

LAW

ON FIRE PREVENTION AND FIGHTING

In order to enhance the State management effectiveness and heighten the entire population's responsibility for fire prevention and fighting; to protect the people's life and health, the State's, organizations and individuals properties as well as the environment, ensuring social security, order and safety;

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam;

This Law provides for fire prevention and fighting.

Chapter I

GENERAL PROVISIONS

**Article 1. Scope of regulation**

This Law provides for fire prevention and fighting, the building of forces, equipment of means, and policies for fire prevention and fighting activities.

**Article 2. Subjects of application**

Agencies, organizations, households and individuals operating and living on the territory of the Socialist Republic of Vietnam shall have to abide by the provisions of this Law and relevant law provisions; in cases otherwise provided for by international agreements which the Socialist Republic of Vietnam has signed or acceded to, the provisions of such international agreements shall apply.

**Article 3. Term interpretation**

In this Law, the following terms shall be construed as follows:

1. *Fire* means a circumstance where occurs an uncontrollable fire that may cause human and/or property losses as well as environmental impacts.
2. *Dangerous inflammables and explosives* mean liquid, gaseous or solid substances or goods, supplies, which are easy to burn and/or explode.
3. *Establishments* collectively refer to factories, enterprises, warehouses, working offices, hospitals, schools, theatres, hotels, markets, trade centers, armed forces camps and other projects.

An agency or organization may own one or many establishments.

4. *Fire and explosion-prone establishments* mean those establishments that contain a certain quantity of dangerous inflammables and explosives according to the Government's regulations.

5. *Civil defense groups* mean organizations embracing people who participate in fire prevention and fighting activities, maintaining security and order at their residential places.

6. *Grassroots fire brigades* mean organizations of people who participate in fire prevention and fighting activities at their working places.

7. *Fire-fighting area* means the area where the fire-fighting force is carrying out fire-fighting activities.

8. *Fire fighting* means activities of mobilizing and deploying fire-fighting forces and means, switching off power, organizing escape, rescuing people and properties, combating fire spread, extinguishing fire and other activities related to fire fighting.

9. *Forest owners* mean agencies, organizations and individuals assigned forests or allocated land for afforestation by competent State bodies.

#### **Article 4. Fire prevention and fighting principles**

1. To mobilize the combined strength of entire population for fire prevention and fighting activities.

2. To take prevention as key in the fire prevention and fighting activities; to take initiative in fire prevention, minimizing cases of fire and damage caused by fires.

3. To ready forces, means, plans and other conditions for prompt and efficient extinguishment of fires when they occur.

4. All fire prevention and fighting activities must, first of all, be carried out and handled by on-spot forces and means.

#### **Article 5. Responsibilities for fire prevention and fighting**

1. To prevent and fight fire is the responsibility of every agency, organization, household or individual on the territory of the Socialist Republic of Vietnam.

2. Citizens, who are full 18 years of age or older and have good health shall have to join civil defense groups or grassroots fire brigades set up at their residential or working places, when so requested.

3. The heads of agencies, organizations and households shall have to organize and regularly

inspect fire prevention and fighting activities within the ambit of their respective responsibilities.

4. The fire fighting police shall have to guide and inspect fire prevention and fighting activities of agencies, organizations, households and individuals and perform fire-fighting task.

**Article 6. Responsibility for propagation, popularization and education on fire prevention and fighting**

1. Information and propaganda agencies shall have to organize the regular and widespread propagation and popularization of fire prevention and fighting legislation and knowledge to all people.

2. Agencies, organizations and households shall have to organize the propagation, education and popularization of fire prevention and fighting legislation and knowledge for people under their respective management.

**Article 7. Responsibility of Vietnam Fatherland Front and its member organizations**

Vietnam Fatherland Front and its member organizations shall have to organize and coordinate with the functional agencies in propagating and encouraging people from all walks of life to implement the provisions of this Law and supervise the implementation thereof.

**Article 8. Issuance and application of fire prevention and fighting standards**

1. The competent State bodies shall have to issue fire prevention and fighting standards after reaching agreement with the Ministry of Public Security.

