

## Fire Protection Law of the People's Republic of China

(Adopted at the 2nd Meeting of the Standing Committee of the Ninth National People's Congress on April 29, 1998 and promulgated by Order No. 4 of the President of the People's Republic of China on April 29, 1998)

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#### Chapter I General Provisions

Article 1 This Law is enacted for the purpose of preventing fire and reducing harm caused by fire hazards, safeguarding citizens' personal safety, the security of public and citizens' property, maintaining public security and ensuring the smooth progress of the socialist modernization drive.

Article 2 In fire protection, the guideline of putting prevention first and combining prevention with fire fighting shall be applied, the principle of coordinating the efforts of special organs with those of the masses shall be adhered to and the responsibility system for security against fire shall be practised.

Article 3 The State Council shall exercise leadership over the work of fire protection and the local people's governments at all levels shall be responsible for it. The people's governments at all levels shall incorporate the work of fire protection into their plans of national economic and social development to ensure that the work of fire protection is suited to economic and social development.

Article 4 The public security department under the State Council shall supervise and administer the work of fire protection throughout the country; the public security organs of the local people's governments at or above the county level shall supervise and administer the work of fire protection within their own administrative regions, and the departments for fire protection of the public security organs under these people's governments shall be responsible for exercising such supervision and administration. The work of fire protection for military installations, for the underground areas of mines and for nuclear power plants shall be supervised and administered by the units in charge of them.

Where there are provisions governing the work of fire protection for forests and grasslands in other laws or administrative rules and regulations, those provisions shall be followed.

Article 5 All units and individuals shall have the duty of maintaining security against fire, preserving fire protection facilities, preventing the occurrence of fire and giving an alarm of fire once it occurs. All units and adult citizens shall have the duty of helping to put out a fire in an organized manner.

Article 6 The people's governments at all levels shall constantly disseminate among citizens knowledge about fire protection so as to enhance their awareness of the importance of fire protection.

The administrative departments for education, labor, etc. shall incorporate knowledge about fire protection into their teaching and training programs.

The competent departments for the press, publishing, broadcasting, film and, television and the other departments concerned shall have the duty of disseminating knowledge about the importance of security against fire.

Article 7 Units or individuals that have made outstanding contributions to or have accomplished notable achievements in the work of fire protection shall be rewarded.

## Chapter II Fire Prevention

Article 8 The people's governments of cities shall incorporate into their overall urban planning the plans for fire protection, which include the location of fire-fighting facilities, fire stations, water supply for fire fighting, fire service communications, passageways for fire engines and fire-fighting equipment, and shall be responsible for mobilizing the competent departments concerned to carry them out. Where public fire protection facilities or fire-fighting equipment are inadequate or cannot meet practical needs, the said governments shall see to it that these are increased, rebuilt, installed or upgraded.

Scientific research in fire protection shall be enhanced, and the use of advanced technology and equipment for fire protection shall be encouraged.

Article 9 Factories that produce such hazardous substances as combustibles and explosives, warehouses that store them and the stations and wharves that are used specially for loading and unloading them shall be built on the outskirts of cities or in relatively separate, safe areas. Fueling, supplying and voltage regulating stations for combustible or explosive gases or liquids shall be built in proper locations in conformity with the requirements for preventing fire and explosion.

Where factories that produce such hazardous substances as combustibles and explosives, warehouses that store them, stations and wharves that are used specially for loading and unloading them, or fueling, supplying and voltage regulating stations for combustible or explosive gases or liquids were built at variance with the provisions in the preceding paragraph, the relevant units shall take measures to have the problem solved within a time limit.

Article 10 Where a construction project needs to be designed for fire protection in accordance with the national standards of construction technology for such a project, the designer shall do the designing in conformity with the said standards, and the construction unit shall submit for examination the blueprint of the design for fire protection and the related data to the department for fire protection of a public security organ; if they are not examined or fail to pass the examination, the administrative department for construction may not issue the construction permit and the construction unit may not start work.

