

# 中华人民共和国消防法（2021修正）

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## 中华人民共和国消防法

（1998年4月29日第九届全国人民代表大会常务委员会第二次会议通过2008年10月28日第十一届全国人民代表大会常务委员会第五次会议修订根据2019年4月23日第十三届全国人民代表大会常务委员会第十次会议《关于修改〈中华人民共和国建筑法〉等八部法律的决定》第一次修正根据2021年4月29日第十三届全国人民代表大会常务委员会第二十八次会议《关于修改〈中华人民共和国道路交通安全法〉等八部法律的决定》第二次修正）

## 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)

### 第一章 总 则

### Chapter 1 General Principles

**第一条** 为了预防火灾和减少火灾危害，加强应急救援工作，保

**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.

护人身、财产安全，维护公共安全，制定本法。

**第二条** 消防工作贯彻预防为主、防消结合的方针，按照政府统一领导、部门依法监管、单位全面负责、公民积极参与的原则，实行消防安全责任制，建立健全社会化的消防工作网络。

**第三条** 国务院领导全国的消防工作。地方各级人民政府负责本行政区域内的消防工作。

各级人民政府应当将消防工作纳入国民经济和社会发展规划，保障消防工作与经济社会发展相适应。

**第四条** 国务院应急管理部门对全国的消防工作实施监督管理。县级以上地方人民政府应急管理部门对本行政区域内的消防工作实施监督管理，并由本级人民政府消防救援机构负责实施。军事设施的消防工作，由其主管单位监督管理，消防救援机构协助；矿井地下部分

**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,

、核电厂、海上石油天然气设施的消防工作，由其主管单位监督管理。

县级以上人民政府其他有关部门在各自的职责范围内，依照本法和其他相关法律、法规的规定做好消防工作。

法律、行政法规对森林、草原的消防工作另有规定的，从其规定。

**第五条** 任何单位和个人都有维护消防安全、保护消防设施、预防火灾、报告火警的义务。任何单位和成年人都有参加有组织的灭火工作的义务。

**第六条** 各级人民政府应当组织开展经常性的消防宣传教育，提高公民的消防安全意识。

机关、团体、企业、事业等单位，应当加强对本单位人员的消防宣传教育。

应急管理部门及消防救援机构

**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

应当加强消防法律、法规的宣传，并督促、指导、协助有关单位做好消防宣传教育工作。

教育、人力资源行政主管部门和学校、有关职业培训机构应当将消防知识纳入教育、教学、培训的内容。

新闻、广播、电视等有关单位，应当有针对性地面向社会进行消防宣传教育。

工会、共产主义青年团、妇女联合会等团体应当结合各自工作对象的特点，组织开展消防宣传教育。

村民委员会、居民委员会应当协助人民政府以及公安机关、应急管理等部门，加强消防宣传教育。

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.

