

# 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)

## 目 录

- 第一章 总 则
- 第二章 火灾预防
- 第三章 消防组织
- 第四章 灭火救援
- 第五章 监督检查
- 第六章 法律责任
- 第七章 附 则

## 第一章 总 则

**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计划，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、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。

**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。

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。

**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。

**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检查。

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。

**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。

**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，并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、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。

**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。

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。

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。

**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。

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。

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。

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。

**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。

**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。

**第二十九条** 负责公共消防设施维护管理的单位，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。

**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。

**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。

**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、行业标准和执业准则，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。

**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。

**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。

**第四十一条** 机关、团体、企业、事业单位以及村民委员会、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。

**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。

### 第四章 灭火救援

**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。

**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。

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。

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。

**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。

**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。

**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。

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。

**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。

**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。

**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。

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。

## 第五章 监督检查

**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。

**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。

**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、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。

**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：

(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；

(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、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。

**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。

**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。

**第六十九条** 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，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，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。

## 第七章 附 则

**第七十三条** 本法下列用语的含义：

（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。

（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。

（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。

（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。

**第七十四条** 本法自 2009 年 5 月 1 日起施行。

# Fire Protection Law of the People's Republic of China (2021 Amendment)

## 中华人民共和国消防法 (2021 修正)

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

(Adopted at the 2nd session of the Standing Committee of the Ninth National People's Congress on April 29, 1998; revised at the 5th session of the Standing Committee of the Eleventh National People's Congress on October 28, 2008; amended for the first time in accordance with the Decision of the Standing Committee of the National People's Congress to Amend Eight Laws Including the [Construction Law of the People's Republic of China](#) at the 10th Session of the Standing Committee of the Thirteenth National People's Congress of the People's Republic of China on April 23, 2019; and amended for the second time in accordance with the Decision of the Standing Committee of the National People's Congress to Amend Eight Laws including the [Road Traffic Safety Law of the People's Republic of China](#) (including the Fire Protection Law, the Law on Import and Export Commodity Inspection, the Advertising Law, the Grassland Law, the Civil Aviation Law, the Customs Law and the Food Safety Law) at the 28th Session of the Standing Committee of the Thirteenth National People's Congress of the People's Republic of China on April 29, 2021.)

#### Contents

#### Chapter I General Provisions

#### Chapter II Prevention of Fire Disasters

#### Chapter III Fire Protection Organizations

#### Chapter IV Fire Fighting and Rescue

#### Chapter V Supervision and Inspection

#### Chapter VI Legal Liabilities

#### Chapter VII Supplementary Provisions

#### Chapter I General Provisions

**Article 1** This Law is formulated for the purposes of preventing fire disasters, reducing fire damages, strengthen the emergency response and rescue work, protecting the human and property safety and maintaining the public safety.

**Article 2** In the fire protection work, the policy of focusing on prevention and combining prevention with firefighting shall be observed, the principle of uniform governmental leadership, departmental supervision according to law, overall responsibilities of entities and active participation of citizens shall be followed, a safety accountability system for fire prevention shall be adopted, and a sound socialized fire protection network shall be established.

**Article 3** The State Council shall lead the fire protection work throughout the country. The local people's governments at all levels shall be responsible for the fire protection

--	--

work within their respective administrative areas.

The people's governments at all levels shall incorporate the fire protection work into the national economy and social development plans so as to ensure that the fire protection work be commensurate with the economic and social development.

**Article 4** The emergency management authority of the State Council shall supervise and administer the fire protection work throughout the country. The emergency management authority of a local people's government at or above the county level shall supervise and administer the fire protection work within its administrative area, and the fire and rescue department of such a people's government shall be responsible for carrying out the fire protection work. The fire protection work of a military facility shall be supervised and administered by the competent authority of the facility, with the help of the fire and rescue department. The fire protection work of an underground mine, nuclear power plant or offshore oil and natural gas rig shall be supervised and administered by the competent authority of the mine, plant or rig.

Other departments of the people's government at or above the county level shall, within their respective functions, do a good job in the fire protection under this Law and other relevant laws and regulations.

If any law or administrative regulation provides otherwise for the forest or grassland fire protection, the provisions of that law or administrative regulation shall prevail.

**Article 5** Any entity or individual shall have the obligation to maintain the fire safety, protect fire protection facilities, prevent fire disasters and report fire alarms. Any entity or adult shall have the obligation to participate in the organized firefighting work

**Article 6** The people's governments at all levels shall organize regular activities on fire protection publicity and education to raise citizens' awareness of fire safety. Organs, social groups, enterprises, public institutions and other entities shall intensify the fire protection publicity and education for their personnel.

The emergency management authorities and the fire and rescue departments thereof shall intensify the publicity of laws and regulations on fire protection, and urge, direct and help the relevant entities to do a good job in the fire protection publicity and education.

The competent administrative departments of education and human resources, schools, and relevant occupational training institutions shall incorporate the fire protection knowledge into the contents of education, teaching and training.

