

海南自由贸易港消防条例

Regulations of Hainan Free Trade Port on Fire Protection

海南自由贸易港消防条例

(2020年7月31日海南省第六届人民代表大会常务委员会第二十一次会议通过)

目 录

第一章	总 则
第二章	消防安全职责
第三章	火灾预防
第四章	消防组织
第五章	灭火和应急救援
第六章	火灾事故调查
第七章	监督检查
第八章	法律责任
第九章	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，为海南自由贸易港建设创造良好的消防安全环境，根据《中华人民共和国消防法》等有关法律法规的规定，结合本省实际，制定本条例。

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。

Regulations of Hainan Free Trade Port on Fire Protection

(Adopted at the 21st Session of the Standing Committee of the 6th Hainan
Provincial People's Congress on July 31, 2020)

Contents

Chapter I	General Provisions
Chapter II	Duties on Fire Safety
Chapter III	Fire Prevention
Chapter IV	Fire Protection Organizations
Chapter V	Firefighting and Emergency Rescue
Chapter VI	Investigation of Fire Accidents
Chapter VII	Oversight and Inspection
Chapter VIII	Legal Liability
Chapter IX	Supplementary Provisions

Chapter I General Provisions

Article 1 These Regulations are enacted pursuant to the Fire Protection Law of the People's Republic of China and other applicable laws and regulations, and based on the actual circumstances of this Province to prevent fire disasters and reduce fire hazards, improve emergency rescue operations, protect personal and property safety, safeguard public safety and develop a favorable fire safety environment for the development of Hainan Free Trade Port (hereinafter referred to as the "HFTP").

Article 2 Fire services shall follow the policy of putting major effort into prevention and combining fire prevention with firefighting, and shall follow the principle of unified leadership by the government and agency regulation pursuant to law, hold organizations fully accountable and actively involve citizens, enforce a fire safety accountability system and implement a proper fire services network that works closely with the community.

第三条 各级人民政府负责本行政区域内的消防工作，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。

县级以上人民政府应当将消防和应急救援经费纳入同级财政年度预算，适应经济和社会的发展，保障火灾预防、消防宣传教育培训、消防设施装备建设、灭火和应急救援的实际需要。

各级人民政府成立的消防安全委员会，负责研究、统筹、协调、指导本行政区域内的消防工作。

第四条 县级以上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。

县级以上人民政府其他工作部门在各自职责范围内，依法做好消防工作。

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。

铁路、港口、民航、森林、水上的消防工作按照国家和本省的有关规定执行。

第五条 维护消防安全是全社会的共同责任。单位和个人应当遵守消防法律法规，履行消防安全责任。

鼓励、支持社会力量开展消防公益活动。鼓励单位和个人参与公共消防设施建设，捐赠消防公益事业。

鼓励消防科研创新，推广运用先进科技成果增强火灾预防、灭火和应急救援能力。

Article 3 All levels of local people's governments shall be responsible for fire services within their respective administrative areas and include fire services in the national economic and social development plan to ensure that fire services are appropriate to economic and social development.

The people's governments at or above the county level shall incorporate the funds for fire protection and emergency rescue into the fiscal annual budget at the same level, adapt to the development of the economy and society, and guarantee that it meets community requirements for fire prevention, fire protection awareness, education and training, fire protection facilities and equipment development, and firefighting and emergency rescue.

The fire safety committees created by the people's governments at all levels shall be responsible for studying, planning, coordinating, and guiding the fire services within their respective administrative areas.

Article 4 The emergency administration agencies of the people's governments at or above the county level shall oversee and manage fire services within their administrative areas, and the fire departments of the people's government at the same level shall be responsible for the enforcement of such.

Other agencies of the people's governments at or above the county level shall, within the scope of their respective functions and duties, put effort into fire protection pursuant to law.

Military facility fire services shall be overseen and managed by the competent agency and assisted by fire departments.

The fire services for underground parts of mines, nuclear power plants, and offshore oil and gas facilities shall be overseen and managed by their competent agencies.

Fire services for railways, ports, civil aviation, forests, and water shall be enforced pursuant to applicable national and provincial laws.

Article 5 It is a common responsibility for society as a whole to ensure fire safety. Organizations and individuals shall comply with applicable fire protection laws and regulations in their exercise of fire safety duties.

The private sector is encouraged to conduct fire protection activities for the public interest, and it is also encouraged for organizations and individuals to participate in the development of public fire protection facilities and donate to fire services for the public interest.

It is encouraged to make research and innovation on fire protection and promote the widespread application of advanced achievements in science and technology to improve fire prevention, firefighting, and emergency rescue operations capabilities.

第六条 每年的11月9日为本省消防活动日，当月为消防安全月。各级人民政府及有关部门、单位依法应当组织开展消防宣传、纪念、表彰和奖励等相关活动。

第二章 消防安全职责

第七条 各级人民政府应当依法落实消防工作责任制，其主要负责人是本地区消防工作的第一责任人，分管负责人是消防工作的主要责任人，其他负责人应当落实消防安全“一岗双责”制度。

第八条 县级以上人民政府应当履行下列消防工作职责：

- （一）组织编制消防专项规划，将其纳入国土空间规划，并负责组织实施；
- （二）保障公共消防设施用地，负责公共消防设施、消防装备建设；
- （三）建立国家综合性消防救援队和专职消防队；
- （四）组织开展消防宣传教育、消防安全检查和专项治理；
- （五）协调解决本行政区域的重大消防安全问题；
- （六）法律、法规规定的其他消防工作职责。

第九条 省重点产业园区管理机构应当履行下列消防工作职责：

- （一）根据市县消防专项规划或者本园区消防专项规划，建设与园区发展规模等相适应的消防基础设施；
- （二）建立消防安全组织，明确专人负责消防工作，根据需要建立专职消防队；
- （三）开展园区消防安全检查和消防宣传教育，指导园区企业落实消防安全责任；

Article 6 The annual Fire Protection Day falls on November 9 and the Fire Protection Month falls on November. The people's governments at all levels, as well as all the departments and organizations concerned, shall organize and enforce fire protection awareness, commemoration, commendation and reward, and other related activities pursuant to the rules.

Chapter II Duties on Fire Safety

Article 7 The people's governments at all levels shall enforce the fire protection accountability system pursuant to law. The principal heads of the governments shall be the first persons responsible for fire protection in local areas, and the competent heads as the primary responsible persons for fire protection. Other heads shall exercise the system of Dual Duties out of A Single Post for fire safety.

Article 8 The people's governments at or above the county level shall perform the following fire service duties:

- (a) to organize and create special fire protection plans, integrate them into the national spatial planning, and take charge of their enforcement;
- (b) to ensure adequate land for public facilities for fire protection, and to take charge of building up public facilities and equipment for fire protection;
- (c) to set up the national integrated fire departments and full-time fire brigades;
- (d) to organize awareness and education on fire protection and inspection and specific actions for fire safety;
- (e) to coordinate and solve major problems on fire safety in their respective administrative areas; and
- (f) other fire protection duties pursuant to laws and regulations.

Article 9 The administrative agencies of key industrial parks in the Province shall perform the following fire service duties:

- (a) to conduct infrastructure development for fire protection corresponding to the development scale of the park based on ad hoc planning by the city, county, or park concerned;
- (b) to set up an organization for fire safety, designate a person in charge of fire protection, and set up a full-time fire brigade as necessary;
- (c) to conduct inspection on fire safety and awareness on fire protection in the park, and guide entities in the park in fulfillment of fire safety duties; and

（四）履行当地人民政府委托的其他消防工作职责。

消防救援机构应当支持和保障省重点产业园区的消防工作，根据园区发展的实际需要建立国家综合性消防救援队。

消防救援机构应当指导园区企业依法履行主体责任，强化消防安全自律，推动园区企业间的协作，开展联合宣传教育培训、联合演练、应急联动，推进共建共治共享，构建消防安全新型区域协作机制。

第十条 乡镇人民政府应当履行下列消防工作职责：

（一）建立消防安全组织，明确专人负责消防工作，制定消防安全制度，落实消防安全措施；

（二）安排必要的资金，用于公共消防设施建设和业务经费支出；

（三）将消防安全内容纳入本级规划并组织实施；

（四）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；

（五）加强消防宣传教育和应急疏散演练；

（六）部署消防安全整治，组织开展消防安全检查，督促整改火灾隐患；

（七）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，对村民委员会、居民委员会履行消防安全职责的情况实施监督检查；

（八）法律、法规规定的其他消防工作职责。

街道办事处应当履行前款第一项、第四项、第五项、第六项、第七项、第八项职责，并保障消防工作经费。

第十一条 县级以上人民政府消防救援机构依法履行下列职责：

（一）贯彻执行消防法律、法规和技术标准；

（二）参与编制城乡消防规划，配合有关部门实施；

(d) other duties entrusted by the local people's government.

The fire departments shall support and guarantee fire services for the key industrial parks in the Province, and set up national integrated fire departments as necessary for the development of the park.

The fire departments shall guide entities in the industrial park to assume their primary responsibility pursuant to law, develop self-regulation on fire safety, promote collaboration among entities in the park, conduct joint awareness, education, and training, joint drills, as well as emergency interconnectivity, promote joint development, governance and sharing, and build up a new regional fire safety coordination system.

Article 10 The township people's government shall perform the following fire service duties:

(a) to set up an organization for fire safety, designate a person in charge of fire protection, develop a system for fire safety, and practice measures for fire safety;

(b) to arrange the necessary funds for the development of public facilities for fire protection and business expenses;

(c) to incorporate fire safety matters into the planning of the township government and organize their exercise;

(d) to set up, a full-time fire brigade and a voluntary fire brigade as necessary for local economic development and fire services;

(e) improve awareness and education on fire protection and emergency evacuation drills;

(f) to implement fire safety regulations, organize fire safety inspections, and require the removal of hidden fire hazards;

(g) to guide, support, and help villagers' committees and residents' committees to organize the public participating in fire services, oversee and inspect the enforcement of duties on fire safety by villagers' committees and residents' committees; and

(h) other fire protection duties pursuant to laws and regulations.

The subdistrict agencies shall perform the duties under Subparagraph (a), (d), (e), (f), (g), or (h) of the preceding paragraph, and guarantee funding for fire services.