2. Agencies, organizations, households and individuals carrying out activities related to fire prevention and fighting shall have to comply with the Vietnamese standards thereon. The application of foreign standards related to fire prevention and fighting shall comply with the Government's stipulations.

**Article 9. Fire and explosion insurance**

Agencies, organizations and individuals having establishments prone to fire and explosion shall have to buy compulsory insurance for such establishments properties. The State encourages other agencies, organizations and individuals to participate in fire and explosion insurance.

The Government shall prescribe lists of fire and explosion-prone establishments, fire and explosion insurance conditions and premiums, the minimum insurance money amount and the setting up of the State-owned fire and explosion insurance business enterprises.

**Article 10. Policies towards people participating in fire fighting**

People who personally fight fires or participate in fire fighting and get killed or injured or suffer

from health or property damage shall enjoy the regime and policies prescribed by law.

**Article 11. Day for the entire population to participate in fire prevention and fighting**

The 4<sup>th</sup> of October every year is the "day for the entire population to participate in fire prevention and fighting".

**Article 12. International cooperative relations**

1. The Socialist Republic of Vietnam expands and develops international cooperative relations in fire prevention and fighting activities.
2. Where a fire disaster occurs, the State of Vietnam calls for assistance and support from other countries and international organizations.

Within its conditions and capabilities, the State of Vietnam is willing to assist and support other countries in fire prevention and fighting when so requested.

**Article 13. Prohibited acts**

1. Intentionally causing fire or explosion, thus harming people's life and health; causing material losses to the State, agencies, organizations and individuals; exerting adverse impacts on the environment, social security, order and safety.
2. Obstructing fire prevention and fighting activities; opposing people performing the fire prevention and fighting task.
3. Taking advantage of fire prevention and fighting activities to cause harms to people's life and health; infringe upon the properties of the State, agencies, organizations and/or individuals.
4. Giving a sham fire alarm.
5. Illegally producing, storing, transporting, preserving, using and/or trading in dangerous inflammables and/or explosives; seriously violating the regulations on management and use of flame and heat sources as well as the fire prevention and fighting standards set by the State.
6. Building fire- and explosion-prone projects without approved designs on fire prevention and fighting; accepting and putting to use fire- and explosion-prone projects when the fire prevention and fighting safety conditions are not fully met.
7. Damaging, arbitrarily changing or removing fire prevention and fighting means and equipment as well as signboards, directory posts and emergency exits.
8. Other acts of violating the provisions of this Law.

## **Chapter II**

### **FIRE PREVENTION**

#### ***Article 14. Basic measures for fire prevention***

1. Strictly managing and safely using inflammables, explosives, flame and heat sources, flame-and/or heat-generating equipment and devices as well as substances; meeting fire prevention safety conditions.
2. Conducting regular and periodical inspection to detect loopholes and shortcomings in fire prevention and fighting so as to take timely remedies.

#### ***Article 15. Designs on fire prevention and fighting, examination and approval thereof***

1. When elaborating planning or projects on the construction or renovation of urban centers, population quarters, exclusive economic zones, industrial parks, export processing zones or hi-tech parks, it is necessary to map out solutions to and designs on fire prevention and fighting, ensuring the following contents:

- a/ The construction location, arrangement of quarters and blocks;
- b/ The traffic and water supply system;
- c/ The rational arrangement of locations for fire prevention and fighting units at necessary places;
- d/ The estimated funding for fire prevention and fighting project items.

2/ When elaborating projects and designs for construction or renovation of works or change of their use purposes, it is necessary to work out solutions to and designs on fire prevention and fighting, ensuring the following contents:

- a/ The construction location, safe distances;
- b/ The system of emergency exits;
- c/ The technical system for fire prevention and fighting safety;
- d/ Other requirements on fire prevention and fighting;
- e/ The estimated funding for fire prevention and fighting project items.

3. Projects and designs prescribed in Clauses 1 and 2 of this Article must be examined and approved in terms of fire prevention and fighting.

4. The Government shall prescribe lists of projects that require fire prevention and fighting designs, the design examination and approval as well as the time limit therefore.

