

Fire Prevention Law of the PRC

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Amended in accordance with the Decision on Amending the Fire Prevention Law of the People's Republic of China adopted at the 28th Session of the Standing Committee of the 11th National People's Congress on October 29, 2008

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of preventing fires, reducing fire hazards, protecting personal and property safety, maintaining public safety, and ensuring the smooth progress of the socialist modernization drive.

Article 2 — Fire prevention work shall be carried out in accordance with the principle of putting prevention first and combining prevention with firefighting, and in accordance with the principles of unified leadership of the government, supervision by departments in accordance with the law, overall responsibility of units, and active participation of citizens. A fire safety responsibility system shall be implemented, and a network-based socialized fire prevention work system shall be established and improved.

Article 3 — The State Council shall lead the fire prevention work throughout the country. Local people's governments at all levels shall be responsible for fire prevention work within their respective administrative areas. People's governments at all levels shall incorporate fire prevention work into national economic and social development plans and ensure that fire prevention work is commensurate with economic and social development.

Article 4 — The emergency management departments of the State Council shall exercise supervision and administration over fire prevention work throughout the country. The emergency management departments of local people's governments at or above the county level shall exercise supervision and administration over fire prevention work within their respective administrative areas. Fire rescue agencies of the people's governments at the corresponding level shall be responsible for the implementation of such work. Other relevant departments of the people's governments at or above the county level shall, within the scope of their respective functions and duties, carry out fire prevention work in accordance with the provisions of this Law and other relevant laws and administrative regulations. Where laws or administrative regulations provide otherwise regarding fire prevention work in forests and grasslands, such provisions shall prevail.

Article 5 — All entities and individuals shall have the obligation to safeguard fire safety, protect fire prevention facilities, prevent fires, and report fire hazards. All entities and adults shall have the obligation to participate in organized firefighting work.

Article 6 — People's governments at all levels shall organize and carry out regular fire prevention publicity and education to enhance citizens' awareness of fire safety. Authorities, organizations, enterprises, public institutions, and other entities shall strengthen fire prevention publicity and education for their staff. Departments such as emergency management, education, human resources, and fire rescue agencies shall incorporate fire prevention knowledge into teaching, training, and publicity content. News, radio, television, and other relevant entities shall carry out targeted fire prevention publicity and education for the public. Trade unions, communist youth leagues, women's federations, and other organizations shall carry out fire prevention publicity and education in light of the characteristics of their respective working targets. Village (resident) committees shall assist the people's governments, public security organs, emergency management departments, and other departments in strengthening fire prevention publicity and education.

Article 7 — The State shall encourage and support fire prevention scientific research and technological innovation, promote the use of advanced fire prevention and firefighting technologies and equipment, and encourage and support the participation of social forces in fire prevention public welfare activities. Entities and individuals that have made outstanding contributions to fire prevention work shall be commended and rewarded in accordance with the relevant State provisions.

Chapter II — Fire Safety Responsibilities

Article 8 — Local people's governments at all levels shall incorporate fire safety layouts involving fire stations, fire water supplies, fire communication, fire vehicle access, and other elements into urban and rural planning, and shall organize their implementation in accordance with the planning. Where urban and rural fire safety layouts fall short of fire safety needs, they shall be adjusted and improved. Where the construction

of public fire prevention facilities falls short, the people's government shall organize efforts to allocate additional resources or carry out technical modification.

Article 9 — The fire safety design and construction of construction projects must conform to the national technical standards for fire safety in construction projects. The designing, construction, project supervision, and other relevant entities shall be responsible for the quality of fire safety design and construction in accordance with the law.

Article 10 — Construction entities shall, in accordance with the law, apply to the fire rescue agency of the people's government for fire safety inspection of completed construction projects. Where construction projects other than those specified in the preceding paragraph are involved, the construction entity shall, after acceptance inspection, submit the relevant materials to the fire rescue agency for the record. The fire rescue agency shall conduct spot checks in accordance with the law.

