SEOUL METROPOLITAN GOVERNMENT ORDINANCE ON THE ESTABLISHMENT AND OPERATION OF DISASTER MANAGEMENT FUND

Enactment No. 4066, Mar. 15, 2003
Partial Amendment No. 4254, Jan. 05, 2005
Amendment of Other Laws No. 4284, Jun. 16, 2005
Partial Amendment No. 4485, Mar. 08, 2007
Amendment of Other Laws No. 4593, Dec. 26, 2007
Amendment of Other Laws No. 4616, Apr. 03, 2008
Partial Amendment No. 4783, May. 28, 2009
Partial Amendment No. 4873, Nov. 11, 2009
Amendment of Other Laws No. 4908, Jan. 07, 2010
Amendment of Other Laws No. 5137, Jul. 28, 2011
Partial Amendment No. 5198, Oct. 27, 2011
Amendment of Other Laws No. 5208, Dec. 29, 2011
Partial Amendment No. 5505, May. 16, 2013
Partial Amendment No. 5737, Jul. 17, 2014
Amendment of Other Laws No. 5767, Dec. 11, 2014
Amendment of Other Laws No. 5864, May. 14, 2015
Amendment of Other Laws No. 6016, Oct. 08, 2015
Amendment of Other Laws No. 6429, Mar. 23, 2017
Partial Amendment No. 6522, May. 18, 2017
Amendment of Other Laws No. 7154, May. 16, 2019
Partial Amendment No. 7204, May. 16, 2019
Amendment of Other Laws No. 7423, Dec. 31, 2019
Amendment of Other Laws No. 7547, Mar. 31, 2020
Partial Amendment No. 7652, Jul. 16, 2020
Amendment of Other Laws No. 7782, Dec. 31, 2020
Amendment of Other Laws No. 7784, Dec. 31, 2020
Partial Amendment No. 7813, Dec. 31, 2020
Amendment of Other Laws No. 8127, Sep. 30, 2021
Amendment of Other Laws No. 8235, Dec. 30, 2021

Article 1 (Purpose)

The purpose of this Ordinance is to provide for matters necessary for the establishment and operation of the Seoul Metropolitan Government Disaster Management Fund in order to efficiently manage funds accumulated pursuant to Article 14 of the Disaster Relief Act, and Article 67 of the Framework Act on the Management of Disasters and Safety.

[This Article Wholly Amended by Ordinance No. 4873, Nov. 11, 2009]

Article 2 (Establishment)

The Mayor of the Seoul Metropolitan Government (hereinafter referred to as the "Mayor") shall establish the Seoul Metropolitan Government Disaster Management Fund (hereinafter referred to as the "Fund") in order to secure funds necessary for the prevention of disasters referred to in the items of subparagraph 1 of Article 3 of the Framework Act on the Management of Disasters and Safety (hereinafter referred to as the "Framework Act") and for prompt relief and recovery when a disaster occurs. <Amended by Ordinance No. 5505, May 16, 2013>

[This Article Wholly Amended by Ordinance No. 4873, Nov. 11, 2009]

Article 3 (Classification of Funds)

The Fund shall be operated with funds classified into a disaster relief fund account (hereinafter referred to as the "Relief Account") and a disaster management fund account (hereinafter referred to as the "Disaster Account").

[This Article Wholly Amended by Ordinance No. 4873, Nov. 11, 2009]

Article 4 (Creation)

(1) Funds of the Relief Account shall be created with the following financial resources: <Amended by Ordinance No. 5505, May 16, 2013>

1. Reserves of the Seoul Metropolitan Government (hereinafter referred to as the "Seoul Government") under Articles 14 (1) and 15 of the Disaster Relief Act;
2. Earnings from the operation of funds in the Relief Account and other income.

