

# Fire Control Law of the People's Republic of China (Amended in 2021)

**Promulgated by :** Standing Committee of the National People's Congress

**Promulgation Date :** 2021.04.29

**Effective Date :** 2021.04.29

**Validity Status :** valid

---

## Fire Control Law of the People's Republic of China (Amended in 2021)

(Adopted at the Second Meeting of the Standing Committee of the Ninth National People's Congress on April 29, 1998, revised at the Fifth Meeting of the Standing Committee of the Eleventh National People's Congress on October 28, 2008; amended for the first time according to the Decision on Amending Eight Laws Including the Construction Law of the People's Republic of China at the Tenth Meeting of the Standing Committee of the Thirteenth National People's Congress on April 23, 2019; and amended for the second time according to the Decision on Amending the Eight Laws of the People's Republic of China including the Road Traffic Safety Law at the Twenty-eighth Meeting of the Standing Committee of the Thirteenth National People's Congress on April 29, 2021)

### Chapter 1 General Principles

**Article 1** This Law is enacted for the purposes of preventing fire disasters and reducing fire hazards, strengthening emergency rescue operations, protecting personal and property safety and safeguarding public security.

**Article 2** Fire control work shall comply with the direction of "preventing comes first, combining prevention and firefighting", adhere to the principle of unified leadership by the government, regulation by the authorities pursuant to the law, full accountability of organisations and active participation by citizens, implementing a fire safety accountability system and establishing a proper and socialised network for fire control work.

**Article 3** The State Council shall take lead of fire control work nationwide. All levels of local People's Governments shall be responsible for fire control work within their respective administrative region.

All levels of People's Governments shall include fire control work in the national economic and social development plan to ensure fire control work corresponds to economic and social development.

**Article 4** The emergency management authority of the State Council shall implement supervision and administration of fire control work nationwide. The emergency management authorities of local People's Governments at county level and above shall implement supervision and administration of fire control work within their respective administrative region, and the fire rescue department of the People's Government at counterpart level shall be responsible for implementation. Supervision and administration of fire control work of military facilities shall be implemented by the organisation in charge and assisted by the fire rescue department; supervision and administration of fire control work of underground mines, nuclear power plants, marine petroleum and natural gas facilities shall be implemented by the organisation in charge.

Other relevant departments of People's Governments at county level and above shall handle fire control work properly within their respective scope of duties and pursuant to the provisions of this Law and other relevant laws and regulations.

Where the laws and administrative regulations provide otherwise on fire control work of forests and grasslands, such provisions shall prevail.

**Article 5** All organisations and individuals shall have the obligation of safeguarding fire safety, protecting firefighting facilities, preventing fire disasters and reporting a fire. All organisations and adult individuals shall have the obligation of participating in organised fire extinguishment work.

**Article 6** All levels of People's Governments shall organise and carry out frequent fire control propaganda and education to raise fire safety awareness of citizens.

Agencies, bodies, enterprises, institutions, etc. shall strengthen fire control propaganda and education among their personnel.

Emergency management authorities and fire rescue departments shall strengthen publicity of fire control laws and regulations, and supervise, guide and assist the relevant organisations to carry out fire control propaganda and education properly.

The administrative authorities in charge of education and human resources and schools and the relevant vocational training organisations shall include fire control knowledge into education, teaching and training curriculum.

The relevant news, radio and television organisations, etc. shall target at the general public for fire control propaganda and education.

Unions, the Chinese Communist Youth League, the All China Women's Federations, etc. shall take into account the characteristics of their respective targets in organising and carrying out fire control propaganda and education.

Villagers committees and residents' committees shall assist the People's Governments as well as public security authorities and emergency management authorities, etc to strengthen fire control propaganda and education.

**Article 7** The State encourages and supports scientific research and technological innovation for fire control and promote the use of advanced firefighting and emergency rescue technologies and equipment; encourage and support community efforts in carrying out community activities of fire control.

Organisations and individuals with outstanding contribution in fire control work shall be commended and rewarded pursuant to the relevant provisions of the State.

## **Chapter 2 Prevention of Fire Disasters**

**Article 8** All levels of local People's Governments shall include fire control planning such as fire safety layout, firefighting stations, water supply for firefighting, communications for firefighting, fire engine access roads, firefighting equipment, etc. in the urban and rural planning, and shall be responsible for organisation and implementation.

Fire safety layout of cities and villages which does not comply with the fire safety requirements shall be adjusted and improved upon; where the public firefighting facilities or firefighting equipment are inadequate or do not satisfy the actual needs, such facilities or equipment shall be supplemented, modified or configured or undergo technical transformation.

**Article 9** Fire control design and construction of a construction project shall comply with the State's fire control technical standards for construction projects. Developers, designers, builders, project supervisors, etc. shall be responsible for the quality of the fire control design and construction of the construction project pursuant to the law.