**第七条** 国家鼓励、支持消防科学研究和技术创新，推广使用先进的消防和应急救援技术、设备；鼓励、支持社会力量开展消防公益活动。

**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.

对在消防工作中有突出贡献的单位和个人，应当按照国家有关规定给予表彰和奖励。

## 第二章 火灾预防

**第八条** 地方各级人民政府应当将包括消防安全布局、消防站、消防供水、消防通信、消防车通道、消防装备等内容的消防规划纳入城乡规划，并负责组织实施。

城乡消防安全布局不符合消防安全要求的，应当调整、完善；公共消防设施、消防装备不足或者不适应实际需要的，应当增建、改建、配置或者进行技术改造。

**第九条** 建设工程的消防设计、施工必须符合国家工程建设消防技术标准。建设、设计、施工、工程监理等单位依法对建设工程的消防设计、施工质量负责。

**第十条** 对按照国家工程建设消防技术标准需要进行消防设计的建设工程，实行建设工程消防设计

## 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.

审查验收制度。

**第十一条** 国务院住房和城乡建设主管部门规定的特殊建设工程，建设单位应当将消防设计文件报送住房和城乡建设主管部门审查，住房和城乡建设主管部门依法对审查的结果负责。

前款规定以外的其他建设工程，建设单位申请领取施工许可证或者申请批准开工报告时应当提供满足施工需要的消防设计图纸及技术资料。

**第十二条** 特殊建设工程未经消防设计审查或者审查不合格的，建设单位、施工单位不得施工；其他建设工程，建设单位未提供满足施工需要的消防设计图纸及技术资料的，有关部门不得发放施工许可证或者批准开工报告。

**第十三条** 国务院住房和城乡建设主管部门规定应当申请消防验收的建设工程竣工，建设单位应当向住房和城乡建设主管部门申请消

**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

防验收。

前款规定以外的其他建设工程，建设单位在验收后应当报住房和城乡建设主管部门备案，住房和城乡建设主管部门应当进行抽查。

依法应当进行消防验收的建设工程，未经消防验收或者消防验收不合格的，禁止投入使用；其他建设工程经依法抽查不合格的，应当停止使用。

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.

**第十四条** 建设工程消防设计审查、消防验收、备案和抽查的具体办法，由国务院住房和城乡建设主管部门规定。

**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.**

**第十五条** 公众聚集场所投入使用、营业前消防安全检查实行告知承诺管理。公众聚集场所在投入使用、营业前，建设单位或者使用单位应当向场所所在地的县级以上地方人民政府消防救援机构申请消防安全检查，作出场所符合消防技术标准和管理规定的承诺，提交规定的材料，并对其承诺和材料的真

**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

实性负责。

消防救援机构对申请人提交的材料进行审查；申请材料齐全、符合法定形式的，应当予以许可。消防救援机构应当根据消防技术标准和管理规定，及时对作出承诺的公众聚集场所进行核查。

申请人选择不采用告知承诺方式办理的，消防救援机构应当自受理申请之日起十个工作日内，根据消防技术标准和管理规定，对该场所进行检查。经检查符合消防安全要求的，应当予以许可。

公众聚集场所未经消防救援机构许可的，不得投入使用、营业。消防安全检查的具体办法，由国务院应急管理部门制定。

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.

**第十六条** 机关、团体、企业、事业等单位应当履行下列消防安全职责：

（一）落实消防安全责任制，制定本单位的消防安全制度、消防

**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

安全操作规程，制定灭火和应急疏散预案；

（二）按照国家标准、行业标准配置消防设施、器材，设置消防安全标志，并定期组织检验、维修，确保完好有效；

（三）对建筑消防设施每年至少进行一次全面检测，确保完好有效，检测记录应当完整准确，存档备查；

（四）保障疏散通道、安全出口、消防车通道畅通，保证防火防烟分区、防火间距符合消防技术标准；

（五）组织防火检查，及时消除火灾隐患；

（六）组织进行有针对性的消防演练；

（七）法律、法规规定的其他消防安全职责。

单位的主要负责人是本单位的

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.