The press, radio, television and other relevant entities shall carry out fire protection publicity and education geared to the society.

Trade unions, communist youth leagues, women's federations and other groups shall organize the fire protection publicity and education by taking into consideration the characteristics of their respective objects of work.

The villagers' committees and residents' committees shall assist the people's governments, public security authorities, emergency management authorities and other departments in intensifying the fire protection publicity and education.

**Article 7** The state shall encourage and support the scientific research and technical innovations on fire protection, popularize the use of advanced fire protection and emergency response and rescue technologies and equipment, and encourage and support the fire protection activities for public good conducted by social forces.

--	--

Entities and individuals having made great contributions to the fire protection work shall be commended and rewarded under the relevant provisions of the state.

## Chapter II Prevention of Fire Disasters

**Article 8** The people's governments at all levels shall integrate the fire protection plan into the urban and rural planning, including the fire safety layout, firehouses, firefighting water supply, firefighting communications, fire truck passages, fire equipment, etc., and be responsible for organizing the implementation of the plan. If the urban and rural fire safety layout does not meet the fire safety requirements, it shall be adjusted and improved. If the public fire protection facilities and equipment are inadequate or do not meet the actual demands, efforts shall be made in the building, rebuilding, allocation or technological innovation thereof.

**Article 9** The fire protection design or construction of a construction project must conform to the national fire protection technical standards for project construction. The employer, as well as the designing, construction, project supervision and other entities, shall be responsible for the quality of fire protection design and construction according to law.

**Article 10** Construction projects of which the national fire protection technical standards for project construction require a fire protection design shall be governed by the fire protection design review and final inspection system for construction projects.

**Article 11** For a special construction project as specified by the housing and urban-rural development authority under the State Council, the construction employer shall submit fire protection design documents to the housing and urban-rural development authority for review, and the housing and urban-rural development authority shall be responsible for review results according to the law.

For a construction project other than one specified in the preceding paragraph, the construction employer shall provide fire protection design drawings and technical information as needed for construction when applying for a construction license or approval of the construction commencement report.

**Article 12** Where a special construction project fails to undergo or is nonconforming as established by the fire protection design review, neither the construction employer nor construction contractor shall commence construction; and for any other construction project, if the construction employer fails to provide fire protection design drawings or technical information as needed for construction, the relevant department shall neither issue a construction license nor approve the construction commencement report.

**Article 13** Where the housing and urban-rural development authority under the State Council requires that an application for fire protection final inspection of an as-built construction project should be filed, a construction employer shall file such an application with the housing and urban-rural development authority.

For a construction project other than one specified in the preceding paragraph, the construction employer shall report for recordation to the housing and urban-rural development authority after final inspection, and the housing and urban-rural development authority shall conduct random inspection.

--	--

Where a construction project that is subject to fire protection final inspection according to the law fails or is nonconforming as established by the fire protection final inspection, it shall be prohibited from being put into use; and any other construction project that is nonconforming as established by random inspection conducted under the law shall cease to be used.

**Article 14** Specific measures for fire protection design, fire protection final inspection, filing and random inspection of construction projects shall be developed by the housing and urban-rural development authority under the State Council.

**Article 15** With respect to the fire safety inspection before a public gathering place is put into use or opens for business, the notification and undertaking administration shall apply. Before a public gathering place is put into use or opens for business, the owner or using entity shall apply to the fire and rescue department of the local people's government at or above the county level at the place where the place is located for fire safety inspection, give an undertaking that the said place complies with fire protection technical standards and management provisions, submit the required materials, and be responsible for its undertaking and the veracity of materials. The fire and rescue department shall examine the materials submitted by the applicant; and if the application materials are complete and of the statutory form, it shall grant a permit. The fire and rescue department shall, in accordance with the fire protection technical standards and management provisions, promptly inspect the public gathering place that gives an undertaking.

If an applicant chooses not to adopt the notification and undertaking method, the fire and rescue department shall, within 10 working days from the date of acceptance of the application, inspect the place according to fire protection technical standards and management provisions. It shall grant a permit if the place satisfies fire safety requirements upon inspection.

A public gathering place that has not obtained the permit from the fire and rescue department shall not be put into use or open for business. The specific measures for fire safety inspection shall be developed by the emergency management department of the State Council.

**Article 16** Organs, social groups, enterprises, public institutions and other entities shall perform the following fire safety duties:

1. to implement a fire safety accountability system, formulate the entity's fire safety bylaws and operating procedures for fire safety, and work out a firefighting and emergency evacuation preparedness plan;
2. to prepare fire protection facilities and apparatuses under the national standards and industrial standards, set up fire safety signs, and conduct regular testing and maintenance so as to ensure that they are in good condition and effective;
3. to make a thorough overhaul of the fire protection facilities in a building at least once a year so as to ensure that they are in good condition and effective, and archive complete and accurate overhaul records for future reference;
4. to ensure that the evacuation passages, safety exits and fire truck passages are clear and the fire and smoke compartmentation and fire separation distance meet the relevant fire protection technical standards;
5. to organize fire prevention inspections so as to eliminate potential fire risks;
6. to organize pertinent fire prevention drillings; and
7. to perform other fire safety duties as prescribed by laws and regulations.