If the design of a construction project for fire protection that has passed examination by the department for fire protection of the public security organ need be altered, the matter shall be submitted to the said

department for examination and approval; without such examination and approval, no unit or individual may alter the design.

When a construction project which is designed in accordance with the national standards of construction technology for fire protection is completed, it shall be inspected for acceptance by the department for fire protection of the public security organ; if the project is not inspected for acceptance or fails to pass the inspection, it may not be put to use.

Article 11 All construction components and materials shall conform to the national or trade standards in their properties of fire prevention.

Where the national standards of construction technology for fire protection require the use of incombustible or fire retardant materials in the internal furnishing and decoration of public places, only quality materials which are tested and verified by the inspection institutions authorized in accordance with the provisions of the Law on Product Quality shall be used.

Article 12 Before the use or start of business operation of public places, such as song and dance halls, cinemas, theaters, hotels, restaurants, department stores or markets, an application shall be submitted to the department for fire protection of the local public security organ for inspection; and these places may only be put to use or start business operation when they pass the inspection for security against fire.

Article 13 Where there is a danger of fire when public activities such as large gatherings, fireworks evening parties and lantern festivals are held, the host units shall, in advance, work out plans for possible fire fighting and emergency evacuation, make sure that measures for security against fire are taken and apply to the department for fire protection of the public security organ; such activities may only be held after the said department inspects the venues and considers them qualified for security against fire.

Article 14 All government departments, public organizations, enterprises and institutions shall perform the following duties for security against fire:

- (1) to formulate regulations and operating rules for security against fire;
- (2) to practise the responsibility system for security against fire and appoint persons to take charge of fire protection for the units themselves and for their subordinate departments and teams or groups;
- (3) to disseminate knowledge about fire protection among the employees in light of the characteristics of the units;
- (4) to arrange inspections of fire prevention in order to remove in time any potential fire hazard;
- (5) according to relevant State regulations, to install fire-fighting facilities and apparatus, set up safety signs for fire protection and conduct regular inspection and maintenance in order that such facilities and apparatus remain in good condition and functional; and
- (6) to make sure that fire escapes and exits are kept unobstructed and, in compliance with State regulations, set up signs for safe evacuation from fire.

Administrative units for residential areas shall, according to the relevant provisions in the preceding paragraph, fulfill their duties for security against fire and do a good job in this respect.

Article 15 No dormitories may be built for employees within buildings in which there are workshops or warehouses.

Where there are already dormitories for employees within buildings in which there are workshops or warehouses, the problem shall be solved within a time limit. If it is really difficult to do so, necessary measures for fire protection shall be taken, and with the approval of the department for fire protection of the public security organ, the dormitories may continue to be used as such.

Article 16 The department for fire protection of the public security organ of the local people's government at or above the county level shall designate the units that are dangerously exposed to fire hazards or where once a fire breaks out, it may cause heavy casualties or heavy losses of property as priority units for fire protection in its administrative region and report the matter to the said people's government for the record.

In addition to the duties prescribed in Article 14 of this Law, the priority units for fire protection shall perform the following duties for security against fire:

- (1) to keep files on fire protection, determine the key locations for fire protection, install fire danger signs and exercise strict control;
- (2) to conduct daily fire patrol and keep records of the patrols;
- (3) to train the employees in the skills of fire protection; and
- (4) to work out plans for fire fighting and emergency evacuation, and organize regular fire-fighting drills.

Article 17 All units and individuals that produce, store, transport, sell or use or destroy such hazardous substances as combustibles and explosives shall observe the State regulations governing fire protection.

The units that produce such hazardous substances as combustibles and explosives shall attach to their products information on ignition points, flash points and explosive limits as well as precautions against fire and explosion. The individually packed such hazardous substances as combustibles and explosives shall have warning stickers.

Anyone who enters a place where such hazardous substances as combustibles and explosives are produced or stored shall observe the State regulations governing fire protection. It is forbidden to enter such a place with any kindling material. It is forbidden to enter any public places or take any public means of transportation illegally with such hazardous substances as combustibles and explosives.

Storehouses of combustibles shall be controlled in accordance with the State regulations governing fire protection.