消防安全责任人。

**第十七条** 县级以上地方人民政府消防救援机构应当将发生火灾可能性较大以及发生火灾可能造成重大的人身伤亡或者财产损失的单位，确定为本行政区域内的消防安全重点单位，并由应急管理部门报本级人民政府备案。

消防安全重点单位除应当履行本法第十六条规定的职责外，还应当履行下列消防安全职责：

（一）确定消防安全管理人，组织实施本单位的消防安全管理工作；

（二）建立消防档案，确定消防安全重点部位，设置防火标志，实行严格管理；

（三）实行每日防火巡查，并建立巡查记录；

（四）对职工进行岗前消防安全培训，定期组织消防安全培训和消防演练。

**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.

**第十八条** 同一建筑物由两个以上单位管理或者使用的，应当明确各方的消防安全责任，并确定责任人对共用的疏散通道、安全出口、建筑消防设施和消防车通道进行统一管理。

住宅区的物业服务企业应当对管理区域内的共用消防设施进行维护管理，提供消防安全防范服务。

**第十九条** 生产、储存、经营易燃易爆危险品的场所不得与居住场所设置在同一建筑物内，应当与居住场所保持安全距离。

生产、储存、经营其他物品的场所与居住场所设置在同一建筑物内的，应当符合国家工程建设消防技术标准。

**第二十条** 举办大型群众性活动，承办人应当依法向公安机关申请安全许可，制定灭火和应急疏散预案并组织演练，明确消防安全责任分工，确定消防安全管理人员，保持消防设施和消防器材配置齐全

**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

、完好有效，保证疏散通道、安全出口、疏散指示标志、应急照明和消防车通道符合消防技术标准和管理规定。

**engine access roads comply with the fire control technical standards and administrative provisions.**

**第二十一条** 禁止在具有火灾、爆炸危险的场所吸烟、使用明火。因施工等特殊情况需要使用明火作业的，应当按照规定事先办理审批手续，采取相应的消防安全措施；作业人员应当遵守消防安全规定。

**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.

进行电焊、气焊等具有火灾危险作业的人员和自动消防系统的操作人员，必须持证上岗，并遵守消防安全操作规程。

**第二十二条** 生产、储存、装卸易燃易爆危险品的工厂、仓库和专用车站、码头的设置，应当符合消防技术标准。易燃易爆气体和液体的充装站、供应站、调压站，应当设置在符合消防安全要求的位置，并符合防火防爆要求。

**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

已经设置的生产、储存、装卸

易燃易爆危险品的工厂、仓库和专用车站、码头，易燃易爆气体和液体的充装站、供应站、调压站，不再符合前款规定的，地方人民政府应当组织、协调有关部门、单位限期解决，消除安全隐患。

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.

**第二十三条** 生产、储存、运输、销售、使用、销毁易燃易爆危险品，必须执行消防技术标准和管理规定。

**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.

进入生产、储存易燃易爆危险品的场所，必须执行消防安全规定。禁止非法携带易燃易爆危险品进入公共场所或者乘坐公共交通工具。

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

储存可燃物资仓库的管理，必须执行消防技术标准和管理规定。

**第二十四条** 消防产品必须符合国家标准；没有国家标准的，必须符合行业标准。禁止生产、销售或者使用不合格的消防产品以及国家明令淘汰的消防产品。

**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

依法实行强制性产品认证的消防产品，由具有法定资质的认证机构按照国家标准、行业标准的强制性要求认证合格后，方可生产、销售、使用。实行强制性产品认证的消防产品目录，由国务院产品质量监督部门会同国务院应急管理部门制定并公布。

新研制的尚未制定国家标准、行业标准的消防产品，应当按照国务院产品质量监督部门会同国务院应急管理部门规定的办法，经技术鉴定符合消防安全要求的，方可生产、销售、使用。

依照本条规定经强制性产品认证合格或者技术鉴定合格的消防产品，国务院应急管理部门应当予以公布。

**第二十五条** 产品质量监督部门、工商行政管理部门、消防救援机构应当按照各自职责加强对消防产品质量的监督检查。

**第二十六条** 建筑构件、建筑

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,

材料和室内装修、装饰材料的防火性能必须符合国家标准；没有国家标准的，必须符合行业标准。

人员密集场所室内装修、装饰，应当按照消防技术标准的要求，使用不燃、难燃材料。

**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.

**第二十七条** 电器产品、燃气用具的产品标准，应当符合消防安全的要求。

电器产品、燃气用具的安装、使用及其线路、管路的设计、敷设、维护保养、检测，必须符合消防技术标准和管理规定。

**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.

**第二十八条** 任何单位、个人不得损坏、挪用或者擅自拆除、停用消防设施、器材，不得埋压、圈占、遮挡消火栓或者占用防火间距，不得占用、堵塞、封闭疏散通道、安全出口、消防车通道。人员密集场所的门窗不得设置影响逃生和灭火救援的障碍物。

**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.**

**第二十九条** 负责公共消防设

**Article 29 Organisations responsible for maintenance and administration of public firefighting facilities shall ensure**

