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 on 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 on May 16, 2013; Dec. 31, 2020>
[This Article Wholly Amended on 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 on Nov. 11, 2009]

Article 4 (Creation)

(1) Funds in the Relief Account shall be created with the following financial resources: <Amended on May 16, 2013; Jul. 16, 2020>
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;
3. Local bonds prescribed in Article 6 (3) of the Framework Act on the Management of Local Government Funds;
4. Amounts transferred from the general account, etc. of the Seoul Government excluding reserves, earnings, and income under subparagraphs 1 and 2 with regard to repayment of the principal and payment of interest on local bonds issued pursuant to

subparagraph 3.
(2) Funds in the Disaster Account shall be created with the following financial resources: <Amended on Jul. 16, 2020>
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;
3. Local bonds prescribed in Article 6 (3) of the Framework Act on the Management of Local Government Funds;
4. Amounts transferred from the general account, etc. of the Seoul Government excluding reserves, earnings, and income under subparagraphs 1 and 2 with regard to repayment of the principal and payment of interest on local bonds issued pursuant to subparagraph 3.
[This Article Wholly Amended on Nov. 11, 2009]

Article 5 (Purposes)

(1) Funds in the Relief Account shall be used for the following purposes: <Amended on Mar. 31, 2020>
1. Purposes prescribed in Article 8 (1) of the Enforcement Decree of the Disaster Relief Act;
2. Providing cash, goods, vouchers, gift certificates under the Seoul Metropolitan Government Ordinance on Issuance and Management of Seoul Love Gift Certificates, etc., which are necessary to stabilize the livelihood of residents affected by a disaster defined in Article 3 of the Framework Act on the Management of Disasters and Safety.
(2) Funds in the Disaster Account shall be used for the following purposes 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 on Jul. 16, 2020>
1. The following purposes for disaster and safety management among disaster prevention activities in the public sector:
(a) Projects for research and studies necessary for prevention and response to disasters, analysis of causes thereof, etc.;
(b) Education, training, and public relations for prevention and response to disasters;
(c) Purchase of equipment, allowances, and expenses required for urgent inspections and consultation with regard to facilities vulnerable to disasters, disaster scenes, disaster prevention facilities, etc.;
(d) Installation, repair, and reinforcement of facilities urgently required to prevent disasters, such as prevention facilities under Article 55 of the Enforcement Decree of the Countermeasures against Natural Disasters Act;
(e) Urgent response to and emergency recovery from natural and social disasters;
(f) Projects to enhance emergency rescue capabilities, such as lifesaving and first aid;
(g) Provision of assistance in moving to rental housing to residents who complies with an evacuation or eviction order issued under Articles 40 through 42 of the Framework Act and of loans to help such residents cover housing rental costs;
(h) Provision of assistance to persons who are affected by a disaster in counseling services for psychological stability and social adjustment;
(i) Incidental expenses necessary to conduct affairs relating to the management of the Fund;
2. Urgent safety measures for any of the following facilities owned or occupied by a person other than the Seoul Government or an autonomous Gu:
(a) Facilities located in areas vulnerable to river disasters, areas vulnerable to inland disasters, areas vulnerable to soil and sand disasters, areas vulnerable to slope disasters, areas vulnerable to wind disasters, and other areas vulnerable to natural disasters under a comprehensive plan to mitigate natural disasters prescribed in the Countermeasures against Natural Disasters Act;
(b) Facilities located in areas vulnerable to landslides under a plan for managing areas vulnerable to landslides under the Forest Protection Act;
(c) Facilities located in areas at risk of collapse under the Prevention of Steep Slope Disasters Act;
(d) Other facilities located in areas or districts designated under disaster-related statutes or regulations;
(e) Facilities that are deemed to have a high risk of causing disasters, such as a collapse, upon an emergency safety inspection;
3. Other matters deemed necessary by the Mayor for urgent response to disasters and safety accidents.
[This Article Wholly Amended on 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 Seoul Metropolitan Government Rule on Budget and Fund Accounting 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 on Jan. 7, 2010; Jul. 28, 2011; Dec. 29, 2011; Dec. 11, 2014; May 14, 2015; Oct. 8, 2015; May 18, 2017; May 16, 2019; Dec. 31, 2020>
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 on 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 on 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 on 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 on May 18, 2017; May 16, 2019>
[This Article Wholly Amended on 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 on May 18, 2017; Dec. 31, 2019>
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 on 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 on 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 on Jul. 28, 2011; Oct. 27, 2011; Oct. 8, 2015; May 18, 2017; 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 on 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 on Oct. 27, 2011>
[This Article Wholly Amended on 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. <Amended on Dec. 31, 2019>
[This Article Newly Inserted on 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 on May 16, 2013>
[This Article Wholly Amended on 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 on 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 on 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 on 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 on 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 integrated account of the Integrated Fiscal Stabilization Fund of the Seoul Metropolitan Government. <Amended on Dec. 31, 2020>
(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 on Oct. 27, 2011>
[This Article Wholly Amended on Nov. 11, 2009]

Article 13 (Terms of Loans)

The terms of a loan, such as an interest rate and redemption period, under Article 5 (2) 1 (g) 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 on Oct. 27, 2011; Oct. 8, 2015; May 16, 2019; Jul. 16, 2020>
[This Article Wholly Amended on 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 Seoul Metropolitan Government Rule on Budget and Fund Accounting. <Amended on Dec. 31, 2020>
[This Article Wholly Amended on Nov. 11, 2009]

ADDENDA <Ordinance No. 4066, Mar. 15, 2003>

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 these 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 these 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 as 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.

ADDENDUM <Ordinance No. 7423, Dec. 31, 2019>

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

ADDENDA <Ordinance No. 7547, Mar. 31, 2020>

Article 1 (Enforcement Date)

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

Article 2 Omitted.

ADDENDA <Ordinance No. 7652, Jul. 16, 2020>

Article 1 (Enforcement Date)

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

Article 2 (Effective Period)

The amended provisions of Article 4 (1) 3 and (2) 3 shall be effective until December 31, 2020.

ADDENDUM <Ordinance No. 7782, Dec. 31, 2020>

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

ADDENDA <Ordinance No. 7784, Dec. 31, 2020>

Article 1 (Enforcement Date)

This Ordinance shall enter into force on January 1, 2021.

Articles 2 and 3 Omitted.

ADDENDA <Ordinance No. 7813, Dec. 31, 2020>

Article 1 (Enforcement Date)

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

Article 2 (Effective Period)

The amended provisions of Article 4 (1) 3 and (2) 3 shall be effective until December 31, 2022.