**Article 10** The development project fire safety design examination and acceptance system shall be implemented for development projects which are required to have fire safety design in accordance with the national fire protection technical standards for project construction.

**Article 11** For special development projects stipulated by the housing and urban□rural development authority of the State Council, the developer shall submit the fire safety design documents to the housing

and urban□rural development authority for examination; the housing and urban□rural development authority shall be responsible for the examination outcome pursuant to the law.

For development projects other than those stipulated in the preceding paragraph, the developer shall, at the time of applying for the construction permit or approval for work commencement report, provide the fire safety design drawings and technical materials which satisfy the construction needs.

**Article 12** Where a special development project has not undergone fire safety design examination or the fire safety design does not pass examination, the developer and the builder shall not carry out construction; for other development projects, if the developer does not provide the fire safety design drawings and technical materials which satisfy the construction needs, the relevant authorities shall not issue a construction permit or approve the work commencement report.

**Article 13** Upon completion of construction of a development project which is required to apply for fire safety inspection and acceptance as stipulated by the housing and urban□rural development authority of the State Council, the developer shall apply to the housing and urban□rural development authority for fire safety inspection and acceptance.

For development projects other than those stipulated in the preceding paragraph, the developer shall complete filing formalities with the housing and urban□rural development authority following the inspection and acceptance, the housing and urban□rural development department shall conduct spot check.

Where a development project which is required by law to undergo fire safety inspection and acceptance does not undergo fire safety inspection and acceptance, or does not pass fire safety inspection and acceptance, the project shall not be put into use; the use of other development projects which do not pass inspection in spot checks carried out pursuant to the law shall be suspended.

**Article 14** Detailed measures on fire safety design examination, fire safety inspection and acceptance, filing and spot checks for development projects shall be stipulated by the housing and urban□rural development authority of the State Council.

**Article 15** Fire safety inspection is subject to informed commitment management for a public gathering premise prior to commencement of use or business thereof. The developer or the user of such premise shall apply to the fire rescue department of the local People's Government at county level or above at the location of the premise for fire safety inspection, make commitment on the premise's compliance with the fire control technical standards and management rules, submit the materials as required, and be responsible for the authenticity of its commitment and the materials submitted.

The fire rescue department shall examine the materials submitted by the applicant and grant permission to the applicant if the application materials are complete and comply with the statutory form. It shall promptly conduct verification of the public gathering premise that made commitment according to the fire control technical standards and management rules.

If the applicant does not adopt the method of informed commitment, the fire rescue department shall inspect the premise within 10 working days from the date of acceptance of the application according to the fire control technical standards and management rules and shall grant permission to the applicant if the fire control requirements are satisfied upon inspection.

No public gathering premise may be put into use or business unless it is permitted by the fire rescue department. The specific measures for fire control inspection shall be developed by the emergency management authority under the State Council.

**Article 16** Agencies, bodies, enterprises, institutions, etc. shall perform the following fire safety duties:

- (1) implement fire safety accountability system, formulate fire safety system and fire safety operational procedures for their organisation, and formulate fire extinguishment and emergency evacuation plans;
- (2) configure firefighting facilities and equipment pursuant to State and industry standards, install fire safety signs, and organise inspection and maintenance on a regular basis to ensure that the facilities and equipment are in good working conditions;
- (3) conduct comprehensive inspection of firefighting facilities in buildings at least once a year to ensure that they are in good working conditions, the inspection records shall be complete and accurate and filed for reference;
- (4) ensure that evacuation access, safety exits and fire engine access roads are unblocked, and ensure that the fire and smoke bay and firebreak distance comply with fire control technical standards;
- (5) organise fire prevention checks to promptly eliminate hidden fire hazards;
- (6) organise and carry out targeted fire drills; and
- (7) perform any other fire safety duties stipulated by laws and regulations.

The key person in charge of an organisation shall be the person accountable for fire safety of the organisation.

**Article 17** The fire rescue department of local People's Governments at county level and above shall list organisations which have higher fire risks and which may incur significant personal injuries and casualties or property loss in the event of a fire hazard as fire safety key target organisations within its administrative region, and the emergency management authority shall file records with the People's Government at counterpart level.

Fire safety key target organisations shall, in addition to performing duties stipulated in Article 16 of this Law, perform the following fire safety duties:

- (1) appoint fire safety management personnel, and organise and implement fire safety administration of their organisation;
- (2) establish fire safety records, determine key areas for fire safety, install fire prevention signs, and implement strict administration;
- (3) implement daily fire prevention patrol checks, and keep records of patrol checks; and
- (4) conduct fire safety training for employees before they take up their job positions, and organise fire safety training and fire drills on a regular basis.