施维护管理的单位，应当保持消防供水、消防通信、消防车通道等公共消防设施的完好有效。在修建道路以及停电、停水、截断通信线路时有可能影响消防队灭火救援的，有关单位必须事先通知当地消防救援机构。

**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.**

**第三十条** 地方各级人民政府应当加强对农村消防工作的领导，采取措施加强公共消防设施建设，组织建立和督促落实消防安全责任制。

**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.**

**第三十一条** 在农业收获季节、森林和草原防火期间、重大节假日期间以及火灾多发季节，地方各级人民政府应当组织开展有针对性的消防宣传教育，采取防火措施，进行消防安全检查。

**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.**

**第三十二条** 乡镇人民政府、城市街道办事处应当指导、支持和帮助村民委员会、居民委员会开展群众性的消防工作。村民委员会、居民委员会应当确定消防安全管理

**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.**

人，组织制定防火安全公约，进行防火安全检查。

**第三十三条** 国家鼓励、引导公众聚集场所和生产、储存、运输、销售易燃易爆危险品的企业投保火灾公众责任保险；鼓励保险公司承保火灾公众责任保险。

**第三十四条** 消防设施维护保养检测、消防安全评估等消防技术服务机构应当符合从业条件，执业人员应当依法获得相应的资格；依照法律、行政法规、国家标准、行业标准 and 执业准则，接受委托提供消防技术服务，并对服务质量负责。

### 第三章 消防组织

**第三十五条** 各级人民政府应当加强消防组织建设，根据经济社会发展的需要，建立多种形式的消防组织，加强消防技术人才培养，增强火灾预防、扑救和应急救援的能力。

**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.

**第三十六条** 县级以上地方人民政府应当按照国家规定建立国家综合性消防救援队、专职消防队，并按照国家标准配备消防装备，承担火灾扑救工作。

乡镇人民政府应当根据当地经济发展和消防工作的需要，建立专职消防队、志愿消防队，承担火灾扑救工作。

**第三十七条** 国家综合性消防救援队、专职消防队按照国家规定承担重大灾害事故和其他以抢救人员生命为主的应急救援工作。

**第三十八条** 国家综合性消防救援队、专职消防队应当充分发挥火灾扑救和应急救援专业力量的骨干作用；按照国家规定，组织实施专业技能训练，配备并维护保养装备器材，提高火灾扑救和应急救援的能力。

**第三十九条** 下列单位应当建立单位专职消防队，承担本单位的

**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;**

火灾扑救工作：

（一）大型核设施单位、大型发电厂、民用机场、主要港口；

（二）生产、储存易燃易爆危险品的大型企业；

（三）储备可燃的重要物资的大型仓库、基地；

（四）第一项、第二项、第三项规定以外的火灾危险性较大、距离国家综合性消防救援队较远的其他大型企业；

（五）距离国家综合性消防救援队较远、被列为全国重点文物保护单位的古建筑群的管理单位。

(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.

**第四十条** 专职消防队的建立，应当符合国家有关规定，并报当地消防救援机构验收。

专职消防队的队员依法享受社会保险和福利待遇。

**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.

**第四十一条** 机关、团体、企业、事业等单位以及村民委员会、

**Article 41 Agencies, bodies, enterprises, institutions, etc. and villagers committees and residents' committees shall establish different types of fire control organisations such as**

居民委员会根据需要，建立志愿消防队等多种形式的消防组织，开展群众性自防自救工作。

**voluntary fire brigades, etc. according to the needs to carry out self-defence and self-rescue operations for the masses.**