Article 11 The fire departments of the people's governments at or above the county level shall perform the following duties pursuant to law:

(a) to enforce fire laws, regulations, and technical standards;

(b) to participate in developing urban and rural planning on fire protection, and cooperate with appropriate agencies;

(三) 对公众聚集场所投入使用、营业消防安全检查实行告知承诺制管理；

(四) 开展消防监督检查，督促整改火灾隐患，依法查处消防安全违法行为；

(五) 组织、指导开展消防宣传教育培训和消防演练；

(六) 承担火灾扑救，参加应急救援，调查火灾原因，统计火灾损失；

(七) 对其他消防队伍及公安派出所进行业务指导；

(八) 法律、法规规定的其他职责。

第十二条 发展和改革、财政、自然资源和规划、住房和城乡建设、旅游和文化广电体育、农业农村、工业和信息化等部门在规划制定、调整和实施中，应当做好消防救援站、训练基地、市政消火栓、消防取水设施、消防信息工程等公共消防设施及消防装备的规划、立项和建设等工作。

市政、供水、供电、通信、交通等负责公共消防设施管理维护的部门和单位，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。

第十三条 县级以上人民政府市场监督管理部门、消防救援机构应当按照各自职责，加强对生产、流通和使用领域消防产品质量的监督检查。

县级以上人民政府应急管理部门依法负责易燃易爆危险化学品相关的安全监督管理，组织编制和协调相关部门实施易燃易爆危险化学品事故应急救援预案。

县级以上人民政府住房和城乡建设主管部门依法负责特殊建设工程的消防设计审查、消防验收以及其他建设工程的备案和抽查；承担城镇燃气设施、建设工程施工现场的消防安全监督管理职责。

(c) to manage public plazas under the notification-commitment system for launching and inspecting facilities for fire safety for the business use;

(d) to enforce fire oversight and inspection, require the removal of hidden fire hazards, and investigate and manage fire safety violations pursuant to law;

(e) to organize and guide the implementation of awareness, education, and training on fire protection as well as fire drills;

(f) to engage in firefighting, participate in emergency rescue, investigate the causes of fire, and count the fire losses;

(g) to give professional guidance to other fire brigades and police stations; and

(h) other duties pursuant to laws and regulations.

Article 12 The development and reform, finance, natural resources and planning, housing and urban and rural development, tourism, culture, radio, television and sports, agriculture and rural affairs, industry, and information technology agencies shall put effort into the planning, creation, and development of public firefighting facilities and equipment in the projects concerning firefighting rescue stations, training bases, municipal fire hydrants, firefighting water intake facilities, firefighting information engineering, and other similar projects.

The municipal, water supply, power supply, communication, transportation, and other agencies and organizations responsible for the management and maintenance of public facilities for fire protection shall maintain public facilities, for fire protection, such as water supply, communication, and fire engine passages, intact and effective.

Article 13 The market regulation and fire departments of the people's governments at or above the county level shall, pursuant to their respective duties, improve the oversight and inspection of the quality of fire protection products with respect to their production, circulation, and utility.

The emergency administration agencies of the people's governments at or above the county level shall be responsible for the safety and regulatory oversight for inflammable and explosive dangerous chemicals pursuant to law, and organize the preparation and coordination of appropriate agencies to enforce the emergency rescue plan for accidents involving inflammable and explosive dangerous chemicals.

The housing and urban and rural competent agencies of the people's governments at or above the county level shall be responsible for fire protection design, review, and acceptance, as well as the reporting for the recordation and inspection of other development projects pursuant to law; perform duties on overseeing and managing urban gas facilities and fire safety at construction sites.

县级以上人民政府农业农村主管部门依法负责渔港、渔排、渔船的消防安全监督管理。

第十四条 教育主管部门应当指导和监督学校、学前教育机构、教育培训机构做好消防安全工作，将消防安全列入教育、教学的内容。

学校应当选聘专兼职消防辅导员，每学年至少组织一次专题消防安全教育和消防演练。学前教育机构应当采取适合幼儿特点的方式，对幼儿开展消防安全常识教育。

人力资源和社会保障主管部门应当指导和监督职业培训机构做好消防安全工作，将消防安全列入职业培训的内容。

旅游和文化广电体育主管部门应当指导和监督旅游经营单位开展消防宣传培训工作，将消防安全知识纳入旅游从业人员的岗位培训内容。

工会、共产主义青年团和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。

第十五条 新闻媒体、政府网站等有关单位，应当定期安排时段或者版面无偿发布公益消防安全信息，宣传消防法律、法规和消防常识。

公共场所应当利用场所内的广播、视频设备、宣传栏等宣传消防安全知识。

鼓励、支持社会力量开展消防职业教育和消防安全培训。

提倡居民家庭配备灭火器、火灾探测报警、逃生自救等消防器材。

第十六条 公安派出所按照国家和本省的有关规定履行消防安全监督管理职责。

第十七条 村民委员会、居民委员会应当确定消防安全管理人，制定消防安全公约，开展经常性防火检查、消防宣传和消防安全区域联防，配备必要的消防器材，组织志愿消防队、成年村民、居民进行消防演练，扑救火灾。

The agricultural and rural competent agencies of the people's governments at or above the county level shall be responsible for overseeing and administering fire safety on fishing ports, fishing rafts, and fishing boats pursuant to law.

Article 14 The education agencies shall guide and oversee schools, preschool education institutions, education, and training institutions to guarantee the appropriate services for fire safety, and integrate fire safety into the curriculum.

The schools shall hire full-time and part-time fire safety instructors and organize special education and fire drills on fire safety at least once every school year. The preschool education institutions shall teach pre-school children basic knowledge on fire safety with acceptable methods appropriate for them.

The human resources and public safety competent agency shall guide and oversee vocational training institutions to guarantee the proper services for fire safety, and integrate fire safety into the vocational training.

The tourism, culture, radio, television, and sports competent agencies shall guide and oversee tourism business organizations to enforce awareness and training on fire protection, and integrate fire safety knowledge into the vocational training of tourism professionals.

Trade unions, Communist Youth League organizations, women's federations, and other organizations shall organize to tailor awareness and education tailored to the needs of the local community.

Article 15 The news media, government websites, and other appropriate organizations shall regularly arrange a periodical or a page to publish public fire safety information free of charge and announce laws, regulations, and basic knowledge on fire protection.

Radio, video equipment, billboards, and others shall be used to announce fire safety knowledge in public places.

The private sector is encouraged and supported to provide fire vocational education and fire safety training.

Households are advised to acquire fire protection equipment including without limitation fire extinguishers, smoke detectors, escape tools, and self-rescue products.

Article 16 The police stations perform their duties of fire safety regulatory oversight pursuant to national and provincial laws.

Article 17 The villagers' committees and residents' committees shall confirm a fire safety administrator, draft fire safety conventions, enforce regular inspections for fire prevention, fire protection awareness, and regional joint activities for fire safety, have necessary firefighting equipment, and organize voluntary fire brigades, adult villagers and residents to conduct fire drills and extinguish fires.

村民委员会、居民委员会应当设置消防宣传栏，利用文化活动站、学习室等场所，开展经常性的消防宣传教育；利用广播、视频设备定时播放消防安全常识；在火灾多发季节、农业收获季节、重大节日和乡村民俗活动期间，有针对性地开展消防宣传教育。

第十八条 机关、团体、企业、事业单位和有固定的生产经营场所且具有一定规模的个体工商户，以及其他社会组织（以下统称单位）是消防安全的责任主体，对本单位、本场所消防安全全面负责，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、保养，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，检测记录应当完整准确，并存档两年以上备查；

（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，防火检查及火灾隐患整改记录应当存档两年以上备查；

（六）每年至少组织一次消防演练，演练记录应当存档两年以上备查；

（七）设有消防控制室的，应当保障 24 小时值班；

（八）法律、法规规定的其他消防安全职责。

单位的法定代表人或者主要负责人，是本单位或者场所的消防安全责任人。

第十九条 消防安全重点单位除应当履行本条例第十八条规定的消防安全职责外，还应当履行下列消防安全职责：

The villagers' committees and residents' committees shall set up a public billboard for fire protection, and enforce regular awareness and education on fire protection at entertainment stations, study rooms, and other places; and regularly organize targeted fire protection awareness and education using radio and video equipment to broadcast knowledge on fire safety; in the fire-prone season, agricultural harvest season, major holidays and during rural folk activities.

Article 18 The state agencies, organizations, entities, public institutions, and sole proprietorships with fixed business places and of a specified size, as well as other social organizations (hereinafter referred to as the "Organization"), are the principal bodies responsible for fire safety and are in charge of overall fire safety of their own Organizations and places so they shall perform the following fire safety duties:

(a) to enforce a fire protection accountability system, develop a system and operation procedures on fire safety, and make plans on firefighting and emergency evacuation;

(b) to be equipped with fire control facilities and equipment, set up fire safety signs, and organize inspection, repair, and maintenance on a regular basis to ensure that they are in good condition and effective under the national standards and industry standards;

(c) to conduct an overall examination on fire protection facilities at least once a year, and the examination record shall be complete and accurate and archived for more than 2 years for future reference;

(d) to ensure passages on evacuation routes, safety exits, and passages for fire engines accessible, and that the space separation plan for fire protection and smoke prevention as well as fire protection intervals meet the technical standards for fire protection;

(e) to organize fire protection inspections to remove fire hazards in a timely manner, and ensure that records for of inspections on fire protection and of rectification on fire hazard are archived for more than 2 years for future reference;

(f) to organize fire drills at least once a year, and ensure that drill records are retained for more than 2 years for future reference;

(g) to ensure a fire control room, if there is one, is on duty around the clock; and

(h) other fire protection duties pursuant to laws and regulations.

A statutory representative or responsible person of an Organization is the person responsible for the fire safety of the Organization or location.

Article 19 The key fire safety organization shall perform the following fire safety duties in addition to those specified in Article 18:

-
- (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，每年对职工至少进行一次消防安全培训，每半年至少组织一次消防演练，消防安全培训和演练记录应当存档两年以上备查；
 - (五) 每年将本单位消防安全管理人的基本情况，消防设施配备、维护情况报消防救援机构备案；
 - (六) 自行组织或者委托消防技术服务机构开展消防安全评估，并将评估结果向社会公开。

县级以上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。消防安全评估办法由省人民政府消防救援机构会同有关部门制定。

鼓励单位消防安全管理人取得消防职业资格证书。鼓励单位组建或者委托消防专业管理团队开展日常消防管理。

第二十条 下列人员应当参加消防安全培训：

- (一) 单位的消防安全管理人员；
- (二) 消防设施监控操作人员、防火巡逻员；
- (三) 消防技术服务机构的从业人员；
- (四) 专职消防队、志愿消防队队员；
- (五) 从事易燃易爆危险物品运输、管理、操作的人员；
- (六) 人员密集场所的有关从业人员。

(a) to clarify the fire safety administrator responsible for organizing fire safety management for the Organization;

(b) to create fire archives, determine the key parts of fire safety, set fire signs, and enforce strict management;

(c) to enforce the daily fire inspection and set up inspection records;

(d) to organize pre-job training on fire safety for employees, regular training on fire safety for employees at least once a year, and fire drills at least once every 6 months to ensure that the records of training and drills on fire safety are kept on file for more than 2 years for future reference;

(e) to report the basic information of the fire safety administrator of the Organization and the equipment and maintenance of fire facilities to the fire departments for recordation; and

(f) to organize or entrust the fire protection technical service agencies to evaluate fire safety services and publish the results of the evaluation.

