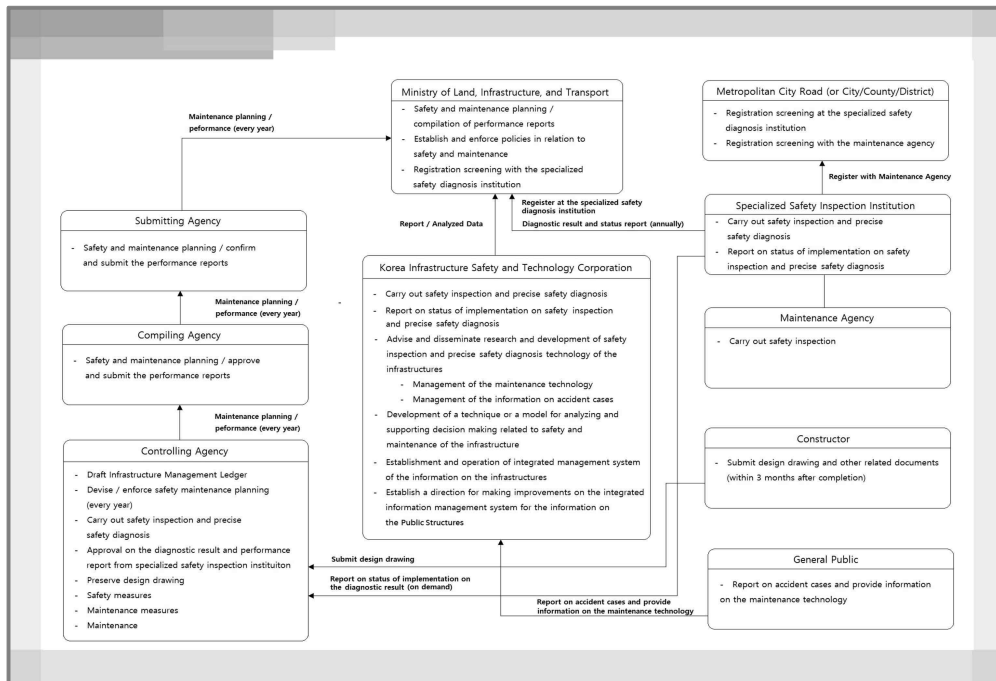




Major Contents of Building Safety Management Act

- ▶ Purpose and definitions (Articles 1 and 2)
- ▶ Basic plan for building safety and maintenance (Articles 3 through 5)
- ▶ Safety inspection and precise safety diagnosis (Articles 6 through 13)
- ▶ Safety measures for buildings (Articles 14 through 15-2)
- ▶ Comprehensive System for Building Information Management (Article 16)
- ▶ Korea Infrastructure Safety and Technology Corporation (Articles 25 through 32)
- ▶ Inspection (Article 33-2)
- ▶ Responding to accidents and investigating causes of accidents (Article 33-3)
- ▶ Penalties





Outcomes of Building Safety Management Act and Major Issues

- ▶ Establishment of building safety management system
- ▶ Two-track system of the Building Safety Management Act and the Framework Act on the Management of Disasters and Safety
 - ▶ Two-track legislation: the Building Safety Management Act was applied to Classes 1 and 2 buildings, and the Framework Act on the Management of Disasters and Safety ("Disaster Safety Act") was applied to buildings subject to special management.
 - ▶ On January 17, 2017, Ministry of Land, Infrastructure and Transport became the single administrator of building safety management system, as the Disaster Safety Act was amended to transfer the buildings subject to special management thereunder to the Building Safety Management Act and re-classified those buildings as the 3rd class building.
- ▶ Safety management for small buildings
- ▶ Systemic management and use of building-related information: the Comprehensive System for Building Information Management



III. Indonesia's Need for a Building Safety Management System for an Effective Response to Disasters and Accidents, and Direction for its Improvement

Cooperation at the Level of ASEAN to Deal with Accidents and Disasters

- ▶ ASEAN Vision 2025 on Disaster Management (2009)
- ▶ ASEAN Agreement on Disaster Management and Emergency (December, 2009)
- ▶ ASEAN Coordinating Center for Humanitarian Assistance on Disaster Management (2011)
- ▶ Chairman's Statement of the 8th East Asia Summit on Disaster Management (2013)
- ▶ Declaration on Disaster Recovery and Its Systemization (2015)

Accident and Disaster Response System of Indonesia

- ▶ Indonesia is the country most frequently affected by natural disaster, and has been suffering from large scale natural disasters, because the its government couldn't implement disaster management policies. To make the matters worse, man-made accidents (i.e. collapse of buildings) have also occurred.



Cipunegara Bridge
July 23, 2004
Collapsed because of
overloading



Kapuas Timpah Bridge
April 3, 2009
Collapsed because of design
flaws.



Kutai Kartanegara
November 26, 2011
Man-made disaster

- ▶ There was only the Presidential Decree until the tsunami of 2004. However, the Yudhoyono Administration established the law on disaster management ("UUBP") for the first time in Indonesia in April 2007, which is still operating as the most comprehensive and fundamental regulations of Indonesian government on disaster management.
- ▶ In 2008, the National Disaster Management Authority ("BNPB") was established as an official body of government directly reporting to the President. While numerous disaster management organizations mainly played a role of coordination, BNPB was given the role of command center that practically takes charge of all aspects of disaster management, including research, training and policy building and execution.
- ▶ International organizations, including the U.N., started to actively support Indonesia's disaster prevention efforts since the tsunami of 2004. Currently some 100 foreign support programs are implemented in various areas of disaster management. Korea Institute of Civil Engineering and Building Technology and KOICA are working together to help Indonesia operate an early flood warning system in West Java.



How Indonesia Should Improve the Building Safety Management System?

- ▶ The Indonesian government has made a lot of progress in terms of accident and disaster management systems and organizations. However, the following issues still await improvement:
 - ▶ improving mindsets and professionalism of public officials in charge of accident and disaster management;
 - ▶ securing an adequate amount of budget;
 - ▶ the disaster management policies and resources being excessively concentrated in certain areas (i.e. Java and Sumatra);
and
 - ▶ building a system of cooperation with civil society to manage accidents and disasters.

IV. Suggestions on Organizing Building Safety Management Law for Indonesia

Current Status of Indonesian Building Safety Laws and Related Tasks

- ▶ Not only there is no general law on building safety, but also no current law stipulates the terms on safety management of construction-completed buildings.
- ▶ Ministerial Decrees 16, 27 and 41 of the Ministry of Public Work and Housing are established with regard to buildings; dams; and bridges and tunnels, respectively, and supervising organization and standards are individually established for each Decree. Such Decrees were established on the basis of the Buildings Act No. 28.
- ▶ The supervising organizations are fully responsible for managing and supervising all buildings they are in charge of, while: they do not have enough resources for building safety management; local governments play almost no role in building safety management; and there are not enough companies who can professionally diagnose building safety. The safety of buildings in Indonesia are not effectively or efficiently managed for these reasons.

- ▶ The overall framework of laws on building safety should be established first. Indonesia needs to promptly establish the law that: incorporates building-related Ministerial Decrees; applies to all types of buildings; and stipulates definitions and classifications of buildings, system of implementing building safety policies, the executor of and standards on safety inspections and precise safety diagnosis, prohibited acts, penalties, and so on.
- ▶ The best way to improve the level of building safety management with the human and financial resources currently available in Indonesia is to designate major buildings that may be critically damaging to the public in the case of accident and manage such buildings under strict standards. In this regard, the precise safety diagnose system for class 1 buildings under the Building Safety Management Act of Korea can be a meaningful reference.
- ▶ Also, Indonesia should consider establishing an organization that will professionally and independently carry out safety inspections and precise safety diagnosis, such as Korea Infrastructure Safety and Technology Corporation. If such organization cannot be established immediately because of insufficient budget and human resources, Indonesia, as an alternative, should consider establishing an agency of representatives that will agree on and adjust policies related to safety management of all buildings.
- ▶ Hereafter, I would like to propose a draft of law on building safety for Indonesia, which reflects the above issues.



(Draft) Law on Safety of Buildings for Indonesia

CHAPTER 1 General Provision	
Article 1 (Purpose) The purpose of this Act is to contribute to ensuring the safety of the general public and to the promotion of national welfare by preventing accidents and disasters, and increasing the benefits of public structures, through safety inspections and appropriate maintenance of public structures.	• This purpose clause may come after the definitions clause, if it is the customs of Indonesian laws. • This purpose clause came before the definitions clause in this proposal, because it is the customs accepted in Korea.
Article 2 (Definitions) 1. "public structures" 2. "first-class public structures" 3. "second-class public structures" 4. "Management Authority" 5. "Public Management Authority" 6. "Private Management Authority" 7. "Safety Inspection" 8. "Precise Safety Diagnosis" 9. "Maintenance" * omitting other definitions of each subparagraph due to the similarity to that of Korea's law called Special Act on the Safety Control of Public Structures	• The law on building safety management for Indonesia should aim at establishing the category of 'class 1 buildings' (which must be managed especially to assure public convenience and safety and require high level of maintenance skill because of their structure), so that they will be particularly inspected and maintained for safety. • However, there are laws or regulations that designate the managing organizations for bridges, tunnels, dams, buildings, etc. When the (proposed) law on building safety management classifies some of them as the class 1 buildings and assign the management thereof to a different organization, the scopes of authorities and obligations of existing organizations will have to be adjusted considerably. • To achieve the above, the applicable public officials must agree on and cooperate with such adjustment. The key to success will be how successfully Indonesia will discuss with and persuade the stakeholders about the adjustment.

Article 3 (Formulation of Basic Plans for Safety Management and Maintenance of Public Structures) (1) The Minister of Public Works and Housing shall formulate and implement a basic plan for safety management and maintenance of public structures (hereinafter referred to as "basic plan") every five years to safely maintain public structures and shall publish the basic plan. The same shall also apply to amendments to such basic plan. (2) A basic plan shall contain the following: 1. Basic direction-setting for the safety and maintenance of public structures; 2. Research and development of technology necessary for the safety and maintenance of the public structures; 3. Training of human resources required for safety and maintenance of the public structures; 4. Development of the maintenance system of the public structures; 5. Creation of an information system related to the safety and maintenance of the public structures; 6. Other matters prescribed by Ordinance of the Ministry of Public Works and Housing regarding the safety and maintenance of the public structures.	• In fact, the on-going discussion on establishment of a Ministerial Decree does not consider promoting any mid-to-long-term safety related policy that will establish and implement building safety and maintenance plans. • The Articles 3 and 4 of Building Safety Management Act prescribes that the applicable Minister (i.e. the Minister of Land, Infrastructure and Transport) shall prepare the Basic Plan on Building Safety and Maintenance in every five years and the applicable person or entity in charge of building safety management ("Safety Manager") shall prepare safety and maintenance plans. • Such Basic Plan and safety and maintenance plans play a very important role of having laws and policies on building safety be enforced and applied persistently and coherently and the supervising organizations to effectively enforce and apply such laws and policies. Thus, Indonesia should positively consider stipulating the equivalents of Basic Plans and safety and maintenance plans in its requirements of the building safety law. • Also, Indonesia should see if empowering the heads of local governments regarding building safety can be effective, because their equivalents in Korea play very important roles.
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Article 4 (Relation to other Acts) With respect to the safety and maintenance of public structures, this Act shall prevail over other Acts.	• There is no Indonesian law dedicated to building safety, and if any Indonesian law deals with the building safety, it would be the Construction Law. However, the Construction Law has no clause on safety after completion of construction. This Article 4 will clarify the relationship of this (proposed) law and other building safety and management laws - this (proposed) law will have higher priority over other laws in terms of safety and maintenance.
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CHAPTER 2 Safety Measures Article 5 (Execution of Safety Inspections) (1) Each management authority shall conduct safety inspections of the public structures under its jurisdiction in accordance with guidelines for safety inspections and precise safety diagnosis under Article 19 to maintain the functions and safety of public structures. (2) Necessary matters concerning the timing for conducting safety inspections, the qualifications of a person eligible to conduct safety inspections, the costs of safety inspections, etc. shall be prescribed by Ordinance of the Ministry of Public Works and Housing.	• The Building Safety Management Act of Korea has 21 clauses in its Part 1 (Safety Inspection and Precise Safety Diagnosis) and 7 clauses in its Part 2 (Safety Related Arrangements) under its Chapter 2 (Safety of Buildings). I propose that the basic safety related clauses be included without being separated into Parts, because it is desirable not to prescribe everything to their smallest details from the enactment stage, but to keep the structure of (proposed) law clear and concise. • The Building Safety Management Act largely classifies safety related arrangements into safety inspection and precise safety diagnosis. The safety inspection is further classified into regular, precise and emergency inspections in its Article 6. However, I recommend that Indonesia focus on establishing first the classifications of safety inspection and precise safety diagnosis before subdividing and enforcing the safety inspection during the early stage of this (proposed) law.
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(3) Each management authority shall, except in cases where it conducts its own safety inspection, have a specialized safety diagnosis institution and maintenance business entities registered under Article 9 conduct precise safety diagnosis.