**Article 18** Where the same building is administered or used by two or more organisations, the fire safety accountability of various parties shall be determined, and the accountable persons shall carry out unified administration of common evacuation access, safety exits, firefighting facilities of the building and fire engine access roads.

Estate services enterprises of residential districts shall carry out maintenance and administration of common firefighting facilities within their administrative regions, and provide fire safety prevention services.

**Article 19** Premises for manufacturing, storage and operation of dangerous items which are flammable and explosive shall not be established in the same building as residential premises, and a safety distance shall be maintained with the residential premises.

Where the premises for manufacturing, storage and operation of other items are established in the same building as residential premises, the State's fire control technical standards for construction projects shall be complied with.

**Article 20** Organisers of large-scale mass activities shall apply to the public security agency for a safety permit pursuant to the law, formulate fire extinguishment and emergency evacuation plans and

organise drills, determine division of fire safety duties, appoint fire safety management personnel, ensure that firefighting facilities and firefighting equipment are properly configured and in good working conditions, and ensure that evacuation access, safety exits, evacuation signs and logos, emergency lighting and fire engine access roads comply with the fire control technical standards and administrative provisions.

**Article 21** Smoking and use of open flames shall be prohibited at premises which have fire hazard and explosion risks. Where there is a need to use open flames for operation under special circumstances such as construction, etc. examination and approval formalities shall be processed in advance pursuant to the provisions, and the corresponding fire safety measures shall be adopted; the operators shall comply with fire safety provisions.

Personnel carrying out dangerous works which have fire hazard risks such as electric welding, gas welding, etc and operators of automatic firefighting system shall hold the relevant work permit while taking up their job positions and comply with fire safety operational procedures.

**Article 22** Establishment of factories and warehouses for manufacturing, storing, loading and unloading dangerous items which are flammable and explosive, and special bus stops and ports shall comply with fire control technical standards. Filling stations, supply stations and regulating stations for flammable and explosive gases and liquids shall be established at locations which comply with fire safety requirements and comply with fire prevention and anti-explosion requirements.

For established factories and warehouses for manufacturing, storing, loading and unloading dangerous items which are flammable and explosive, and special bus stops and ports, and filling stations, supply stations and regulating stations for flammable and explosive gases and liquids which no longer comply with the provisions of the preceding paragraph, the local People's Government shall organise and coordinate the relevant departments and organisations to resolve the matter and eliminate hidden safety risks within a stipulated period.

**Article 23** Manufacturing, storage, transportation, sale, use or destruction of dangerous items which are flammable and explosive shall comply with the fire control technical standards and administrative provisions.

Persons entering premises for manufacturing and storage of dangerous items which are flammable and explosive shall comply with fire safety provisions. Illegal carrying of dangerous items which are flammable and explosive at public premises or on public transport vehicles shall be prohibited.

Administration of warehouses storing combustible materials shall comply with fire control technical standards and administrative provisions.

**Article 24** Fire control products shall comply with State standards; in lieu of State standards, industry standards shall be complied with. Unqualified fire control products and fire control products which are explicitly listed as obsolete products by the State shall be prohibited from manufacturing, sale or use.

Fire control products which are subject to mandatory product certification pursuant to the law shall only be manufactured, sold and used upon obtaining product certification by a statutorily qualified certification agency pursuant to the mandatory requirements of State or industry standards. A catalogue of fire control products subject to mandatory product certification shall be formulated jointly by the product quality supervision department of the State Council and the emergency management authority of the State Council and shall be announced.

Newly developed fire control products in which no State or industry standards have been formulated shall only be manufactured, sold and used after they are technically verified to be in compliance with fire safety requirements pursuant to the measures formulated jointly by the product quality supervision department of the State Council and the emergency management authority of the State Council.

The emergency management authority of the State Council shall announce fire control products which have obtained mandatory product certification pursuant to the provisions of this Article or fire control products which have passed technical verification.

**Article 25** The product quality supervision department, the administration for industry and commerce department and the fire rescue department shall strengthen supervision and inspection of the quality of fire control products according to their respective duties.

**Article 26** The fire resistance ability of building components, building materials and interior renovation and decoration materials shall comply with State standards; in lieu of State standards, industry standards shall be complied with.

Interior renovation and decoration of crowded premises shall comply with the requirements of fire control technical standards and use non-combustible and fire-retardant materials.

**Article 27** The product standards for electrical products and gas appliances shall comply with fire safety requirements.



Installation and use of electrical products and gas appliances, and design, laying, maintenance and testing of their wiring and pipelines shall comply with the fire control technical standards and administrative provisions.

**Article 28** No organisation or individual shall damage, misappropriate or arbitrarily dismantle or stop using firefighting facilities and equipment, bury, occupy or block fire hydrants or occupy firebreaks, occupy, obstruct or seal up evacuation access, safety exits or fire engine access roads. Windows and doors of crowded premises shall be kept clear of obstacles which will hinder escape and fire extinguishment and rescue operations.