The fire departments of the people's governments at or above the county level shall identify the Organization most at risk of a fire that may cause great loss of life or property, as the focal organization for fire safety within their respective administrative areas. The emergency administration agencies shall report to the people's government at the same level for recordation. Procedures for fire safety evaluation shall be enacted by the fire departments of the provincial people's government in conjunction with the appropriate agencies.

The fire safety administrator of the Organization is encouraged to become a certified firefighter. The Organization is encouraged to set up or retain a professional fire management team to enforce daily fire management.

Article 20 The following personnel shall participate in training on fire safety:

(a) the fire safety management personnel of the Organization;

(b) monitoring operators of fire protection facilities and fire patrols;

(c) employees of technical service institutions of fire protection;

(d) full-time fire brigade and voluntary fire brigade members;

(e) personnel engaged in the transportation, management, and operation of inflammable and explosive dangerous goods; and

(f) employees concerned in crowded places.

消防行业特有职业（工种）的从业人员应当依法取得职业资格证书，持证上岗。

第二十一条 实行承包、租赁、委托经营的，业主应当提供符合消防安全的建筑物、场所，并由承包者、租赁者、受委托者履行消防安全管理职责。

同一建筑物由两个以上单位管理或者使用的，村民委员会、居民委员会应当指导建筑物的管理、使用各方共同协商，在签订的协议中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；消防安全责任没有约定或者约定不明确的，由各方共同承担。

同一建筑物有多个产权人的，公共消防安全管理所需经费和共用消防设施设备维护、维修和改造所需经费由产权人按照约定承担；没有约定或者约定不明确的，由各产权人共同承担。

第二十二条 居民住宅区的物业服务企业对物业服务区域内的消防安全管理工作负责，履行下列消防安全职责：

（一）在承接物业服务项目时，应当查验消防设施状况，并告知业主委员会或者全体业主；

（二）确定消防安全管理人；

（三）开展防火检查，消除火灾隐患，发现重大火灾隐患，需要政府协调处理的，应当报告消防救援机构；

（四）定期组织开展应急疏散消防演练；

（五）保障消防设施、器材及消防安全标志完好有效；

（六）保障疏散通道、安全出口、消防车通道畅通；

（七）对业主、使用人违反消防安全管理规定的行为予以劝阻、制止；不听劝阻、制止的，可以向消防救援机构或者公安派出所报告；

（八）物业服务合同约定或者法律、法规规定的其他消防安全职责。

Employees engaged in special occupations (job types) in the fire protection field shall be certified for their jobs pursuant to law.

Article 21 Owners of property subject to contract, lease or trust, shall provide buildings and premises that meet fire safety requirements, and the contractor, lessee, and trustee shall perform fire safety management duties.

If one building is managed or used by two or more Organizations, villagers' committees and residents' committees shall guide the management of the building, negotiate with all parties, clarify duties of all parties on fire safety in the signed contract, and determine that the persons of all parties in charge of fire safety place shared evacuation passages, safety exits, fire control facilities in the building and fire engine passages under uniform management. If the fire safety responsibility is not agreed or not clearly agreed, it shall be shared by all parties.

If there are multiple property owners in one building, the funds needed for public fire safety management and for maintenance, repair, and transformation of shared fire protection facilities and equipment shall be assumed by the property owners under the agreement. If there is no agreement or the agreement is not clear, it shall be shared by all property owners.

Article 22 The entities of residential property are responsible for the fire safety management in the property management area, and perform the following fire safety duties:

(a) to check the status of fire protection facilities and inform the owners' committee or all owners when undertaking property management projects;

(b) to determine the fire safety administrator;

(c) to enforce fire prevention inspection, eliminate fire hazards, find major fire hazards, if necessary for coordination by the government, and report such to the fire departments;

(d) to regularly organize fire drills for emergency evacuation;

(e) to ensure that fire control facilities, equipment, and fire safety signs are in good condition and effective;

(f) to ensure the smooth passage in evacuation routes, safety exits, and passages for fire engines;

(g) to discourage and stop the owners and users from violating the fire safety management regulations; and to report the parties that do not listen to dissuasion or stop to a fire department or a police station; and

(h) other duties provided in the property service agreement or other fire protection duties pursuant to laws and regulations.

第三章 火灾预防

第二十三条 消防救援站、消防供水、消防通信、消防车通道等公共消防设施和消防装备应当纳入基本建设计划，按照国家和本省的有关标准和规范建设。

公共消防设施应当与其他市政设施统一规划、统一设计、同步建设。新建、扩建、改建城区、园区及重大建设项目，应当配套建设公共消防设施。

纳入规划的公共消防设施建设用地，禁止擅自改变用途。

城市基础设施配套费应当统筹安排一定比例，专项用于公共消防设施和消防装备建设及其维护保养。

第二十四条 农村主要道路应当满足消防车通行需要。统一规划建设的农村住宅应当符合防火间距要求。

农村设有生产生活供水管网的，应当设置室外消火栓。城乡利用海、河、湖、池塘等天然水源作为消防水源的，应当设置消防取水设施。取水困难的应当建设消防水池等储水设施。

第二十五条 消防救援机构应当协助有关部门做好渔港、渔排、渔船的消防安全、火灾扑救、海上救援等工作。

渔港码头应当设置室外消火栓或者消防取水设施；渔排、渔船应当配备消防器材。

第二十六条 国家规定的特殊建设工程的消防设计审查应当依照有关规定并入施工图设计文件联合审查。消防验收纳入竣工验收范围，集中统一办理。

依法实行消防设计审查验收的建设工程发生改建、扩建、改变使用性质等重大变更的，应当重新向建设工程所在地住房和城乡建设主管部门申请消防设计审查、消防验收。

Chapter III Fire Prevention

Article 23 The fire rescue stations, fire water supply, fire communication, fire engine passages, and other public fire facilities and fire equipment shall be integrated into the basic development plan, pursuant to applicable national and provincial standards and norms.

The public fire control facilities shall be planned, designed, and constructed simultaneously with other municipal facilities. The new construction, expansion, renovation of urban areas, parks, and major construction projects shall be equipped with public fire protection facilities.

The construction land for the public fire protection facilities, incorporated in the planning, is banned from the unauthorized change of its use.

The supporting fees for urban infrastructure shall be arranged in a certain proportion, which shall be specifically used for the construction and maintenance of public fire protection facilities and equipment.

Article 24 The rural main roads shall facilitate passages for fire engines. Uniform planning and construction of rural residential buildings shall meet the requirements on intervals for fire prevention.

An outdoor fire hydrant shall be installed in rural areas with a water supply network for production and living. If natural water sources such as sea, rivers, lakes, and ponds are utilized as fire water sources in urban and rural areas, water intake facilities for fire protection shall be installed. The water storage facilities, such as fire pools among others, shall be built up in areas difficult for fire water intake.

Article 25 The fire departments shall assist the appropriate agencies in fire safety, firefighting, and rescue at sea in fishing ports and on fishing rafts and fishing boats.

The outdoor fire hydrants or fire water intake facilities shall be installed at fishing port terminals; the fishing rafts and fishing boats shall be equipped with firefighting equipment.

Article 26 The review of the fire protection design of special construction projects as specified by the state shall be included in the joint review of construction drawings and design documents pursuant to law. The fire protection acceptance shall be incorporated into the completion acceptance and shall be processed uniformly.

In case of major changes such as alteration, expansion, change in the nature of utilization, the construction project subject to fire protection design review and fire protection acceptance shall be resubmitted to the competent agency of housing and urban-rural development in the region where the construction project is located.

住房和城乡建设主管部门应当及时将消防验收、备案和抽查情况告知消防救援机构,并与消防救援机构共享建筑平面图、消防设施平面布置图、消防设施系统图等资料。

第二十七条 建设工程施工现场的消防安全由施工单位负责;实行总承包的,由总承包单位负责。

施工现场应当符合下列规定:

- (一) 施工现场应当设置消防车通道并确保畅通;
- (二) 施工现场应当按照规定设置消防水源,配备必要的消防设施和灭火器材;
- (三) 高层建筑应当根据施工进度,同步安装室内消火栓系统或者设置临时消火栓、水泵接合器等,满足施工现场火灾扑救的消防供水要求;
- (四) 施工现场的电气工程和装置应符合有关安全规定;
- (五) 办公、生活区与作业区分开设置,厨房与宿舍保持安全距离;
- (六) 不得在尚未竣工的建筑物内设置员工集体宿舍。

建设单位、监理单位应当监督施工单位严格按照有关施工规程操作,杜绝火灾隐患。

临时建筑应符合消防安全要求,不得占用消防车通道。

第二十八条 公众聚集场所在取得营业执照或者依法具备投入使用条件后,应当向消防救援机构提出投入使用、营业消防安全许可申请,在其作出符合消防安全标准的承诺并提供相关材料后,消防救援机构不再进行实质性审查,当场作出许可决定。

消防救援机构应当制定公众聚集场所消防安全标准并向社会公布。

消防救援机构应当对作出承诺的公众聚集场所加强事中事后监管。

The competent agency for housing and urban and rural construction shall promptly inform the fire departments of the fire protection acceptance, filing, and inspection, and share the building plan, fire protection facilities layout, fire protection facilities system diagram, and other data with the fire departments.

Article 27 Developers are responsible for the fire safety of the construction site; general contractors shall be responsible for the fire safety of general contracting.