Article 11 — Fire safety technical service institutions and their practitioners shall provide fire safety technical services in accordance with the law, and shall be responsible for the quality of the services they provide.

Article 12 — The primary person in charge of a unit shall be the person responsible for fire safety of the unit. Units shall implement the fire safety responsibility system, formulate fire safety systems and fire safety operating procedures for their own units, formulate firefighting and emergency evacuation plans, equip fire prevention facilities and equipment in accordance with national and industry standards, install fire safety signs, and shall organize regular inspections and maintenance to ensure that the facilities and equipment are in good condition and effective.

Article 13 — The responsible person for fire safety of a unit shall perform the following fire safety duties: (1) implementing fire safety laws and regulations, ensuring that the unit's fire safety meets the requirements, and monitoring the fire safety management of the unit; (2) incorporating fire prevention work into the overall management of the unit; (3) organizing fire prevention inspections and urging the rectification of fire hazards; (4) organizing fire safety publicity, education, and training for the employees of the unit; and (5) other fire safety duties provided for by laws and regulations.

Article 14 — Key units for fire safety shall, in addition to performing the duties specified in Article 13 of this Law, also perform the following fire safety duties: (1) determining fire safety administrators and organizing the implementation of fire safety management within the unit; (2) establishing fire prevention records, determining key parts for fire safety, installing fire prevention signs, and implementing strict management; (3) conducting daily fire prevention patrols and establishing patrol records; (4) conducting fire safety training for employees; and (5) other duties as required for key units for fire safety.

Article 15 — Without legal approval, no unit or individual may enter a place where dangerous goods are produced, stored, or operated. It is prohibited to illegally carry flammable or explosive dangerous goods into public places or onto public transportation vehicles.

Article 16 — Any unit or individual shall have the right to report and complain about acts endangering fire safety. Fire rescue agencies and other relevant departments shall promptly handle such reports and complaints in accordance with the law.

Chapter III — Fire Safety Management

Article 17 — Local people's governments at or above the county level shall organize relevant departments to conduct fire safety inspections of construction projects in terms of fire safety design review, fire safety acceptance inspection, and filing and spot checks in accordance with the law.

Article 18 — Where fire and rescue agencies of people's governments at or above the county level determine a unit as a key unit for fire safety, the unit concerned shall report to the relevant department for the record. The list of key units for fire safety shall be determined by the emergency management departments

and reported to the people's governments at the corresponding level for the record.

Article 19 — Where the same building is managed or used by two or more entities, the fire safety responsibilities of all parties shall be clearly defined in writing, and each party shall determine a responsible person to manage the shared evacuation passages, safety exits, building fire prevention facilities, and fire vehicle access. The property management service enterprise shall inspect and maintain the shared fire prevention facilities within the property management area and provide fire safety preventive services.

Article 20 — Where large-scale mass activities are held, the organizer shall apply to the public security organ for a safety permit in accordance with the law, shall formulate firefighting and emergency evacuation plans and organize drills, shall specify the division of fire safety responsibilities, shall designate fire safety management personnel, shall maintain the unimpeded condition of evacuation passages, safety exits, fire vehicle access, and fire truck staging areas, and shall ensure that fire prevention facilities, equipment, and fire safety signs are in good condition and effective.

Article 21 — Operations using open flames shall be avoided in places with risks of fire or explosion. Where open flames must be used due to special circumstances, examination and approval formalities shall be completed in advance in accordance with the regulations, and corresponding fire safety measures shall be taken. Operating personnel shall comply with fire safety provisions. Personnel conducting operations involving electric welding, gas welding, or other operations with fire hazards, and personnel operating special types of fire safety equipment must hold relevant qualification certificates and comply with fire safety operating procedures.