**Article 29** Organisations responsible for maintenance and administration of public firefighting facilities shall ensure public firefighting facilities such as water supply for firefighting, communications for firefighting, fire engine access roads, etc. are in good working conditions. Where fire extinguishment and rescue operations by the fire brigade may be affected in the event of road modification and power outage, suspension of water supply or cut-off of communication lines, the relevant organisation(s) shall notify the local fire rescue department in advance.

**Article 30** All levels of local People's Governments shall strengthen leadership over fire control work in farm villages, adopt measures to strengthen construction of public firefighting facilities, organise the development of and supervise the implementation of fire safety accountability system.

**Article 31** During agricultural harvest seasons, fire prevention periods for forests and grasslands, major public holidays and fire-prone seasons, all levels of local People's Governments shall organise and carry out targeted fire control propaganda and education, adopt fire prevention measures and carry out fire safety inspection.

**Article 32** Village and township People's Governments and sub-district offices shall guide, support and assist villagers committees and residents' committees in carrying out fire control work for the masses. Villagers committees and residents' committees shall appoint fire safety management personnel, organise and formulate fire safety convention, and carry out fire safety inspection.

**Article 33** The State shall encourage and guide premises gathered with the public and enterprises engaging in manufacturing, storage, transportation and sale of dangerous items which are flammable and explosive to take up public fire liability insurance; encourage insurance companies to underwrite public fire liability insurance.

**Article 34** Technical services organisations for fire control such as firefighting facilities maintenance and testing, fire safety evaluation, etc. shall be qualified for practice and practising personnel shall obtain the

corresponding qualifications pursuant to the law. They shall accept entrustments to provide fire safety technical services pursuant to the laws, administrative regulations, State standards, industry standards and code of practice, and be responsible for service quality.

### **Chapter 3 Fire Control Organisations**

**Article 35** All levels of People's Governments shall strengthen establishment of fire control organisations, establish different types of fire control organisations according to the needs of economic and social development, strengthen cultivation of fire control technical personnel, and strengthen fire prevention, rescue and emergency rescue capacity.

**Article 36** Local People's Governments at county level and above shall establish national comprehensive fire rescue teams and specialised fire brigades pursuant to the provisions of the State and deploy firefighting equipment pursuant to State standards to undertake firefighting and rescue operations.

Village and township People's Governments shall establish specialised fire brigades and voluntary fire brigades according to the needs of local economic development and fire control work to undertake firefighting and rescue operations.

**Article 37** National comprehensive fire rescue teams and specialised fire brigades shall undertake emergency rescue operations for major disasters and accidents and other emergency rescue operations mainly for saving of lives pursuant to the provisions of the State.

**Article 38** National comprehensive fire rescue teams and specialised fire brigades shall optimise their core function of professional capacity for firefighting, rescue and emergency rescue operations; organise and implement professional skills training, deploy and maintain equipment and devices, and raise the capacity for firefighting, rescue and emergency rescue operations pursuant to the provisions of the State.

**Article 39** The following organisations shall establish specialised fire brigades of their organisations to undertake firefighting and rescue work for their organisation:

- (1) large nuclear facilities, large power plants, civil airports, key ports;
- (2) large enterprises engaging in manufacturing and storage of dangerous items which are flammable and explosive;
- (3) large warehouses and bases for storage of important goods and materials which are combustible;

(4) other large enterprises other than those stipulated in item (1), item (2) and item (3) which have higher fire risks and are located far away from the national comprehensive fire rescue teams; and

(5) organisations managing ancient buildings which are located far away from the national comprehensive fire rescue teams and listed as key heritage preservation organisations in China.

**Article 40** Establishment of specialised fire brigades shall comply with the relevant provisions of the State and shall undergo acceptance inspection by the local fire rescue department.

Members of specialised fire brigades shall enjoy social security and welfare benefits pursuant to the law.

**Article 41** Agencies, bodies, enterprises, institutions, etc. and villagers committees and residents' committees shall establish different types of fire control organisations such as voluntary fire brigades, etc. according to the needs to carry out self-defence and self-rescue operations for the masses.

**Article 42** The fire rescue department shall provide operational guidance to fire control organisations such as specialised fire brigades, voluntary fire brigades, etc.; and may deploy and command specialised fire brigades to take part in firefighting and rescue operations according to the needs of firefighting and rescue operations.

#### **Chapter 4 Fire Extinguishment and Rescue**

**Article 43** Local People's Governments at county level and above shall organise the relevant department(s) to formulate emergency plans targeted at fire hazard characteristics within their respective administrative regions, establish emergency response and handling mechanism, and provide manpower, equipment, etc. for firefighting, rescue and emergency rescue operations.