--	--

The major person in charge of an entity shall be the person responsible for the entity's fire safety.

**Article 17** The fire and rescue department of a local people's government at or above the county level shall determine the entities which have a higher risk of fire disaster and in which the occurrence of a fire disaster may result in serious casualties or property losses as the key fire safety entities within its administration area, and report the same via the emergency management authority to the people's government for archival purposes.

The key fire safety entities shall perform the following fire safety duties besides those as described in Article 16 of this Law:

1. to determine a fire safety manager who shall organize the fire safety management of this entity;
2. to maintain the fire protection archives, determine the key fire safety spots, set up fire prevention signs, and conduct strict management;
3. to exercise daily fire prevention patrol and maintain patrol records; and
4. to offer pre-job fire safety training for employees and organize regular fire safety training and fire protection drilling.

**Article 18** For a same building managed or used by two or more entities, the fire safety responsibilities of each party shall be defined, and persons in charge shall be specified to manage the common evacuation passages, safety exits, fire protection facilities of the building and fire truck passages in a unified way.

The realty service enterprise for a residential area shall maintain and manage the common fire protection facilities in the management area, and provide fire safety and prevention services.

**Article 19** In arrangement, a site for the production, storage or trade of dangerous articles such as flammables, and explosives shall not be in the same building as a residential site is, and shall keep a safe distance from a residential site.

If a site for the production, storage or trade of any other articles and a residential site are arranged in the same building, the national fire protection technical standards for project construction shall be satisfied.

**Article 20** To hold a large-scale mass activity, the organizer shall apply to the public security organ for a safety permit, work out a firefighting and emergency evacuation preparedness plan, organize drillings, make a clear division of fire safety responsibilities, determine fire safety managers, keep the fire protection facilities and apparatuses complete, in good condition and effective, and ensure that the evacuation passages, safety exits, evacuation direction signs, emergency illuminations and fire truck passages conform to the provisions on fire protection technical standards and administration.

**Article 21** It shall be forbidden to smoke or use naked fire at a place with a risk of fire disaster or explosion. If it is necessary to use naked fire in the construction or in any other special case, the relevant party shall go through the formalities for a prior approval and take corresponding fire safety measures according to the relevant provisions, and the operation staff shall abide by the fire safety provisions.

The personnel of electric welding, gas welding and other operations with a fire risk and the operation staff of the automatic fire protection system must assume their posts

--	--

with corresponding qualification certificates and observe the operating procedures for fire safety.

**Article 22** The establishment of factories, warehouses and special depots or docks for the production, storage and loading and unloading of such dangerous articles as flammables and explosives shall conform to the fire protection technical standards. The filling, supply and pressure regulating stations of flammable and explosive gas and liquid shall be set up at places meeting the fire safety requirements, and conform to the requirements for the prevention of fire and explosion.

Where an established factory, warehouse, or special depot or dock for the production, storage or loading and unloading of such dangerous articles as flammables and explosives or an established filling, supply or pressure regulating station of flammable and explosive gas or liquid does not conform to the provisions of the preceding paragraph any more, the local people's government shall organize and coordinate the relevant departments or entities to solve the nonconformity within a prescribed time limit so as to eliminate the potential safety risk.

**Article 23** The provisions on fire protection technical standards and administration must be observed in the production, storage, transport, sale, use and disposal of such dangerous articles as flammables and explosives.

Anyone entering a site of production or storage of such dangerous articles as flammables and explosives must follow the fire safety provisions. It shall be forbidden to illegally carry such dangerous articles as flammables or explosives into a public place or the public transport.

The provisions on fire protection technical standards and administration must be followed in the management of warehouses for the storage of flammable materials.

**Article 24** Fire protection products must conform to the national standards. If there are no national standards, the fire protection product must conform to the industrial standards. It is forbidden to produce, sell or use any unqualified fire protection product or any fire protection product which has been eliminated by the state in a public proclamation.

A fire protection product subject to the compulsory product certification may be produced, sold or used only after passing the certification conducted by a certification institution holding the statutory qualifications according to the compulsory requirements of the national standards and industrial standards. The catalogue of fire protection products subject to the compulsory product certification shall be formulated and published by the product quality supervision department of the State Council in conjunction with the emergency management authority of the State Council.

A newly developed fire protection product for which no national standards or industrial standards have been formulated may be produced, sold or used only after meeting the fire safety requirements upon a technical appraisal under the measures prescribed by the product quality supervision department of the State Council in conjunction with the emergency management authority of the State Council.

The fire protection products passing the compulsory product certification or technical appraisal under the provisions of this Article shall be published by the fire protection division of the emergency management authority of the State Council.

**Article 25** The product quality supervision departments, administrative departments

--	--

for industry and commerce, and fire and rescue departments shall, within their respective functions, strengthen the supervision and inspection of the quality of fire protection products.