Article 18 Using naked fire in places that are exposed to fire hazards or explosion is forbidden. Under special circumstances where naked fire is needed for work, the formalities of examination and approval shall be gone through beforehand in accordance with relevant regulations. The workers shall follow the regulations governing fire protection and take necessary measures for the purpose.

Workers who do electric or gas welding or other jobs under the danger of fire and workers who operate automatic fire protection systems shall have qualification certificates for such jobs and shall strictly follow the operation procedures for fire protection.

Article 19 The quality of the products for fire protection shall meet the national or trade standards. It is forbidden to manufacture, sell or use products for fire protection that are not tested and verified by the inspection institutions authorized in accordance with the provisions of the Law on Product Quality.

It is forbidden to use fittings or fire extinguishing agents that do not conform to the national or trade standards in the maintenance of fire-fighting facilities and apparatus is forbidden.

No department for fire protection of the public security organs or their members may take advantage of their position to designate sales agents or brands of fire-fighting products for consumers.

Article 20 The quality of electric products and gas appliances shall conform to the national or trade standards. Such products and appliances shall be installed and used and the wire and pipe lines shall be designed and laid in conformity with the State regulations governing technology for fire protection.

Article 21 No units or individuals may damage or, without authorization, divert the use of, or remove fire-fighting facilities or apparatus or let them lie idle, or pile things upon or occupy the areas around the place under which a fire hydrant is installed, occupy firebreaks or block the passageways for fire engines.

Before public utilities or urban construction units build roads or stop the supply of power or water or cut off telecommunications lines, which may make it difficult for fire brigades to quench a fire and rescue people and property, these units shall inform the local department for fire protection of the public security organ of the matter.

Article 22 During the harvest time, forest and grassland fire season, major festivals and holidays and the season when fire occurs frequently, the local people's governments at different levels shall make arrangements for dissemination of knowledge about fire protection in light of local conditions, take preventive measures and inspect the preparations made against the occurrence of fire.

Article 23 The villagers' committees and residents' committees shall mobilize the masses to prevent the occurrence of fire, making arrangements for working out pledges for fire protection, and inspect the preparations made against the occurrence of fire. Town and township people's governments and urban neighborhood offices shall provide guidance in this respect and supervise the work.

Article 24 Departments for fire protection of public security organs shall, in accordance with law, conduct supervision and inspection to see that government departments, public organizations, enterprises and institutions observe the laws and regulations governing fire protection. They shall supervise and inspect the priority units for fire protection at regular intervals.

When members of the departments for fire protection of the public security organs conduct supervision and inspection, they shall show their credentials.

No department for fire protection of the public security organ may make charges for the supervision and inspection it conducts to examine or inspect before acceptance a construction project for fire protection.

Article 25 When the department for fire protection of the public security organ detects a potential fire danger, it shall immediately notify the unit or individual concerned to take measures to remove the danger within a time limit.

### Chapter III Fire Protection Organizations

Article 26 People's governments at all levels shall set up various forms of fire protection organizations in light of the need of economic and social development, strengthen such organizations and increase their ability of putting out fires.

Article 27 The people's governments of cities shall organize public security fire brigades and full-time fire brigades in conformity with the standards set by the State for the establishment of fire stations, and these brigades shall shoulder the task of fire fighting.

People's governments of towns may organize full-time or volunteer fire brigades in light of the need of local economic development and fire protection, and these brigades shall shoulder the task of fire fighting.

In addition to fulfilling the task of fire fighting specified in this Law, the public security fire brigades shall join in rescuing efforts in other calamities or accidents.

Article 28 The following units shall organize their own full-time fire brigades for fire fighting:

- (1) nuclear power plants, large power plants, civil airports and large ports;
- (2) large enterprises that produce or store such hazardous substances as combustibles and explosives;
- (3) large warehouses and bases where important flammable goods or materials are stored;
- (4) large enterprises, other than the ones specified in subparagraphs (1), (2) and (3), that are exposed to a greater danger of fire and are far from the local public security fire brigades; and
- (5) units that are in charge of protecting the ancient architectural complexes included in the list of the major sites of cultural relics to be protected at the national level and that are far from the local public security fire brigades.