- Especially with regard to Paragraph 3 of Article 5, the Safety Manager can elect to conduct the safety inspection by itself or hire a professional safety inspector or a building maintenance service provider. This is the same as what the Korean law stipulates.
- In the above case, the Safety Manager may avoid engaging an expert when conducting a safety inspection. To make sure that the safety inspection is conducted by an expert, the Korean law stipulates that the last precise inspection before the end of a building's defect warranty period shall be conducted by a professional safety inspector, and the report of safety inspection (if it is conducted by the Safety Manager itself) be submitted to the applicable administrative organization (which will pass the report to the Minister of Land, Infrastructure and Transport). I suggest that Indonesia consider introducing such obligations as necessary, after monitoring the progress after enactment.
- The Korean law stipulates that if a private Safety Manager cannot conduct the safety inspection because of an unavoidable cause, the head of applicable local government may conduct the safety inspection at the cost of the private Safety Manager. Indonesia may not wish to introduce this clause at the time of enactment, to lessen the burden of the private Safety Manager. However, Indonesia needs to monitor the progress and introduce this clause at some point of time.

Article 6 (Implementation of Precise Safety Diagnosis)

(1) Each management authority shall conduct precise safety diagnosis of the first-class public structures on a regular basis in accordance with guidelines for safety inspections and precise safety diagnosis under Article 19.
(2) Each management authority shall conduct precise safety diagnosis, if deemed necessary to prevent accidents and disasters and to ensure the safety, etc. of public structures as a result of conducting a safety inspection under Article 5.
③ Management authority shall have specialized safety diagnosis institutions and maintenance business entities registered under Article 9 conduct precise safety diagnosis.
(4) Necessary matters concerning the timing for conducting precise safety diagnosis, the qualifications of a person eligible to conduct precise safety diagnosis, costs thereof, etc. under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Public Works and Housing.

- As it is prescribed in Korea, the Indonesian Safety Manager shall not be allowed to conduct a precise safety diagnosis by itself.
- Article 8 (Precise Safety Diagnosis Institution) of the Building Safety Management Act stipulates that a professional safety inspector or the applicable public corporation shall conduct the precise safety diagnosis, with the exception that only the applicable public corporation shall conduct the precise safety diagnosis for the class 1 buildings designated by the Presidential Decree.
- If Indonesia is not considering the option of establishing an institution similar to Korea Infrastructure Safety and Technology Corporation, no such clause will be necessary. However, if such institution will be established in the future, it will be appropriate for such institution to conduct the precise safety diagnosis on the buildings of greater importance among the class 1 buildings.

Article 7 (Scope of Safety Inspections and Precise Safety Diagnosis)

A person who conducts a safety inspection or precise safety diagnosis under Articles 5 and 6 shall do so, based on the field of registration or retained technical human resources.

Article 8 (Maintenance of Public Structures)

(1) The management authority may directly maintain public structures or have a maintenance business entity do so.

(2) A person who maintains public structures under paragraph (1) shall perform his/her duties in good faith.

Article 9 (Registration of Specialized Safety Diagnosis Institutions and Maintenance Business Entities)

(1) A person who intends to engage in the business of safety inspections and precise safety diagnosis of public structures or maintenance shall meet the standards for registration prescribed by Ordinance of the Ministry of Public Works and Housing for each field, such as technical human resources, equipment and capital stock and shall file for registration as a specialized safety diagnosis institution or maintenance business entities with the Minister of Public Works and Housing.

(2) When a specialized safety diagnosis institution or maintenance business entities is registered, the Minister of Public Works and Housing shall issue a certificate of registration to the relevant person, as prescribed by Ordinance of the Ministry of Public Works and Housing.

- The Building Safety Management Act of Korea no longer has any clause related to the registration of building maintenance business. Such clause had been deleted by an amendment on January 29, 1999, as the Framework Act on the Construction Industry was enacted. By such enactment, the building maintenance business under the Act was merged into the construction business under the Framework Act, and the applicable Articles 19 through 24 of the Act were deleted. Indonesia may be under a different circumstances, thus it is necessary to manage the building maintenance service providers by requiring them to be registered with the government, as the professional safety inspectors are required.



Article 10 (Revocation of Registration and Business Suspension)

(1) In any of the following cases, the Minister of Public Works and Housing may either revoke the registration of a specialized safety diagnosis institution or maintenance business entities, or issue an order to suspend its business operation for a specified period not exceeding 1 year: Provided, That he/she must revoke the registration in any case falling under subparagraphs 1, 2 and 3.

1. Where it files for registration by fraud or other improper means;
2. Where a ground subject to business suspension arises after it has been subject to business suspension twice for the last two years under this Act;
3. Where it newly conducts a safety inspection or precise safety diagnosis during the period of business suspension after being subject to business suspension;
4. Where it violates the scope of a safety inspection or precise safety diagnosis under Article 7;
5. Where it fails to satisfy any of the standards for registration prescribed in Article 9: Provided, That the same shall not apply to cases prescribed by Ordinance of the Ministry of Public Works and Housing, such as its failure to temporarily satisfy the standards for registration and any other cases;

- The purpose of having professional safety inspectors and building maintenance service providers is to monitor them at all times, so that those who fail to qualify, improperly carry out their businesses or fail to comply with laws will be prohibited from engaging in their businesses. Thus, I recommend stipulating the causes of registration cancellation and business suspension in detail, so that the inspectors and providers can better predict the outcomes of their actions and the applicable law will be enforced more effectively.
- Each Item under Article 10 requires an in-depth review considering the circumstances of Indonesia. It is desirable to stipulate all obligations under this (proposed) law in this Article. Also, Indonesia should more strictly enforce this (proposed) law by designating certain causes for which the applicable authority must cancel the registration.

7. Where a ground subject to a corrective order arise even after it has received a corrective order twice under Article 12 for the last two years;
8. Where it puts the general public in danger causing damage or a serious structural defect to public structures due to its failure to conduct a safety inspection or precise safety diagnosis in good faith, in violation of Article 8 (2);
9. Where it has no record of conducting a safety inspection or precise safety diagnosis without good cause for at least the past three years;
10. Where it allows a person, other than those qualified to conduct a safety inspection or precise safety diagnosis (hereafter referred to as "engineer" in this Article), to conduct the safety inspection or precise safety diagnosis;
11. Where it allows an engineer, other than its executive officers and employees, to conduct a safety inspection or precise safety diagnosis which should be conducted by engineers who are its executive officers and employees;
12. Where any other administrative agency requests business suspension, etc. under relevant statutes;
13. Where the Minister of Public Works and Housing confirms the closure of business.

- Although it is not stipulated in Article 10 of this (proposed) law, the Building Safety Management Act prohibits name-lending under its Article 9-3. Indonesia should consider canceling registration or suspending businesses of those who lend their names, if such practice is likely to take place.

Article 11 (Investigation of Specialized Safety Diagnosis Institutions and Maintenance Business Entities) (1) The Minister of Public Works and Housing may require specialized safety diagnosis institutions or maintenance business entities to submit relevant data or may instruct subordinate public officials to investigate relevant documents, etc. in the cases specified by Ordinance of the Ministry of Public Works and Housing in order to ascertain matters concerning the business affairs of specialized safety diagnosis institutions or maintenance business entities, such as the status of safety inspections and precise safety diagnosis. (2) Where the Minister of Public Works and Housing intends to conduct an investigation under paragraph (1), he/she shall inform the person subject to investigation of the investigation plan, including the date and time of, reason for, details, etc. of the investigation, by no later than seven days prior to the investigation: <i>Provided</i>, That the same shall not apply where there is an urgent need for such investigation, or giving prior notice is deemed to defeat the objectives of such investigation due to destruction of evidence, etc.	• This (proposed) Article 11 confers Minister of Public Work and Housing an authority to audit the professional safety inspectors and the building maintenance service providers. Since the result of such audit may be used as the basis of adverse disposition against the inspectors and providers, Paragraph 2 prescribes that the Minister shall notify the inspectors and the providers of the audit in advance, so that their rights will be protected in the course of the audit.
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Article 12 (Corrective Orders) When a specialized safety diagnosis institution or maintenance business entity's failure to conduct a safety inspection or precise safety diagnosis in good faith, in violation of Article 8 (2), is likely to cause danger to the general public, the Minister of Public Works and Housing may order the correction thereof within a specified period based on the findings of the research under Article 11.
Article 13 (Obligation of Persons Conducting Safety Inspections and Precise Safety Diagnosis) (1) A person who conducts safety inspections or precise safety diagnosis under Articles 5 and 6 shall perform his/her business affairs in good faith according to the guidelines for safety inspections and precise safety diagnosis under Article 19 (2) A person who conducts safety inspections or precise safety diagnosis under Articles 5 and 6 shall determine the level of safety of a public structure in question in compliance with the standards prescribed by Ordinance of the Ministry of Public Works and Housing, based on the findings of the safety inspections or precise safety diagnosis conducted.
Article 14 (Notification of Results of Conducting Safety Inspections and Precise Safety Diagnosis) A person who conducts safety inspections or precise safety diagnosis under Articles 5 and 6 shall notify the management authority and the Minister of Public Works and Housing of the results thereof without delay. When management authority conducts safety inspection, it shall report the fact to the Minister of Public Works and Housing.



Article 15 (Implementation, etc. of Measures according to Findings of Safety Inspections or Precise Safety Diagnosis) (1) Upon receipt of notice of findings of a safety inspection or precise safety diagnosis under Article 14, a management authority shall take necessary measures, such as repair and reinforcement of the relevant public structure, as prescribed by Ordinance of the Ministry of Public Works and Housing, against critical defects specified by Ordinance of the Ministry of Public Works and Housing that could affect the structural safety of such public structure. In such case, a management authority shall notify residents of the condition of the relevant public structure via broadcasting, the Internet, signboards, and other means guaranteed effective, if such structure is in a condition that requires urgent repair or reinforcement according to the level of safety of the public structure designated under Article 13 (2). (2) If a management authority fails to take necessary measures prescribed in paragraph (1), such as repair and reinforcement of the relevant public structure, the Minister of Public Works and Housing may order the management authority to perform such measures and corrective measures therefor. (3) A private management authority shall give notice to the Minister of Public Works and Housing upon completion of necessary measures under paragraph (1), such as repair and reinforcement of public structures, prescribed by Ordinance of the Public Works and Housing.	For Articles 15 and 16 to be effectively enforced, cooperation by the heads of applicable local governments is pivotal. Indonesia should consider stipulating this to the (proposed) law.
Article 16 (Emergency measures) (1) Each management authority shall take measures, such as restriction on the use of public structures, prohibition of use thereof, and removal of public structures, in cases prescribed by Ordinance of the Public Works and Housing where emergency measures are deemed necessary as a public structure in question has a significant adverse impact on safe use by the general public. (2) If the management authority imposes the restriction on use, etc. under paragraph (1), it shall, in advance, notify the Minister of Public Works and Housing, who shall, in turn, make the fact public.	

Article 17 (Defrayment of Costs) (1) Costs incurred for safety inspections and precise safety diagnosis shall be borne by a management authority. (2) Each public management authority shall secure budget necessary to conduct precise safety diagnosis and safety inspections, and maintain public structures under its jurisdiction .	- The Building Safety Management Act prescribes in its Article 33 that only the public Safety Managers shall annually secure the maintenance budget for the buildings they are responsible for. The draft of Ministerial Decree being reviewed in Indonesia does not limit the entity (which must annually secure the maintenance budget) to the public Safety Managers, and require only the costs of safety inspection and precise safety diagnosis be secured. - Indonesia needs to see if it is practical to obligate the private Safety Managers to secure the budget, and to positively consider having the budget include building maintenance costs also. - Then, Indonesia also needs to think about whether requiring the Safety Managers (including those from the private sector) to annually secure the budget puts too much burden on them and how Indonesia will make sure that such obligations are performed.
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Article 18 (Obligation, etc. to Keep Design Drawings, Documents, etc.) (1) The management authority shall keep the relevant documents, such as supervision reports, management registers of public structures, design drawings, and other relevant documents. ② The management authority shall submit design drawings to the Minister of Public Works and Housing as prescribed by Ordinance of the Minister of Public Works and Housing.	- Article 17 of the Building Safety Management Act mandates (the Safety Managers) to submit drawings and other documents mainly to the Korea Infrastructure Safety and Technology Corporation, so that they can be archived. Such clause may not be applicable to Indonesia, if she has no organization equivalent to the Korea Infrastructure Safety and Technology Corporation. - Thus, I recommend that the Safety Managers be obligated to archive the applicable documents and to submit the most important one to the Minister of Public Work and Housing. - Also, Indonesia needs to see if any right to access and receive documents and their copies, as Paragraph 5, Article 17 of the Building Safety Management Act prescribes, should be stipulated in the (proposed) law.
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Article 19 (Guidelines for Safety Inspections and Precise Safety Diagnosis) The Minister of Public Works and Housing shall establish guidelines for safety inspections and precise safety diagnosis covering the methods, procedure, etc. of conducting the safety inspections and precise safety diagnosis as prescribed by Ordinance of the Ministry of Public Works and Housing.	Indonesia needs to determine what will be appropriate for the lower statute (for example, the Ministerial Decree). I recommend that important issues under the (proposed) law be regulated by the Presidential Decree.
Article 20 (Comprehensive System for Information Management of Public Structures) (1) The types of information managed by the Integrated Facility Information Management System are: 1. Safety and maintenance plans for public structures prescribed in Article 3; 2. Matters concerning registration of specialized safety inspection institutions and suspension of business reports on change of registration information, revocation of registration, suspension of business, cancellation of registration, corrective orders, etc. prescribed in Articles 9 3. Matters concerning restrictions on use, etc. under Article 16. 4. Detailed notice about necessary measures taken under Article 15, such as repair and reinforcements 5. Relevant documents referred to in Article 18, such as supervision reports, management registers of public structures, design drawings and documents; 6. Other matters prescribed by Ordinance of the Ministry of Public Works and Housing regarding the safety and maintenance of public structures, that need to be managed as information on public structures. (2) Matters necessary to manage and operate the comprehensive system for information management of public structures and other matters shall be prescribed by Ordinance of the Ministry of Public Works and Housing.	The applicable information should be selected in consideration of Indonesia's capability to implement and operate a system equivalent to the Comprehensive System for Building Information Management of Korea.