**Article 26** The fire resistance performance of building units, building materials and interior finishing and furnishing materials must conform to the national standards, or if there are no national standards, shall conform to the industrial standards. Noncombustible or flame-retardant materials shall be used in the interior finishing and furnishing of a people-intensive site as required by the fire protection technical standards.

**Article 27** The product standards for electrical appliances and gas utensils shall conform to the fire safety requirements. The installation and use of electrical appliances and gas utensils and the design, laying, maintenance and testing of lines and pipes of electrical appliances and gas utensils must conform to the provisions on fire protection technical standards and administration.

**Article 28** No entity or individual shall damage, misappropriate or illegally dismantle or stop the use of a fire protection facility or apparatus, bury, occupy or cover a fire hydrant, occupy any fire separation distance, or occupy, block or close an evacuation passage, safety exit or fire truck passage. No window of a people-intensive site shall have any barrier which may affect the people's fleeing to safety, fire fighting or rescue.

**Article 29** An entity responsible for the maintenance management of public fire protection facilities shall keep the firefighting water supply, firefighting communications, fire truck passages and other public fire protection facilities complete, in good condition and effective. Where the fire brigade's firefighting and rescue activities may be affected when a road is being built or when the power or water supply or communication line is cut off, the relevant entity must give a prior notice to the local fire and rescue department.

**Article 30** The local people's governments at all levels shall intensify the leadership over the rural fire protection work, take measures to intensify the construction of public fire protection facilities, and organize the establishment of and urge the implementation of the fire safety accountability system.

**Article 31** During the agricultural harvest time, forest and grassland fire prevention periods, major festivals and holidays, and frequent fire disaster seasons, the local people's governments at all levels shall carry out pertinent fire protection publicity and education, take fire prevention measures and conduct fire safety inspections.

**Article 32** The township (town) people's government or urban sub-district administrative office shall guide, support and assist the villagers' committees or residents' committees in carrying out the mass fire protection work. A villagers' committee or residents' committee shall determine the fire safety managers, organize the making of a fire safety convention, and conduct fire safety inspections.

**Article 33** The state shall encourage and direct the public gathering places and enterprises engaged in the production, storage, transport and sale of such dangerous

--	--

articles as flammables and explosives to take out the public liability insurance against fire disasters, and encourage insurance companies to underwrite the public liability insurance against fire disasters.

**Article 34** Technical service agencies for fire protection providing such services as the maintenance and testing of fire protection facilities and fire safety assessment shall meet the practicing conditions, and practitioners shall obtain the corresponding qualifications in accordance with the law; provide fire protection technical services upon entrustment and be responsible for the service quality according to the applicable laws, administrative regulations, national standards, industry standards and practicing standards.

### Chapter III Fire Protection Organizations

**Article 35** The people's governments at all levels shall strengthen the development of fire protection organizations, establish multiple types of fire protection organizations in light of the needs of economic and social development, strengthen the fostering of fire protection technical talents, and enhance the capabilities of fire prevention, fire fighting and emergency response and rescue.

**Article 36** The local people's governments at and above the county level shall form national comprehensive fire and rescue departments or full-time fire brigades under the relevant provisions of the state, prepare fire protection equipment under the relevant national standards and shoulder the firefighting and rescue work in fire disasters.

The township (town) people's governments shall, in light of the needs of local economic development and fire protection work, form full-time fire brigades and volunteer fire brigades to undertake the firefighting and rescue work in fire disasters.

**Article 37** The national comprehensive fire and rescue departments and full-time fire brigades shall, under the relevant provisions of the state, undertake the emergency response and rescue work in severe disasters and accidents and other emergency response and rescue work focusing on the saving of human lives.

**Article 38** The national comprehensive fire and rescue departments and full-time fire brigades shall fully discharge their backbone functions as the professional forces of fire fighting and emergency response and rescue in fire disasters; and under the relevant provisions of the state, organize the professional skill training, and prepare and maintain the equipment and apparatuses, and improve their firefighting and emergency response and rescue capabilities in fire disasters.

**Article 39** The following entities shall establish their own full-time fire brigades to undertake the firefighting work in their own entities:

1. large-scale nuclear facility entities, large-scale power plants, civil airports and main ports;
2. large-scale enterprises engaged in the production and storage of such dangerous articles as flammables and explosives;
3. large-scale warehouses and bases for the storage of important flammable materials;
4. large-scale enterprises with a higher risk of fire disasters and at a greater distance from the national comprehensive fire and rescue departments, other than those in

--	--

subparagraphs 1, 2 and 3 of this Article; and  
5. management entities of the ancient architectural complexes which are listed as key national cultural relic protection entities and at a greater distance from the national comprehensive fire and rescue departments.

**Article 40** The formation of a full-time fire brigade shall conform to the relevant provisions of the state and be reported to the local fire and rescue department for an acceptance.

The members of a full-time fire brigade shall be entitled to the social insurance and welfare treatments according to law.