A construction site shall comply with the following:

- (a) passages for fire engines shall be set up at the construction site and kept smooth;
- (b) fire water sources shall be set up at the construction site pursuant to law, and the site shall be equipped with necessary firefighting facilities and equipment;
- (c) high-rise buildings shall, based on construction progress, be fitted with indoor fire hydrant systems or equipped up temporary fire hydrants, and water pump adapters as provided by fire water supply requirements for firefighting on the construction site;
- (d) the electrical engineering and equipment on the construction site shall comply with the applicable safety regulations;
- (e) the office, living area, and operation area are set separately, and the kitchen and dormitory are kept at a safe interval; and
- (f) no staff dormitory shall be located in an unfinished building.

A project owner and overseeing organization shall oversee the developer in operations under applicable construction regulations, so as to remove fire hazards.

The temporary buildings shall meet the requirements of fire safety and shall not occupy passages of fire engines.

Article 28 After obtaining the business license or meeting the conditions for putting it into use pursuant to law, public plazas shall submit an application for a fire safety license to the fire departments. After issuing the commitment to meet fire safety standards and providing appropriate materials, the fire departments will no longer conduct the substantive review and grant the license on spot.

Fire departments shall draft fire safety standards for public plazas and publish them.

Fire departments shall improve oversight on public plazas as issuers of commitment during and after the event.

公众聚集场所发生改建、扩建、改变使用性质、更换经营者等重大变更的，应当重新向场所所在地消防救援机构作出其符合消防安全标准的承诺。

消防救援机构应当与省信息共享交换平台建立对接，及时获取市场监管部门推送的公众聚集场所商事主体登记信息。

第二十九条 从事建筑消防设施检测维修保养、消防安全监测等消防技术服务机构和从业人员，应当具备相应的从业条件，按照相应的服务标准提供消防技术服务，并对服务质量负责。消防救援机构应当加强对相关从业行为的监督检查。

消防技术服务机构和从业人员不具备从业条件、弄虚作假的，纳入信用记录，依法实施信用惩戒。

第三十条 本条例规定的消防许可事项可以由集中审批服务部门承担。需要开展技术审查的，集中审批服务部门可以委托专业技术服务机构开展。

第三十一条 对符合国家规定适合海南自由贸易港需求的国际消防技术标准，可以在海南自由贸易港适用。

鼓励具备相应条件的境外消防技术服务机构在海南自由贸易港开展消防技术服务。鼓励具备相应资格的境外消防技术从业人员根据本省规定通过技能认定后到海南自由贸易港执业。境外消防技术服务机构开展消防技术服务的条件和境外消防技术从业人员技能认定的具体办法由省人民政府应急管理部门、消防救援机构制定。

第三十二条 消防产品应当符合质量要求，禁止安装、使用不合格的消防产品以及国家明令淘汰的消防产品。

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。

In case of major changes such as renovation, expansion, change in the nature of use, and replacement of operators, public plazas shall issue the commitment to meet the fire safety standards to the fire department where the place is located.

Fire departments shall establish docking with the provincial information sharing and exchange platform, and promptly obtain the registration information of commercial enterprises in public plazas recommended by market regulation agencies.

Article 29 Fire protection technical service agencies and practitioners engaged in inspection, maintenance, and fire safety monitoring of fire protection facilities for a construction project shall have corresponding employment qualifications, provide fire protection technical services pursuant to corresponding service standards, and be responsible for service quality. The fire departments shall improve the oversight and inspection of the professional operations.

The fire protection technical service agencies and practitioners, not meeting the conditions for employment or involved in falsification shall be listed into the credit record and subject to credit punishment pursuant to law.

Article 30 The fire permit matters specified in these Regulations can be conducted by the centralized approving agencies. The centralized approving agencies may hire professional and technical agencies to enforce the technical review as necessary.

Article 31 The international technical standards for fire protection that meet the standards of the HFTP pursuant to law by the state can be applied in the HFTP.

Foreign fire protection technical institutions with adequate capabilities are encouraged to provide fire protection technical services in the HFTP. Qualified foreign fire technology practitioners are encouraged to practice in the HFTP after being accredited as certified professionals under the regulations of this Province. The specific regulations for overseas fire protection technical institutions to enforce fire protection technical services and the skill certification of overseas fire protection technical employees shall be enacted by the emergency administration agencies and fire rescue institutions of the provincial people's government.

Article 32 Fire protection products shall meet the quality requirements, and it is prohibited to install and use fire protection products that are unqualified or explicitly ousted by the state.

The fire resistance performance of building components, building materials, and interior build-out and decoration materials must meet the national standards. The industry standards shall apply if there is no national standard.

人员密集场所装修装饰工程，应当按照消防技术标准的要求，使用不燃、难燃材料。建设单位、施工单位、监理单位应当依照国家规定对使用的装修、装饰材料进行查验。

第三十三条 禁止人员密集场所在营业期间进行电焊、气焊、气割、砂轮切割、油漆粉刷等具有火灾危险的施工、维修作业。

禁止在加油站、加气站等具有火灾、爆炸危险的场所吸烟和使用明火。

禁止在公共娱乐场所燃放烟花爆竹，禁止在建筑密集区、林区和高铁沿线等区域放飞孔明灯。

禁止在住宅、地下建筑、集贸市场、商场内生产、储存、销售、销毁易燃易爆危险品。

第三十四条 用于居住的出租房屋，应当符合消防安全要求；居住人数较多的出租房屋，应当提高消防安全要求。

出租人应当遵守下列消防安全管理规定：

- （一）发现火灾隐患及时消除或者通知承租人消除；
- （二）对承租人改变房屋使用功能和结构是否符合消防安全要求进行监督；
- （三）发现承租人有消防安全违法行为的，及时制止；
- （四）国家和本省的其他消防安全要求。

承租人应当遵守下列消防安全管理规定：

- （一）对承租房屋内的消防设施、器材进行日常管理；
- （二）改变房屋使用功能和结构的，应当符合消防安全要求；
- （三）发现火灾隐患及时消除或者通知出租人消除；
- （四）国家和本省的其他消防安全要求。

Combustible and flame-retardant materials shall be used in the build-out project of crowded places under the fire protection technical standards. The project owner, the developer, and the construction supervisor shall inspect the build-out and decorative materials used pursuant to national regulations.

Article 33 Construction and maintenance with fire hazards, such as electric welding, gas welding, gas cutting, grinding wheel cutting, and painting, are banned in crowded places during their business hours.

Smoking and open flames are banned in places with fire and explosion hazards such as gas stations and filling stations.

Fireworks are banned in public places for entertainment, and Kongming lanterns (sky lanterns) are banned from flying in densely built areas, forest areas, and areas along the high-speed railway.

It is forbidden to produce, store, sell or destroy flammable or explosive dangerous goods in residential buildings, underground buildings, fairs, and shopping malls.

Article 34 Rental homes shall meet the fire safety requirements. Rental homes with a large number of residents shall improve the fire safety requirements.

The lessor shall comply with the following regulations on fire safety management:

- (a) to remove or notify the lessee to remove any hidden fire hazards in a timely manner;
 - (b) to oversee whether the change of the function and structure of the property by the lessee meets the fire safety requirements;
 - (c) to discourage the lessee where the lessee violates any fire safety rules in a timely manner;
- and
- (d) other duties as required by the state and the Province.

The lessee shall comply with the following regulations on fire safety management:

- (a) the daily management of fire protection facilities and equipment shall be conducted in the leased house;
- (b) the change of the function and structure of the house shall meet the requirements of fire safety;
- (c) to remove or notify the lessee to remove any hidden fire hazards in a timely manner; and
- (d) others required by the state and the Province.

第三十五条 农家乐、民宿的经营管理者应当按照消防安全标准建设管理，履行本条例第十八条规定的单位消防安全职责；符合消防安全重点单位界定标准的，应当纳入重点单位管理。

第三十六条 飞机、船舶、火车、汽车等交通运输工具应当按照规定配置消防器材，标明紧急疏散标识。

电动汽车充电基础设施应当符合国家有关标准和本省的消防安全要求。

停放电动自行车较多的居民住宅区、集体宿舍和其他场所，应当设置电动自行车集中停放场所和符合用电安全要求的充电设施，采取防火分隔措施。村民委员会、居民委员会、物业服务企业或者其他管理人应当加强日常管理，做好巡查、检查工作。

禁止在疏散通道、安全出口、楼梯间停放电动自行车。

禁止违反用电安全要求给电动自行车充电。

第三十七条 单位、个人敷设电线、燃气管道和使用电器产品、燃气用具应当符合消防安全规定，及时更新老化电气线路，不得违反消防安全规定用电、用气。

供电企业应当定期对公用供电设施、户外电气线路进行检测，及时更换、改造老化供电设施和电气线路；加强用电管理，开展电气消防安全检查，督促电气火灾隐患的整改。

对用电单位和个人超负荷用电、违规拉线接电等可能引发火灾的行为，供电企业应当依法及时予以制止，电力管理部门应当依法处理。

Article 35 Operators and managers of farmhouses and homestays shall, pursuant to the fire safety standards, perform the fire safety duties of the Organization provided in Article 18. Those falling within the scope of key fire safety organizations shall be incorporated in the management of key organizations.

Article 36 Aircrafts, ships, trains, cars, and other means of transport shall be equipped with fire protection equipment pursuant to law and shall be marked with emergency evacuation signs.

The electric vehicle charging infrastructure shall comply with the applicable national standards and the fire safety requirements of this Province.

The residential areas, collective dormitories, and other places where a large number of electric bicycles are parked shall be integrated with centralized parking locations for electric bicycles and charging facilities that meet the safety requirements for electricity use, and fire prevention and separation measures shall be adopted. The villagers' committees, residents' committees, property management entities, or other managers shall improve daily management and conduct inspections.

The parking of electric bicycles in evacuation routes, safety exits, and stairwells is banned.

It is forbidden to charge electric bicycles in violation of electrical safety requirements.

Article 37 Organizations and individuals laying wires, gas pipelines, and using electrical products and gas appliances shall comply with fire safety regulations, update aging electrical lines in a timely manner, and shall not use electricity or gas in violation of fire safety regulations.

Power supply entities shall regularly inspect public power supply facilities and outdoor electrical lines, and replace and transform aging power supply facilities and electrical lines in a timely manner; improve electricity management, enforce electrical fire safety inspection, and require the removal of hidden electrical fire hazards.

The power supply operators shall promptly stop the wrong acts of organizations and individuals that may lead to fire, such as overloading the power consumption and connecting the cables in violation of regulations, and the power management departments shall punish them pursuant to law.