CHAPTER 3 Facility Safety Commission

Article 21 (Establishment and Functions of Facility Safety Commission)

(1) establish Facility Safety Commission (hereinafter referred to as "the Commission") may be established under the jurisdiction of the Minister of Public Works and Housing in order to conduct the following affairs about facility safety.

1. Deliberation and recommendation on main policies about facility safety
2. Matters about a basic plan on safety and management of other facilities pursuant to Article 3
3. Adjustment and consultation on duties of organizations in charge of facility safety
4. Recommendation on formulation, revision, and operation of guidelines for safety inspection and precise safety diagnosis
5. Deliberation and recommendation on registration of safety diagnosis institutions and maintenance business entities, registration cancellation, and business suspension
- ...
- N. Matters submitted to a discussion by the chairperson of the Commission

- Establishment of Facility Safety Commission is the core issue in organizing building safety related laws for Indonesia.
- The Building Safety Management Act does not stipulate the establishment of an organization equivalent to the Facility Safety Commission. However, establishing the Facility Safety Commission will be meaningful in that: it will offer opportunities to communicate and negotiate between the organizations in charge of assuring the safety of various buildings when this (proposed) law is enacted; experts outside the government will be able to participate in assuring the building safety; and the Commission will be able to consistently promote the government's building safety related policies.

② The Minister of Public Work and Housing shall be the chairperson of Facility Safety Commission; and the members of the Commission shall consist of vice ministers of central governmental agencies, public officials with the same official rank to vice ministers, and the persons with a wide range of knowledge and experience about facility safety appointed by the chairperson.

- Especially under the given circumstances in the earlier period of enactment (where the professional organization such as Korea Infrastructure Safety and Technology Corporation is unlikely to be established), the Commission will be able to perform partially as the professional organization. For example, the Commission may participate in the decision making processes of or make suggestions to the Minister of Public Work and Housing with regard to registering, issuing registration certificates to, canceling registrations of and suspending businesses of the professional safety inspectors and the building maintenance service providers.
- Indonesia needs to clearly stipulate in the applicable law in the future: the authorities and businesses of Facility Safety Commission; and who will comprise the Commission.

CHAPTER 4 Sanctions and Others	• Compliance with the mandates of the Building Safety Management Act is warranted by the penal sanctions. The degree of such sanctions is grave - for some violations, imprisonment no longer than 10 years applies, and for some other violations, imprisonment no shorter than 5 years and up to life applies. Such degree has been gradually strengthened by amendments since the enactment. • Failure to comply with the building safety related obligations must be regarded as a seriously illegal act that causes enormous damage to the public. Administrative sanctions only will be insufficient to achieve the goal of this (proposed) law - compliance to this (proposed) law must be strongly demanded by imposing strict criminal punishments. • In this regard, it is unfortunate that no penalties are considered in the discussions about organizing the law on building safety in Indonesia. Indonesia must actively consider imposing heavy criminal penalties to those who put the public in harm's way or cause death or injury to people by failing to comply with their legal obligations and causing major damage to the buildings. • As part of such consideration, Indonesia needs to determine first the types of act that require criminal penalties and the levels of criminal penalties. If imposing criminal penalties is too early to be accepted, Indonesia should establish the foundation of legal enforcement by stipulating the administrative sanctions, such as the cancellation of registration and suspension of business as stipulated in Article 10 of the (proposed) law and expanding the scope into criminal penalties later.
Article 22 (Sanctions)	

Article 23 (Investigations on Causes of Accidents) (1) Each management authority shall take all necessary emergency safety measures without delay when an accident occurs in a public structure under its jurisdiction, and if an accident of at least the scale prescribed Ordinance of the Ministry of Public Works and Housing occurs, each management authority shall report the accident to the Minister of Public Works and Housing. (2) If deemed necessary to investigate an accident, etc. in a public structure which has caused damage of at least the scale prescribed by Ordinance of the Ministry of Public Works and Housing, the Minister of Public Works and Housing may organize and operate a committee for investigation of facility accidents.	
Article 24 (Confidentiality) No one who conducts safety inspections, precise safety diagnosis, and maintenance business shall disclose or fraudulently uses any confidential information he/she has become aware of in the course of performing his/her duties: <i>Provided</i>, That this shall not apply where the Minister of Public Works and Housing deems it necessary for the safety and maintenance of public structures.	



Thank you!



나 채 준

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Presentation 3

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Presentation

MEASURES TO MODIFY LAWS AND REGULATIONS ON FACILITY SAFETY MANAGEMENT DUE TO CHANGE IN DISASTER CIRCUMSTANCES

November 1, 2017

Na Chae-joon

(Senior Research Fellow of Korea Legislation Research Institute)



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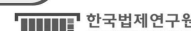
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I. Change in Disaster Circumstances such as Climate Change

1. Change in Disaster Circumstances

(1) Definition and Type of Disaster

- Definition in dictionary- a sudden or great misfortune or failure
- Framework Act on the Management of Disasters and Safety - an event bringing great damage, loss, or destruction to the lives, bodies, and property of citizens and the State ① natural disasters resulting from natural processes of the Earth, ② damage caused by social accidents such as a fire, collapse, explosion, traffic accidents, chemical, biological and radioactive accidents, environmental pollution incidents; damage caused by the paralyzed infrastructure, such as energy, communications, transportation, finance, medical treatment, and water supply; damage by the spread of infectious diseases or contagious animal diseases (Article 3)
- The definition of disaster is being expanded. National response is needed to deal with disasters due to its large scale and disasters have a huge impact on a society. Accidents that happens in our daily lives are excluded in principle, but now the scope is being expanded.
- Relation to safety- Safety is the state of being safe from hazards such as natural disasters, even though it is controversial. The range of the definition has been extended from being safe from disasters with huge impact on a society to that from daily accidents.



1. Change in Disaster Circumstances

(2) Change in response to disasters

- Occurrence of natural disasters such as torrential rains, typhoons, heat waves is irregular due to global warming; the type has become more diverse and complex.
- Damage from disasters has become greater; urbanization and use of super high-rise buildings and complex buildings with underground connections and public-use facilities are growing; potential risks exist due to poor infrastructure; disasters are becoming greater.
- In Korea, droughts in spring and typhoons, heavy rains, and heat waves in summer are becoming enormous; warmer temperatures and heavy snow in winter are more frequent; change in response to disasters is required.

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2. Necessity of Legislative Modification to Prepare for Changed Disaster Circumstances, including Earthquakes

- Public awareness of the disaster response should change because of changed disaster circumstances. In particular, the frequency and intensity of earthquakes is becoming greater compared to the past so that concerns and damage of the public is growing. Legislative modification to facility safety management is required.
- Earthquakes have been recorded since 1978. Annual average occurrence is 27 times, but annual average occurrence of a magnitude 3 earthquake that cannot be felt by people is 9 times. Earthquakes that can destroy buildings occurred totally 5 times (analyzing a total of 858 times from 1978 to 2009), so public awareness of the danger has been low.
- A magnitude 5.8 earthquake that was the strongest since our first record in 1978 occurred on September 12, 2016. The seismic waves reached to Seoul so that public concerns and awareness are increasing. An opinion that Korea is not safe from earthquakes is prevailing and concerns about earthquakes are increasing. Improvement of facility safety management system, including earthquake-resistant design of existing facilities is deemed necessary.

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II. Status of Legislation on Facility Safety Management

1. Status of Facility Safety Management

(1) Definition of Infrastructure Facility

- Article 2 of the Special Act on the Safety Control of Public Structures- structures built by construction works and supplementary facilities which are the first-class or second-class infrastructure
- Types of infrastructure facility are 7 first-class infrastructure and 8 second-class infrastructure
 - first-class infrastructure: infrastructure prescribed by Presidential Decree, including bridges, tunnels, ports, dams, and buildings that require special management for the convenient use and safety of the general public or require advanced technology for maintenance and management in their structural aspects
 - second-class infrastructure: infrastructure prescribed by Presidential Decree, other than first-class infrastructure (including retaining wall and cut-slope as supplementary facilities of roads, railways, ports, dams, other structures)
- The Ministry of the Interior and Safety that is in charge of disaster management oversees and implements the relevant policies. The Ministry of Land, Infrastructure, and Transport and other relevant ministries are in charge of facility safety management.



1. Status of Facility Safety Management

(2) History of Legislation on Facility Safety Management

- 1970s – 1980s
 - In the 1970s, large-scale infrastructure and facilities were built in response to rapid economic growth and demand of improving infrastructure.
 - The construction of the infrastructure focused largely on deduction of construction period and price; the infrastructure had possibility to cause accidents, including collapse, due to lack of awareness of the importance of maintenance and management, lack of management personnel, deterioration resulting from poor technology and institution, etc.
- 1990s
 - Special Act on the Safety Control of Public Structures (hereinafter referred to as the Act) was enacted in May, 1995.
 - Safety inspection and maintenance of infrastructure became systematic to prevent the worst situation such as collapse of infrastructure; nurturing a professional organization that has public confidence and can implement safety inspection and maintenance
 - Korea Infrastructure Safety Corporation established under the Ministry of Construction & Transportation in 1995 was in charge of safety management works, including securing safety of national infrastructure, development and dissemination of advanced technology for facility safety, establishment and operation of information system for facility safety and maintenance, and precise inspection and precise safety assessment.

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1. Status of Facility Safety Management

(2) History of Legislation on Facility Safety Management

- 1990s
 - Carrying out education and training program such as precise safety inspection pursuant to the Act
 - The National Institute for Disaster Prevention was established under the Ministry of the Home Affairs in February of 1997, and transferred into the affiliated institute of the Ministry of Government Administration and Home Affairs (February 28, 1998)
 - Assessment of disaster impact was introduced in the Countermeasures against Natural Disasters Act in 1995. Infrastructure shall receive disaster impact assessment, including possibility, intensity, and scale of disasters such as floods, implemented by a professional organization.
- 2000s
 - The Disaster Control Act was abolished and the Framework Act on the Management of Disasters and Safety was enacted and promulgated at the same time in March of 2004.
 - The National Emergency Management Agency was built as a professional organization in disaster management in June of 2004. The agency copied the organizational structure of U.S. FEMA and consisted of office of planning and management, office of prevention and planning, office of response and management, and office of recovery and support; the agency consisted of disaster prevention, preparedness, response and recovery office.
- 2010s
 - Managing and operating comprehensive system for information management of infrastructure pursuant to Article 16 and 38 of the Act and Article 16-2 and 27-2 of the Enforcement Decree of the Act

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1. Status of Facility Safety Management

(2) History of Legislation on Facility Safety Management

- 2010s
 - The second basic plans for the national safety control referred to in the Framework Act on the Management of Disasters and Safety ended in 2014.
 - The Ministry of Land, Infrastructure, and Transport modified laws on facility safety management and published detailed guidelines and manuals (bridges, tunnels, structures, ports, dams, water works, estuary weir, sluice gate, levee, sewage treatment plant, retaining wall, cut-slope)
 - Social welfare facilities were inspected pursuant to the Special Act on the Safety Control of Public Structures in 2010; 2,508 facilities were inspected in 2011; 1,300 facilities were inspected for safety in 2012.
 - The National Institute for Disaster Prevention was transferred into the affiliated institute of the Ministry of Government Administration and Home Affairs; the institute was expanded and reorganized.
 - Promulgating a masterplan for safety innovation in 2015
 - The Earthquake Hazard Research Division was established under the National Disaster Management Research Institute in 2017
 - The Ministry of Government Administration and Home Affairs is pursuing a project of establishing an open system for facility safety management database as part of facilitating the use of public data in 2017.
 - Active national policies about facility safety has improved the public awareness of the importance of safety and occurrence rate of accidents has gradually decreased.