**Article 41** Organs, social groups, enterprises, public institutions and other entities, as well as villagers' committees and residents' committees, shall, in light of relevant needs, establish multiple types of fire protection organizations such as volunteer brigades to carry out the mass self-protection and self-rescue work.

**Article 42** The fire and rescue department shall provide guidance to the practices of full-time brigades, volunteer fire brigades and other fire protection organizations, and may, in light of the needs of fire fighting and rescue, mobilize and command the full-time brigades to participate in the firefighting and rescue work.

#### Chapter IV Fire Fighting and Rescue

**Article 43** The local people's government at or above the county level shall, in light of the characteristics of fire disasters within its administration area, organize the relevant departments to work out an emergency response preparedness plan, establish an emergency response and disposal mechanism, and provide personnel, equipment and other safeguards for the firefighting and emergency response and rescue work.

**Article 44** Whoever discovers a fire disaster shall report a fire alarm immediately. Any entity or individual shall provide conveniences free of charge for the reporting of a fire alarm, and no one shall obstruct the reporting of a fire alarm. It is strictly forbidden to report a false fire alarm.

Where a fire disaster occurs in a people-intensive site, the site personnel on the fire scene shall immediately organize and direct the evacuation of people on the fire scene. Where a fire disaster occurs in any entity, the said entity must immediately organize the fire fighting and rescue. Neighboring entities shall assist it. As soon as a fire brigade receives a firm alarm, it must rush to the scene of fire disaster, rescue the persons in danger, eliminate the danger, and extinguish the fire.

**Article 45** The fire and rescue department shall, in a centralized manner, organize and command the fire fighting on the scene of a fire disaster, and shall give priority to safeguarding the life safety of the persons in danger.

The chief command on the scene of a fire disaster shall have the power to decide the following matters in light of the needs of fire fighting:

1. to use various water resources;
2. to cut off the supply of electric power, flammable gas and flammable liquid, and restrict the use of fire and electric power;
3. to mark the cordoned area and carry out local traffic control;
4. to make use of neighboring buildings and relevant facilities;

--	--

5. to dismantle, break or destroy the buildings, fixtures, facilities, etc. neighboring the fire scene so as to save persons and important materials and prevent the spread of fire; and

6. to mobilize the water supply, power supply, gas supply, communication, medical rescue, transport, environmental protection and other relevant entities to assist in the fire fighting and rescue.

As urgently needed by the fire fighting, the relevant local people's government shall organize persons and muster necessary materials to assist in the fire fighting.

**Article 46** A national comprehensive fire and rescue departments or full-time fire brigades shall be under the uniform leadership of the people's government at or above the county level when participating in the emergency response and rescue in a severe disaster or accident other than a fire disaster.

**Article 47** When a fire truck or fireboat rushes to perform a mission of fire fighting or emergency response and rescue, it is not subject to the restrictions on running speed, route and direction and traffic signals on the precondition of ensuring safety, and other vehicles, vessels and pedestrians shall yield the way and not intercept or overpass it; it shall be exempted from tolls for toll highways and bridges. Traffic control officers shall guarantee the rapid passage of fire trucks and boats.

The fire fighters rushing to the fire or emergency response and rescue scene and the mustered firefighting equipment and materials shall enjoy priority in transport if they need to be transported by railway, waterway or air.

**Article 48** No fire truck, fireboat or fire apparatus, equipment or facility shall be used for any matter irrelevant to the fire protection or emergency response and rescue.

**Article 49** No national comprehensive fire and rescue department or full-time fire brigade shall charge any fees for fire fighting or emergency response and rescue. The people's government of the place where a fire disaster occurs shall compensate the full-time fire brigade of an entity or volunteer fire brigade, which participates in fighting a fire disaster of another entity, for the spent fuel, extinguishing agent and apparatus, equipment, etc.

**Article 50** A person who is injured, disabled or dead because of participation in fighting a fire disaster or in the emergency response and rescue shall be entitled to medical treatment or comfort compensation under the relevant provisions of the state.

**Article 51** The fire and rescue department may, when necessary, close the scene of a fire disaster so as to investigate the cause of fire and measure the fire losses. After a fire disaster is extinguished, the entity in which the fire disaster occurs and the relevant personnel shall, under the requirements of the fire and rescue department, protect the scene, accept the accident investigation and faithfully furnish relevant information about the fire disaster.

The fire and rescue department shall, in light of the survey and investigation made on the scene of fire disaster and the relevant test and appraisal opinions, timely make a fire accident certificate as evidence for dealing with the fire accident.

## Chapter V Supervision and Inspection

--	--

**Article 52** The local people's government at every level shall implement a fire protection accountability system, and supervise and inspect the fulfillment of the fire safety duties by its relevant departments.

A relevant department of the local people's government at or above the county level shall, in light of its own characteristics, conduct pertinent fire safety inspections and timely urge the elimination of potential fire risks.