第三十八条 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以及园区的消防安全重点单位按照国家和本省的有关规定投保火灾公众责任保险。对老城区、城中村、偏远农村的居民推行火灾保险，市、县、自治县人民政府可以给予补贴。

鼓励保险公司承保火灾保险，建立火灾风险评价机制，将火灾公众责任保险费率和单位消防安全状况联系浮动，促进投保单位提高消防安全管理水平。

第三十九条 应用新技术、新工艺、新材料的，应当符合国家和海南自由贸易港的有关规定和标准。

第四十条 鼓励互联网、物联网、大数据、云计算、区块链等信息技术在消防安全领域的应用，建设智慧消防综合管理服务平台，实现消防数据归集共享，融入智慧城市一体建设。

鼓励利用智慧消防技术开展内部消防安全管理，监测消防安全状况，评估消防安全风险，实施消防安全预警、预报。

设有自动消防设施的人员密集场所和生产、储存、经营易燃易爆危险品场所应当和城市消防安全远程监控系统联网，加强消防设施的联网监测。

第四章 消防组织

第四十一条 各级人民政府应当统筹规划、合理布局、因地制宜、配套建立国家综合性消防救援队、专职消防队和志愿消防队等多种形式的消防队伍。

Article 38 Public plazas and entities that produce, store, transport and sell flammable and explosive dangerous goods, as well as key fire safety organizations in the park, shall acquire fire public liability insurance pursuant to national and provincial laws. The people's governments of cities, counties, and autonomous counties can provide subsidies for fire insurance for residents in old residential areas, villages in cities, and remote rural areas.

It is encouraged for insurance companies to underwrite fire insurance, establish the fire risk assessment mechanism, connect the fire public liability insurance rate with the fire safety status of an organization, and promote the insured organization for improved and higher-level management on fire safety.

Article 39 The application of new technologies, new processes, and new materials shall comply with applicable national and HFTP regulations.

Article 40 It is encouraged to apply the internet, Internet of Things, big data, cloud computing, blockchain, and other information technologies to fire safety, to build up the integrated management service platform for smart fire to realize the collection and sharing of fire data, and incorporate these technologies into the integrated development of smart cities.

It is encouraged to make use of smart fire technology to enforce internal fire safety management, monitoring fire safety conditions, assessing fire safety risks, and implementing fire safety early warning and forecast.

Crowded places with automatic fire protection facilities and places where inflammable and explosive dangerous goods are produced, stored, and operated shall be interconnected with the remote monitoring system of urban fire safety, and the networked monitoring of fire protection facilities shall be improved.

Chapter IV Fire Protection Organizations

Article 41 The people's governments at all levels shall create a comprehensive plan and rational layout, adjust measures to local conditions, and set up national comprehensive fire departments, full-time fire teams, and volunteer fire teams.

县级以上人民政府根据本行政区域经济社会发展和消防工作需要，可以采取聘用专职消防队员或者消防文员等形式补充消防力量。

第四十二条 县级以上人民政府应当按照国家规定建立国家综合性消防救援队、政府专职消防队，配备消防救援装备，根据实际需要建设消防救援指挥中心、物资储备和训练基地。根据消防救援工作需要，组建机动消防救援力量，建设石化、山岳、水域、地质灾害、空勤、急救、核生化等消防救援专业力量。

市、县、自治县应当根据消防规划，建设水上或者水陆消防救援站。

距离消防救援站较远的全国重点乡镇应当建立政府专职消防队；其他乡镇、街道办事处应当根据当地经济发展和消防工作的需要，建立政府专职消防队或者志愿消防队。

各类园区、国家公园、工矿区、港口、中心渔港、风景名胜区、旅游度假区、环岛旅游公路的驿站，应当根据规划和实际需要建设消防站、配备消防救援力量。

大型商业综合体、超高层建筑和建筑总面积达到五十万平方米的新建住宅小区应当根据规划和实际需要建设消防站。

第四十三条 下列单位应当建立单位专职消防队：

- （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、距离消防救援站较远的其他大型企业。

The people's governments at or above the county level may, pursuant to the demands of economic and social development and fire protection in their respective administrative areas, employ full-time firefighters or fire clerks to supplement their fire protection forces.

Article 42 The people's governments at or above the county level shall, pursuant to national regulations, establish national comprehensive fire departments and government full-time fire departments, equip them with fire rescue equipment, and build fire rescue command centers, material reserves, and training bases as demanded in practice. And the governments shall set up mobile fire-rescue forces, and build professional fire rescue forces such as petrochemical, mountain, water, geological disasters, aircrew, first aid, and nuclear biochemistry as demanded in fire rescue services.

The city, county, and autonomous county shall build water or land fire rescue stations under fire planning.

The national key towns far away from fire rescue stations shall establish full-time government fire brigades. Other townships and local sub-district agencies shall establish the full-time government fire brigade or the volunteer fire brigade as required by local economic development and fire protection.

All kinds of parks, national parks, industrial and mining areas, ports, central fishing ports, scenic spots, tourist resorts, and stations of tourist roads around the island shall build fire stations and equip with fire rescue forces as planned and demanded in practice.

Large commercial complexes, super high-rise buildings, and newly built residential quarters with a total development area of 500,000 square meters shall be built as planned and demanded in practice.

Article 43 The following organizations shall set up a full-time fire brigade:

- (a) large nuclear facilities, large power plants, civil airports, and major ports;
- (b) large entities that produce and store inflammable and explosive dangerous goods;
- (c) large warehouses and bases for storing important combustible materials; and
- (d) other large entities with greater fire risk and farther from the fire rescue station than those specified in Subparagraph (a), (b), or (c).

消防救援机构可以组织、指导前款规定的相邻或者相近的单位联合建立单位专职消防队。

第四十四条 市、县、自治县人民政府应当鼓励、扶持单位以及村民委员会、居民委员会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。

第四十五条 国家综合性消防救援队、专职消防队应当按照国家和本省的有关标准建设。组建单位应当保障消防队的建设经费和业务经费。

专职消防队建成后，应当经当地消防救援机构验收。未经消防救援机构同意，不得随意撤销。

国家综合性消防救援队、专职消防队和志愿消防队等开展灭火救援演练时，相关部门和单位应当予以配合。

第四十六条 消防救援人员依法享受国家和社会给予的各项优待优抚。

国家综合性消防救援队和政府专职消防队应当为其队员购买人身意外伤害保险，所需费用由同级财政承担。

鼓励单位专职消防队、志愿消防队的组建单位为消防队员购买因执行职务发生的人身意外伤害保险。

对因参加火灾扑救或者应急救援受伤、致残或者死亡的人员，人民政府、用人单位和保险机构应当按照有关规定给予医疗、工伤待遇、抚恤和保险金；符合烈士评定条件的，按有关规定办理。

The fire departments may organize and guide the adjacent or similar Organizations specified in the preceding paragraph to jointly create a full-time fire brigade.

Article 44 The people's governments of cities, counties, and autonomous counties shall encourage and support Organizations, villagers' committees, and residents' committees to establish voluntary fire brigades and other forms of fire protection organizations to organize the public participating in self-defense and self-rescue services.

Article 45 The national comprehensive fire departments and full-time fire brigades shall be set up under applicable national and provincial standards. The organization setting up these teams shall guarantee the development funds and business funds for the fire brigade.

The full-time fire brigade shall be acknowledged by the local fire department once set up. Without the consent of fire departments, it shall not be arbitrarily canceled.

Appropriate agencies and organizations shall cooperate with firefighting and rescue drills conducted by national comprehensive fire departments, full-time fire brigades, and voluntary fire brigades.

Article 46 The fire rescue personnel shall have the right to the preferential treatment given by the state and society pursuant to law.

The national comprehensive fire departments and the government full-time fire brigade shall purchase personal accident insurance for their members, and the expenses required shall be assumed by the finance agencies at the same level.

It is recommended that full-time fire brigades and voluntary fire brigades of the Organization purchase personal accident insurance for firefighters performing their duties.

The people's government, employers, and insurance institutions shall give medical treatment, treatment of work-related injuries, pensions, and insurance benefits to those injured, disabled, or killed in firefighting or emergency rescue pursuant to law. The grant of national honorary titles, if any, shall be considered pursuant to law.

第五章 灭火和应急救援

第四十七条 任何人发现火灾及其他灾害事故应当立即报警。任何单位、个人应当无偿为报警提供便利，不得阻拦报警。

严禁谎报火灾、险情。公安机关、消防救援机构核查、处理谎报火灾、险情的行为时，通信企业应当协助。

第四十八条 国家综合性消防救援队、专职消防队应当 24 小时值班备勤，接到报警或者命令立即出动，救助遇险人员，排除险情，扑灭火灾。

专职消防队应当接受消防救援机构的统一调动，参加火灾扑救、应急救援。

消防救援机构应当会同卫生健康等相关部门建立消防救援和院前急救联动机制，实行本省 119 消防报警和 120 急救中心应急合作。

公安派出所接到火灾或者其他灾害事故报警，应当及时向消防救援机构报告，并先行组织群众扑救初起火灾或者实施救援；消防救援队到达后，公安派出所应当配合消防救援队做好警戒等工作。

发生火灾、险情的，单位应当立即启动应急救援预案，采取必要措施，防止危害扩大和次生、衍生灾害发生，并向消防救援队提供相关技术资料、信息和处置方法。

第四十九条 消防车、消防艇等消防交通工具赶赴火场或者灾害事故现场时，可以使用警笛、警灯，其他交通工具和行人应当避让；必要时可以启用平时禁止通行的道路、地段和水域；紧急情况时，对于阻碍消防交通工具通行的其他交通工具和障碍物，可以强制让道和实施破拆。

Chapter V Firefighting and Emergency Rescue

Article 47 Anyone who discovers fire and other disasters and accidents shall report to the police immediately. Any organizations or individuals shall assist them to report the emergency free of charge and shall not prevent them from doing so.

Falsified report of fire and danger is prohibited. The communication entities shall assist public security agencies and fire departments in verifying and resolving false reports of fire and danger.

Article 48 The national comprehensive fire departments and full-time fire brigade shall be on duty around the clock, and shall be dispatched immediately upon receiving an alarm or order to rescue persons in distress, and eliminate dangerous situations and extinguish fires.

The full-time fire brigade shall accept the uniform mobilization of fire departments to participate in firefighting and emergency rescue.

The fire departments shall, in conjunction with health and other appropriate agencies, establish the connectivity mechanism between fire rescue and pre-hospital first aid, and realize emergency cooperation between “119” fire alarm centers and “120” emergency centers in this Province.

Where the police station receives the alarm of fire or other disasters, it shall report to the fire departments promptly and organize the public to put out the initial fire or conduct rescue. After the fire department’s arrival, the police station shall cooperate with the fire department to alert.