**Article 44** Any person who has discovered a fire breakout shall forthwith make a police report. All organisations and individuals shall provide convenience without compensation for making of police reports and shall not obstruct others from making police reports. Making of false police reports shall be prohibited.

Where there is a fire breakout at crowded premises, the personnel present at the premises shall forthwith organise and guide evacuation of persons at the site.

Any organisation which encounters a fire breakout shall forthwith organise firefighting and rescue efforts. Neighbouring organisations shall render assistance.

Upon receipt of a fire report, the fire brigade shall forthwith rush to the fire breakout site, assist and rescue persons in distress, eliminate dangers and put out the fire.

**Article 45** The fire rescue department shall organise and command on-site rescue operations at fire breakout sites on a unified basis and give priority to safeguarding the lives and safety of persons in distress.

The commander-in-chief at the fire breakout site shall have the right to decide on the following matters according to the needs of firefighting and rescue operations:

- (1) use different water sources;
- (2) cut off power supply and transmission of combustible gases and combustible liquids, and restrict the use of flames and electricity;
- (3) designate security zone and implement local traffic control;
- (4) make use of nearby buildings and the relevant facilities;
- (5) demolish or destroy buildings, structures or facilities, etc. adjacent to the fire breakout site to rescue the lives of persons and important goods and materials and to prevent the fire from spreading; and
- (6) mobilise the relevant units of water supply, power supply, gas supply, communications, medical care, transportation, environmental protection, etc. to assist in fire extinguishment and rescue operations.

The relevant local People's Government shall organise personnel and deploy the requisite goods and materials to assist in fire extinguishment according to the urgent needs of firefighting and rescue operations.

**Article 46** Emergency rescue operations for other major disasters and accidents other than fire disasters undertaken by national comprehensive fire rescue teams and specialised fire brigades shall be subject to unified leadership by a People's Government at county level and above.

**Article 47** Fire engines and fireboats rushing to fire breakout sites for firefighting and rescue operations or answering emergency rescue calls shall, subject to the prerequisite of safety assurance, not be restricted to speed limit, driving route, driving direction and traffic signals; other vehicles, vessels and passengers shall give way and shall not cut into their lane or overtake; toll fees for toll roads and bridges shall be waived. Traffic management command staff shall ensure rapid passage for fire engines and fireboats.

Firefighters rushing to fire breakout sites or emergency rescue sites and deployed firefighting equipment and materials that require railway, waterway or airway transportation shall be given transportation priority by the relevant authorities.

**Article 48** Fire engines, fireboats and firefighting equipment, devices and facilities shall not be used for purposes unrelated to firefighting and emergency rescue operations.

**Article 49** National comprehensive fire rescue teams and specialised fire brigades shall not collect any fees for participating in firefighting, rescue and emergency rescue operations.

Fuels, fire extinguishing chemicals and devices, equipment, etc. used by specialised fire brigades and voluntary fire brigades of the organisation participating in firefighting and rescue operations outside the organisation shall be compensated by the People's Government at the location of the fire breakout site.

**Article 50** Persons who are injured, disabled or killed due to participation in firefighting, rescue or emergency rescue operations shall be granted medical fee or pension pursuant to the relevant provisions of the State.

**Article 51** The fire rescue department shall have the right to seal up a fire breakout site according to the needs and be responsible for investigation of the cause of fire breakout and compilation of the statistics of fire breakout damages.

Upon fire extinguishment, the organisation which encounters a fire breakout and the relevant persons shall preserve the site pursuant to the requirements of the fire rescue department, accept accident investigation and provide information relating to the fire breakout truthfully.

The fire rescue department shall promptly formulate a fire accident verification report based on the inquest and investigation information at the fire breakout site and the relevant inspection and authentication opinion; the report shall serve as the evidential materials for handling of the fire accident.

## **Chapter 5 Supervision and Inspection**

**Article 52** All levels of local People's Governments shall implement the fire control work accountability system and carry out supervision and inspection of performance of fire safety duties by the relevant departments of the People's Government at counterpart level.

The relevant departments of the local People's Governments at county level and above shall carry out targeted fire safety checks according to the characteristics of this system and promptly urge on elimination of hidden fire hazards.

**Article 53** Fire rescue departments shall carry out supervision and inspection of compliance of fire control laws and regulations by agencies, bodies, enterprises, institutions, etc. pursuant to the law. Police stations shall be responsible for day□to□day fire control supervision and inspection, and carrying

out fire control propaganda and education; the detailed measures shall be stipulated by the public security department of the State Council.

Personnel of fire rescue departments and police stations shall present their identity pass when carrying out fire control supervision and inspection.

**Article 54** The fire rescue department shall notify the relevant organisations or individuals of hidden fire hazards discovered in fire control supervision and inspection to forthwith adopt measures to eliminate the hidden hazards; where public security may be seriously compromised if the hidden hazards are not promptly eliminated, the fire rescue department shall adopt temporary seizure measures for the hazardous location or site pursuant to the provisions.

