Fire Protection Law of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of preventing fires and reducing fire hazards, protecting the safety of persons and property, and safeguarding the construction of socialist modernization.

Article 2 — Fire control work shall adhere to the principle of giving priority to prevention and combining prevention with firefighting, and shall, in accordance with the principles of unified leadership by the government, supervision by departments in accordance with the law, overall responsibility of entities, and active participation of citizens, implement a fire safety responsibility system and establish and improve a socialized fire control work network.

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

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Article 4 — The emergency management department under the State Council shall supervise and administer the fire control work throughout the country. The emergency management departments under the local people's governments at or above the county level shall supervise and administer the fire control work within their respective administrative regions. The fire rescue agencies of the people's governments at the corresponding levels shall be responsible for the implementation thereof. Other relevant departments of the people's governments at or above the county level shall, within their respective functions and responsibilities, do a good job of fire control work in accordance with the provisions of this Law and other relevant laws and administrative regulations.

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

Article 6 — People's governments at various levels shall organize and carry out regular fire control publicity and education to raise citizens' awareness of fire safety. The relevant government departments, trade unions, communist youth leagues, women's federations and other organizations shall organize and carry out fire control publicity and education according to their respective characteristics. The media such as radio, television, newspapers and the Internet shall carry out fire control publicity and education for public welfare.

Chapter II — Fire Prevention

Article 7 — People's governments at various levels shall incorporate the fire control planning, including the fire safety layout, fire stations, fire water supply, fire communication, fire access and fire equipment, into urban and rural planning, and be responsible for organizing the implementation thereof. Where the urban and rural fire safety layout does not meet the fire safety requirements, the people's governments shall adjust and improve it.

Article 8 — The construction, reconstruction or expansion of construction projects shall comply with the national technical standards for fire control. Where the design of a construction project fails to comply with the national technical standards for fire control, the competent department of housing and urban-rural development shall not issue a construction permit.

Article 9 — Places of public gathering shall, before being put into use or opening for business, apply to the fire rescue agency of the local people's government at or above the county level for fire safety inspection. The fire rescue agency shall, within 10 working days from the date of acceptance of the application, conduct an inspection of the place. Where the place has passed the fire safety inspection, the place may be put into use or opened for business.

Article 10 — The fire safety responsibility system shall be implemented for government offices, organizations, enterprises, public institutions and other entities. The legal representative or the main person in charge shall be the person responsible for fire safety of the entity.

Article 11 — Entities shall perform the following fire safety duties: (1) to implement the fire safety responsibility system, formulate fire safety rules and regulations and fire safety operation procedures for the entity, and formulate firefighting and emergency evacuation plans; (2) to allocate fire control facilities and equipment in accordance with the national standards and industry standards, set up fire safety signs, and regularly organize inspection and maintenance to ensure that they are in good condition and effective; (3) to conduct a comprehensive inspection of fire control facilities at least once a year to ensure they are in good condition and effective, and the inspection records shall be complete and accurate and kept on file for future reference; (4) to ensure that evacuation passages, safety exits and fire truck accesses are unobstructed; (5) to organize fire prevention inspections to eliminate fire hazards in a timely manner; (6) to organize targeted fire drills; and (7) other fire safety duties prescribed by laws and regulations.

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Article 12 — The main person in charge of an entity shall be the person responsible for fire safety of the entity, and shall bear overall responsibility for the fire safety work of the entity. The person responsible for fire safety shall determine the fire safety administrator, organize and implement the fire safety management work of the entity, and establish fire control files.

Article 13 — The production, storage, transportation, sale, use and destruction of inflammable and explosive dangerous goods must comply with the technical standards for fire control and the relevant provisions on fire control safety. Entities producing, storing, transporting, selling, using and destroying inflammable and explosive dangerous goods shall implement fire safety responsibility and ensure fire safety.

Article 14 — Fireworks and firecrackers shall be set off in compliance with the relevant laws and regulations and the fire safety provisions, and the personal safety and fire safety of others shall not be endangered.

Chapter III — Fire Control Organizations

Article 15 — People's governments at various levels shall strengthen the construction of fire control organizations, establish various forms of fire control organizations in accordance with the needs of economic and social development, and strengthen the training of fire control technical personnel to improve the capabilities of fire prevention, firefighting and emergency rescue.

Article 16 — Local people's governments at or above the county level shall, in accordance with the provisions of the State, establish full-time national comprehensive fire rescue teams and undertake firefighting and emergency rescue work. Township people's governments shall, in accordance with the actual needs, establish full-time or volunteer fire brigades to undertake tasks such as firefighting and emergency rescue.