In case of fire or danger, the Organization shall immediately launch the emergency rescue plan, take necessary measures to prevent the expansion of hazards and secondary and derivative disasters, and provide appropriate technical data, information, and disposal methods to the fire departments.

Article 49 When firefighting vehicles such as fire engines and fire boats rush to the site of a fire or disaster accident, they can use sirens and warning lights, and other vehicles and pedestrians shall make way for them. Inaccessible roads, lots, and waters at ordinary times can be opened (if necessary). In case of emergency, other vehicles and obstacles, hindering the passage of firefighting vehicles, can be forced to make way or torn apart.

消防车、消防艇等消防交通工具使用的警灯、警笛为专用警报设备，禁止其它交通工具使用。

第五十条 国家综合性消防救援队、政府专职消防队扑救火灾、实施应急救援，不收取任何费用。

单位专职消防队、志愿消防队参加本单位以外的火灾扑救或者应急救援的，可以将燃料、灭火剂和器材、装备等的损耗情况，报告火灾或者灾害事故发生地的消防救援机构，经消防救援机构审核后，向市、县、自治县人民政府申请给予补偿。

根据火灾扑救或者应急救援需要，调用和征用社会物资、工程机械的，在使用完毕后应当及时归还。社会物资、工程机械被调用、征用或者调用、征用后毁损、灭失的，县级以上人民政府应当按照有关规定给予补偿。

第五十一条 县级以上人民政府统一领导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。消防救援机构统一组织和指挥火灾现场扑救。

社会救援力量参加火灾扑救、应急救援的，应当接受现场总指挥的统一指挥调度。

第五十二条 根据火灾扑救、应急救援的实际需要，相关部门和单位应当及时、无偿向消防救援机构提供有关数据、资料。

在修建道路以及停电、停水、截断通信线路时有可能影响灭火救援的，有关单位必须事先通知当地消防救援机构。

第五十三条 驻琼部队、供水、供电、燃气、通信、医疗、环卫、环境保护、气象、民航、铁路、港口等相关部门和单位应当参加政府统一领导的火灾扑救、应急救援工作。

Warning lights and sirens used by firefighting vehicles such as fire engines and fire boats are specifically used as warning equipment, and other vehicles are prohibited from using them.

Article 50 The national comprehensive fire departments and government full-time fire departments shall not charge any fees for fighting fires and conducting an emergency rescue.

In respect of the full-time fire brigade and volunteer fire brigade of the Organization to participate in firefighting or emergency rescue outside the Organization, the loss of fuel, fire extinguishing agent and equipment, can be reported to the fire departments where fire or disaster accident occurred, and after the fire department's audit, apply to the people's governments of cities, counties and autonomous counties for reimbursement.

Social materials and construction machinery shall be called and requisitioned, and shall be returned in time after use as demanded in firefighting or emergency rescue. The people's governments at or above the county level shall reimburse if private sector materials and construction machinery are damaged or lost after being called for, expropriated, or requisitioned pursuant to law.

Article 51 The people's governments at or above the county level shall take a leading role in arranging the national comprehensive fire departments and full-time fire brigades to participate in the emergency rescue of major disasters and accidents other than fires. The fire departments shall organize and direct the on-site firefighting.

Private sector rescue forces participating in firefighting and emergency rescue shall accept the unity of command under the on-site commander.

Article 52 Agencies and organizations concerned shall provide appropriate data and materials to fire departments in a timely and free manner as required by firefighting and emergency rescue.

Where the construction of roads, power outages, water cuts, and communication lines may affect firefighting and rescue, organizations concerned must notify the local fire departments in advance.

Article 53 Departments and organizations concerned, such as troops stationed in Hainan, water supply, power supply, gas, communication, medical care, sanitation, environmental protection, meteorology, civil aviation, railways, and ports, shall participate in the firefighting and emergency rescue under the unified leadership of the government.

消防救援指挥应当纳入省人民政府建立的综合应急救援指挥平台，互联共享道路交通、气象、公共卫生、环境监测、海上搜救、电力、三防、抗震救灾、森林防火等信息，实现统一调度、统一指挥、统一协调。

省和市、县、自治县人民政府应当整合消防救援力量和资源，建立区域消防应急联动机制，协调周边省、自治区消防救援力量和资源，建立跨海消防救援增援机制。

第六章 火灾事故调查

第五十四条 消防救援机构负责调查火灾原因，统计火灾损失。

发生下列火灾事故的，由火灾发生地的县级以上人民政府组织事故调查：

- （一）造成人员死亡或者产生社会影响的一般火灾事故、较大火灾事故，由市、县、自治县人民政府组织调查处理；
- （二）重大火灾事故由省人民政府组织调查处理；
- （三）特别重大火灾事故按照国家规定执行。

第五十五条 火灾扑灭后，消防救援机构应当及时调查火灾原因。消防救援机构可以委托依法设立的价格鉴证机构、资产评估机构对火灾直接财产损失进行鉴定或者评估。火灾直接财产损失鉴定意见或者评估报告可以作为消防救援机构统计火灾损失的依据。

第五十六条 消防救援机构有权根据事故调查需要划定现场封闭范围，并可以进入现场及场所进行勘验和检查；有权向火灾发生知情人询问情况，调取资料，扣押物品；有权向有关机关、组织查阅、复制相关文件、资料。

The fire and rescue command shall be incorporated into the comprehensive emergency rescue command platform established by the provincial people's government, and the information of road traffic, meteorology, public health, environmental monitoring, maritime search and rescue, electricity, three defenses (personnel, material, technology), earthquake relief, forest fire-prevention, and the like, shall be interconnected and shared, so as to realize the unified dispatch, unified command, and unified coordination.

The people's governments of provinces, cities, counties, and autonomous counties shall integrate fire rescue forces and resources, establish the regional fire emergency connectivity mechanism, coordinate the fire rescue forces and resources of neighboring provinces and autonomous regions, and establish a cross-sea fire rescue reinforcement mechanism.

Chapter VI Investigation of Fire Accidents

Article 54 Fire departments are responsible for investigating the cause of the fire and figuring out fire losses.

In case of any of the following fire accidents, the people's governments at or above the county level where the fire occurred shall organize an accident investigation:

(a) the common fire accidents and major fire accidents that cause death or social impact shall be investigated and handled by the people's governments of cities, counties, and autonomous counties;

(b) major fire accidents are investigated and handled by the provincial people's government;
or

(c) in case of particularly serious fire accidents, national regulations shall control.

Article 55 After the fire is extinguished, the fire departments shall promptly investigate the cause of the fire. The fire departments may retain price appraisal agencies and asset appraisal agencies established pursuant to law to identify or evaluate direct property losses caused by fire. The appraisal opinion or assessment report of direct property loss caused by fire can be used as the basis for fire departments to figure out fire losses.

Article 56 A fire department is entitled to designate the closed scope of the site as demanded in accident investigation, and to enter the site and place for inquest and inspection; to ask the insider of the fire, obtain information and seize articles; to consult and copy appropriate documents and materials from appropriate national agencies and organizations.

消防救援机构应当自火灾发生之日起三十日内完成火灾事故认定，并于七日内告知当事人；情况复杂、疑难的，经消防救援机构负责人批准，可以延长三十日；法律法规另有规定的除外。

火灾事故调查中需要进行检验、鉴定的，检验、鉴定时间不计入调查期限。

第五十七条 火灾扑灭后，发生火灾的单位和有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。未经消防救援机构同意，任何人不得擅自进入火灾现场，不得擅自清理、移动火灾现场物品。

第五十八条 对造成人员死亡或者重大社会影响的火灾，应当倒查工程建设、中介服务、消防产品质量、使用管理等各方主体责任。

第五十九条 消防救援机构在火灾事故调查中发现有下列情形之一的，应当依法移送有关部门进行调查：

（一）有放火嫌疑以及因爆炸物品爆炸引起火灾事故的，移送公安机关；

（二）车辆在道路上发生火灾，属于道路交通事故的，移送公安机关交通管理部门；

（三）生产、经营、储存、运输、使用危险化学品和处置废弃危险化学品过程中发生火灾，属于安全生产事故的，移送应急管理部门；

（四）因城镇燃气事故引发的火灾，移送住房和城乡建设主管部门；

（五）电力设备、设施因故障引起自身燃烧未蔓延至其他物品的，移送电力主管部门；

（六）港口、船舶、渔港、渔船、水上设施发生的火灾事故，移送农业农村、海事等主管部门。

A fire department shall complete the identification of the fire accident within 30 days of the date of the fire and inform the parties within 7 days. If a circumstance is complicated and difficult, it can be extended for 30 days subject to the approval of the person in charge of the fire department; except as otherwise provided by laws and regulations.

If inspection and identification are required in the fire accident investigation, the inspection and identification time shall not be included in the investigation period.

Article 57 After the fire is extinguished, the Organization on fire and personnel concerned shall protect the scene as required by the firefighting and rescue institutions, accept the accident investigation, and truthfully provide information related to the fire. Without the consent of a fire department, no one is allowed to enter the fire site without authorization, and no one is allowed to clean or move the articles at the fire site without authorization.

Article 58 In case of fire causing death or a significant community impact, the primary liability of all parties, such as engineering development, intermediary services, fire protection product quality, and use management, shall be investigated.

Article 59 Where a fire department finds any of the following circumstances in the investigation of a fire accident, it shall be transferred to the appropriate agencies for investigation:

(a) anyone suspected of arson and any fire accident caused by the explosion of explosives shall be transferred to public security agencies;

(b) any road traffic accident caused by a vehicle catching fire on the road shall be transferred to the traffic administration office of public security agencies;

(c) if the fire occurs during the production, operation, storage, transportation and use of hazardous chemicals and the disposal of abandoned hazardous chemicals, which amounts to the safety production accident, the case shall be transferred to the emergency administration agencies;

(d) any fire accident caused by a gas accident in an urban or township region shall be transferred to the competent agency of housing and urban-rural development;

(e) any case of combustion of power equipment and facilities due to their own fault or defect but causing no damage to other materials shall be transferred to the competent agency of electric power; or

(f) any fire accident in ports, ships, fishing ports, fishing boats, and water facilities, shall be transferred to the competent agency of agriculture, rural affairs, and maritime affairs.