**Article 55** Where the fire rescue department has discovered in fire control supervision and inspection that the fire safety layout and public firefighting facilities of a village or township do not comply with fire safety requirements, or that there are hidden hazards of a major fire breakout in the local region affecting the safety of the public, the emergency management authority shall submit a written report to the People's Government at counterpart level.

The People's Government which has received the report shall promptly verify the information, organise or order the relevant departments or organisations to adopt rectification measures.

**Article 56** The housing and urban□rural development authority, the fire rescue department and their staff shall, in accordance with the statutory official powers and procedures, carry out fire safety design examination, fire safety inspection and acceptance, filing, spot checks and fire safety inspection etc. in an equitable, stringent, civilised and efficient manner.

When carrying out fire safety design examination, fire safety inspection and acceptance, filing, spot checks and fire safety inspection etc., the housing and urban□rural development authority, the fire rescue department and their staff shall not collect fees, and shall not make use of official powers to seek gains; and shall not make use of official powers to designate, directly or under any pretext, brands or sellers of fire safety products or fire safety service providers or installers of fire safety facilities, for users and developers.

**Article 57** The housing and urban□rural development authority and the fire rescue department as well as their personnel shall consciously accept social and public supervision when performing duties.

All organisations and individuals shall have the right to report and bring a charge against the housing and urban□rural development authority or the fire rescue department and its personnel that have

committed an illegal act in carrying out enforcement activities. The authorities which have received the report or charge shall promptly investigate and handle the matter pursuant to their duties.

## Chapter 6 Legal Liability

**Article 58** Anyone who violates the provisions of this Law in committing any of the following acts shall be ordered by the housing and urban□rural development authority and the fire rescue department in accordance with their respective official powers, to stop construction, use or suspend production and business, and impose a fine ranging from 30,000 yuan to 300,000 yuan:

- (1) unauthorised construction of a development project which is required by law to undergo fire safety design examination does not undergo or pass the examination;
- (2) unauthorised use of a development project which is required by law to undergo fire safety inspection and acceptance but does not undergo or pass the inspection and acceptance;
- (3) does not suspend the use of a development project stipulated in Article 13 of this Law which does not pass a spot check following inspection and acceptance; or
- (4) use or operation of a public gathering venue without permission granted by the fire rescue department or the use or operation of a public gathering venue is not in conformity with the contents of the commitment after verification.

Where it is found that the use and business conditions of a public gathering venue is not in conformity with the contents of the commitment after verification, and it is ordered to correct within a time limit, but fails to do so or fails to meet the requirements after rectification, the corresponding permit shall be revoked according to law.

Where the developer does not complete filing formalities with the housing and urban□rural development department following inspection and acceptance pursuant to the provisions of this Law, the housing and urban□rural development department shall order the developer to make correction and impose a fine of not more than 5,000 yuan.

**Article 59** Persons who have committed any of the following acts in violation of the provisions of this Law shall be ordered by the housing and urban□rural development department to make correction or stop construction and be subject to a fine ranging from 10,000 yuan to 100,000 yuan:

- (1) where a developer has requested a building design organisation or a builder enterprise to lower fire control technical standards in design or construction;

(2) where a building design organisation has carried out fire control design which do not comply with the mandatory requirements of fire control technical standards;

(3) where a builder enterprise has carried out construction which do not comply with fire control design documents and fire control technical standards, and lowered fire control construction quality; or

(4) where a project supervisor has conspired with a developer or a builder enterprise to commit fraud and lower fire control construction quality.

**Article 60** Organisations which have committed any of the following acts in violation of the provisions of this Law shall be ordered to make correction and be subject to a fine ranging from 5,000 yuan to 50,000 yuan:

(1) where the organisation failed to configure or install firefighting facilities and equipment or fire safety signs which comply with State or industry standards or failed to keep firefighting facilities and equipment in good working conditions;

(2) where the organisation has damaged, misappropriated or arbitrarily dismantled or stopped using firefighting facilities and equipment;

(3) where the organisation has occupied, obstructed or sealed up evacuation access or safety exits or committed any other acts which hinder safety evacuation;

(4) where the organisation has buried, occupied or blocked fire hydrants or occupied firebreaks;

(5) where the organisation has occupied, obstructed or sealed up fire engine access roads or hindered fire engine access;

(6) where the organisation has installed obstacles at windows and doors of crowded premises which will hinder escape and fire extinguishment and rescue operations; or

(7) where the organisation failed to promptly adopt measures to eliminate hidden fire hazards upon notification by the fire rescue department.

Persons who have committed any of the acts stipulated in item (2), item (3), item (4) and item (5) of the preceding paragraph shall be subject to a warning or a fine of not more than 500 yuan.