(2) Funds of the Disaster Account shall be created with the following financial resources:

1. Reserves of the Seoul Government under Article 67 (1) and (2) of the Framework Act;

2. Earnings from the operation of funds in the Disaster Account and other income.
[This Article Wholly Amended by Ordinance No. 4873, Nov. 11, 2009]

Article 5 (Purposes)

(1) Funds in the Relief Account shall be used for purposes referred to in the subparagraphs of Article 8 (1) of the Enforcement Decree of the Disaster Relief Act.
(2) Funds in the Disaster Account shall be used for purposes referred to in the following subparagraphs pursuant to Article 74 of the Enforcement Decree of the Framework Act on the Management of Disasters and Safety (hereinafter referred to as the "Enforcement Decree of the Framework Act"): <Amended by Ordinance No. 5198, Oct. 27, 2011; Ordinance No. 5505, May 16, 2013; Ordinance No. 6429, Mar. 23, 2017; Ordinance No. 6522, May 18, 2017; Ordinance No. 7204, May 16, 2019>
1. The following purposes for disaster prevention activities in the public sector for disaster and safety management:
(a) Research service projects necessary to prevent or reduce the occurrence of disasters;
(b) Projects for safety inspection, repair, and reinforcement in areas (limited to areas owned or managed by local governments) under Article 32 (2) of the Enforcement Decree of the Framework Act;
(c) Installation and management of safety facilities, such as warning signs for the prevention of accidents;
(d) Production of promotional materials concerning the prevention of disasters;
(e) Projects for fostering and supporting safety cultural activities and disaster response training exercises;
(f) Installation of facilities to prevent flooding in underground houses in low-lying areas;
(g) Installation, maintenance, and repair of river facilities, drain, hydrological observation facilities in retarding basins, etc.;
(h) Inspection of facilities vulnerable to disasters, disaster scenes, facilities that prevent disasters, etc., the purchase of equipment based on advice, allowances and expenses;
(i) Incidental expenses necessary to conduct affairs relating to the management of the Fund;
2. Repair and reinforcement of facilities that prevent disasters under Article 55 of the Enforcement Decree of the Countermeasures against Natural Disasters Act;
3. The following purposes for the installation, repair, and reinforcement of disaster forecasting and warning systems:
(a) Automatic rainfall warning systems, automatic voice communication systems, electronic disaster message display boards, and automatic warning systems in mountain valleys;
(b) Facilities that measure steep slopes likely to cause human loss and property damage;
4. The following purposes for emergency restoration of or emergency measures for disaster-damaged facilities (facilities owned or managed by local governments):
(a) Emergency restoration of and emergency measures for facilities damaged by flooding, storms, etc.;
(b) Projects to secure temporary water supply in areas damaged by regular droughts;
(c) Purchasing and hiring materials and shovels for removing snow (excluding the purchase of snow removal vehicles, the installation of wetted salt type snow removal systems, and management expenses for entrustment to the Seoul Facilities Corporation);
(d) Implementation of safety measures under Article 31 (4) of the Framework Act;
5. The following purposes for emergency rescue capability expansion projects:
(a) Emergency rescue capability, such as lifesaving and first aid, expansion projects;
(b) Purchasing special equipment necessary for emergency rescue;
(c) Purchasing buoyant safety devices;
6. Assistance in moving to rental houses and lending money for renting houses to residents who comply with an evacuation order or a deportation order under the provisions of Articles 40 through 42 of the Framework Act;
7. The following purposes for research and study for analysis of the causes of disasters, the mitigation of damage, etc.:
(a) Formulation of wind and flood damage mitigation plans, emergency action plans, and analysis and evaluation of disaster recovery programs;
(b) Analysis of the causes of disasters, survey of flood marks, and safety inspection of facilities subject to specific management;
(c) Collection of space image data of damaged areas, and aerial photogrammetry;
8. Emergency response and emergency recovery to prevent the spread of contagious diseases or contagious animal diseases, among disasters referred to in subparagraph 1 (b) of Article 3 of the Framework Act;
9. Assistance in counselling activities for psychological stability and social adjustment to disaster victims;
10. Other matters deemed necessary by the Mayor for emergency response to disasters and accidents.
[This Article Wholly Amended by Ordinance No. 4873, Nov. 11, 2009]