**Article 53** The fire and rescue department shall supervise and inspect the compliance of organs, social groups, enterprises, public institutions and other entities with the laws and regulations on fire protection. A police station may be responsible for the routine fire protection supervision and inspection and carry out fire protection publicity and education, for which the concrete measures shall be formulated by the public security department of the State Council.

The personnel of the fire and rescue department shall show their certificates when conducting fire protection supervision and inspection.

**Article 54** Where the fire and rescue department finds any potential fire risk during the fire protection supervision and inspection, it shall notify the relevant entity or individual to immediately take measures for eliminating the potential risk. If the public safety may be seriously endangered as a result of a failure to timely eliminate the potential risk, the fire and rescue department shall temporarily seal up the dangerous spot or site according to the relevant provisions.

**Article 55** Where the fire and rescue department finds, during the fire protection supervision and inspection, that the urban and rural fire safety layout or a public fire protection facility does not conform to the fire safety requirements or that there is any serious potential fire risk in its area that may affect the public safety, it shall submit a written report via the emergency management authority to the people's government at the same level.

The people's government receiving the said report shall timely verify information, organize or order relevant department or entity to take measures for making a rectification.

**Article 56** The housing and urban-rural development authorities, fire and rescue departments and their staff shall conduct fire protection design, fire protection final inspection, filing and random inspection, and fire safety inspection in accordance with statutory powers and procedures and be impartial, strict, disciplined and efficient. The housing and urban-rural development authorities, fire and rescue departments and their staff shall, when conducting fire protection design, fire protection final inspection, filing and random inspection, fire safety inspection, or the like, neither charge money nor seek an advantage by taking advantage of positions; and shall not designate, either directly or in disguise, a brand or seller of fire protection products, fire protection technical service institution, fire protection facility construction contractor for users or construction employers by taking advantage of positions.

**Article 57** The housing and urban-rural development authorities, fire and rescue departments and its personnel shall accept the supervision by the society and citizens when performing their duties.

Any entity or individual shall have the right to report or file charges on the violations committed by the housing and urban-rural development authorities, fire and rescue

--	--

departments or any of the personnel thereof during the law enforcement. The organ receiving the report or charges shall timely investigate and deal with the same within its functions.

## Chapter VI Legal Liabilities

**Article 58** Where any of the following conduct is committed in violation of any provision of this Law, the housing and urban-rural development authority and the fire and rescue department shall, in accordance with their respective powers, order cessation of construction or use, or suspension of production or business, and impose a fine of not less than 30,000 yuan nor more than 300,000 yuan:

1. a construction project of which a fire protection design examination is required by the law fails, as legally required, or is nonconforming as established by such an examination, and construction is commenced without permission;
2. a construction project that is subject to fire protection final inspection according to the law fails, or is nonconforming as established by the fire protection final inspection and is put into use without permission;
3. any other construction project as described in Article 13 of this Law is nonconforming as established by random inspection conducted under the law upon final inspection and remains in use; or
4. A public gathering place is put into use or opens for business without the permission of the fire and rescue department, or it is found upon inspection that the use or operations of the place is inconsistent with its undertaking;

If it is found upon inspection that the use or operations of the public gathering place fails to conform to the undertaking, it shall be ordered to make rectification within a prescribed time limit, and the corresponding permit shall be revoked in accordance with the law if the place fails to make rectification within the prescribed time limit or still fails to satisfy the requirements after making rectification.

If a construction employer fails to report to the housing and urban-rural development authority for recordation as required by this Law after final inspection, the housing and urban-rural development authority shall order the construction employer to take corrective action and impose a fine of not more than 5,000 yuan on it.

**Article 59** For any of the following violations of this Law, the housing and urban-rural development authority shall order the taking of corrective action or cessation of construction, and be fined not less than 10, 000 yuan but not more than 100, 000 yuan:

1. The employer requires the architectural design entity or construction enterprise to make a design or construct the project by a lowered fire protection technical standard;
2. The architectural design entity fails to make the fire protection design under the compulsory requirements of the fire protection technical standards;
3. The construction enterprise fails to construct the project under the fire protection design documents and fire protection technical standards, lowering the quality of fire protection construction; or
4. The project supervisory entity, in collusion with the employer or construction enterprise, lowers the quality of fire protection construction by falsification.

**Article 60** Where an entity commits any of the following violations of this Law, it shall be ordered to make a correction and be fined not less than 5, 000 yuan but not more than 50, 000 yuan:

1. Failing to prepare or set up fire protection facilities, apparatuses or fire safety signs

--	--

conforming to the national standards or industrial standards, or failing to keep the same in good condition and effective;

2. Having damaged, misappropriated or illegally dismantled or stopped the use of any fire protection facility or apparatus;

3. Having occupied, blocked or closed any evacuation passage or safety exit, or having committed any other act that may obstruct the safe evacuation;

4. Burying, occupying or covering any fire hydrant or occupying any fire separation distance;

5. Occupying, blocking or closing any fire truck passage or obstructing the passage of a fire truck;

6. Setting any barrier on the window of a people-intensive site, which may affect the people's fleeing to safety and fire fighting and rescue; or

7. Failing to timely take measures to eliminate the potential fire risk notified by the fire and rescue department.

An individual who commits any of the violations as described in subparagraphs 2, 3, 4 and 5 of the preceding paragraph shall be given a warning or be fined not more than 500 yuan.