Persons who have committed any of the acts stipulated in item (3), item (4), item (5) and item (6) of the first paragraph of this Article in failing to make correction as ordered shall be subject to enforcement and the requisite expenses shall be borne by the doer of the illegal act.



**Article 61** Where premises for manufacturing, storage and operation of dangerous items which are flammable and explosive are established in the same building as residential premises or a safety distance is not maintained with the residential premises, the operator shall be ordered to suspend manufacturing or business activities and be subject to a fine ranging from 5,000 yuan to 50,000 yuan.

Where premises for manufacturing, storage and operation of other items which are established in the same building as residential premises do not comply with fire control technical standards, the offender shall be punished pursuant to the provisions of the preceding paragraph.

**Article 62** Persons who have committed any of the following acts shall be punished pursuant to the provisions of the Law of the People's Republic of China on Security Administration and Punishment:

(1) manufacturing, storage, transportation, sale, use or destruction of dangerous items which are flammable and explosive in violation of the relevant fire control technical standards and administrative provisions;

(2) illegally carrying of dangerous items which are flammable and explosive at public premises or on public transport vehicles;

(3) making of a false fire report;

(4) obstruction of fire engines or fireboats from executing their duties; or

(5) obstruction of the personnel of the fire rescue department from performing their duties pursuant to the law.

**Article 63** Persons who have committed any of the following acts in violation of the provisions of this Law shall be subject to a warning or a fine of not more than 500 yuan; where the case is serious, the offender shall be detained for less than five days:

(1) enter premises for manufacturing and storage of dangerous items which are flammable and explosive in violation of fire safety provisions; or

(2) use open flames in operations in violation of the provisions or smoke or use open flames in premises which have fire or explosion hazards.

**Article 64** Persons who have committed any of the following acts in violation of the provisions of this Law shall be detained for a period of more than 10 days and less than 15 days and may be subject a fine of not more than 500 yuan if the act does not constitute a criminal offence; where the case is less serious, the offender shall be subject to a warning or a fine of not more than 500 yuan:

- (1) where the person has instructed or forced others to engage in risky operations in violation of fire safety provisions;
- (2) where the person has caused a fire breakout by negligence;
- (3) where the person has hindered the making of a fire report upon occurrence of a fire breakout or the person accountable for reporting failed to make a police report promptly;
- (4) where the person has disrupted the order in a fire breakout site or refused to execute the command of fire commanders at the fire breakout site which affected fire extinguishment and rescue operations;
- (5) where the person has intentionally destroyed or fabricated a fire breakout site; or
- (6) where the person has arbitrarily unsealed or used premises or locations sealed by the fire rescue department.

**Article 65** Persons who have engaged in manufacturing or sale of unqualified fire control products or fire control products which are explicitly listed as obsolete products by the State in violation of the provisions of this Law shall be severely punished by the product quality supervision authorities or the administration for industry and commerce pursuant to the provisions of the Product Quality Law of the People's Republic of China.

Persons who have used unqualified fire control products or fire control products which are explicitly listed as obsolete products by the State at crowded premises shall be ordered to make correction within a stipulated period; where correction is not made within the stipulated period, a fine ranging from 5,000 yuan to 50,000 yuan shall be imposed, and the person(s) in charge who is/are directly accountable and other directly accountable persons shall be subject to a fine ranging from 500 yuan to 2,000 yuan; where the case is serious, the offender shall be ordered to suspend operations or businesses.

For circumstances stipulated in the second paragraph of this Article, the fire rescue department shall, in addition to punishing the user pursuant to the law, notify the product quality supervision authorities or the administration for industry and commerce of the unqualified fire control products and fire control products which are explicitly listed as obsolete products by the State discovered. The product quality supervision authorities or the administration for industry and commerce shall promptly investigate and punish the manufacturer or the seller pursuant to the law.

**Article 66** Persons who have installed or used electrical products or gas appliances which do not comply with fire control technical standards and administrative provisions, or electrical products or gas appliances in which the design, laying, maintenance and testing of their wiring and pipelines do not

comply with fire control technical standards and administrative provisions shall be ordered to make correction within a stipulated period; where correction is not made within the stipulated period, the offender shall be ordered to stop using the products or appliances and may be subject to a fine ranging from 1,000 yuan to 5,000 yuan.

**Article 67** Agencies, bodies, enterprises, institutions, etc. which violate the provisions of Article 16, Article 17, Article 18 and the second paragraph of Article 21 of this Law shall be ordered to make correction within a stipulated period; where correction is not made within the stipulated period, the person(s) in charge who is/are directly accountable and other directly accountable persons shall be punished pursuant to the law or be subject to a warning.

**Article 68** In the event of a fire breakout at crowded premises, where the personnel present at the premises failed to performing their obligations in organising or guiding persons at the site to evacuate and where the case is serious but does not constitute a criminal offence, the offender shall be detained for a period of more than five days and less than 10 days.