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1. Status of Facility Safety Management

(3) Status of Earthquake-Related Facility Safety Management

- Increase in budget for facility safety management
 - Modernizing roads and railways for performance improvement of SOC facility to prepare for the deterioration and increasing investment in maintenance of dams (1.6353 trillion won → 1.8102 trillion won)
 - Increasing budget for earthquake-resistance of roads, railways, bridges, etc. in preparedness for earthquakes (54.1 billion won → 171.2 billion won)
 - Increasing investment in software for improvement of drought and flood forecast, safety of airplanes and automobiles, computerization of underground facilities in preparedness for ground subsidence in urban areas (226.4 billion won → 243.5 billion won)
- Establishment of comprehensive plan for earthquake prevention (December, 2016)
 - Improving a sending system of early warning of earthquakes and a shelter from earthquakes (Korea Meteorological Administration is only in charge of sending emergency text message about disasters; 8,155 outdoor shelters and 2,489 indoor shelters should be designated and the shelter location should be clearly provided; the location of the shelters should be easily found via maps provided by Naver and Daum and T-map).
 - Expanding the scope of facility subject to compulsory resistance design and building up the resistance; expanding the scope of the facility to two-floor buildings or building covering over 500 square feet; all houses and structures covering over 200 square feet will be applied by December of 2017.
 - Starting the comprehensive examination of geological faults nationwide

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1. Status of Facility Safety Management

(3) Status of Earthquake-Related Facility Safety Management

- Pursuing projects for modifying manuals for earthquakes and nurturing experts; reaching an agreement to designate 5 universities as professional organizations of training and nurturing experts in earthquakes; nurturing experts of central administrative agencies and local governments to strengthen the government's capability to respond to earthquakes
- The second comprehensive plan to prevent earthquakes, including measures for public education and promotion about earthquakes, is scheduled to be made by the end of December of this year.
- Totally modifying earthquake-related acts such as Act on the Preparation for Earthquakes and Volcanic Eruptions (Ministry of the Interior and Safety), Enforcement Decree of the Building Act (Ministry of Land, Infrastructure, and Transport), Cultural Heritage Protection Act (Cultural Heritage Administration)
- Conducting an earthquake evacuation drill and promotional campaign for residents during Earthquake Safety Week (September 11 to 15 of 2017)
- Introducing certification system for earthquake-resistant facilities (revision bill of Act on the Preparation for Earthquakes and Volcanic Eruptions passed)
 - The government's certification for earthquake-resistant facilities that are exemplarily reinforced
 - To effectively carry out certification activity for earthquake-resistant facilities, designated certification organizations with facilities designated by Presidential Decree and experts do the relevant business.
 - Installing facilities that are reinforced in terms of earthquake-resistance in a total of 118 organizations, such as a disaster and safety management center of an organization in charge of infrastructure among organizations responsible for disaster management, a disaster and safety management center of an competent organization in terms of disaster management, Regional Disaster and Safety Countermeasure Headquarters, and disaster and safety management centers
 - Deliberative Council for Earthquake and Volcano Disasters Prevention Policy was transferred into Committee for Earthquake and Volcano Disasters Prevention Policy under the Ministry of the Interior and Safety.

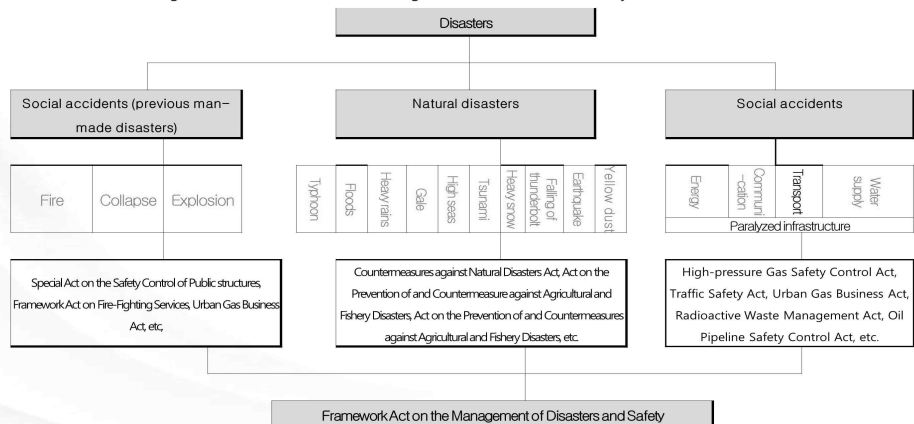
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2. Status of Legislation on Facility Safety Management

(1) Legal System on Facility Safety Management

- There are diverse disaster-related statutes by type of disaster, including the Act and the Framework Act on the Management of Disasters and Safety that is the most fundamental among them.
- There are 191 laws and lower laws and 2095 local laws containing the term meaning "safety"; about 10 laws and lower laws and 1061 local laws containing the term meaning "disaster". There are various statutes related to disasters by type of disaster, including the Framework Act on the Management of Disasters and Safety that is the most fundamental.



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2. Status of Legislation on Facility Safety Management

(1) Legal system on Facility Safety Management

Organization	Title of Law
Ministry of Education	School Health Act, Act on the Prevention of and Compensation for Accidents at School
Ministry of Land, Infrastructure, and Transport	Framework Act on Building, Building Act, Framework Act on the Construction Industry, Construction Technology Promotion Act, Act on Special Measures for Improvement of Construction-halted Buildings that have long neglected, Traffic Safety Act, Act on Promotion of the Transportation Convenience of Mobility Disadvantaged Persons, Tramway Transportation Act, Road Traffic Act, Urban Railroad Act, Housing Act, Special Act on the Safety Control of Public Structures, Railroad Safety Act, River Act, Aviation Act, Aviation Safety and Security Act, Aviation Safety Act, Sea Traffic Safety Act, Special Act on Safety Management of Underground Locations
Ministry of Oceans and Fisheries	Act on Safety Insurance for Farmers and Fishers and Disaster Prevention, Maritime Safety Act, Act on Safety and Promotion of Marine Leisure Activities, Marine Transportation Act, Harbor Act, Ship Safety Act, Seafarers' Act, Fishing Vessels Act, Fishing Management and Promotion Act, Public Order in Open Ports Act, Fishing Villages and Fishery Harbors Act
Ministry of Employment	Occupational Safety and Health Act
Ministry of Culture, Sports, and Tourism	Public Performance Act, Cultural Heritage Protection Act, National Sports Promotion Act, Installation and utilization of Sports Facilities Act
Ministry of Health & Welfare	Public Health Control Act, Social Welfare Services Act, Framework Act on Food Safety, Medical Service Act, Act on Welfare of Persons with Disabilities
Ministry of Trade, Industry and Energy	High-Pressure Gas Safety Control Act, Mining Safety Act, Urban Gas Business Act, Radioactive Waste Management, Oil Pipeline Safety Control Act, Safety Control and Business of Liquefied petroleum Gas Act, Framework Act on Product Safety, Special Act on Safety of products for Children, Electrical Appliances and Consumer Products Safety Control Act
Ministry of the Interior and Safety (National police Agency)	Framework Act on Promotion of Public Safety Education, Prevention of Steep Slope Disasters Act, Special Act on the Safety Control of Publicly Used Establishments, Framework Act on Civil Defense, Emergency Resources Management Act, Framework Act on Fire-Fighting Services, Fire-Fighting System Installation Business Act, Fire-Fighting System Act, Installation, Maintenance, and Safety Control of Fire-Fighting System Act, Small River Maintenance Act, Elevator Facilities Safety Management Act, Act on Safety Management of Entertainment Facilities for Children, Act on the Safety Control of Hazardous Substances, Excursion Ship and Ferry Business Act, Countermeasures against Natural Disasters Act, Framework Act on Management of Disasters and Safety, Disaster Relief Act, Special Act on Services to Prevent Dangers Resulting from Natural Disasters and measures for Migration, Reservoir and Dam Safety control and Disaster Prevention Act, Earthquake Recovery Plans Act, Marine Security Services Industry Act, Act on 119 Rescue and Emergency Medical Services, Pedestrian Safety and Convenience Enhancement Act, Act on Safety Control, etc. of Small Public Facilities, Road Traffic Act, Act on Safety Management of Shooting and Shooting Ranges, Act on the Management of Outdoor Advertisements, etc. and Promotion of Outdoor Advertisement Industry
Ministry of Environment	Asbestos Safety Management Act, Act on the Management and Use of Livestock Excreta, Toxic Chemicals Control Act, Natural Parks Act, Sewerage Act, Environment Health Act

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2. Status of Legislation on Facility Safety Management

(2) Framework Act on the Management of Disasters and Safety (Framework Act on Disasters)

● Purpose and Function

- The purpose of this framework act is to prevent and prepare for disasters and accidents; Our disaster and safety response system is based on this Act.
- Protecting land, life, and property of the public from various kinds of disasters
- Establishing a national and local safety management system to respond to disasters
- Establishing safety management system such as prevention, preparedness, response, and relief of disasters and safety-oriented culture
- This Act had been revised several times since the enactment in 2004; this Act was totally reorganized by disaster management in 2013 and was revised to reinforce safety.

● Safety management system to respond to disasters

- Safety management system: prevention- preparedness - response- relief and compensation stage
- Organizational chart for disasters and safety management: committee for disaster management-National Safety Management committee; control center for disaster management-National Disaster and Safety Status Control Center

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2. Status of Legislation on Facility Safety Management

(2) Framework Act on the Management of Disasters and Safety

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)
Article 2 (Basic Concept)
Article 3 (Definitions)
Article 4 (Responsibilities of State, etc.)
Article 8 (Relation, etc. to other Acts)

CHAPTER II SAFETY MANAGEMENT ORGANIZATIONS AND FUNCTIONS

SECTION 1 Central Safety Management Committee, etc.
Article 9 (Central Safety Management Committee)
Article 10 (Safety Policy Coordination Committee)
Article 11 (Local Committees)
Article 12 (Disaster Broadcasting Consultative Committee)
Article 12-2 (Private-Public Cooperative Safety Management Committee)
Section 2 Central Disaster and Safety Countermeasures Headquarters, etc.
Article 14 (Central Disaster and Safety Countermeasures Headquarters, etc.)
Article 15-2 (Central and Regional Disaster Management Headquarters)
Article 16 (Local Disaster and Safety countermeasure Headquarters)
Article 17 (Authority, etc. of Head of Local Countermeasure Headquarters)
SECTION 3 Disaster and Safety Management Centers, etc.

CHAPTER III SAFETY CONTROL PLANS

Article 22 (formulation, etc. of Master Plan for National Safety Control)
Article 23 (Implementation Plans)
Article 24 (Formulation of City/Do Safety Management Plans)
Article 25 (Formulation of *Sil/Gun/Gu* Safety Control Plans)

CHAPTER IV PREVENTION OF DISASTERS

Article 25-2 (Disaster Preventive Measures by Heads of Disaster Management Agencies)
Article 26 (Designation, Management, etc. of National Infrastructure)
Article 27 (Designation, Management, etc. of Facilities, etc. Subject to Special Management)
Article 28 (Support, etc. to Local governments)
Article 29 (Management of Disaster Prevention Facilities)
Article 30 (Emergency Safety Inspections, etc. for Disaster prevention)
Article 31 (Safety Measures for Disaster Prevention)
Article 32 (Government Joint Safety Inspections)
Article 33 (Request for Data, etc. to Specialized Safety Management Agencies)
Article 33-2 (Evaluation, etc. of Disaster Management Systems, etc.)
Article 33-3 (Public Announcement, etc. of Actual Status of Disaster Management)

CHAPTER V PREPARATION FOR DISASTERS

Article 34 (Saving and Management of Disaster Management Resources)
Article 34-2 (Preparation of Means for Emergency Communication at Disaster Scenes)
Article 34-3 (Enactment, Application, etc. of National Disaster Management Standards)
Article 34-4 (Formulation and Utilization of Action Plans for Disaster Response by Function)
Article 34-5 (Preparation and Operation of Risk Management Manuals in Disaster Field)
Article 34-6 (Preparation, Operation, and Education of Risk Management Manuals for Public-use Facilities)
Article 34-7 (Registration of, Deliberation on, etc. Safety Standards)
Article 34-8 (Establishment and Operation of Communication Network for Disaster Safety)
Article 34-9 (Establishment of Disaster preparedness Drills)
Article 35 (Disaster Preparedness Drills)

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2. Status of Legislation on Facility Safety Management

(2) Framework Act on the Management of Disasters and Safety

CHAPTER VI DISASTER RESPONSE

SECTION 1 Emergency Measures, etc.