Article 29 A full-time fire brigade shall be formed in conformity with relevant State regulations and be examined for approval by the department for fire protection of the public security organ of the people's government at the provincial level.

Article 30 Where necessary, volunteer fire brigades consisting of staff members and workers or villagers may be formed by government departments, public organizations, enterprises, institutions as well as townships and villages.

Article 31 The department for fire protection of a public security organ shall provide the full-time and volunteer fire brigades with professional guidance and it shall have the power to mobilize and direct the full-time fire brigades in fire fighting.

### Chapter IV Fire Fighting and Rescuing

Article 32 Anyone who detects a fire shall report it to the police immediately. All units and individuals shall provide free convenience for such report and may not obstruct it. False fire alarm is strictly forbidden.

When a fire breaks out in a public place, the workers there shall have the duty to organize evacuation and help people to leave the scene.

The unit where a fire breaks out shall organize people to extinguish the fire. The units in the neighborhood shall assist it in the effort.

As soon as a fire brigade receives a fire alarm, it shall rush to the scene to rescue the people in distress, eliminate the hazards and put out the fire.

Article 33 When the department for fire protection of a public security organ organizes and directs, in a unified manner, the people to extinguish a fire on the scene, the fire chief shall have the power to make the following decisions where necessary:

- (1) to use any water sources available;
- (2) to stop the supply of electricity, flammable gas and liquid, and restrict the use of fire and electricity;
- (3) to delimit the security area and put part of the traffic under control;
- (4) to make use of the buildings and relevant facilities nearby;
- (5) to pull down or demolish the buildings or structures adjacent to the scene of the fire in order to prevent the fire from spreading; and
- (6) to mobilize water and power supply units, medical teams, transportation units and others concerned to help put out the fire.

In the event of a conflagration, the local people's government concerned shall mobilize people and muster goods and materials needed for extinguishing the fire.

Article 34 When taking part in a rescuing effort in calamities or accidents other than fires, the public security fire brigades shall be under the unified direction of the local people's government concerned.

Article 35 When on their way to extinguish fires or carry out rescuing tasks in other calamities or accidents, the fire engines and fire boats shall not be restricted by the limits of speed, route, direction or traffic signal, and all other vehicles and vessels and pedestrians shall make way for them and may not pass through or surpass them. Traffic controllers shall ensure quick passage of the fire engines and fire boats.

Article 36 No fire engines, fire boats or fire-fighting apparatus, equipment or facilities may be used for purposes that have nothing to do with fire fighting or rescuing.

Article 37 When a public security fire brigade extinguishes a fire, it may not charge the unit or individual whose buildings or houses caught fire.

The cost of fuels and fire-extinguishing agents and wear and tear of apparatus and equipment by full-time or volunteer fire brigades when helping other units to extinguish fires shall be compensated in accordance with relevant regulations.

Article 38 Persons who are injured, disabled or killed when helping to extinguish fires shall be given medical treatment or pensions in accordance with the relevant regulations of the State.

Article 39 After a fire is extinguished, the department for fire protection of the public security organ shall have the power to close the scene, where necessary, in order to investigate and determine the cause of the fire, estimate the losses incurred and find out the responsibility for the accident.

In the case of a conflagration, the State Council or the people's government at the provincial level may arrange for an investigation when it deems it necessary.

After a fire is extinguished, the unit where the fire breaks out shall, in compliance with the requirement of the department for fire protection of the public security organ, protect the scene, submit itself to investigation into the accident and truthfully provide the facts about the fire.

#### Chapter V Legal Responsibility

Article 40 Any unit that commits one of the following acts in violation of the provisions of this Law shall be ordered to set it right within a time limit; if it fails to do so, it shall be ordered to suspend construction, stop using the project, or suspend production or business, and it may also be fined:

(1) to start construction before submitting the design of the project for fire protection to the department for fire protection of a public security organ for examination or the design fails to pass the examination;

(2) to put to use a completed construction project which, as required by law, should be designed for fire protection, before it is inspected for acceptance by the department for fire protection or after it fails to pass the inspection; or

(3) to use a public place or start business operation before the place undergoes inspection for fire protection or after it fails to pass the inspection.