Article 17 — Large-scale nuclear facility entities, large-scale power plants, civil airports and major ports shall establish their own full-time fire brigades. Large and medium-sized enterprises that are far from the national comprehensive fire rescue teams and have a high fire risk may establish their own full-time fire brigades.

Article 18 — Government offices, organizations, enterprises, public institutions and villagers' committees and residents' committees may, as needed, establish volunteer fire brigades and other fire control organizations. Volunteer fire brigades shall receive business guidance from the fire rescue agencies. Where a volunteer fire brigade participates in firefighting work, it shall have the necessary firefighting equipment and protective equipment, and its members shall have the necessary firefighting knowledge and skills.

Chapter IV — Fire Fighting and Rescue

Article 19 — All persons who discover a fire shall immediately report the fire alarm. All entities and individuals shall facilitate the reporting of fire alarms free of charge and shall not obstruct the reporting of fire alarms. False reporting of fire alarms is strictly prohibited.

Article 20 — The fire rescue agency shall, upon receiving a fire alarm, immediately rush to the fire scene to rescue persons in distress, eliminate the danger and extinguish the fire. The national comprehensive fire rescue teams and full-time fire brigades shall, upon receiving instructions from the fire rescue agency, rush to the fire scene to extinguish the fire and provide emergency rescue in a timely manner.

Article 21 — The fire rescue agencies shall have the right to decide to take the following measures according to the needs of firefighting and emergency rescue: (1) to use various water sources; (2) to cut off the transmission of electricity, combustible gas and combustible liquid, and restrict the use of fire and electricity; (3) to designate warning zones and implement local traffic control; (4) to use the buildings and relevant facilities in the vicinity; (5) to mobilize water supply, power supply, gas supply, communication, medical rescue, transportation, environmental protection and other relevant units to assist in firefighting and rescue; and (6) to demolish or damage the buildings, structures or facilities adjacent to the fire scene in order to prevent the spread of the fire.

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Article 22 — The firefighting and emergency rescue work shall be free of charge. The compensation for the consumption of firefighting and emergency rescue equipment, equipment and materials shall be borne by the people's government at the corresponding level.

Chapter V — Supervision and Inspection

Article 23 — The fire rescue agencies of the people's governments at or above the county level shall supervise and inspect the compliance of government offices, organizations, enterprises, public institutions and other entities with fire control laws and regulations in accordance with the law. Public security police stations may be responsible for daily fire control supervision and inspection and carry out fire control publicity and education, and the specific measures shall be prescribed by the public security department under the State Council.

Article 24 — When a fire rescue agency conducts a fire control supervision and inspection, the inspectors shall not be fewer than two persons and shall present their identification documents. Entities and individuals subject to inspection shall cooperate and shall not obstruct or refuse the inspection.

Article 25 — Where a fire rescue agency discovers a fire hazard during a fire control supervision and inspection, it shall notify the relevant entity or individual to take immediate measures to eliminate the hazard. Where the hazard is not eliminated within the time limit, the fire rescue agency may take temporary sealing-up or other compulsory measures in accordance with the law.

Chapter VI — Legal Liability

Article 26 — Where an entity violates the provisions of this Law by committing any of the following acts, the fire rescue agency shall order rectification and impose a fine of not less than RMB 5,000 and not more than RMB 50,000: (1) not allocating fire control facilities and equipment in accordance with the provisions, or failing to keep fire control facilities and equipment in good condition and effective; (2) damaging or dismantling fire control facilities and equipment without authorization; (3) occupying, blocking, or closing evacuation passages, safety exits or fire truck accesses; or (4) other circumstances of obstructing evacuation or firefighting.

Article 27 — Where an entity, without fire safety inspection or failing to pass the fire safety inspection, puts into use or opens for business a place of public gathering, the fire rescue agency shall order it to stop use, suspend business or cease operation and impose a fine of not less than RMB 30,000 and not more than RMB 300,000.

Article 28 — Where a fire occurs due to violation of fire safety provisions and the case does not constitute a crime, the directly responsible persons in charge and other directly responsible persons shall be detained for not less than 10 days and not more than 15 days, and may be fined not more than RMB 500. Where the circumstances are relatively minor, a warning or a fine of not more than RMB 500 shall be imposed.

Article 29 — Where a staff member of a fire rescue agency abuses his or her powers, neglects his or her duties, or engages in malpractices for personal gain, a sanction shall be imposed in accordance with the law. Where the case constitutes a crime, criminal liability shall be pursued in accordance with the law.

Chapter VII — Supplementary Provisions

Article 30 — This Law shall come into force as of May 1, 2009. The Fire Control Law of the People's Republic of China adopted at the 2nd meeting of the Standing Committee of the 9th National People's Congress on April 29, 1998 shall be repealed simultaneously.

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