Whoever commits a violation as described in subparagraph 3, 4, 5 or 6 of paragraph 1 of this Article and refuses to make a correction after having been ordered to do so, the order shall be enforced, and the necessary expenses shall be paid by the violator.

**Article 61** Where a site for the production, storage or trade of such dangerous articles as flammables or explosives is arranged in the same building as a residential site is or does not keep a safe distance from the residential site, the violator shall stop production and business operation and be fined not less than 5, 000 yuan but not more than 50, 000 yuan.

Where a site for the production, storage or trade of other articles is arranged in the same building as a residential site is, which violates the fire protection technical standards, the violator shall be punished according to the preceding paragraph.

**Article 62** Whoever commits any of the following violations shall be punished in accordance with the [Public Security Administrative Punishments Law of the People's Republic of China](#) :

1. Producing, storing, transporting, selling, using or disposing of such dangerous articles as flammables or explosives in violation of the relevant provisions on fire protection technical standards and management provisions;

2. Illegally carrying such dangerous articles as flammables or explosives into a public place or the public transport;

3. Reporting a false fire alarm;

4. Obstructing a fire truck or fireboat from executing its mission; or

5. Obstructing the personnel of the fire and rescue department from performing their duties.

**Article 63** Whoever commits any of the following violations of this Law shall be given a warning or be fined not more than 500 yuan; and if the case is serious, shall be detained for 5 days or less:

1. Entering a site of production or storage of such dangerous articles as flammables or explosives in violation of the fire safety provisions; or

2. Carrying out operations with naked fire, or smoking or using naked fire at a place with a risk of fire or explosion, in violation of the relevant provisions.

--	--

**Article 64** Whoever commits any of the following violations of this Law, which, however, does not constitute a crime, shall be detained for not less than 10 days but not more than 15 days and may be fined not more than 500 yuan; if the case is minor, shall be given a warning or be fined not more than 500 yuan:

1. Instigating or forcing others to carry out risky operations in violation of the fire safety provisions;
2. Negligently causing a fire disaster;
3. Obstructing the reporting of a fire alarm or failing, as a person with a duty of reporting, to timely report a fire alarm, after the occurrence of a fire disaster;
4. Disrupting the order on the fire scene or refusing to obey the direction of the commander on the fire scene, which affects the fire fighting and rescue;
5. Intentionally destroying or fabricating a fire scene; or
6. Illegally unsealing or using the place or spot sealed up by the fire and rescue department.

**Article 65** Whoever produces or sells any fire protection product that is unqualified or eliminated by the state in a public proclamation in violation of this Law shall be given a heavier punishment by the product quality supervision department or by the administrative department for industry and commerce in accordance with the [Product Quality Law of the People's Republic of China](#).

Where a people-intensive site uses any fire protection product that is unqualified or eliminated by the state in a public proclamation, it shall be ordered to make a correction within a prescribed time limit; and if failing to make the correction within the prescribed time limit, it shall be fined not less than 5, 000 yuan or but not more than 50, 000 yuan and the directly liable person in charge and other directly liable persons shall be fined not less than 500 yuan but not more than 2, 000 yuan. If the case is serious, it shall be ordered to stop production and business operation.

For a case described in paragraph 2 of this Article, the fire and rescue department shall, besides punishing the user according to law, notify the product quality supervision department or the administrative department for industry and commerce of the found fire protection product that is unqualified or eliminated by the state in a public proclamation. The product quality supervision department or the administrative department for industry and commerce shall timely investigate and punish the producer and seller according to law.

**Article 66** Where the installation or use of electrical appliances or gas utensils, or the design, laying, maintenance or test of lines and pipes of electrical appliances or gas utensils does not meet the relevant provisions on fire protection technical standards and administration, the violator shall be ordered to make a correction within a prescribed time limit. If failing to do so, the violator shall be ordered to stop using the aforesaid electrical appliances or gas utensils and may be fined not less than 1, 000 yuan but not more than 5, 000 yuan.

**Article 67** Where an organ, social group, enterprise, public institution or any other entity violates Article 16, 17 or 18 or paragraph 2 of Article 21 of this Law, it shall be ordered to make a correction within a prescribed time limit. If it fails to do so, its directly liable person in charge and other directly liable persons shall be given a sanction or warning according to law.

--	--

**Article 68** Where, after the occurrence of a fire disaster at a people-intensive site, any of the site personnel on the fire scene does not perform his duty of organizing or guiding the evacuation of the people on the fire scene, if the case is serious but does not constitute a crime, he shall be detained for not less than 5 days but not more than 10 days.