**第四十二条** 消防救援机构应当对专职消防队、志愿消防队等消防组织进行业务指导；根据扑救火灾的需要，可以调动指挥专职消防队参加火灾扑救工作。

**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.

#### 第四章 灭火救援

#### Chapter 4 Fire Extinguishment and Rescue

**第四十三条** 县级以上地方人民政府应当组织有关部门针对本行政区域内的火灾特点制定应急预案，建立应急反应和处置机制，为火灾扑救和应急救援工作提供人员、装备等保障。

**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.

**第四十四条** 任何人发现火灾都应当立即报警。任何单位、个人都应当无偿为报警提供便利，不得阻拦报警。严禁谎报火警。

**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.

人员密集场所发生火灾，该场所的现场工作人员应当立即组织、引导在场人员疏散。

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

任何单位发生火灾，必须立即组织力量扑救。邻近单位应当给予支援。

消防队接到火警，必须立即赶赴火灾现场，救助遇险人员，排除险情，扑灭火灾。

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.

**第四十五条** 消防救援机构统一组织和指挥火灾现场扑救，应当优先保障遇险人员的生命安全。

火灾现场总指挥根据扑救火灾的需要，有权决定下列事项：

- （一）使用各种水源；
- （二）截断电力、可燃气体和可燃液体的输送，限制用火用电；
- （三）划定警戒区，实行局部交通管制；
- （四）利用临近建筑物和有关设施；
- （五）为了抢救人员和重要物资，防止火势蔓延，拆除或者破损

**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.

毗邻火灾现场的建筑物、构筑物或者设施等；

（六）调动供水、供电、供气、通信、医疗救护、交通运输、环境保护等有关单位协助灭火救援。

根据扑救火灾的紧急需要，有关地方人民政府应当组织人员、调集所需物资支援灭火。

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.

**第四十六条** 国家综合性消防救援队、专职消防队参加火灾以外的其他重大灾害事故的应急救援工作，由县级以上人民政府统一领导。

**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.**

**第四十七条** 消防车、消防艇前往执行火灾扑救或者应急救援任务，在确保安全的前提下，不受行驶速度、行驶路线、行驶方向和指挥信号的限制，其他车辆、船舶以及行人应当让行，不得穿插超越；收费公路、桥梁免收车辆通行费。交通管理指挥人员应当保证消防车、消防艇迅速通行。

**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.**

赶赴火灾现场或者应急救援现场的消防人员和调集的消防装备、物资，需要铁路、水路或者航空运输的，有关单位应当优先运输。

**第四十八条** 消防车、消防艇以及消防器材、装备和设施，不得用于与消防和应急救援工作无关的事项。

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

**第四十九条** 国家综合性消防救援队、专职消防队扑救火灾、应急救援，不得收取任何费用。

单位专职消防队、志愿消防队参加扑救外单位火灾所损耗的燃料、灭火剂和器材、装备等，由火灾发生地的人民政府给予补偿。

**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.

**第五十条** 对因参加扑救火灾或者应急救援受伤、致残或者死亡的人员，按照国家有关规定给予医疗、抚恤。

**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.

**第五十一条** 消防救援机构有权根据需要封闭火灾现场，负责调查火灾原因，统计火灾损失。

**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

火灾扑灭后，发生火灾的单位和相关人员应当按照消防救援机构的要求保护现场，接受事故调查，如实提供与火灾有关的情况。

消防救援机构根据火灾现场勘验、调查情况和有关的检验、鉴定意见，及时制作火灾事故认定书，作为处理火灾事故的证据。

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.