**Article 16. Responsibilities of agencies, organizations and individuals in investment, construction and use of projects**

1. Investors shall fill in the procedures for submission and ratification of projects and designs on fire prevention and fighting; may commence the construction only when the projects designs on safety for fire prevention and fighting have been approved; organize the inspection and supervision of construction, after-test acceptance and hand-over of the projects before they are put to use.

In the process of project construction, if there is any change in the designs, they shall have to give the exposition therefore or make additional designs and get the re-approval thereof.

2. In the process of project construction, the investors and contractors shall have to ensure the fire prevention and fighting safety within the ambit of their respective responsibilities.

3. In the course of using projects, agencies, organizations and/or individuals shall have to regularly inspect and maintain fire prevention and fighting conditions.

**Article 17. Fire prevention for dwelling houses and population quarters**

1. Dwelling houses must be arranged with electric systems, kitchens and worshipping places in a way to ensure safety; inflammables and explosives must be kept far away from flame and heat sources; facilities and means must be readied for fire fighting.

2. Villages, hamlets as well as urban quarters shall have to work out regulations and rules on fire prevention and fighting, the use of electricity, flame, inflammables and explosives; to map out fire-prevention solutions; to elaborate plans, prepare forces and means for fire prevention and fighting; to build passages and water sources in service of fire prevention and fighting.

**Article 18. Fire prevention for motorized transport means**

1. Motorized transport means with 4 seats or more and those transporting goods, dangerous inflammables and/or explosives must satisfy the conditions prescribed by the State bodies in charge of fire prevention and fighting.

2. For motorized transport means subject to particular requirements on ensuring the fire prevention and fighting safety, the registries shall issue inspection registration certificates for them only after they are certified by the State bodies in charge of fire prevention and fighting as having been fully qualified; the building or renovation of such means must be approved in terms of their designs.

The Government shall specify the motorized transport means subject to particular requirements

on ensuring the fire prevention and fighting safety.

3. Motorized transport means of international organizations, foreign organizations or individuals, when entering the Vietnamese territory, must ensure fire prevention and fighting safety conditions as prescribed by Vietnamese law.

4. Owners, commanders and operators of transport means shall have to ensure safety on fire prevention and fighting throughout the course of operation of their means.

#### **Article 19. Fire prevention for forests**

1. The management, protection, development and exploitation of forests must be based on the forest classification in order to determine the safety protection areas for fire prevention and fighting; forests must be classified according to the extent of fire danger and there must be measures to ensure safety on fire prevention and fighting for each kind of forest.

2. When elaborating the forest development planning and projects, it is necessary to work out plans on fire prevention and fighting for each kind of forest.

3. Establishments and dwelling houses in forests or at forest edges, along roads or pipelines of dangerous inflammables and explosives as well as power lines crossing forests or forest edges must ensure safe distances and corridors for forest fire prevention and fighting as prescribed by law.

4. Agencies, organizations, households and individuals, when conducting activities in forests or at forest edges, must observe this Law's provisions on safety for fire prevention and fighting and other law provisions.

5. The Government shall prescribe in detail the forest fire prevention.

#### **Article 20. Fire prevention for establishments**

1. Establishments locating on a certain area, having managers, operating and requiring independent fire prevention and fighting plans shall have to satisfy the following basic requirements:

a/ Having regulations and rules on fire prevention and fighting safety;

b/ Having measures for fire prevention;

c/ Having fire-alarming, -fighting and -insulating systems suited to the nature of the establishments operations;

d/ Having forces, means and other conditions meeting the requirements on fire prevention and fighting;

e/ Having plans for fire fighting, escape, rescue of people and properties and against fire spread;

f/ Earmarking fund for fire prevention and fighting activities;

g/ Having dossiers for monitoring and managing fire prevention and fighting activities.

2. For other establishments, they shall have to meet the fire prevention and fighting requirements stipulated in Clause 1 of this Article according to the scope and nature of their operations.

3. Subjects prescribed in Articles from 21 to 28 of this Law shall, besides meeting the fire prevention requirements stipulated in Clause 1 of this Article, have to apply their own particular fire prevention and fighting measures.

**Article 21. Fire prevention for exclusive economic zones, industrial parks, export processing zones and hi-tech parks**

1. In exclusive economic zones, industrial parks, export processing zones and hi-tech parks, it is necessary to set up full-time fire brigades, and devise fire prevention and fighting plans for the whole areas.