第七章 监督检查

第六十条 各级人民政府应当确定消防工作责任目标，督促本级人民政府有关部门和下级人民政府履行消防工作职责。

各级人民政府应当把消防工作作为政府目标责任考核和领导干部政绩考评的重要内容，纳入社会治安综合治理等考评范围。

市、县、自治县人民政府应当每年向省人民政府专题报告消防工作。

县级以上人民政府有关部门以及行业协会应当根据本系统、本行业的特点，推进消防安全标准化建设，有针对性地开展消防安全检查，及时督促整改火灾隐患。

第六十一条 依法履行消防监督检查工作职责的有关部门和机构应当加强消防安全事中事后监管，制定年度检查计划，明确抽查范围、抽查事项和抽查细则，合理确定抽查比例和频次，将检查计划和检查结果告知被检查单位，并向社会公开。

依法履行消防监督检查工作职责的有关部门和机构发现火灾隐患，应当及时通知有关单位和个人采取措施消除隐患。有关单位和个人应当按照整改意见，在规定期限内整改。依法履行消防监督检查工作职责的有关部门和机构应当对整改情况进行检查。

市、县、自治县人民政府可以将消防执法纳入综合行政执法。

第六十二条 消防救援机构应当推动建立消防诚信体系，及时将消防违法行为纳入信用记录，督促单位和个人遵守消防法律法规。

鼓励金融系统、各类行业组织将单位消防安全相关信息纳入社会信用体系，推动建立行业消防安全自律机制。

Chapter VII Oversight and Inspection

Article 60 The people's governments at all levels shall determine the objectives of fire protection, and urge the appropriate agencies of the people's government at the corresponding level and the people's governments at a lower level to perform their fire protection duties.

The people's governments at all levels shall take fire protection as an important part of their assessment system for evaluating completion of government duties and enforcement of principal cadres, and also for evaluating comprehensive management of public safety.

The city, county, and autonomous county people's governments shall report the fire protection to the provincial people's government annually.

The departments of the people's governments at or above the county level and trade associations concerned shall, in light of the characteristics of the system and the industry, promote the development of fire safety standardization, enforce fire safety inspections in a targeted manner, and promptly urge the rectification of fire hazards.

Article 61 The appropriate agencies and institutions that perform the duties of fire oversight and inspection pursuant to law shall improve the during- and post-event oversight of fire safety, draft annual inspection plans, clarify the scope, inspection items and rules, reasonably determine the proportion and frequency of inspections, and inform the inspected organizations of the inspection plans and results and publish them.

The appropriate agencies and institutions that perform the duties of fire oversight and inspection pursuant to law shall promptly notify Organizations and individuals concerned to take measures to remove hidden dangers. The Organizations and individuals concerned shall, as suggested in rectification, adjust and improve themselves within the prescribed time limit. The appropriate agencies and organizations that perform the duties of fire oversight and inspection shall inspect the corrections pursuant to law.

The city, county, autonomous county people's governments may incorporate fire law enforcement into comprehensive administrative law enforcement.

Article 62 Fire departments shall promote the establishment of a fire integrity system, promptly add fire violations to credit records, and require the Organizations and individuals to comply with fire laws and regulations.

It is recommended that organizations in the financial system and all kinds of industry put fire safety-related information into the social credit system and promoting the establishment of an industry fire safety self-regulatory system.

第六十三条 消防救援机构应当提供火灾风险提示、消防安全咨询、隐患整改指导等便民服务。

聘用的消防文员受消防救援机构委托，协助消防救援机构工作人员开展消防宣传、消防监督等工作。

第六十四条 举办每场预计参加人数在 1000 人以上大型群众性活动的，承办人应当按照国家有关规定向公安机关申请安全许可。消防救援机构根据公安机关的通知进行消防安全检查，发现火灾隐患的，应当及时指导承办人整改。

大型群众性活动的承办人对其举办活动的消防安全负责，应当制定消防安全工作方案，落实消防安全措施，确保参加活动的人数在消防安全条件允许的范围内。需要临时搭建舞台、看台等建筑物、设施的，应当符合国家和本省的有关消防安全标准。

为大型群众性活动提供场所的单位，应当在活动举办前对其消防设施、设备进行检查，确保正常使用。

第六十五条 消防救援机构发现存在下列重大消防安全隐患的，应当由应急管理部门书面报告本级人民政府：

- （一）不符合城乡消防安全布局的重大火灾危险源；
- （二）耐火等级低的建筑密集区；
- （三）公共消防设施不符合消防安全要求的；
- （四）影响公共安全的重大火灾隐患。

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、单位采取措施整改。

对重大火灾隐患单位，人民政府应当列入挂牌督办事项，督促整改。必要时，可以采取责令暂时停产、停业等紧急措施。

Article 63 Fire departments shall provide convenience services such as fire risk warnings, fire safety consultation, and hidden danger rectification guidance.

A fire clerk employed by a fire department shall assist the employees of the fire department to conduct fire protection awareness and oversight.

Article 64 If a large-scale public event is held with more than 1,000 participants, the organizer shall apply to the public security agency for a safety license pursuant to national law. A fire department shall inspect fire safety as notified by the public security agency, and shall promptly guide the contractor to eliminate the fire hazards.

An organizer of a large-scale public event shall take responsibility for the fire safety of their activities, and shall draft fire safety work plans, enforce fire safety measures, and ensure that the number of people participating in activities falls within the quotas permitted by fire safety conditions. The construction of a temporary stage, a stand, or any other building and facilities (if in need) shall comply with applicable national and provincial fire safety standards.

An Organization providing places for a large-scale public event shall inspect their firefighting facilities and equipment to ensure their effective use before the event.

Article 65 Where a fire department finds any of the following major hidden hazards to fire safety, the emergency administration agency shall report to the people's government at the same level in writing:

- (a) major fire hazards not in line with the layout of urban and rural fire safety;
- (b) densely built areas with low fire-resistance rating;
- (c) the public fire control facilities not in conformity with the fire safety requirements; or
- (d) major fire hazards to public safety.

The people's government receiving the report shall promptly verify and organize or instruct the appropriate agencies and Organizations to correct.

The people's government shall list an Organization with major fire hazards into the oversight matters and require correction. Emergency measures, if necessary, such as suspension of production or business, may be adopted.

建筑物耐火等级低且公共消防设施不适应防火和灭火需要的建筑密集区，当地人民政府应当有计划地组织实施改造，或者采取防火分隔、提高耐火等级、增设消防车通道和消防供水设施等措施，改善消防安全条件，提高防火、灭火能力。

第六十六条 依法履行消防监督检查工作职责的有关部门和机构及其工作人员在消防监督管理工作中，不得有下列行为：

（一）利用消防设计审查、消防验收和消防安全检查收取费用或者谋取单位、个人利益；

（二）利用职务便利为用户、建设单位指定或者变相指定消防产品、装修装饰材料的品牌、销售单位，或者消防技术服务机构、消防设施施工单位；

（三）组织消防安全教育培训时，向单位和个人收取费用。

任何单位和个人有权对依法履行消防监督检查工作职责的有关部门和机构及其工作人员违反前款规定的行为和其他违法行为进行检举、控告。受理检举、控告的机关和部门应当按照职责及时查处，并应当为举报人保密。

第八章 法律责任

第六十七条 单位有下列行为之一的，责令限期改正；逾期不改正的，对单位处一千元以上五千元以下罚款，并对其直接负责的主管人员和其他直接责任人员依法给予警告：

（一）未制定本单位的消防安全制度、消防安全操作规程、灭火和应急疏散预案的；

The local people's governments shall organize and conduct the transformation in a planned way in the densely built areas where the fire-resistance rating of buildings is low and the public fire control facilities are not suitable for the fire prevention and extinguishing needs, or take measures such as fire separation, fire-resistance rating improvement, the addition of fire engine passages and fire water supply facilities, to improve fire safety conditions and fire prevention and extinguishing capabilities.

Article 66 No agency, office, or their employees who perform their duties of fire oversight and inspection pursuant to law shall have any of the following circumstances in fire regulatory oversight:

(a) taking advantage of fire design review, fire acceptance, and fire safety inspection to solicit fees or dishonestly seek gains of Organizations and individuals;

(b) taking advantage of the position to designate, directly or in any disguised form, brands and vendors of fire protection products and decoration materials for users and developers, or fire protection technical service institutions and fire protection facilities developers; or

(c) collecting fees from Organizations and individuals when organizing fire safety education and training.

Any Organization or individual is entitled to report and accuse the appropriate agencies and institutions and their employees who perform their duties of fire oversight and inspection in violation of the above provisions and other laws pursuant to law. The appropriate agencies accepting reports and accusations shall promptly investigate and resolve them pursuant to their duties, and shall keep all informants confidential.

Chapter VIII Legal Liability

Article 67 Any Organization, under one of the following circumstances, shall be required to correct within the time limit; if overdue, the Organization shall be fined not less than 1,000 Yuan and not more than 5,000 Yuan, and the person directly in charge and other personnel subject to direct liabilities shall be given a warning:

(a) a fire safety system, fire safety operation procedures, firefighting and emergency evacuation plans of the Organization have not been created;

-
- (二) 未按照规定组织防火检查的；
 - (三) 未按照规定对建筑消防设施每年至少进行一次全面检测的；
 - (四) 未按照规定组织消防演练的。

设有消防控制室的场所未保证 24 小时值班的，责令改正，对单位处一千元以上五千元以下罚款。

第六十八条 消防安全重点单位有下列行为之一的，责令限期改正；逾期不改正的，处一千元以上五千元以下罚款，并对其直接负责的主管人员和其他直接责任人员依法给予警告：

- (一) 未确定消防安全管理人的；
- (二) 未建立消防档案的；
- (三) 未确定消防安全重点部位，设置防火标志的；
- (四) 未按照规定开展防火巡查，并建立巡查记录的；
- (五) 未按照规定开展消防安全培训的；
- (六) 未按照规定将消防安全管理人员的基本情况、本单位消防设施配备、维护情况报消防救援机构备案的；
- (七) 未按照规定开展消防安全评估的。

第六十九条 单位有下列行为之一的，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；

(b) any Organization fails to organize fire inspection pursuant to law;

(c) any Organization fails to conduct the comprehensive inspection of fire protection facilities of the building at least once a year pursuant to law; or

(d) any Organization fails to organize fire drills pursuant to law.

Any place with a fire protection room, which is not put on duty around the clock as guaranteed shall be required to correct, and the Organization concerned shall be fined not less than 1,000 Yuan and not more than 5,000 Yuan.