Article 22 — Units producing, storing, transporting, selling, using, or destroying flammable or explosive dangerous goods must implement fire safety standards and regulations. Vehicles and vessels carrying flammable or explosive dangerous goods must comply with the relevant State fire safety provisions and be equipped with fire prevention facilities and emergency response equipment.

Article 23 — The construction of facilities producing, storing, or loading and unloading flammable or explosive dangerous goods shall be located at urban fringe areas or relatively independent safety zones. Such facilities must be demolished or suspended from use if they fail to meet the requirements of fire safety layout. Where flammable or explosive dangerous goods pipelines pass through public areas, regular inspections and testing shall be conducted.

Chapter IV — Firefighting and Rescue

Article 24 — Fire rescue agencies shall be staffed according to relevant State provisions and equipped with firefighting equipment and facilities. Full-time fire brigades shall be established in townships and towns with strong firefighting needs.

Article 25 — The following units shall establish their own full-time fire brigades: (1) large-scale nuclear facilities, large-scale power plants, civil airports, and major ports; (2) large-scale enterprises producing or storing flammable or explosive dangerous goods; (3) large-scale warehouses for storing important combustible materials; and (4) other large-scale enterprises with high fire risks that are located far from national comprehensive fire rescue teams.

Article 26 — Full-time and volunteer fire brigades established by units shall formulate and implement firefighting and emergency evacuation plans, and shall regularly organize firefighting drills.

Article 27 — Local people's governments at or above the county level shall organize relevant departments to formulate emergency response plans for major fire incidents within their respective administrative areas in light of the characteristics of local fires, and shall establish emergency response and disposal mechanisms to provide support for firefighting and rescue efforts.

Article 28 — No unit or individual may damage, misappropriate, dismantle, or deactivate fire prevention facilities and equipment without authorization, nor may they bury, occupy, or block fire hydrants or occupy fire prevention separation zones. They shall not occupy, block, or close evacuation passages, safety exits, or fire vehicle access. Crowding around fire truck staging areas shall not be allowed. Doors and windows in crowded places shall not be fitted with obstacles affecting escape, firefighting, or rescue.

Article 29 — Fire rescue agencies shall ensure the availability of firefighting and rescue equipment under all circumstances. They shall be familiarized with the roads, water sources, and key units within their responsible areas. In the event of fire, they shall rush to the scene immediately to rescue persons in distress, eliminate hazards, and extinguish the fire.

Article 30 — Full-time fire brigades and volunteer fire brigades shall obey the deployment and command of fire rescue agencies when conducting firefighting and rescue operations for fires occurring outside their own units.

Article 31 — In case of fire, persons discovering the fire shall immediately call the fire alarm. All units and individuals shall facilitate the fire alarm call free of charge and shall not obstruct the reporting of a fire. False fire alarm reporting is strictly prohibited.

Chapter V — Supervision and Inspection

Article 32 — Fire rescue agencies shall exercise supervision and inspection over the compliance of State organs, organizations, enterprises, public institutions, and other entities with fire prevention laws and regulations in accordance with the law. Public security police stations may be responsible for routine fire prevention supervision and inspection and carry out fire prevention publicity and education, and the specific measures shall be prescribed by the public security department of the State Council.

Article 33 — Staff of fire rescue agencies conducting fire prevention supervision and inspection shall produce their credentials. When conducting fire prevention supervision and inspection, fire rescue agencies may enter the relevant premises and units for inspection. Relevant entities and individuals shall provide truthful information and materials. The property of the entity under inspection shall not be inspected or sealed up without authorization.

Article 34 — Where fire rescue agencies discover fire hazards during fire prevention supervision and inspection, they shall notify the relevant entity or individual to take immediate measures to eliminate the hazards; where the hazards are not eliminated in a timely manner, thus threatening public safety to a serious degree at any time, the fire rescue agency shall take temporary seizure or other measures to ensure safety in accordance with the prescribed authority and procedures.