## 第五章 监督检查

## Chapter 5 Supervision and Inspection

**第五十二条** 地方各级人民政府应当落实消防工作责任制，对本级人民政府有关部门履行消防安全职责的情况进行监督检查。

县级以上地方人民政府有关部门应当根据本系统的特点，有针对性地开展消防安全检查，及时督促整改火灾隐患。

**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.

**第五十三条** 消防救援机构应当对机关、团体、企业、事业等单位遵守消防法律、法规的情况依法进行监督检查。公安派出所可以负责日常消防监督检查、开展消防宣

**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

传教育，具体办法由国务院公安部门规定。

消防救援机构、公安派出所的工作人员进行消防监督检查，应当出示证件。

**第五十四条** 消防救援机构在消防监督检查中发现火灾隐患的，应当通知有关单位或者个人立即采取措施消除隐患；不及时消除隐患可能严重威胁公共安全的，消防救援机构应当依照规定对危险部位或者场所采取临时查封措施。

**第五十五条** 消防救援机构在消防监督检查中发现城乡消防安全布局、公共消防设施不符合消防安全要求，或者发现本地区存在影响公共安全的重大火灾隐患的，应当由应急管理部门书面报告本级人民政府。

接到报告的人民政府应当及时核实情况，组织或者责成有关部门、单位采取措施，予以整改。

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.

**第五十六条** 住房和城乡建设

主管部门、消防救援机构及其工作人员应当按照法定的职权和程序进行消防设计审查、消防验收、备案抽查和消防安全检查，做到公正、严格、文明、高效。

住房和城乡建设主管部门、消防救援机构及其工作人员进行消防设计审查、消防验收、备案抽查和消防安全检查等，不得收取费用，不得利用职务谋取利益；不得利用职务为用户、建设单位指定或者变相指定消防产品的品牌、销售单位或者消防技术服务机构、消防设施施工单位。

**第五十七条** 住房和城乡建设

主管部门、消防救援机构及其工作人员执行职务，应当自觉接受社会和公民的监督。

任何单位和个人都有权对住房和城乡建设主管部门、消防救援机构及其工作人员在执法中的违法行为进行检举、控告。收到检举、控

**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.

告的机关，应当按照职责及时查处

。

## 第六章 法律责任

**第五十八条** 违反本法规定，有下列行为之一的，由住房和城乡建设主管部门、消防救援机构按照各自职权责令停止施工、停止使用或者停产停业，并处三万元以上三十万元以下罚款：

（一）依法应当进行消防设计审查的建设工程，未经依法审查或者审查不合格，擅自施工的；

（二）依法应当进行消防验收的建设工程，未经消防验收或者消防验收不合格，擅自投入使用的；

（三）本法第十三条规定的其他建设工程验收后经依法抽查不合格，不停止使用的；

（四）公众聚集场所未经消防救援机构许可，擅自投入使用、营业的，或者经核查发现场所使用、

## 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

营业情况与承诺内容不符的。

核查发现公众聚集场所使用、营业情况与承诺内容不符，经责令限期改正，逾期不整改或者整改后仍达不到要求的，依法撤销相应许可。

建设单位未依照本法规定在验收后报住房和城乡建设主管部门备案的，由住房和城乡建设主管部门责令改正，处五千元以下罚款。

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.