Article 36 (Declaration of State of Disaster)
Article 37 (Emergency Measures)
Article 38 (Issuance, etc. of Predictions or Alerts of Disaster)
Article 38-2 (Formulation of Master Plans for Creating Disaster Prediction and Alert System)
Article 39 (Request, etc. of Mobilization)
Article 40 (Evacuation orders)
Article 41 (Establishment of Danger Zones)
Article 42 (Compulsory Evacuation Measures)
Article 43 (Restriction, etc. on Passage)
Article 45 (Emergency Impositions)
Article 46 (Emergency Measures, etc. to be Taken by Mayors/Do Governors)
Article 47 (Emergency Measures by Heads of Disaster Control Agencies)
Article 48 (Emergency Measures, etc. by Heads of Local Control Groups)

SECTION 2 Emergency Rescue

Article 49 (Central Emergency Rescue Control Group)
Article 50 (Local Emergency Rescue Control Group)
Article 51 (Emergency Rescue)
Article 52 (On-Scene Command in Emergency Rescue)
Article 52-2 (Emergency Rescue and Relief Officers)
Article 53 (Evaluation on Emergency Rescue Activities)
Article 54 (Development of Emergency Rescue Countermeasure Plans)
Article 55 (Reinforcement of Disaster Response Capacity)
Article 55-2 (Evaluation on Capabilities of Emergency Rescue and Relief Support Agencies)
Article 56 (Emergency Rescue on Ocean)
Article 57 (Emergency Rescue, etc. at Time of Distress Accidents of Aircraft, etc.)

CHAPTER VII RESTORATION AFTER DISASTERS

SECTION 1 Investigation of Damage and Restoration Plans

Article 58 (Reporting on and Investigation of Disaster Damage)
Article 59 (Formulation and Implementation of Disaster Restoration Plans)
Article 59-2 (Management of Disaster Relief Project)

SECTION 2 Declaration of and Support to Special Disaster Areas

Article 60 (Declaration of Special Disaster Areas)

SECTION 3 Finance, Compensation, etc.

Article 61 (Support to Special Disaster Areas)
Article 62 (Principles of Allocation of Expenses)
Article 63 (Expenses for Emergency Support)
Article 64 (Compensation for Losses)
Article 65 (Medical Treatment and Compensation)
Article 65-2 (Rewards)
Article 66 (Support, etc. to Disaster Areas, including Subsidies from National Treasury)

CHAPTER VIII PROMOTION OF SAFETY CULTURE

Article 66-2 (Implementation of Policies for Promotion of Safety Culture)
Article 66-3 (National Safety Day, etc.)
Article 66-4 (Safety Control Charter)
Article 66-5 (Implementation of Nationwide Safety Education)
Article 66-6 (Training, etc. of Safety Education Specialists)
Article 66-7 (Construction and Utilization of Safety Information Systems)
Article 66-8 (Public Announcement of Safety Index)
Article 66-9 (Measure for Safety Management when Holding Regional Festivals)
Article 66-10 (Designation and Support to Safety Project Districts)

CHAPTER IX SUPPLEMENTARY PROVISIONS

Article 66-11 (Grant of Special Subsidy Tax for Disaster and Safety Management)
Article 67 (Accumulation of Disaster Control Funds)
Article 68 (Operation, etc. of Disaster Control Funds)
Article 69 (Government Joint Investigation of Causes of Disasters)
Article 70 (Creation of Disaster Records and Management thereof)
Article 71 (Promotion of Science and Technology Necessary for Disaster and Safety Management, etc.)
Article 71-2 (Formulation, etc. of Comprehensive Plans for Development of Technology for Disaster and Safety Management)
Article 72 (Support for Commercialization of Research and Development Project Outcomes)
Article 73 (Collection and Use of Royalties)
Article 74 (Establishment and Operation of Information and Communications Systems for Disaster Management)
Article 74-2 (Sharing of Disaster Control Information)
Article 75 (Organization and Operation of Safety Control Advisory Group)
Article 76 (Development and Distribution of Disaster-Related Insurances, etc.)
Article 76-2 (Chief Safety Officers)
Article 77 (Request for Disciplinary Action, etc. against Violation of Duties of Disaster Management)
Article 78 (Delegation and Entrustment of Authority)
Article 78-2 (Legal Fiction as Public Official for Purposes of Penalty Provisions)

CHAPTER X PENALTY PROVISIONS

Article 78-3 (Penalty Provisions)
Article 79 (Penalty Provisions)
Article 80 (Penalty Provisions)
Article 81 (Joint Penalty Provisions)
Article 82 (Fines for Negligence)

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2. Status of Legislation on Facility Safety Management

(3) Special Act on the Safety Control of Public Structures

- Purpose and Function

- The purpose of this Act is to contribute to ensuring the safety of the general public and to the promotion of national welfare by preventing accidents and disasters, and increasing the benefits of infrastructure, through safety inspections and appropriate maintenance of facilities.

- History

- This Act was enacted to secure public safety by preventing disasters and accidents and making facilities more useful through safety inspection and appropriate maintenance of facilities after frequent collapses of large-scale facilities occurred such as collapse of Seongsu bridge in October, 1994 and collapse of Sampoong Department Store in June, 1995.

- This Act has been revised ten times till October, 2017 since the enactment in January, 1995.

- Provisions on evaluation of anti-seismic performance were included (amendment on March 21, 2008)

- Reinforcing facility safety management (effectuation on January 17, 2014); If a management authority fails to take the necessary measures such as repair and reinforcement of facilities with serious faults (Article 15 (2)).

- Establishing the ground for safety inspection of small facilities vulnerable to accidents (effectuation on July 15, 2014; Article 33 of this Act); the Minister of Land, Infrastructure, and Transport conducts safety inspection for small facilities vulnerable to accidents designated by Presidential Decree, when a management authority of a certain facility or the head of a relevant administrative agency requests.

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2. Status of Legislation on Facility Safety Management

(3) Special Act on the Safety Control of Public Structures

- History

- Evaluation of anti-seismic performance is obligate (effectuation on July 17, 2014); precise safety inspection shall be evaluated when 20 years have passed since the construction of a facility was completed or use of a facility was approved.

- Provisions on time and date of precise safety inspection and penalty provisions were made (effectuation on February, 2016, Article 7-2); precise safety inspection shall be conducted within a year after the submission of safety inspection records; if it is violated, penalty or administrative fee is imposed.

- Amendment of this Act in January, 2017

- ① The title was changed into the Special Act on the Safety Control of Public Structures.

- ② The types of facilities are divided into three groups of first, second, and third class, not into two groups of first and second. (facilities subject to special management in accordance with the Framework Act on the Management of Disasters and Safety are included in the third class; a management authority has an obligation for establishment of facility management plan and safety inspection)

- ③ A management authority has an obligation to conduct anti-seismic performance of facilities such as roads, railways, ports, airports, and dams designated by Presidential Decree.

- ④ When the emergency measures are recognized necessary due to the possibility of huge impact on safety of the general public, a management authority shall take measures such as restriction on use, prohibition of use, removal, evacuation, etc.

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2. Status of Legislation on Facility Safety Management

(3) Special Act on the Safety Control of Public Structures

CHAPTER 1 GENERAL PROVISIONS

Article 1 (Purpose)
Article 2 (Definitions)
Article 3 (Formulation of Basic Plans for Safety Management and Maintenance of Public Structures)
Article 4 (Formulation, Implementation, etc. of Safety and Maintenance Plans of Public Structures)
Article 5 (Relation to other Acts)

CHAPTER 2 SAFETY MEASURES, ETC. OF PUBLIC STRUCTURES

SECTION 1 Safety Inspections and Precise Safety Diagnosis
Article 6 (Execution of Safety Inspections)
Article 7 (Conducting Precise Safety Diagnosis)
Article 7-2 (Evaluation, etc. of Anti-Seismic Performance)
Article 8 (Institution, etc. Conducting Precise Safety Diagnosis)
Article 8-2 (Scope of Safety Inspections and Precise Safety Diagnosis)
Article 8-3 (Restrictions, etc. on Subcontract)
Article 9 (Registration, etc. of Specialized Safety Diagnosis Institutions)
Article 9-2 (Grounds for Disqualification)
Article 9-3 (Prohibition, etc. against Title Lending)
Article 9-4 (Revocation, etc. of Registration)
Article 9-5 (Conduct of Business Following Administrative Disposition)
Article 9-6 (Investigation, etc. of Specialized Safety Diagnosis Institutions, etc.)
Article 9-7 (Corrective Orders)
Article 9-8 (Transfer, etc. of Business of Specialized Safety Diagnosis Institutions)
Article 10 (Obligation of Persons Conducting Safety Inspections and Precise Safety Diagnosis)
Article 10-2 (Designation, etc. of Level of Safety of Public Structure)

Article 11 (Notification of Results of Conducting Safety Inspections and Precise Safety Diagnosis)
Article 11-2 (Records Management of Safety Inspections, Precise Safety Diagnosis and Maintenance)
Article 11-3 (Review of Findings of Precise Inspections or Precise Safety Diagnosis)
Article 12 (Defrayment of Costs)
Article 13 (Guidelines for Safety Inspections and Precise Safety Diagnosis)

SECTION 2 Safety Measures, etc.

Article 14 (Restriction, etc. on Use)
Article 15 (Implementation, etc. of Measures according to Findings of Safety Inspections or Precise Diagnosis)
Article 15-2 (Notification of Results of Measures)
Article 16 (Comprehensive System for Information Management of Public Structures)
Article 16-2 (Notification of Completion, etc. of Construction of Public Structures)
Article 16-3 (Establishment and operation of Disaster Management System in Public Structures)
Article 17 (Obligation, etc. to Keep Design Drawings, Documents, etc.)

CHAPTER 3 MAINTENANCE OF PUBLIC STRUCTURES

Article 18 (Methods for Maintenance of Public Structures)
Article 19 – Article 24 Deleted.

CHAPTER 4 KOREAN INFRASTRUCTURE SAFETY AND TECHNOLOGY CORPORATION

Article 25 (Establishment of the Korea Infrastructure Safety and Technology Corporation)
Article 26 (Articles of Association)
Article 27 (Grounds for Disqualification of Executive Officers)
Article 28 (Financial Resources)
Article 29 (Business Affairs)

Article 29-2 (Gratuitous Lending, etc. of State-Owned Property)
Article 29-3 (Disposal of Profits and Losses)
Article 30 (Instruction and Supervision)
Article 31 (Prohibition of Use of a Similar Name)
Article 32 (Application Mutatis Mutandis of the Civil Act)

CHAPTER 5 SUPPLEMENTARY PROVISIONS

Article 33 (Securing Budget for Safety and Maintenance of Public Structures)
Article 33-2 (Inspections, etc. of Actual Status)
Article 33-3 (Investigations, etc. into Causes of Accidents)
Article 33-4 (Safety Inspections of Small Public Structures Vulnerable to Accidents)
Article 34 (Confidentiality)
Article 35 (Measures for Prevention of Faulty Construction Works)
Article 36 (Hearings)
Article 37 (Legal Fiction as Public Officials in Application of Penalty Provisions)
Article 38 (Delegation and Entrustment of Authority)

CHAPTER 6 PENALTY PROVISIONS

Article 39 (Penalty Provisions)
Article 39-2 (penalty Provisions)
Article 40 (Penalty provisions)
Article 41 Deleted
Article 42 Deleted
Article 43 (Joint Penalty Provisions)
Article 44 (Administrative Fines)

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2. Status of Legislation on Facility Safety Management

(4) Act on the Preparation for Earthquakes and Volcanic Eruptions

● Purpose and Function

-The purpose of this Act is to prescribe matters necessary for the observation of, prevention of, provision against, and action against earthquakes, tsunami, and volcano, earthquake-resistant measures, and research and technical development, etc. to reduce earthquake disasters and volcano disasters in order to protect the life and property of the people and major infrastructure from disasters due to earthquakes, tsunami, and volcano.

● Main Contents

① Earthquake-resistant design standards for buildings

- In Japan, earthquake-resistant design of every building is compulsory due to frequent occurrence of earthquake. But in Korea, there are standards only for 30 kinds of buildings, including buildings referred to in the Building Act in accordance with Article 48 (Structural Bearing Strength) of the Building Act and Article 14 (Establishment of Standards of Earthquake-Proof Design) of the Act on the Preparation for Earthquakes and Volcanic Eruptions.

- This Act was enacted in 1988 and has revised several times since then. The standards were reinforced to cover over two-floors buildings and 500 square feet buildings in 2016, but the standards are expected to be reinforced due to frequent occurrence and risk increase.

- The buildings of Korea were constructed to be resistant to over magnitude 6 earthquakes, but there are many buildings that fail to meet the relevant standards. In particular, the residential area with a lot of apartments, villas, etc. in big cities are very risky to earthquake. Among them, buildings that were constructed with different standards from now exist. So the lower buildings constructed before 1988 may be more dangerous.