**Article 69** Technical service organisations for fire control in such aspects as firefighting facilities maintenance and testing, fire control evaluation, etc., which engaged in technical services for fire control without practice conditions or issued false documents shall be ordered to make correction and be subject to a fine ranging from 50,000 yuan to 100,000 yuan, and the person(s) in charge who is/are directly accountable and other directly accountable persons shall be subject to a fine ranging from 10,000 yuan to 50,000 yuan, by the fire rescue department; any offender who fails to carry out fire control technical service activities in accordance with the national standards and industrial standards shall be ordered to make corrections and imposed a fine of not more than 50,000 yuan, and the person in charge directly accountable and other persons directly liable shall be imposed a fine of not more than 10,000 yuan; where there is an illegal income, the illegal income shall be confiscated; the offender shall bear compensation liability for damages suffered by others thereto according to law; in a serious case, the offender shall be ordered to cease practice or has its corresponding qualification revoked according to law; in the case of any heavy loss caused, the authority concerned shall revoke the offender's business license and the relevant accountable persons shall be banned from entering the market for life.

Where an organisation stipulated in the preceding paragraph has issued a false document and caused others to suffer from damages, the organisation shall bear compensation liability pursuant to the law; where the offender has caused significant damages, the fire rescue department shall order the offender to suspend practice or revoke the corresponding qualification of the offender pursuant to the law, the authority concerned shall revoke the offender's business license and the relevant accountable persons shall be banned from entering the market for life.

**Article 70** Administrative punishment stipulated in this Law shall be decided by the housing and urban□rural development authority and the fire rescue department in accordance with their respective official powers, except where it should be decided by the public security authority pursuant to the Law of the People's Republic of China on Security Administration and Punishment.

Anyone who has been ordered to stop construction, use, suspend production and business shall, upon making correction, report to the authority or department issuing the order, and can only resume construction, use, production or business upon passing inspection.

Where the party concerned fails to implement the order to suspend production or business, or to stop use or stop construction, the authority or department issuing the order shall enforce the order.

Where the order to suspend production and business has a relatively significant impact on the economy and society, the housing and urban□rural development authority or the emergency management authority shall report to the People's Government to decide pursuant to the law.

**Article 71** Personnel of the housing and urban□rural development authority or the fire rescue department guilty of abusing official powers, practising dereliction of duty and making corruption in committing any of the following acts which does not constitute a criminal offence shall be punished pursuant to the law:

- (1) grant approval for examination, clear fire control acceptance inspection or clear fire safety check for fire control design documents, construction projects and premises which do not comply with fire safety requirements;
- (2) delay examination of fire control design, fire control acceptance inspection or fire safety check without a reason or failed to perform examination duties within the statutory period;
- (3) failed to promptly notify the relevant organisations or individuals of elimination of hidden fire hazards;
- (4) make use of official duties to recommend brands or sellers of fire control products or technical services organisations for fire control or manufacturers of firefighting facilities to users or developers directly or under any pretext;
- (5) use fire engines, fireboats and firefighting equipment, devices and facilities for purposes unrelated to firefighting and emergency rescue operations; or
- (6) commit any other acts of abusing official powers, practising dereliction of duty and making corruption.

Personnel of construction, product quality supervision, administration for industry and commerce and other relevant administrative authorities guilty of abusing official powers, practising dereliction of duty and making corruption in fire control works which do not constitute a criminal offence shall be punished pursuant to the law.

**Article 72** For violations of the provisions of this Law which constitute a criminal offence, criminal liability shall be pursued in accordance with the law.

## **Chapter 7 Supplementary Provisions**

**Article 73** The following terms used in this Law shall be defined as follows:

(1) Firefighting facilities shall mean automatic fire alarm systems, automatic fire extinguishing systems, fire hydrant systems, smoke exhaust systems and emergency broadcasting, emergency lighting, safety evacuation facilities, etc.

(2) Fire control products shall mean products used specifically for prevention of fire disasters, fire extinguishment and rescue operations and fire protection, evacuation and escape.

(3) Premises gathered with the public shall mean hotels, restaurants, shopping malls, markets, waiting areas at passenger stations, waiting areas at ferry terminals, civil airport terminals, sports stadiums, halls and public entertainment premises, etc.

(4) Crowded premises shall mean premises gathered with the public, clinics and wards at hospitals, academic buildings at schools, libraries, canteens and hostels at schools, nursing homes, welfare homes, child care centres, kindergartens, reading rooms of public libraries, public exhibition halls, museum exhibition halls, manufacturing workshops and staff quarters of labour-intensive enterprises, tourism places and religious places, etc.

**Article 74** This Law shall be effective 1 May 2009.



扫一扫，手机阅读更方便