**第五十九条** 违反本法规定，

有下列行为之一的，由住房和城乡建设主管部门责令改正或者停止施工，并处一万元以上十万元以下罚款：

（一）建设单位要求建筑设计单位或者建筑施工企业降低消防技术标准设计、施工的；

（二）建筑设计单位不按照消防技术标准强制性要求进行消防设计的；

（三）建筑施工企业不按照消

**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.

防设计文件和消防技术标准施工，  
降低消防施工质量的；

（四）工程监理单位与建设单位或者建筑施工企业串通，弄虚作假，降低消防施工质量的。

**第六十条** 单位违反本法规定，有下列行为之一的，责令改正，处五千元以上五万元以下罚款：

（一）消防设施、器材或者消防安全标志的配置、设置不符合国家标准、行业标准，或者未保持完好有效的；

（二）损坏、挪用或者擅自拆除、停用消防设施、器材的；

（三）占用、堵塞、封闭疏散通道、安全出口或者有其他妨碍安全疏散行为的；

（四）埋压、圈占、遮挡消火栓或者占用防火间距的；

（五）占用、堵塞、封闭消防

**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

车通道，妨碍消防车通行的；

（六）人员密集场所在门窗上设置影响逃生和灭火救援的障碍物的；

（七）对火灾隐患经消防救援机构通知后不及时采取措施消除的。

个人有前款第二项、第三项、第四项、第五项行为之一的，处警告或者五百元以下罚款。

有本条第一款第三项、第四项、第五项、第六项行为，经责令改正拒不改正的，强制执行，所需费用由违法行为人承担。

**第六十一条** 生产、储存、经营易燃易爆危险品的场所与居住场所设置在同一建筑物内，或者未与居住场所保持安全距离的，责令停产停业，并处五千元以上五万元以下罚款。

生产、储存、经营其他物品的场所与居住场所设置在同一建筑物

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.

内，不符合消防技术标准的，依照前款规定处罚。

**第六十二条** 有下列行为之一的，依照《中华人民共和国治安管理处罚法》的规定处罚：

（一）违反有关消防技术标准和管理规定生产、储存、运输、销售、使用、销毁易燃易爆危险品的；

（二）非法携带易燃易爆危险品进入公共场所或者乘坐公共交通工具的；

（三）谎报火警的；

（四）阻碍消防车、消防艇执行任务的；

（五）阻碍消防救援机构的工作人员依法执行职务的。

**第六十三条** 违反本法规定，有下列行为之一的，处警告或者五百元以下罚款；情节严重的，处五日以下拘留：

**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

（一）违反消防安全规定进入  
生产、储存易燃易爆危险品场所的  
；

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.

（二）违反规定使用明火作业  
或者在具有火灾、爆炸危险的场所  
吸烟、使用明火的。

**第六十四条** 违反本法规定，  
有下列行为之一，尚不构成犯罪的  
，处十日以上十五日以下拘留，可  
以并处五百元以下罚款；情节较轻  
的，处警告或者五百元以下罚款：

（一）指使或者强令他人违反  
消防安全规定，冒险作业的；

（二）过失引起火灾的；

（三）在火灾发生后阻拦报警  
，或者负有报告职责的人员不及时  
报警的；

（四）扰乱火灾现场秩序，或  
者拒不执行火灾现场指挥员指挥，  
影响灭火救援的；

（五）故意破坏或者伪造火灾

**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.

现场的；

（六）擅自拆封或者使用被消防救援机构查封的场所、部位的。

**第六十五条** 违反本法规定，生产、销售不合格的消防产品或者国家明令淘汰的消防产品的，由产品质量监督部门或者工商行政管理部门依照《中华人民共和国产品质量法》的规定从重处罚。

人员密集场所使用不合格的消防产品或者国家明令淘汰的消防产品的，责令限期改正；逾期不改正的，处五千元以上五万元以下罚款，并对其直接负责的主管人员和其他直接责任人员处五百元以上二千元以下罚款；情节严重的，责令停产停业。

消防救援机构对于本条第二款规定的情形，除依法对使用者予以处罚外，应当将发现不合格的消防产品和国家明令淘汰的消防产品的情况通报产品质量监督部门、工商行政管理部门。产品质量监督部门

**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.

、工商行政管理部门应当对生产者  
、销售者依法及时查处。

**第六十六条** 电器产品、燃气用具的安装、使用及其线路、管路的设计、敷设、维护保养、检测不符合消防技术标准和管理规定的，责令限期改正；逾期不改正的，责令停止使用，可以并处一千元以上五千元以下罚款。

**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.

**第六十七条** 机关、团体、企业、事业等单位违反本法第十六条、第十七条、第十八条、第二十一条第二款规定的，责令限期改正；逾期不改正的，对其直接负责的主管人员和其他直接责任人员依法给予处分或者给予警告处罚。

**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.

**第六十八条** 人员密集场所发生火灾，该场所的现场工作人员不履行组织、引导在场人员疏散的义务，情节严重，尚不构成犯罪的，处五日以上十日以下拘留。

**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.

**第六十九条** 消防设施维护保养

**Article 69** Technical service organisations for fire control in such aspects as firefighting facilities maintenance and