2. Organizations and individuals having establishments operating in the areas defined in Clause 1 of this Article shall have to elaborate plans to ensure fire prevention and fighting safety; and set up fire brigades.

**Article 22. Fire prevention in the exploitation, processing, production, transportation, trading, use and preservation of oil and gas products, other supplies and goods prone to fire and explosion**

1. At places of exploiting oil and gas, there must be devices to detect and handle leak of inflammable gas; and plans on fire prevention and fighting for each project as well as for a chain of projects.

2. At oil and gas product depots and transportation system as well as oil and gas processing works, there must be a system indicating and handling the concentration of petrol vapor, oil and gas; and measures to protect tanks, equipment and pipelines against cracks or breaks.

3. Oil and gas stores must ensure fire prevention and fighting safety for adjacent constructions. The transportation, export and import of oil and gas products must comply with the regulations on fire prevention and fighting safety.

4. Organizations and individuals engaged in the production, trading, service provision, supply and/or transportation of fire- and/or explosion-prone supplies and goods must obtain written certification of satisfaction of all fire prevention and fighting conditions; print technical parameters on goods labels and issue documents in Vietnamese language guiding the fire prevention and fighting safety.

5. People working in the environments with fire and explosion danger or frequent contact with dangerous inflammables and explosives must be trained and have certificates of professional training in fire prevention and fighting.

6. Instruments and equipment for the transportation as well as means for the use, of oil and gas products must ensure safety against fire and explosion.

**Article 23. Fire prevention for high-rises, projects on water surface, underground projects, tunnels and other mineral exploitation projects**

1. High-rises must have equipment to fight smoke concentration and spread as well as toxic vapor from fires; and plans for escape and on-spot fire fighting at places where outside fire-fighting means are unable to provide support.

2. For projects on water surface, which are in danger of fire or explosion, there must be plans, forces and means for on-spot fire fighting and against fire spread.

3. Underground projects, tunnels and other mineral exploitation projects must be equipped with devices to detect and treat inflammable and toxic gas; have ventilating systems and conditions to ensure the deployment of forces and means to rescue people and fight fires.

**Article 24. Fire prevention in the production, supply and use of electricity as well as electric equipment and instruments**

1. Power plants, transformer stations and electricity distribution stations must work out measures to take initiative in handling fire incidents.

2. When designing, building and installing electric system and equipment, it is necessary to ensure safety standards for fire prevention and fighting.

3. Electric equipment and instruments used in the environments facing fire or explosion danger must be those ensuring safety against fire and explosion.

4. The electricity-supplying agencies, organizations and individuals shall have to guide measures to ensure fire prevention and fighting safety for electricity consumers.

**Article 25. Fire prevention for markets, trade centers and warehouses**

1. At big markets and trade centers, it is necessary to separate electric systems into those for business, daily life, security and fire fighting; arrange business households and business lines to meet the requirements on fire prevention and fighting safety; and elaborate plans for escape and goods release in case of fire.

2. At warehouses, it is necessary to separate electric systems in service of production, safeguarding and fire fighting; arrange supplies and goods so as to meet the requirements on fire prevention and fighting safety. Storehouses of dangerous inflammables and explosives must be

the special-use ones.

**Article 26. Fire prevention for ports, railway stations and car terminals**

Airports, seaports, river ports, railway stations and car terminals must organize forces and be equipped with fire-fighting means according to the regulations of the Minister of Public Security; and have plans for emergency escape, release of means, supplies and goods in case of fire.

**Article 27. Fire prevention for hospitals, schools, hotels, rest houses, dancing halls, theatres, cinemas and other crowded places**

At hospitals, schools, hotels, rest houses, dancing halls, theatres, cinemas and other crowded places, there must be plans for emergency escape; forces to guide and assist people, especially those people who are unable to escape by themselves; and plans on coordination with other forces in fire fighting.

**Article 28. Fire prevention for working offices, libraries, museums and archives**

At working offices, libraries, museums and archives, it is necessary to arrange office equipment, files and documents so as to ensure fire prevention and fighting safety; apply measures to strictly control inflammables, flame sources, power sources, flame- and/or heat-generating equipment, instruments and substances and other measures for fire prevention after working hours.