Article 6 (Public Officials Who Manage Fund)

Public officials to manage the Fund shall be assigned as follows in order to efficiently manage and operate the Fund: Provided, That in order to increase transparency of procedures for paying operating expenses of the Fund, public officials related to accounting of a government office prescribed by the Financial Accounting Rule of the Seoul Metropolitan Government shall be assigned as public officials who manage the Fund, and shall manage affairs relating to the act of causing expenditure (including

contracting affairs) and payment orders, among affairs of public officials who manage the Fund: <Amended by Ordinance No. 4908, Jan. 7, 2010; Ordinance No. 5137, Jul. 28, 2011; Ordinance No. 5208, Dec. 29, 2011; Ordinance No. 5767, Dec. 11, 2014; Ordinance No. 5864, May 14, 2015; Ordinance No. 6016, Oct. 8, 2015; Ordinance No. 6522, May 18, 2017; Ordinance No. 7204, May 16, 2019>

1. Officers who operate the Fund:

(a) Relief Account – Chief Officer of Welfare Policy Office of the Seoul Government;

(b) Disaster Account – Chief Officer of Safety Management Office of the Seoul Government;

2. Treasurers of the Fund – Deputy Director in charge of affairs relating to the Fund of each account.

[This Article Wholly Amended by Ordinance No. 4873, Nov. 11, 2009]

Article 7 (Plan for Operation and Settlement of Accounts)

(1) Officers who operate the Fund shall formulate a plan for operation of the Fund by no later than 50 days before each fiscal year begins, and prepare a statement of accounts of the Fund within 80 days after the receipts and disbursements are closed.

(2) Where a plan for operation of the Fund is formulated under paragraph (1), an autonomous Gu's survey on demand concerning the use pursuant to Article 5 (2) shall be conducted. <Newly Inserted by Ordinance No. 6522, May 18, 2017>

(3) Officers who manage the Fund shall prepare a plan for operation of the Fund and a statement of accounts referred to in paragraph (1) for each account, and undergo deliberation by the Fund Operation Deliberation Committee under Article 13 of the Framework Act on the Management of Local Government Funds. <Amended by Ordinance No. 6522, May 18, 2017>

(4) The Mayor shall submit a plan for operation of the Fund and a statement of accounts of the Fund under paragraph (1) to the Seoul Metropolitan Council in each fiscal year along with a budget bill or written settlement of accounts concerning revenue and expenditure, respectively. <Amended by Ordinance No. 6522, May 18, 2017; Ordinance No. 7204, May 16, 2019>

[This Article Wholly Amended by Ordinance No. 4873, Nov. 11, 2009]

Article 8 (Establishment and Composition of Fund Operation Deliberation Committee)

(1) The Disaster Management Fund Operation Deliberation Committee of the Seoul Metropolitan Government (hereinafter referred to as the "Committee") shall be established to deliberate on the following matters concerning the management and operation of the Fund: <Amended by Ordinance No. 6522, May 18, 2017>

1. Matters concerning a draft plan for operation of the Fund and a statement of accounts of the Fund;

2. Matters concerning the alteration of expenditures of major items;

3. Other matters referred to the Committee by the chairperson in relation to the Fund;

4. Matters concerning deliberation criteria under Article 8 (1) 1 through 3.

(2) The Committee shall be composed of not exceeding 15 members including one chairperson and two vice chairpersons. <Amended by Ordinance No. 4873, Nov. 11, 2009>

(3) The Vice-Mayor II for Administrative Affairs shall become the chairperson, and the Chief Officer of Safety Management Office and the Chief Officer of Welfare Policy Office shall be vice chairpersons, respectively. <Amended by Ordinance No. 7204, May 16, 2019>