Article 35 — Fire rescue agencies shall, within five working days from the date of acceptance of the application for fire safety inspection, conduct an inspection of the construction project in accordance with the national technical standards for fire safety in construction projects. The fire safety inspection opinion shall be issued within three working days from the date of completion of the inspection.

Article 36 — Where fire rescue agencies and their staff conduct fire prevention design review, fire safety acceptance inspection, and fire safety inspection, they shall not charge any fees. Fire rescue agencies and their staff shall not use their positions to seek benefits for themselves or others, or to designate fire prevention product brands, sales units, or fire safety technical service institutions or fire prevention construction entities.

Chapter VI — Legal Liability

Article 37 — Where fire safety design documents of a construction project are submitted for review or spot check in accordance with the law but fail to pass the review or spot check without valid reason, the construction shall not proceed. Where construction is carried out without authorization, the relevant

department shall order cessation of construction and impose a fine.

Article 38 — Where a construction entity fails to conduct fire safety filing or acceptance inspection in accordance with the law, the fire rescue agency shall order it to make corrections within a prescribed time limit and impose a fine. Where the construction entity files or conducts acceptance inspection in violation of the law, the fire rescue agency shall order it to suspend use or cease operations and impose a fine.

Article 39 — Where any entity, in violation of the provisions of this Law, commits any of the following acts, it shall be ordered to make corrections and a fine shall be imposed: (1) failing to install fire prevention facilities or failing to keep them in good condition and effective; (2) damaging, misappropriating, or dismantling fire prevention facilities without authorization, or deactivating fire prevention facilities; (3) occupying, blocking, or closing evacuation passages, safety exits, or other acts hindering safe evacuation; (4) burying, occupying, or blocking fire hydrants or occupying fire prevention separation zones; (5) occupying, blocking, or closing fire vehicle access, thus impeding the passage of fire vehicles; (6) installing obstacles on doors and windows in crowded places that affect escape, firefighting, and rescue; or (7) failing to promptly eliminate fire hazards after being notified by the fire rescue agency.

Article 40 — Where a unit producing, storing, or operating flammable or explosive dangerous goods is located in the same building as a residential place, or fails to maintain a safe distance from residential places, it shall be ordered to cease production, suspend operations, or suspend use, and a fine shall be imposed.

Article 41 — Where an entity, in violation of the provisions of this Law, holds large-scale mass activities without authorization, the public security organ shall order it to cease such activities and impose a fine. Where fire hazards exist at the venue of a large-scale mass activity, it shall be ordered to make corrections within a prescribed time limit.

Article 42 — Where a fire safety technical service institution issues false documents, it shall be ordered to cease practice, its illegal gains and the illegal gains of its directly responsible personnel shall be confiscated, and a fine shall be imposed. The relevant persons in charge shall be subject to sanctions in accordance with the law.

Article 43 — Staff of fire rescue agencies who abuse their powers, neglect their duties, or engage in favoritism shall be subject to sanctions in accordance with the law; where the act constitutes a crime, criminal liability shall be pursued in accordance with the law.

Chapter VII — Supplementary Provisions

Article 44 — The State Council shall formulate specific measures for the implementation of this Law. Specific measures for fire prevention supervision and administration shall be formulated by the State Council.

Article 45 — This Law shall enter into force on September 1, 1998. The Regulations on Fire Prevention of the People's Republic of China promulgated by the State Council on May 13, 1984 shall be repealed simultaneously.

Disclaimer: This English translation is provided for reference purposes only. It is an unofficial translation prepared to assist foreign investors and businesses in understanding the general content of Chinese fire prevention legislation. While every effort has been made to ensure accuracy, this translation has no official legal status. The original Chinese text adopted by the National People's Congress shall prevail as the sole authoritative version. Readers should consult qualified legal counsel for advice on specific legal questions concerning Chinese fire safety compliance. Neither Dan Young Business Consultancy nor the translator assumes any liability for reliance on this unofficial translation.