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2. Status of Legislation on Facility Safety Management

(4) Act on the Preparation for Earthquakes and Volcanic Eruptions

CHAPTER I GENERAL PROVISIONS Article 1 (Purpose) Article 2 (Definitions) Article 3 (Responsibility of State and Agencies in Charge of Emergency Management) Article 4 (Relation to other Acts)	CHAPTER II OBSERVATION OF SEISMIC, TSUNAMI, AND VOLCANIC ACTIVITY Article 5 (Installment, etc. of Facilities for Observing Seismic, Tsunami, or Volcanic Activity) Article 6 (Measurement of Seismic Acceleration of Major Facilities) Article 7 (Measurement of Seismic Acceleration and Management Thereof) Article 8 (Reporting on Observation Results, etc. of Seismic, Tsunami, and Volcanic Activities) Article 9 (Organization, etc. of Council of Agencies for Observing Seismic, Tsunami, and Volcanic Activities)	CHAPTER III PREVENTION AND PROVISION Article 9-2 (Formulation, Implementation, etc. of Comprehensive Plans for Preventing Earthquake Disasters) Article 9-3 (Deliberative Council for Earthquake and Volcano Disasters Prevention Policy) Article 10 (Production, Utilization, etc. of Coastal Flooding Forecast Maps) Article 10-2 (Formulation, etc. of Resident Evacuation Plans against Tsunami) Article 11 (Education, Training, and Publicity of Prevention of Earthquake and Volcano Disasters) Article 11-2 (Comprehensive Measures for Reducing Damage from Volcanic Ash)	CHAPTER IV EARTHQUAKE MEASURES Article 12 (Production, Utilization, etc. of National Earthquake Risk Maps) Article 13 (Accumulation, Management, etc. of Geological and Ground Survey Data) Article 14 (Establishment of Standards of Earthquake-Proof Design) Article 15 (Formulation, etc. of Master Plans for Earthquake-Proof Reinforcement of Existing Facilities) Article 16 (Promotion, etc. of Earthquake-Proof Reinforcement of Existing Facilities) Article 16-2 (Support for Earthquake-Proof Reinforcement of Privately-Owned Buildings) Article 17 (Earthquake-Proof Measures of Regional Disaster and Safety Countermeasure headquarters and General situation Centers)	CHAPTER V COUNTERMEASURES Article 18 (Construction of System to Cope with Earthquake and Volcano Disasters) Article 19 (Construction of Emergency Support System) Article 20 (Investigation and Analysis of Causes of Earthquake and Volcano Disasters and Organization, Operation, etc. of Committees for Investigating Causes of Earthquake and Volcano Disasters) Article 21 (Risk Assessment of Damaged Facilities)	CHAPTER VI RESEARCH AND TECHNICAL DEVELOPMENT FOR REDUCING EARTHQUAKE AND VOLCANO DISASTERS Article 22 (Research and Technical Development for Reducing Earthquake and Volcano Disasters) Article 23 (Investigation and Research of Active Faults and Preparation, etc. of Active Fault Maps)	CHAPTER VII SUPPLEMENTARY PROVISIONS Article 24 (Access to Land, etc.) Article 25 (Compensation for Losses) Article 26 (Government Subsidies, etc.) Article 27 (Delegation and Entrustment of Authority)	CHAPTER VIII PENALTY PROVISIONS Article 28 (Penalty Provisions) Article 29 (Administrative Fines)
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3. Organizational System of Disaster and Safety Management

- Disaster and safety management has 4 stages (prevention, preparedness, response, relief) in accordance with the Framework Act on the Management of Disasters and Safety. The central government's organizational system is divided into two systems: ① whole-of-government system of safety management and ② disaster management system by type

(1) whole-of-government system of safety management

- The main functions of whole-of-government system of safety management are making decisions, overseeing all the process, discussing, coordinating, and supporting. The system is divided into two in large, ① a system consisting of committees and ② a system consisting of control centers.

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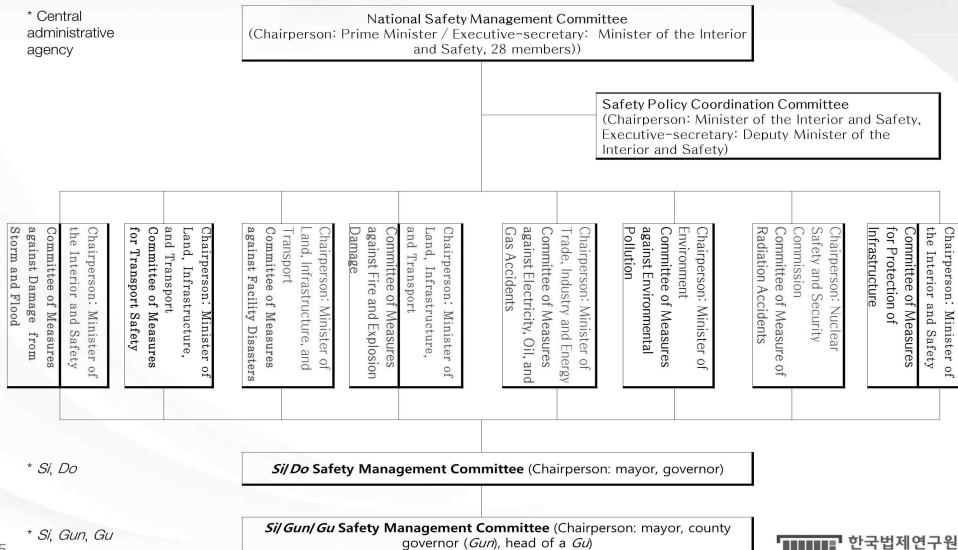
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3. Organizational System of Disaster and Safety Management

1) Organizational system consisting of committees

* Central administrative agency

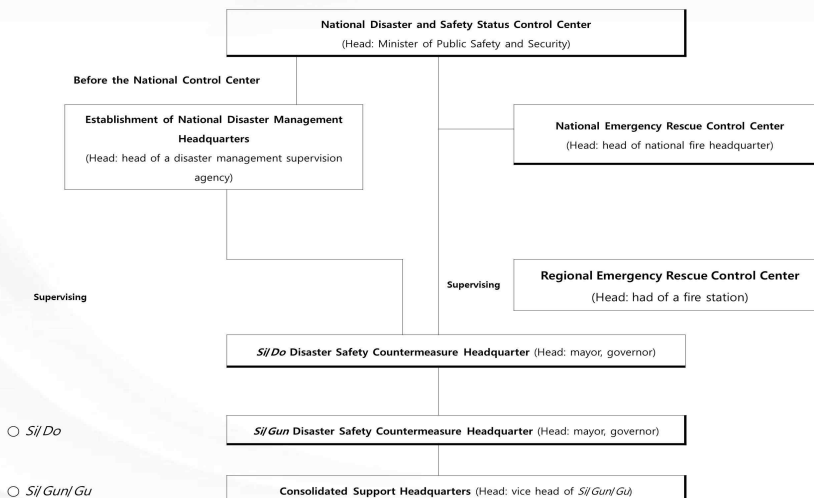


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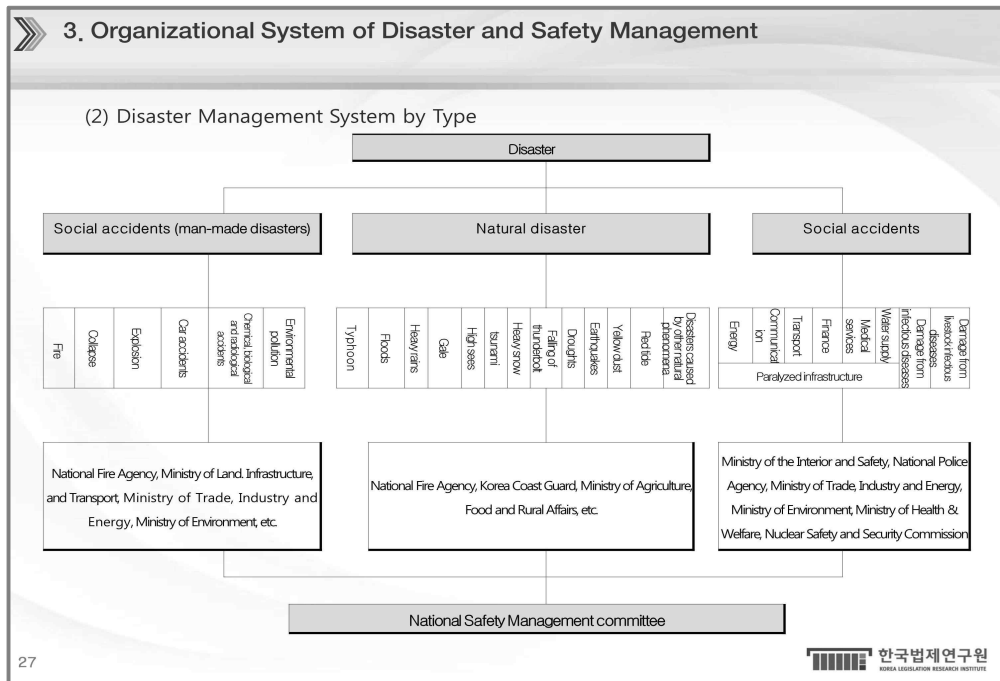
3. Organizational System of Disaster and Safety Management

2) Organizational system Consisting of Control Centers



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III. Problems in Existing Safety Management System of Facilities



1. Limitations of Existing Safety Management System of Facilities

● Lack of Capability to Respond to New Disasters such as abnormal climate and complex disasters caused by climate change

- Traditional disasters could be managed and controlled by eliminating only one hazard such as typhoon, floods, and fire. But it is more difficult to forecast the cause and result of disasters due to climate change caused by global warming and environment degradation and complex living environment.
- There is lack of capability to respond to complex disasters that mean each disaster occurs simultaneously or a disaster causes another disaster. (e.g. earthquake in the eastern part of Japan: an earthquake occurred on March 11, 2011 (first) followed by tsunami (second) and explosion of a nuclear power plant (third), resulting in complex disaster)

● Problems in Legal System

- Laws and Policy are concentrated on traditional disasters such as typhoon and floods and social accidents such as collapse of buildings.
- There are too many laws on safety management; each administrative agency has its own safety standards such as information on disaster safety and safety standards for facilities and it leads to lack of correlation; as a result, it is hard to immediately respond to complex disasters because standards are different each other.

● Lack of laws and policies to respond to the disasters that have higher possibility to be occurred such as earthquake

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1. Limitations of Existing Safety Management System of Facilities

- The Ministry of Land, Infrastructure, and Transport is in charge of facility safety because it is responsible for disaster management. Even though the Ministry fails to appropriately manage and control the affairs of earthquake resistance referred to in Article 3 (3) 2 of the Framework Act on the Management of Disasters and Safety.

- The government announced the 5-year Earthquake Prevention Comprehensive Plan in December, 2014. Of the 8 areas where a preemptive response system should be established in preparedness for earthquakes according to the 5-year plan, the Ministry of Public Safety and Security is playing an important role in setting out the standards for earthquake resistance and pursuing measures for the resistance; the Cultural Heritage Administration (producing a culture-centered map to indicate dangerous areas from earthquake) and the National Disaster Management Institute (integrating and managing database for research of geological features and the ground) are participating in the plan; but the Ministry of Land, Infrastructure, and Transport in charge of national SOC and buildings is not playing an important role.

- Article 14 (Establishment of Standards for Earthquake-Resistant Design) of the Act on the preparation for Earthquakes and Volcanic Eruptions prescribes 29 facility-related Acts that can suffer from a disaster in the event of an earthquake. The 29 Acts state the necessity of setting out standards for earthquake-resistant design and taking necessary measures for implementation.

- The Building Act covering the largest scope of buildings and other 11 Acts related to airports, dams, roads, railways, etc. have standards for earthquake-resistant design according to the statutes legislated by the Ministry of Land, Infrastructure, and Transport. But the Ministry is not leading the improvement of the resistance-related standards.

- Of the 11 Acts legislated by the Ministry prescribing resistance-related SOC, only Article 48 (Structural Bearing Strength, etc.) and Article 48-2 (Assignment of Seismic Capacity of Buildings) of the Building Act prescribe the levels of earthquake-resistance of buildings. Other 10 Acts related to dams, airports, railways, etc. don't have the resistance-related contents.

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1. Limitations of Existing Safety Management System of Facilities

- The National Fire Agency (official notice 2013-179) separates earthquake zones according to potential earthquake risk in order to systematically manage earthquakes. But in terms of district separation, only Jeju island and some northern part of Gangwon province are separated into II zone and the rest over 90% are separated into I zone. As a result, it is hard to identify differences and segmentation is needed.
- Earthquake resistance of infrastructure (managed by Ministry of Land, Infrastructure, and Transport) subject to earthquake-resistant design should be reinforced swiftly. Earthquake resistance of other infrastructure such as railways, tunnels, and bridges (376) should be immediately secured.
- In terms of airports, 57 are not resistant to earthquake. Among them, flight control stations and radar transmitter stations that are subject to I zone and are main facilities of Gimpo, Gimhae, Jeju, and Ulsan airports are not prepared for earthquakes.
- In accordance with Article 6 (Measures of Seismic Acceleration of Major Facilities) of the Act on the preparation for Earthquakes and Volcanic Eruptions, each person who builds or manages major facilities apprehended to be damaged by earthquakes shall measure seismic acceleration of such facilities. But a competent organization, Ministry of Land, Infrastructure, and Transport, fails to identify the status of installation of seismic acceleration of the facilities under its jurisdiction such as airports, dams, bridges, and railways.
- In May, 2016, the government announced a comprehensive plan for earthquake prevention and developed measures for earthquake resistance of facilities and deduction of the damage from earthquake by increasing the number of seismic acceleration from 672 to 814 by 2018. Article 3 (3) 2 (b) of the Act on the Preparation for Earthquakes and Volcanic Eruptions states production and utilization of maps indicating earthquake risk.