(4) Persons appointed or commissioned by the Mayor from among those falling under any of the following shall become members of the Committee: <Amended by Ordinance No. 5137, Jul. 28, 2011; Ordinance No. 5198, Oct. 27, 2011; Ordinance No. 6016, Oct. 8, 2015; Ordinance No. 6522, May 18, 2017; Ordinance No. 7204, May 16, 2019>

1. The Director of Fiscal Balance and Development Division, the Director of Welfare Policy Division, the Director of Road Management Division, the Director of River Management Division, and the Director of Safety Management Division;

2. Members of the Seoul Metropolitan Council (hereinafter referred to as "Council members");

3. Other non-governmental experts who have professional knowledge in the fields related to the Fund.

(5) The chairperson shall exercise general supervision over the Committee affairs, represent the Committee, and convene meetings of the Committee, and where the chairperson is unable to perform his or her duties due to any unavoidable cause, a vice chairperson appointed by the chairperson shall act on behalf of the chairperson. <Amended by Ordinance No. 5505, May 16, 2013>

(6) The terms of office of commissioned members shall be two years, and they may only serve two consecutive terms: Provided, That the term of office of a member who fills a vacancy shall be the remainder of his or her predecessor's term. <Amended by Ordinance No. 5198, Oct. 27, 2011>

[This Article Wholly Amended by Ordinance No. 4873, Nov. 11, 2009]

Article 8-2 (Disqualification of, Challenge to, or Refrainment by, Members)

(1) For the purpose of fair deliberation, any member falling under any of the following shall be disqualified from the relevant deliberation:

1. Where a member has provided or is providing service or consultation, or has conducted or is conducting research, relating to the matters subject to deliberation;

2. Where a member has a direct interest, relating to the matters subject to deliberation.

(2) Where the circumstances indicate that it would be impracticable to expect fairness from a member, an interested party may file a request for a challenge to the member with the Chairperson.
(3) Where any member falls under paragraph (1) or (2), he or she may make a request for refrainment, and upon the request, the relevant member shall be disqualified from the deliberation in question.
[This Article Newly Inserted by Ordinance No. 5737, Jul. 17, 2014]

Article 9 (Meetings)

(1) Meetings of the Committee shall be held by classifying them as regular meetings and extraordinary meetings.
(2) Regular meetings shall be held semiannually in order to formulate a master plan for operation of the Fund of the following year and prepare a statement of accounts of the Fund of the preceding year, and where the chairperson deems extraordinary meetings necessary, extraordinary meetings shall be held whenever required.
(3) The Committee shall hold meetings when a majority of the incumbent members attend meetings, and pass resolutions with the concurrent vote of a majority of the members present.
(4) In principle, the Committee shall hold meetings open to the public. <Newly Inserted by Ordinance No. 5505, May 16, 2013>
[This Article Wholly Amended by Ordinance No. 4873, Nov. 11, 2009]

Article 10 (Executive Secretary)

(1) In order to conduct affairs of the Committee, the Relief Account and the Disaster Account shall have the Director of Welfare Policy Division and the Director of Safety Management Division as its executive secretary, respectively, and one secretary shall each be assigned to each account to assist each executive secretary; the deputy director in charge of the Fund in the Welfare Policy Division and in the Safety Management Division shall become the secretary, respectively. <Amended by Ordinance No. 7204, May 16, 2019>
(2) Each executive secretary shall prepare and keep the minutes including the following matters when meetings of the Committee are held: <Amended by Ordinance No. 4873, Nov. 11, 2009>
1. Date, time, and venue of meetings;
2. Names of members who attend meetings;
3. Items discussed;
4. Results of deliberation;
5. Other matters the chairperson deems necessary.
[This Article Wholly Amended by Ordinance No. 4873, Nov. 11, 2009]

Article 11 (Allowances)