**Article 69** Where a technical service agency for fire protection providing such services as the maintenance and testing of fire protection facilities and fire safety assessment is unqualified for providing fire protection technical services or issues false documents, the fire and rescue department shall order it to take corrective action and impose a fine of not less than 50,000 yuan nor more than 100,000 yuan on it, and its directly responsible person in charge and other directly liable persons shall be fined not less than 10,000 yuan nor more than 50,000 yuan. If it fails to provide fire protection technical services according to national and industry standards, it shall be ordered to take corrective action and fined not more than 50,000 yuan, and its directly responsible person in charge and other directly liable persons shall be fined not more than 10,000 yuan. If there is any illegal income, the illegal income shall be confiscated; if any loss is caused to others, it shall assume compensation liability in accordance with the law; if the circumstances are serious, it shall be ordered to suspend practice or its corresponding qualification shall be revoked in accordance with the law; if any serious loss is caused, the relevant department shall revoke its business license and prohibit the relevant liable persons from entering the market for life.

Where a technical service agency as mentioned in the preceding paragraph issues any inaccurate document, causing any loss to others, it shall assume compensation liability in accordance with the law. If any serious loss is caused, the fire and rescue department shall legally order it to stop practice or revoke its corresponding qualification, and the relevant department shall revoke its business license and prohibit the relevant liable persons from entering the market for life.

**Article 70** The administrative punishment as specified in this Law other than that which shall be decided by the public security authorities according to the relevant provisions of the [Public Security Administration Punishments Law of the People's Republic of China](#) shall be decided by housing and urban-rural development authorities and fire and rescue departments according to their respective powers. If cessation of construction or use, or suspension of production or business, is ordered, a report shall, after corrective action, be made to the department or agency that makes the decision, and construction, use, production or business may be resumed only if conformity is established by inspection.

If a party fails to comply with a decision on cessation of construction or use, or suspension of production or business, within the specified time limit, the department or agency that makes the decision shall enforce it.

If an order to cease production or business has a relatively considerable effect on economic and social life, the housing and urban-rural development authority or the emergency management authority shall report to the people's government at the same level for a decision under the law.

**Article 71** Where any of the personnel of the housing and urban-rural development authorities, fire and rescue departments commits any of the following acts of abuse of power, neglect of duty or practice of favoritism, which, however, does not constitute a

--	--

crime, he shall be given a sanction according to law:

1. Allowing a fire protection design document, a construction project or a site which does not conform to the fire safety requirements to pass the fire protection design examination, fire protection as-built acceptance or fire safety inspection;
2. without any justifiable reason, delaying a fire protection design examination, a fire protection as-built acceptance or a fire safety inspection, or failing to perform his duties within the statutory time limit;
3. failing to timely notify the relevant entity or individual to make a rectification on a fire risk found;
4. designating a fire product brand, fire product sales entity, fire protection technical service institution or fire protection facility construction entity for a user or employer by taking advantage of his position, or doing so in a disguised form;
5. using any fire truck, fireboat, fire apparatus, fire equipment or fire facility for any matter irrelevant to fire protection and emergency response and rescue; or
6. any other act of abuse of power, neglect of duty or practice of favoritism.

Where any of the personnel of the administrative department for product quality supervision or industry and commerce abuses his power, neglects his duties or practices favoritism, which, however, does not constitute a crime, he shall be given a sanction.

**Article 72** Whoever violates this Law shall be subject to the criminal liability if the violation constitutes a crime.

## Chapter VII Supplementary Provisions

**Article 73** Definitions for the purposes of this Law:

1. The term “fire protection facilities” refers to the automatic fire alarm system, automatic fire extinguishing system, fire hydrant system, smoke exhaust system, and emergency broadcasting, emergency illumination and safe evacuation facilities.
2. The term “fire protection product” refers to a product exclusively used for the fire prevention, fire fighting or rescue, fire protection, sheltering, or fleeing to safety.
3. The term “public gathering place” refers to a hotel, restaurant, shopping mall, market, waiting room of a passenger transport station, waiting room of a passenger transport dock, terminal of a civil airport, gym, stadium, auditorium, public amusement place, etc.
4. The term “people-intensive site” refers to a public gathering place, outpatient or ward building of a hospital, teaching building, library or collective dormitory of a school, nursing home, welfare institution, nursery, kindergarten, reading room of a public library, exhibition room of a public exhibition center or museum, production or processing workshop or collective employee dormitory of a labor-intensive enterprise, tourist place, religious activity venue, etc.

**Article 74** This Law shall come into force as of May 1, 2009.

© Pkulaw ([www.pkulaw.com](http://www.pkulaw.com)) provides various professional solutions in such fields as legal information, law knowledge and legal software. Pkulaw provides you with abundant reference materials. When you invoke articles of laws and regulations, please check them with the standard texts.

You are welcome to view all our [products and services](#). Pkulaw Express: [How to quickly find information you need? What are the new features of Pkulaw V6?](#)



Scan QR Code for instant access to the original text.

**Original Link:** [https://www.pkulaw.com/en\\_law/2bba803a43fcf15dbdfb.html](https://www.pkulaw.com/en_law/2bba803a43fcf15dbdfb.html)