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2. Limitation of Safety Management Capability of Local Governments

- Amid accidents, swift response in the early stage by local governments governing the accident areas is important. In order to effectively respond to accidents in the early stage, response measures such as manuals for accidents should be established in advance and on-site response drills should be conducted.
- **Legal problems**
 - Because there are too many safety-related statutes, similar prevention and response programs are implemented by each local government; repetitious work of establishing and executing various kinds of safety management plans is happening and administration is wasted; there is the possibility to experience departmental egoism.
 - Due to lack of correlation of each statute, the efficiency of the whole legal system is decreasing. In addition, the municipal ordinances made by local governments in accordance with Article 22 of the Local Autonomy Act prescribes overlapping contents with other ordinances related to disaster and safety previously enacted.
- **Problems in safety management departments**
 - Because the safety management departments of local governments are separated by disaster's type, their correlation is weak and when a complex disaster occurs, they shift responsibility each other.
 - The safety management department (generally safety supervision division) should oversee and manage all the safety-related activities. But its authority to do the work is weak and it is hard to take comprehensive measures and conduct its supervision function. Disaster relief center, a standing disaster management department playing an important role, generally doesn't have human resources for the work.

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2. Limitation of Safety Management Capability of Local Governments

● Problems in terms of human resources

- Professional human resources to manage disasters are insufficient. There are only 10 to 15 personnel for disaster management in *Si, Gun, Gu*. So they are just focusing on safety management. The function of supervising the whole safety-related work is weak and it is hard to immediately respond to emergency situation when accidents occur.
- In particular, experts in construction, electricity, gas, civil work, etc. are needed to conduct safety inspection of facilities for disaster prevention. But due to a lack of experts, it is hard to do safety management work for prevention. In addition, educations and trainings to nurture experts in safety management are also not enough.

● Financial problems

- Due to budget shortage, money is not spent on safety inspection and repairs of facilities to prepare for accidents, but is preferentially spent on perfunctory projects.
- Recovery budget are generally money in reserve; calculation and execution of recovery budget are unnecessarily complex and there are too many stages to do the work; so it is hard to finish recovery work on time; and there is possibility that another disaster that can be avoided occurs.

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3. Problems in Entrustment of Safety Management Work to Private Sector

- Entrustment to private sector means that administrative affairs are not dealt with by public officials, a corporation, an organization, or an individual is entrusted with the affairs, and finally public purposes are achieved.

- It aims to efficiently provide administrative services with lower cost by reducing the governmental organizations and to provide the services not through public sector but through private sector by dealing with administrative affairs from the view of business management.

● Lack of fair competition and transparency which is the precondition to the entrustment

- Safety-related work in fire and construction sector is actively entrusted to private sector such as association.
- Let's take a look at Sewol ferry disaster. There was not fair competition when entrusting rescue affairs at sea to private sector. The Maritime Rescue & Salvage Association has an exclusive right. As a result, it is hard to secure efficiency in the process of response to disasters.

● Excessive cost reduction and absence of responsibility

- Entrustment of safety management affairs (saving lives which is the core of safety inspection in the field of fire, ship, maritime rescue) to private sector just for economic reason cannot avoid criticism that entrustment of the government's public affairs happens just for economic reason. In addition, the effect of cost reduction is not felt.
- Excessive entrustment of safety management work to private sector without supervision causes various problems such as ambiguity of responsibility and abuse of power.

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3. Problems in Entrustment of Safety Management Work to Private Sector

- **Lack of expertise and response capability of an entrusted organization**

-In accordance with the Act on the Delegation and Entrustment of Administrative Authority, the work that requires expertise and technology should be entrusted in principle. But it is not true in a real situation.

- The National Maritime Rescue & Salvage Association entrusted with the work of saving lives from maritime disasters doesn't have expertise and technology. And "Undine" doesn't have expertise in saving lives, but just has technology in salvaging sunken vessels.
- The necessity of entrustment to private sector is questioned due to lack of response capability and failure of meeting public expectation and completing administrative goals.

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4. Poor Safety Regulations and Unclear Responsibility

- The Constitution of the Republic of Korea doesn't state the right to be safe, but the government has a duty to protect the general public from disasters according to other statutes.

- Even though the government and the National Assembly revise and modify laws to create fundamental measures for safety, relevant accidents occur continuously and public anxiety still remains.

- **Easing the safety management standards for economic and political reason**

-Costs should not be considered when safety-related regulations are made, but impact on the quality of life of the public should be deemed as an important factor. However, we can easily identify the cases of easing necessary regulations due to economic reasons. A case in point is the cause of the Sewol ferry accident, which is the life extension of the old ferry.

- In particular, because safety of facilities has a direct impact on our lives, the relevant regulations should be reinforced. But many accidents show that easing regulations on crackdown and punishment has led to disgracing safety, has negatively affected our lives, and has caused social and economic losses.

- **Lack of stern punishment and law enforcement against the people who cause accidents**

- In terms of facilities, the government generally makes discretionary act provisions to regulate violation of safety guidelines; despite the existence of punishment provisions on violation of safety rules, laws are not applied and there is lack of strict law enforcement. (e.g. children amusement facilities)

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4. Poor Safety Regulations and Unclear Responsibility

- **Lack of stern punishment and law enforcement against the people who cause accidents**
 - Unnecessary regulations should be eased and eradicated for economic reasons, but in terms of safety, compliance with safety rules and restriction against infringement should be continuously strengthened after considering reality.
- **False regulations on safety management and safety regulations that does not fit for reality**
 - Even though safety rules already exist to prevent accidents, safety standards and relevant regulations are weak and lax and they are not enough to prevent accidents. So they should be improved.
 - Punishment regulations against violation of safety rules, such as business registration cancellation and imposition of administrative fees, should be revised. For the repeated violation within a certain period of time, active restrictions should be imposed, such as qualification cancellation.
 - Current construction supervision and inspection of construction engineers are insufficient.
- **Lack of education and public promotion about safety rules**
 - Even though there are regulations on safety education for business entities and people engaged in safety management, the contents are not enough to be applied in the real world and institutional measures are insufficient to apply the regulations and to verify the results of safety education.

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IV. Direction for Improving Laws and Regulations

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1. Direction for Improving Laws and Regulations

- Continuously modifying safety-related laws and regulations by reflecting change in disaster circumstances, including climate change
 - Modifying safety-related laws and regulations, such as Framework Act on the Management of Disasters and Safety
 - Modification to prevent conflicts and contradiction among safety-related statutes
 - Regulations and punishment against violators of safety guidelines referred to in facility-related laws should be revised by considering reality we face and securing suitability
 - Strengthening inspection of construction site on facility safety and strict law enforcement against construction companies that poorly construct buildings.
 - Assessment and reveal of local government's capability to deal with disasters and financial support ,such as reinforcement of human resources, are necessary.

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1. Direction for Improving Laws and Regulations

- Legal modification to prepare for new types of disasters caused by climate change, such as earthquakes, heat waves, and fine dust
 - Improving laws and regulations are needed to prepare for new types of disasters, such as heat waves and fine dust.
 - Even though standards for earthquake-resistant design have been continuously strengthened, the current state of facilities constructed before the enactment of the standards or before the improvement of relevant laws should be examined; and a plan to improve the standards should be created and implemented.
 - Response system, such as earthquake forecast, should be improved. The recent outbreak of earthquake in Gyeongju makes us realize need for comprehensive improvement of our disaster response system.
 - When earthquakes occur, swift response and systematic response system are required. An early warning system against earthquakes and systematic response system that enables swift announcement of disasters to the public should be established.
 - "The earthquake early sense and warning system" of the Korea Meteorological Administration should be improved and earthquake response system should be checked.

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2. Direction for Improving Safety Management Policy

● Enactment to increase support for the people vulnerable to disasters

- Making laws to increase support for the people vulnerable to disasters, such as children, senior citizens, the disabled, and foreigners
- Legal support for the people who are not able to respond to disasters should be increased and they should be safe from disasters.

● Establishment and spread of safety-oriented culture

- Local government's efforts to come up with measures for establishment of safety-oriented culture and the central government's support should be expanded.

● Public promotion of and education about safety

- Even though public awareness of the importance of safety is improving, systematic safety education for the public and education of safety standards for the people engaged in the relevant business is still insufficient.
- In terms of facility safety, on-site safety education in construction industry, etc. and a work-study program for safety education in kindergartens, elementary schools, etc. should be increased.
- Preparedness for earthquakes has not been enough. Without continued response education and training, it is difficult to appropriately respond in a real situation. So practical education and training should be continuously conducted.

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2. Direction for Improving Safety Management Policy

● Public promotion and education about safety

- Every school, including kindergartens, should provide regular education to prepare for disasters, such as earthquakes; and facility improvement for experience-oriented safety education, etc. is required.
- Regular education to respond to disasters, such as earthquakes, should be conducted for teachers of elementary, middle, and high schools; it should be mandatory to place guidelines in every classroom to respond to disasters; and facilities for a work-study program that enables students to participate in earthquake evacuation drills and on-site education should be strengthened.
- Local governments need to strengthen disaster preparedness education and drills; vocational education for fire fighters and governmental officials in charge of disasters in *Si/Gun/Gu* should be mandatory to enhance their expertise; and safety education for residents should be facilitated.
- Local civil defense drills should be reinforced; disaster response drills, such as earthquake evacuation, should be strengthened; and regular disaster response drills for the public centered by relevant organizations, such as fire station, fire school, and schools, are needed to be conducted.

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Thank you !



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Wang Fei

Debate 1

중국 국무원 법제판공실 농무·천연자원 및 환경보호부 부국장
Deputy Division Director of Department of Agriculture,
Forestry, Urban and Rural Development,
Resources and Environment Protection Affairs,
Legislative Affairs Office of the State Council, P.R.C

▶ 학력

- 산둥대학교(Shandong University) 법학박사

▶ Academic Background

- Doctor in Law, Shandong University

▶ 주요경력

- 중국 국무원법제판공실 농무·천연자원 및 환경보호부
- 도시·농촌지역 발전을 위한 법령 입안 및 검토 참여
- 지진 피해로부터 국민보호, 지진경감, 설문조사 및 지도제작 등 참여

▶ Work Experience

- Deputy Division Director of Department of Agriculture, Forestry, Urban and Rural Development, Resources and Environment Protection Affairs, Legislative Affairs Office of the State Council, P.R.C
- Participation in drafting and reviewing laws and regulations on Urban and Rural Development
- Participation in Protecting Against and Mitigating Earthquake Disasters, Surveying and Mapping



China's Legislation to Manage the Safety of Facilities to Respond to Natural Disasters

Wang Fei (Deputy Division Director)

Taking the Field of Protection Against and Mitigation of Earthquake Disasters As an Example

1. Natural Disasters and Disaster Prevention and Reduction in China

China is one of the countries suffering the most natural disasters. Along with global climate changes and its own progress in industrialization and urbanization, China suffers increasing pressure on resources, environment and ecology. The situation in the prevention of and response to natural disasters has become more serious and complicated. The natural disasters that China suffers from most have the following characteristics: Diverse types, Wide scope of distribution, High frequency, Huge losses, etc.

Always placing people first, the Chinese government has all along put the security of people's lives and property on the top of its work, and has listed the disaster prevention and reduction in its economic and social development plan as an important guarantee of sustainable development. In recent years, China has been further strengthened legislation as well as the building of systems and mechanisms on disaster prevention and reduction, committed to building on disaster—prevention capacities, encouraged public contribution, and actively participated in international cooperation in this respect.

2. Construction of a Legal Framework, Institutional Setup and Working Mechanism Related to Disaster Reduction

China attaches great importance to legislation regarding disaster prevention and reduction and has enacted a number of laws and regulations in this regard, thus gradually institutionalizing disaster reduction efforts. For example, the Emergency Response Law of the People's Republic of China, Law of the People's Republic of China on Protection Against and Mitigation of Earthquake Disasters, Flood Control Law of the People's Republic of China, Regulations on Post–Wenchuan Earthquake Rehabilitation and Reconstruction, etc.