Matters regarding allowances and travel expenses paid to members of the Committee shall be governed by the Seoul Metropolitan Government Ordinance on the Payment of Committee Allowances and Travel Expenses.
[This Article Wholly Amended by Ordinance No. 7204, May 16, 2019]

Article 12 (Management of Fund)

(1) The Fund shall deposit and manage funds of each account in the City Treasury, and may deposit such funds in the Seoul Metropolitan Government Financial Investment and Loan Fund.
(2) Pursuant to Article 75 (2) of the Enforcement Decree of the Framework Act, an amount not less than 15 percent of reserves under Article 4 (2) 1 among funds in the Disaster Account shall be managed as reserves, and the remaining amount of reserves and interest which accrues on reserves shall be used for purposes provided for in Article 5 (2). <Amended by Ordinance No. 5198, Oct. 27, 2011>
[This Article Wholly Amended by Ordinance No. 4873, Nov. 11, 2009]

Article 13 (Terms of Loans)

The terms of a loan, such as an interest rate and redemption period, under subparagraph 8 of Article 74 of the Enforcement Decree of the Framework Act shall be prescribed by rule of the Seoul Government in consideration of the terms of a loan provided by another Fund, the open market rate, etc. <Amended by Ordinance No. 5198, Oct. 27, 2011; Ordinance No. 6016, Oct. 8, 2015; Ordinance No. 7204, May 16, 2019>
[This Article Wholly Amended by Ordinance No. 4873, Nov. 11, 2009]

Article 14 (Others)

(1) Matters not prescribed by this Ordinance concerning the operation of the Fund shall be governed by the Seoul Metropolitan Government Ordinance on Financial Management.
(2) Accounting management of the Fund shall be governed by the Financial Accounting Rules of the Seoul Metropolitan Government.
[This Article Wholly Amended by Ordinance No. 4873, Nov. 11, 2009]

ADDENDA

Article 1 (Enforcement Date)

This Ordinance shall enter into force on the date of its promulgation.

Article 2 (Repeal of Other Ordinances of the Seoul Government)

The Seoul Metropolitan Government Ordinance on the Anti-calamity Measures Fund, the Seoul Metropolitan Government Ordinance on the Management of the Disaster Relief Fund, and the Seoul Metropolitan Government Ordinance on the Operation and Management of the Disaster Management Fund are hereby repealed, respectively.

Article 3 (Transitional Measures concerning Consolidation of Funds)

(1) The rights and duties, such as assets, loans and debts, of the following Funds under Ordinances of the Seoul Government repealed pursuant to Article 2 of Addenda, and any surplus accruing in the year 2002 shall be transferred to each account of this Fund as follows:

1. The Anti-calamity Measures Fund - The Calamity Account;

2. The Disaster Relief Fund - The Relief Account;

3. The Disaster Management Fund - The Disaster Account.

(2) A plan for operation of the Fund for the year 2003 of each Fund under Ordinances of the Seoul Government repealed pursuant to Article 2 of Addenda shall be deemed a plan for operation of the Fund for the year 2003 of each Account transferred pursuant to paragraph (1), and the settlement of accounts for the fiscal year 2002 shall be made pursuant to the repealed Ordinance of the Seoul Government.

ADDENDA <Ordinance No. 4254, Jan. 5, 2005>

Article 1 (Enforcement Date)

This Ordinance shall enter into force on the date of its promulgation.

Article 2 (Transitional Measures concerning Consolidation of Accounts of Fund)

(1) The rights and duties, such as assets, loans and debts, of the Calamity Account and the Disaster Account under the former provisions as at the time this Ordinance enters into force shall be transferred to the Disaster Account consolidated pursuant to the amended provisions of Article 3 from the enforcement date of this Ordinance.

(2) A plan for operation of the Fund for the year 2005 of the Calamity Account and the Disaster Account under the former provisions at the time this Ordinance enters into force shall be deemed a plan for operation of the Fund for the year 2005 of the Disaster Account consolidated pursuant to the amended provisions of Article 3.