The unit that commits one of the acts mentioned above shall be penalized according to the provisions in the preceding paragraph, and the persons who are directly in charge and the other persons who are directly responsible shall be given a disciplinary warning or be fined.

Article 41 Any unit that, in violation of the provisions of this Law, holds mass activities in danger of fire, such as a large gathering, a fireworks evening party or a lantern festival, the department for fire protection of the public security organ shall order it to remove the danger immediately; if this cannot be done, the department shall order it to stop holding such activities and may also impose a fine on the unit.

The unit that commits one of the acts mentioned above shall be penalized according to the provisions in the preceding paragraph, and the persons who are directly in charge and the other persons who are directly responsible shall be given a disciplinary warning or be fined.

Article 42 Any unit that, in violation of the provisions of this Law, constructs a project below the technological standards of fire protection, uses construction components and materials that do not conform to the national or trade standards in their properties of fire prevention, or uses disqualified furnishing or decorating materials shall be ordered to set it right within a time limit; if it fails do so, it shall be ordered to suspend construction and may also be fined.

The unit that commits any of the acts mentioned above shall be penalized according to the provisions in the preceding paragraph, and the persons who are directly in charge and the other persons who are directly responsible shall be given a disciplinary warning or be fined.

Article 43 Any government department, public organization, enterprise or institution that, in violation of the provisions of this Law, fails to perform its duty for fire protection shall be ordered to do it within a time limit; if it fails to do so, the persons who are directly in charge and the other persons who are directly responsible shall be given administrative sanctions or a disciplinary warning in accordance with law.

Any profit-making unit that commits one of the following acts shall be ordered to set it right within a time limit; if it fails to do so, it shall be ordered to suspend production or business operation and may also be fined, and the persons who are directly in charge and the other persons who are directly responsible shall be fined:

(1) failing to remove the hidden danger of fire in time;

(2) failing to install fire-fighting facilities and apparatus in accordance with the relevant regulations of the State; or

(3) failing to ensure unobstructed fire escapes or exits.

Any unit that builds dormitories for employees within buildings in which there are workshops or warehouses shall be penalized in accordance with the provisions in the second paragraph.

Article 44 Any unit that, in violation of the provisions of this Law, manufactures or sells fire-fighting products that are not tested and verified by the inspection institutions authorized in accordance with the provisions of the Law on Product Quality shall be ordered to stop violating the provisions, its products and illegal gains shall be confiscated and it shall be given a heavier punishment in accordance with the provisions of the Law on Product Quality.

If a unit that is in charge of maintaining or checking fire-fighting facilities and apparatus and does such maintaining and checking in violation of the regulations governing the technology for fire protection, it shall be ordered to set it right within a time limit and` may also be fined, and the persons who are directly in charge and the other persons who are directly responsible shall be given a disciplinary warning or be fined.

Article 45 Any unit where electric products or gas appliances are installed or wire or pipe lines are laid at variance with the regulations governing the technology for fire protection shall be ordered to have it set right within a time limit; if this is not done, it shall be ordered to stop using them.

Article 46 Any individual who, in violation of the provisions of this Law, produces, stores, transports, sells, or uses or destroys such hazardous substances as combustibles and explosives shall be ordered to stop

violating the provisions and may be given a disciplinary warning, be fined or be detained for not more than 15 days.

Any unit that commits one of the acts mentioned above shall be ordered to stop violating the provisions and may be given a disciplinary warning or be fined, and the persons who are directly in charge and the other persons who are directly responsible shall be punished in accordance with the provisions in the preceding paragraph.