Since the 1980s, the state has promulgated a number of laws and regulations concerning Protection Against and Mitigation of Earthquake Disasters, including Law of the People's Republic of China on Protection Against and Mitigation of Earthquake Disasters, Regulations on Administration of Earthquake Predictions, The Regulation on the Administration of Earthquake Monitoring, Regulations on Administration of Seismic Safety Evaluation, Regulation on Emergency Responses to Destructive Earthquakes, Regulations on Post–Wenchuan Earthquake Rehabilitation and Reconstruction. The above–mentioned laws and administrative regulations provide the guarantee for the government to carry out protection against and mitigation of earthquake disasters.



3. The Main Contents of the Legal System of Protection Against and Mitigation of Earthquake Disasters

(1) Making clear the construction requirements through the blueprint for protecting against and mitigating earthquake disasters.

In accordance with the law, the blueprint for protecting against and mitigating earthquake disasters shall cover: the situation of earthquake, overall objectives of protection against and mitigation of earthquake disasters, construction layout of earthquake monitoring stations and networks, measures for protecting against earthquake disasters, measures for earthquake emergency rescue, and safeguard measures for the technology, information, funds, materials, etc. for protecting against and mitigating earthquake disasters. The blueprint for protecting against and mitigating earthquake disasters shall include specific arrangements for the construction of earthquake monitoring stations and networks in the key areas for earthquake surveillance and protection, for tracking of earthquake situation, the measures for protecting against earthquake disasters, earthquake emergency preparation, publicity and education of knowledge about protecting against and mitigating earthquake disasters, etc.

(2) Strengthening the earthquake monitoring and forecasting.

In accordance with the law, the State shall strengthen the earthquake monitoring and forecasting, and make a unified blueprint and a classified and categorized management of the earthquake monitoring stations and networks. The project owner of major construction projects such as reservoirs, oil fields, and nuclear power plants shall set up special earthquake monitoring stations and networks or strong vibration monitoring facilities in accordance with the provisions of relevant administrative regulations of the State Council. The construction of earthquake monitoring stations

and networks shall be in compliance with the laws, regulations and the relevant standards of the State to ensure the construction quality.

(3) Protecting the earthquake monitoring facilities and the environment for seismic observation.

In accordance with the law, the State shall protect the earthquake monitoring facilities and the environment for seismic observation in accordance with law. No entity or individual may encroach upon, damage, or unlawfully dismantle or remove any of the earthquake monitoring facilities. No entity or individual may jeopardize the environment for seismic observation. In building, expanding or rebuilding a construction project, attention shall be paid to avoid damaging the earthquake monitoring facilities and the environment for seismic observation.

(4) Strengthening the aseismatic fortification requirements of the construction projects.

In accordance with the law, the construction projects newly built, expanded or rebuilt shall meet the aseismatic fortification requirements. The major construction projects and the construction projects which may induce serious secondary disasters shall be subject to the seismic safety evaluation in accordance with the provisions of relevant administrative regulations of the State Council, and the aseismatic fortification shall be conducted in accordance with the aseismatic fortification requirements determined by the approved seismic safety evaluation reports. The construction projects in densely populated places such as schools and hospitals shall be designed and constructed in compliance with the aseismatic fortification requirements higher than those for other buildings in the locale, and effective measures shall be taken to increase the capability of aseismatic fortification. The mandatory standards for the relevant construction projects shall be in conformity with the aseismatic fortification requirements. The local people's governments at and above the county level shall



strengthen the management of the aseismatic fortification of rural villagers' dwelling houses and rural public facilities.

(5) Further perfect the urban and rural blueprinting.

In accordance with the law, the urban and rural blueprinting shall, in accordance with the needs of the earthquake emergency refuge, reasonably determine the emergency evacuation routeways and emergency shelters, and make an overall arrangement for the infrastructure construction such as transport, water supply, power supply, sewage discharge needed for the earthquake emergency shelters.

(6) Earthquake Emergency Rescue.

In accordance with the law, after the occurrence of an earthquake disaster, the earthquake relief command bodies shall immediately organize the relevant departments and entities to find out the disaster situation, put forward the program for distributing earthquake emergency rescue forces, and promptly organizing the rush—repair of damaged infrastructures of transport, railways, water conservancy, electric power, communications, starting the use of emergency shelters or setting up temporary shelters, etc.

(7) Post—Earthquake Transitional Resettlement.

In accordance with the law, the transitional resettlement sites shall be set up in the areas that have convenient transport conditions and facilitate disaster—hit people to rehabilitate production and life, and shall keep away from the seismic active faults and the areas that may induce serious secondary disasters. The transitional resettlement sites shall be appropriate in scale, and corresponding measures for protection against disasters and epidemic diseases shall be taken, and necessary supporting infrastructures and public service facilities shall be constructed to ensure the safety and basic living needs of the disaster—hit people.

(8) Post–Earthquake Rehabilitation and Reconstruction.

In accordance with the law, the blueprint for the post–earthquake rehabilitation and reconstruction shall, in accordance with the geological conditions, the distribution of seismic active faults and the carrying capacity of resources and environment, focus on making arrangements for such aspects as the layout of towns and villages, construction of infrastructures and public service facilities, disaster prevention and mitigation, and protection of ecological environment, natural resources and historical and cultural heritage. The sites selected for towns and villages in earthquake–stricken areas that need to be built in a different locale and for the post–earthquake reconstruction projects shall meet the requirements of the blueprint for post–earthquake rehabilitation and reconstruction and the requirements for aseismic fortification and protection against and mitigation of disasters, and shall avoid seismic active fault, ecologically fragile areas, areas that may induce possible floods, landslides, collapse, mud–rock flow, ground subsidence and other disasters, and natural foci of infectious diseases.



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배 정 주

Debate 2

한국시설안전공단 해외사업팀장

Bea Jung Ju

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- 2008 충북대 토목과 박사

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- 1988 Bachelor degree in Civil engineering, Chungang University
- 1993 Master degree in Civil engineering, Oregon State University
- 2008 Doctor degree in Civil engineering, Chungbuk University

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- Team staff, Hydraulic structure bureau, Rural Development Corporation
- Team staff, Overseas project bureau, Rural Development Corporation
- Team leader, Hydraulic structure bureau, KISTEC
- Team leader, Overseas project team, KISTEC
- Project manager, Capacity development for safety management of the public facilities in Indonesia



Discussion paper for measures to modify laws for improving facility safety in Indonesia

Bea Jung-ju (Team leader of Overseas Projects Team,
Korea Infrastructure Safety & Technology Corporation)

First of all, I would like to thank the speaker for explaining Korea's and ASEAN's laws for facility safety management and providing measures to modify the laws.

Through your presentation, we can identify the process of Korea's economic growth and the history of its laws for facility safety management that contributed to economic development. I believe that Korea's experience of legislation for facility safety management would provide great lessons to ASEAN member countries.

I would like to provide my opinions on measures to modify laws for facility safety management based on the presentation and ask some questions to the speaker.

Firstly, we should recognize the importance of laws for facility safety management in terms of economy. The presentation of the professor of Handong Global University, Cho Hye-shin, showed us that economic growth and infrastructure that supports economic development are closely intertwined each other. Laws for facility safety management are playing an important role in supporting economic development through maintenance and management of facilities constructed for economic growth. Korea has continuously endeavored to expand social overhead capital (SOC) for rapid economic growth. Its effort to perfectly manage the expanded facilities has been recognized as an important factor for economic development. In this regard, we should keep in mind that modification of laws for facility safety management has a huge impact on economic growth.

Secondly, we should stress the importance of referring to Korea's laws for facility

safety management to ASEAN member countries when they strive to modify the relevant laws. Korea's laws for facility safety management is the only one to prescribe that the central government has the authority to manage national major infrastructure. For the past 20 years since the laws for facility safety management were made, we have never experienced safety-related accidents. This fact makes ASEAN member countries, including Indonesia, refer to Korea's laws for facility safety management.

Thirdly, we should focus on the benefits from modification of laws for facility safety management. It is easy for the facility managers of ASEAN countries to think that facility safety management just costs too much. However, we have experienced various benefits from facility safety management. So their attitude toward it needs to be changed.

The well-managed facilities have contributed to economic growth, which is the most significant benefits we have gained. In addition, we have protected the lives and properties of the public of each country through the prevention of collapse. As a result, the government has eased the public's concern about facility safety and gained credibility. And modification of laws for facility safety management enables us to develop safety-related technology, nurture relevant experts, and create jobs by developing facility safety management into a new industry.

Lastly, let me wrap up my remarks by asking some questions to the speaker.

According to your presentation, you drafted a bill for Indonesia's facility safety and delegated its details to ministerial regulations. So I wonder whether to conduct a research on the legislation of the ministerial regulations. And you suggest the establishment of Facility Safety Commission. So I wonder whether the bill could prescribe the difference between the Commission and other Commissions for dams, bridges, etc. in terms of duties and hierarchy.

I would like to wrap up my remarks.

Thank you.



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하 동 호

Debate 3

건국대학교 공과대학 토목공학과 교수

Ha Dong Ho

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- 1992 서울대학교 공과대학 토목공학과 석사
- 1996 일본 동경대학 토목공학전공 공학박사

▶ Academic Background

- 1990 Bachelor's degree in Department of Civil Engineering, Seoul National University, Seoul, Korea
- 1992 Master's degree in Department of Civil Engineering, Seoul National University, Seoul, Korea
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- 2003 ~ present Professor of Department of Civil Engineering, Konkuk University, Seoul, Korea



Korea's earthquake-resistant measures

Ha Dong Ho

(Vice president of the Earthquake Engineering Society of Korea
(EESK),

Professor of Konkuk University)

Discussion on modifying laws on facility safety management is vital to create a safe society due to the change in disaster circumstances. I would like to talk about Korea's earthquake-resistant measures as vice president of the Earthquake Engineering Society of Korea (EESK).

Korea is a country where relatively minor earthquakes occur. So recurrence period of earthquakes is irregular and it is hard to measure earthquake magnitude. Some argued that countermeasures against earthquakes were not necessary because the Korean Peninsula has not been damaged by earthquakes for the past 100 years according to the records of the past about 2000 years. This argument was common until the end of the 20th century. As a result, our country started to prepare for earthquakes just about 10 years ago.

Except for nuclear energy area, the establishment of EESK (1996) and "research on standards for earthquake-resistant design (1997)" were a starting point in terms of Korea's earthquake-resistant measures and relevant research. The result of the research has been playing an essential role as the most important standards among various standards related to earthquake resistance till this year. Matters to be commonly applied to the standards for earthquake-resistant design and standards for earthquake-resistant design (common standards) were recently created, as well as the Act on the Preparation for Earthquakes and Volcanic Eruptions and the Enforcement Decree of the Act were enacted and revised. The Ministry of Land, Infrastructure, and Transport and Ministry of the Interior and Safety are conducting new projects, such as

research on standards for SOC facility's earthquake resistance and institutional improvement, establishment of a master plan for national earthquake-resistant design and reinforcement, and a system to respond to earthquakes. Even though the authority over countermeasures against earthquakes was transferred from the Ministry of Construction & Transportation to the National Fire Agency and from the Countermeasures against Natural Disasters Act to the Earthquake Recovery Plans Act, the Ministry of Land, Infrastructure, and Transport is still in charge of standards for earthquake-resistant design of facilities and other relevant works.

The history of Korea's research on earthquakes is not long. Only Ssangyesa Temple earthquake (1936), Hongseong earthquake (1978), Odaesan Mountain earthquake (2007), and Gyeongju earthquake (2016) damaged our country in the past 100 years. When comparing the damage with that of other country, our damage was minor. Given the short period of research history, however, the results are outstanding. Lack of credibility of Korea's seismic zones that Na Chae-joon, senior research fellow of the Korea Legislation Research Institute, pointed out results from the efforts to streamline the zones for earthquake-resistant design. Japan has just three and the United States has 6 seismic zones for earthquake-resistant design. The size of the land of Japan and the U.S. is four times and a hundred times larger than that of South Korea respectively. The National Seismic Hazard Map produced based on the earthquake records on the Korean Peninsula provides relevant information in detail. An active fault map will start to be produced in the end of this year as a 5- to 20-year long-term plan. The result of the research will be used to produce more credible seismic hazard map. In addition, "Earthquake Early Sense and Warning System" is more effective when the land of a country is large and a quake's epicenter is far away from the land like sea shock. But for a country that has small land and minor earthquakes like Korea, the return on investment of the system is low.

Other problems in our country's measures to respond to earthquakes are earthquake prediction and material maintenance. There are many cases that installment standards, standards for evaluating performance of measuring instrument, and maintenance of data



are not suitable and are just wasting money. In addition, in many cases, earthquake-resistant design and reinforcement are unreasonable and uneconomical. In order to solve these problems, we need to nurture experts with relevant knowledge. In Japan, entrance rate of graduate school of natural sciences and engineering is 70 to 80 percent. But in Korea the entrance rate is just 20 to 30 percent. The gap should be narrowed to produce more relevant experts. Political methods are the only way to do so.

Last but not least, even though we can enhance earthquake resistance of new and public facilities, it is hard to improve earthquake resistance of existing private facilities. As a result, it is time for public and private sectors to create various ideas and measures.

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