ADDENDA <Ordinance No. 4284, Jun. 16, 2005>

Article 1 (Enforcement Date)

This Ordinance shall enter into force on the date of its promulgation.

Articles 2 and 3 Omitted.

ADDENDUM <Ordinance No. 4485, Mar. 8, 2007>

This Ordinance shall enter into force on the date of its promulgation.

ADDENDA <Ordinance No. 4593, Dec. 26, 2007>

Article 1 (Enforcement Date)

This Ordinance shall enter into force on January 1, 2008.

Articles 2 and 3 Omitted.

ADDENDA <Ordinance No. 4616, Apr. 3, 2008>

Article 1 (Enforcement Date)

This Ordinance shall enter into force on the date of its promulgation.

Article 2 Omitted.

ADDENDUM <Ordinance No. 4783, May 28, 2009>

This Ordinance shall enter into force on the date of its promulgation.

ADDENDUM <Ordinance No. 4873 Nov. 11, 2009>

This Ordinance shall enter into force on the date of its promulgation.

ADDENDA <Ordinance No. 4908, Jan. 7, 2010>

Article 1 (Enforcement Date)

This Ordinance shall enter into force on the date of its promulgation.

Article 2 Omitted.

ADDENDA <Ordinance No. 5137, Jul. 28, 2011>

Article 1 (Enforcement Date)

This Ordinance shall enter into force on the date of its promulgation.

Article 2 Omitted.

ADDENDA <Ordinance No. 5198, Oct. 27, 2011>

Article 1 (Enforcement Date)

This Ordinance shall enter into force on the date of its promulgation.

Article 2 (Applicability to Purposes of Disaster Management Fund)

Notwithstanding the amended provisions of Article 5, the Mayor may use funds in the Disaster Management Fund to implement improved integrated anti-disaster measures responsive to climate change formulated to repair damage caused by heavy rainfall which occurred in September 2010, and prevent the occurrence of similar disasters.

ADDENDA <Ordinance No. 5208, Dec. 29, 2011>

Article 1 (Enforcement Date)

This Ordinance shall enter into force on January 1, 2012.

Article 2 Omitted.

ADDENDUM <Ordinance No. 5505, May 16, 2013>

This Ordinance shall enter into force on the date of its promulgation.

ADDENDUM <Ordinance No. 5737, Jul. 17, 2014>

This Ordinance shall enter into force on the date of its promulgation.

ADDENDA <Ordinance No. 5767, Dec. 11, 2014>

Article 1 (Enforcement Date)

This Ordinance shall enter into force on January 1, 2015.

Article 2 Omitted.

ADDENDA <Ordinance No. 5864, May 14, 2015>

Article 1 (Enforcement Date)

This Ordinance shall enter into force on July 1, 2015.

Article 2 Omitted.

ADDENDUM <Ordinance No. 6016, Oct. 8, 2015>

This Ordinance shall enter into force on the date of its promulgation.

ADDENDA <Ordinance No. 6429, Mar. 23, 2017>

Article 1 (Enforcement Date)

This Ordinance shall enter into force on the date of its promulgation.

Articles 2 and 3 Omitted.

ADDENDA <Ordinance No. 6522, May 18, 2017>

Article 1 (Enforcement Date)

This Ordinance shall enter into force on the date of its promulgation.

Article 2 (Applicability to Demand Survey)

Concerning the amendment under Article 7 (2) of this Ordinance, an autonomous Gu's demand survey in 2017 shall be implemented within 30 days from the promulgation of this Ordinance.

ADDENDUM <Ordinance No. 7154, May 16, 2019>

This Ordinance shall enter into force on the date of its promulgation.

ADDENDUM <Ordinance No. 7204, May 16, 2019>

This Ordinance shall enter into force on the date of its promulgation.