Article 47 Anyone who, in violation of the provisions of this Law, commits one of the following acts shall be given a disciplinary warning, be fined or be detained for not more than 10 days:

- (1) to enter, in violation of the regulations governing fire protection, a place where such hazardous substances as combustibles and explosives are produced or stored;
- (2) to work illegally with naked fire or, in defiance of prohibitions, to smoke or use naked fire in places that are exposed to the danger of fire or explosion;
- (3) to prevent others from giving an alarm of fire or to give a false alarm;
- (4) to deliberately hinder the fire engines or fire boats from rushing to the scene of a fire or to disrupt order on the scene;
- (5) to refuse to obey command of the fire chief, thus obstructing fire fighting; or
- (6) to cause the occurrence of a fire inadvertently, which incurs no serious losses.

Article 48 Any unit or individual that, in violation of the provisions of this Law, commits one of the following acts, shall be given a disciplinary warning or be fined:

- (1) to instigate or force others to work at risks in violation of the regulations governing fire protection, which causes no serious consequences;
- (2) to pile things upon or occupy the place under which a fire hydrant is installed, occupy firebreaks, block passageways for fire engines, damage or without authorization divert the use of, or remove fire-fighting facilities or apparatus, or let them lie idle; or
- (3) to fail to remove a major potential fire danger within the time limit set by the department for fire protection of the public security organ.

The unit that commits one of the acts mentioned above shall be penalized in accordance with the provisions in the preceding paragraph, and the persons who are directly in charge and the other persons who are directly responsible shall be given a disciplinary warning or be fined.

The individual who commits an act mentioned in subparagraph (2) in the first paragraph shall, in addition, be ordered to put the place back in its original state within a time limit or to compensate for the losses incurred. If he fails to put the place back in its original state within the time limit, the things shall be removed or the place cleared by compulsory means, and the expenses thus incurred shall be borne by the lawbreaker.

Article 49 If, when a fire breaks out in a public place, the workers there fail to perform their duty of organizing evacuation and helping people to leave the scene, which results in casualties but is not serious enough to constitute a crime, they shall be detained for not more than 15 days.

Article 50 Anyone who, after a fire is put out, deliberately destroys or simulates the scene in order to conceal or cover up the cause of the fire or to shirk responsibility, which is not serious enough to constitute a crime, shall be given a disciplinary warning, be fined or be detained for not more than 15 days.

Any unit that commits one of the acts mentioned above shall be given a disciplinary warning or be fined, and the persons who are directly in charge and the other persons who are directly responsible shall be penalized in accordance with the provisions in the preceding paragraph.

Article 51 The penalties for violation of the provisions of this Law shall be awarded by the department for fire protection of the public security organ. The penalty of detention shall be awarded by the public security organ in accordance with the Regulations on Administrative Penalties for Public Security.

Where an order for suspension of production or business operation may detrimentally affect economic or public activities, the department for fire protection of the public security organ shall submit the matter to the local people's government for decision according to law, and the decision shall be carried out by the department.

Article 52 Where members of the department for fire protection of the public security organ commits one of the following acts in their work through abusing their power, neglecting their duty or engaging in malpractices for personal gain, which causes losses to the interests of the State and the people but is not serious enough to constitute a crime, they shall be given administrative sanctions according to law:

(1) to let a construction project which is not designed in conformity with the national standards of construction technology for fire protection pass the examination or the inspection for acceptance;

(2) to deliberately delay the examination of the design for fire protection or the inspection for acceptance of the construction project that should be examined or inspected for acceptance according to law;

(3) to fail to notify the unit or individual concerned to remove a potential fire danger immediately after detecting it;

(4) to take advantage of their position to designate for consumers sales agents or brands of fire-fighting products, or construction units for installing fire-fighting facilities; or

(5) any other act.

Article 53 Any violation of this Law, which constitutes a crime, shall be investigated for criminal responsibility in accordance with law.

#### Chapter VI Supplementary Provisions

Article 54 This Law shall go into effect as of September 1, 1998. The Fire Protection Regulations of the People's Republic of China, approved at the 5th Meeting of the Standing Committee of the Sixth National

People's Congress on May 11, 1984 and promulgated by the State Council on May 13, 1984, shall be nullified at the same time.