养检测、消防安全评估等消防技术服务机构，不具备从业条件从事消防技术服务活动或者出具虚假文件的，由消防救援机构责令改正，处五万元以上十万元以下罚款，并对直接负责的主管人员和其他直接责任人员处一万元以上五万元以下罚款；不按照国家标准、行业标准开展消防技术服务活动的，责令改正，处五万元以下罚款，并对直接负责的主管人员和其它直接责任人员处一万元以下罚款；有违法所得的，并处没收违法所得；给他人造成损失的，依法承担赔偿责任；情节严重的，依法责令停止执业或者吊销相应资格；造成重大损失的，由相关部门吊销营业执照，并对有关责任人员采取终身市场禁入措施。

前款规定的机构出具失实文件，给他人造成损失的，依法承担赔偿责任；造成重大损失的，由消防救援机构依法责令停止执业或者吊销相应资格，由相关部门吊销营业执照，并对有关责任人员采取终身

**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.**

市场禁入措施。

**第七十条** 本法规定的行政处罚，除应当由公安机关依照《中华人民共和国治安管理处罚法》的有关规定决定的外，由住房和城乡建设主管部门、消防救援机构按照各自职权决定。

被责令停止施工、停止使用、停产停业的，应当在整改后向作出决定的部门或者机构报告，经检查合格，方可恢复施工、使用、生产、经营。

当事人逾期不执行停产停业、停止使用、停止施工决定的，由作出决定的部门或者机构强制执行。

责令停产停业，对经济和社会生活影响较大的，由住房和城乡建设主管部门或者应急管理部门报请本级人民政府依法决定。

**第七十一条** 住房和城乡建设主管部门、消防救援机构的工作人员滥用职权、玩忽职守、徇私舞弊

**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**

，有下列行为之一，尚不构成犯罪的，依法给予处分：

（一）对不符合消防安全要求的消防设计文件、建设工程、场所准予审查合格、消防验收合格、消防安全检查合格的；

（二）无故拖延消防设计审查、消防验收、消防安全检查，不在法定期限内履行职责的；

（三）发现火灾隐患不及时通知有关单位或者个人整改的；

（四）利用职务为用户、建设单位指定或者变相指定消防产品的品牌、销售单位或者消防技术服务机构、消防设施施工单位的；

（五）将消防车、消防艇以及消防器材、装备和设施用于与消防和应急救援无关的事项的；

（六）其他滥用职权、玩忽职守、徇私舞弊的行为。

产品质量监督、工商行政管理

**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.

等其他有关行政主管部门的工作人员在消防工作中滥用职权、玩忽职守、徇私舞弊，尚不构成犯罪的，依法给予处分。

**第七十二条** 违反本法规定，构成犯罪的，依法追究刑事责任。

**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.

## 第七章 附 则

## Chapter 7 Supplementary Provisions

**第七十三条** 本法下列用语的含义：

**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.

（一）消防设施，是指火灾自动报警系统、自动灭火系统、消火栓系统、防烟排烟系统以及应急广播和应急照明、安全疏散设施等。

(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.

（二）消防产品，是指专门用于火灾预防、灭火救援和火灾防护、避难、逃生的产品。

(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.

（三）公众聚集场所，是指宾馆、饭店、商场、集贸市场、客运车站候车室、客运码头候船厅、民用机场航站楼、体育场馆、会堂以及公共娱乐场所等。

(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.

（四）人员密集场所，是指公众聚集场所，医院的门诊楼、病房楼，学校的教学楼、图书馆、食堂和集体宿舍，养老院，福利院，托儿所，幼儿园，公共图书馆的阅览室，公共展览馆、博物馆的展示厅，劳动密集型企业的生产加工车间和员工集体宿舍，旅游、宗教活动场所等。

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

**第七十四条** 本法自2009年5月

1日起施行。



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