Article 68 Any key fire safety organization, under one of the following circumstances, shall be ordered to remediate within the time limit; if overdue, the Organization shall be fined not less than 1,000 Yuan and not more than 5,000 Yuan and the person directly in charge and other personnel directly liable shall be given a warning:

(a) a fire safety administrator is not appointed;

(b) fire archives are not established;

(c) the key parts of fire safety are not determined, and fire signs are not set;

(d) fire inspections have not been conducted pursuant to law and inspection records are not created;

(e) fire safety training has not been conducted pursuant to law;

(f) the basic information of fire safety management personnel and the equipment and maintenance of fire protection facilities of the Organization are not reported to the fire departments for the record; or

(g) fire safety assessment has not been conducted pursuant to law.

Article 69 Any Organization, under one of the following circumstances, shall be required to correct and fined not less than 5,000 Yuan and not more than 50,000 Yuan:

(a) the configuration and setting of fire protection facilities, equipment, or fire safety signs do not comply with the national standards and industry standards, or are not in good condition and effective;

(b) fire protection facilities and equipment are damaged and misappropriated or are removed and disabled without authorization;

(c) evacuation passages and safety exits are occupied, blocked and sealed, or any other act that obstructs safe evacuation;

(d) fire hydrants are buried, occupied, and blocked, or fire prevention intervals are occupied;

-
- (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。

第七十条 违反本条例第二十条第二款规定，未取得职业资格证书人员上岗作业的，责令改正，对单位处一千元以上一万元以下罚款。

第七十一条 违反本条例第二十二条规定，物业服务企业未落实消防安全责任的，责令限期改正；逾期不改正的，处三千元以上三万元以下罚款。

第七十二条 违反本条例第二十七条规定，建设工程施工现场不符合消防安全规定的，责令限期改正；逾期不改正的，责令停止施工，处三千元以上三万元以下罚款，并对其直接负责的主管人员和其他直接责任人员处一千元以上三千元以下罚款。

第七十三条 违反本条例第二十八条第一款规定，未向消防救援机构作出承诺或承诺失实的，责令限期改正；逾期不改正的，责令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。

第七十四条 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，由市场监督管理部门依照《中华人民共和国产品质量法》的规定从重处罚。

(e) passages of fire engines are occupied, blocked or closed, or fire engines are obstructed;

(f) obstacles are put at doors and windows in crowded places and escape from and rescue through these doors windows are affected in case of fire; or

(g) measures are not taken in a timely manner to remove fire hazards after being notified by a fire department.

An individual, under one of the circumstances mentioned in Subparagraph (b), (c), (d), or (e) of the preceding paragraph, shall be given a warning or fined not more than 500 Yuan.

Anyone, in violation of Subparagraph (c), (d), (e), or (f) of Paragraph 1 of this Article, who refuses to rectify after being required to correct, shall be ordered to remediate and assume related expenses.

Article 70 Any organization, in violation of Paragraph 2 of Article 20, whose employees are not certified for special occupations but engage in them, shall be ordered to remediate and fined not less than 1,000 Yuan and not more than 10,000 Yuan.

Article 71 Any property management entities, in violation of Article 22, that fail to perform fire safety duties, shall be ordered to remediate within the time limit, and shall be fined, if overdue, not less than 3,000 Yuan and not more than 30,000 Yuan.

Article 72 The construction site in violation of Article 27 or that does not meet the requirements of fire safety shall be ordered to remediate within the time limit. If overdue, shall be ordered to stop construction, fined not less than 3,000 Yuan and not more than 30,000 Yuan, and the person directly in charge and other personnel directly liable shall be fined not less than 1,000 Yuan and not more than 3,000 Yuan.

Article 73 Whoever, in violation of Paragraph 1 of Article 28 hereof, fails to promise to the fire department or makes an inaccurate promise, shall be ordered to remediate within the time limit. If overdue, shall be ordered to stop using or suspend production or business, and shall be subject to a fine of not less than 30,000 Yuan and not more than 300,000 Yuan.

Article 74 Whoever produces or sells noncompliant firefighting products or firefighting products explicitly ousted by the state shall be penalized more severely by the market regulation agency pursuant to the Product Quality Law of the People's Republic of China.

违反本条例第三十二条规定，安装、使用不合格的消防产品、国家明令淘汰的消防产品，或者安装、使用不符合消防技术标准的室内装修、装饰材料的，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；情节严重的，责令停止施工、停止使用或者停产停业。

第七十五条 违反本条例第三十三条、第三十四条和第三十六条第四款、第五款规定的，责令停止违法行为，处五百元以下罚款。应当给予治安管理处罚的，依照《中华人民共和国治安管理处罚法》处罚。

第七十六条 本条例规定的行政处罚，由公安机关、住房和城乡建设主管部门、市场监督管理部门和消防救援机构按照各自职权决定，但已经实施相对集中行政处罚权，由综合行政执法部门实施的，从其规定。

第七十七条 依法履行消防监督检查工作职责的有关部门和机构及其工作人员有下列行为之一的，由其所在单位或者上级主管部门对直接负责的主管人员和其他直接责任人员依法给予处分；构成犯罪的，依法追究刑事责任：

（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、消防监督检查合格的；

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

（三）在消防设计审查、消防验收、消防监督检查，以及消防安全教育培训等工作中收取费用的；

（四）利用消防设计审查、消防验收和消防监督检查职务便利谋取单位和个人利益的；

Whoever, in violation of Article 32 hereof, installs or uses noncompliant firefighting products or firefighting products explicitly ousted by the state, or installs or uses interior decoration and decorative materials not in line with the technical standards for fire protection, shall be required to remediate within the time limit. If no remediation is made within the time limit, a fine of not less than 5,000 Yuan and not more than 50,000 Yuan shall be imposed. If the circumstances are serious, they shall be required to stop construction, use, or suspend production or business.

Article 75 Anyone in violation of Article 33, 34, or Paragraph 4, 5 of Article 36 shall be ordered to stop illegal acts, and fined not more than 500 Yuan. If they are subject to public safety administrative penalties, they shall be penalized pursuant to the Law of the People's Republic of China on Public Safety Administration Punishment.

Article 76 The administrative penalties provided in these Regulations shall be decided by public security agencies, the competent agencies of housing and urban-rural development, the market regulation agencies, and the fire departments pursuant to their respective functions and duties. Any administrative penalty imposed by a single administrative law enforcement agency for comprehensive matters shall control in any matter concerning multiple agencies.

Article 77 If the appropriate agencies, institutions, and their employees who perform their duties of fire protection oversight and inspection pursuant to law are under one of the following circumstances, the person directly in charge and other personnel directly liable shall be penalized by their Organization or higher competent agency. If the act constitutes a crime, criminal liability shall be assumed pursuant to law:

(a) the fire design documents, development projects, and places, not in line with the fire safety requirements, are approved to pass the examination, fire acceptance, and fire oversight and inspection;

(b) unjustified delay in fire design review, fire acceptance, fire oversight and inspection, and failure to perform their duties within the statutory time limit;

(c) charged fees for the fire design review, fire acceptance, fire oversight and inspection, and fire safety education and training;

(d) gains of the Organizations and individuals have been made dishonestly via the fire design review, fire acceptance, and fire oversight and inspection duties;

(五) 发现火灾隐患不及时通知有关单位或者个人整改的；

(六) 利用职务为用户、建设单位指定或者变相指定消防产品、装修装饰材料的品牌、销售单位，或者消防技术服务机构、消防设施施工单位的；

(七) 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；

(八) 其他滥用职权、玩忽职守、徇私舞弊的行为。

第七十八条 各级人民政府及其有关部门和工作人员有下列情形之一的，由其上级人民政府、上级行政机关责令改正，并根据情节轻重对主要负责人、直接负责的主管人员和其他直接责任人员给予处分；构成犯罪的，依法追究刑事责任：

(一) 未落实消防安全责任制的；

(二) 未向上一级人民政府专题报告消防工作的；

(三) 未组织编制消防专项规划，并组织实施的；

(四) 未及时协调解决本行政区域内重大消防安全问题的；

(五) 发现本行业、本系统单位存在火灾隐患不采取措施整改的；

(六) 其他滥用职权、玩忽职守、徇私舞弊的行为。

未依法履行消防工作职责，致使本地发生重、特大火灾的，对县级以上人民政府主要负责人、分管负责人和其他负责人依照国家和本省有关规定进行问责。

(e) Where a fire hazard is found, but it is not promptly notified to the Organizations or individuals concerned for correction;

(f) anyone taking advantage of the position designates, directly or indirectly, brands and vendors of fire protection products and decoration materials, fire protection technical service agencies, or fire protection facilities developers for users and developers;

(g) anyone uses fire engines, fireboats and firefighting equipment, equipment and facilities for matters unrelated to fire fighting and emergency rescue; or

(h) other acts are found involving abuse of position, dereliction of duty, or playing favoritism and committing irregularities.

Article 78 Where the people's governments at all levels and their agencies and staff concerned are under any of the following circumstances, the people's government at a higher level and the administrative agency at a higher level shall require them to correct, and the principal responsible person, the person directly in charge, and other personnel directly liable shall be punished in accordance with the severity of the circumstances. Where the act constitutes a crime, criminal liability shall be assumed pursuant to law if any of them:

(a) does not enforce the accountability system for fire safety;

(b) does not report fire services to the people's government at a higher level;

(c) does not organize the preparation and implementation of special planning on fire protection;

(d) does not coordinate and solve major fire safety problems within their respective administrative areas in a timely manner;

(e) fails to take measures to correct such hidden fire hazards as found within their respective industry or sector; or

(f) has done any other acts which involves abuse of position, dereliction of duty, or playing favoritism and committing irregularities.

Where any of them who fails to perform duties on fire protection pursuant to law, causes heavy and serious fires in a local area, the principal responsible person, responsible person in charge, and other responsible persons of the people's governments at or above the county level shall be held accountable pursuant to relevant provisions of the nation and the Province.

第九章 附 则

第七十九条 在本省内自由贸易港以外区域的消防工作，参照本条例执行。

第八十条 本条例自 2020 年 11 月 1 日起施行。1998 年 11 月 20 日海南省第二届人民代表大会常务委员会第四次会议通过的《海南省消防条例》同时废止。

Chapter IX Supplementary Provisions

Article 79 If fire services out of the HFTP but in the Province, these Regulations shall apply *mutatis mutandis*.

Article 80 These Regulations shall come into force as of November 1, 2020. The Regulations on Fire Protection in Hainan Province, adopted at the 4th Session of the Standing Committee of the 2nd Hainan Provincial People's Congress on November 20, 1998, shall be repealed at the same time.