**Article 29. Suspension and termination of operations of establishments, motorized transport means, households and individuals that fail to ensure fire prevention and fighting safety**

1. Operations of establishments, motorized transport means, households and individuals shall be suspended in the following cases:

a/ They are in danger of directly generating fire or explosion;

b/ They have committed particularly serious violations of the regulations on fire prevention and fighting;

c/ They have seriously violated the regulations on fire prevention and fighting and been asked by the State bodies in charge of fire prevention and fighting to redress their violations but failed to do so.

2. Establishments, motorized transport means, households and individuals defined in Clause 1 of this Article that, past the suspension time limit, fail to redress or cannot redress their violations, thereby threatening to cause serious consequences, shall have their operations terminated.

3. For cases of suspension, the operation can be resumed only when the fire or explosion danger has been precluded or the violations have been redressed and the competent agencies that have

issued the suspension decisions so permit.

4. The Government shall prescribe the scope of operation suspension and termination, the time limit for operation suspension and the agencies competent to decide the operation suspension or termination.

### **Chapter III**

## **FIRE FIGHTING**

### **Article 30. Basic fire- fighting measures**

1. Mobilizing, as soon as possible, forces and means to immediately extinguish fires.
2. Concentrating on the rescue of people and properties and the fight against fire spread.
3. Unifying the fire-fighting command and control.

### **Article 31. Elaboration and practicing of the fire-fighting plan**

1. Every establishment, village, hamlet, urban residential quarter, forest or special-use motorized transport means must have a fire-fighting plan to be elaborated by the head of the establishment, village, hamlet, urban residential quarter or owner of forest or means, and approved by the competent authority.
2. The fire-fighting plan must be practiced regularly according to the approval. When mobilized, all forces and means named in the plan must participate in the practice.

### **Article 32. Notification of a fire and fire fighting**

A fire shall be alarmed by signal or telephone.

The fire-alarming telephone number is provided for uniformly throughout the country. Communication means must be prioritized in service of fire alarming and fire fighting.

### **Article 33. Responsibility for fire fighting and participation therein**

1. People who detect a fire shall have, by all means, alarm it as soon as possible and fight it; agencies, organizations, households and individuals near the fire shall have to quickly notify it and take part in fire fighting.
2. Fire prevention and fighting forces shall, when receiving fire alarms in localities under their respective management or mobilization orders, have to immediately come to fight the fires; if receiving fire alarms outside the areas under their management, they shall have to notify the fire prevention and fighting forces in the concerned areas thereof, and at the same time report such to

their superior agencies.

3. The medical agencies, agencies in charge of power supply, water supply, urban environment and traffic as well as the concerned agencies, when receiving requests from fire-fighting commanders, shall have to quickly send their personnel and means to the fires in service of fire fighting

4. The police, militia and self-defense forces shall have to maintain order, protect the fire-fighting area and take part in fire fighting.

#### **Article 34. Mobilization of forces and means for fire fighting**

1. In case of fire, people, means and properties of agencies, organizations, households and individuals may all be mobilized for fight fighting and service of the fire fight; they shall also have to execute orders immediately upon the receipt thereof. If the mobilized means and properties are damaged or houses or projects are dismantled as prescribed at Point d, Clause 1, Article 38 of this Law, compensation therefore shall be made according to law provisions.

2. The mobilization of priority vehicles, people and means of the army, international organizations, foreign organizations and individuals in Vietnam for fire fighting shall comply with the Government's regulations.

#### **Article 35. Water sources and fire-fighting materials**

When fires occur, all water sources and fire-fighting materials must be, first of all, used for fire fighting.

#### **Article 36. Priority and ensuring of priority rights for people and means participating in fire fighting**

1. People mobilized to perform fire-fighting task shall be given priority to travel by various transport means.

2. Forces and means, while mobilized for fire fighting, shall enjoy the following priority rights:

a/ Forces and means of the fire prevention and fighting police shall be allowed to use priority sirens, lights, banners and other special signals; and given priority on traffic roads as prescribed by law;

b/ Other forces and means, when mobilized for fire-fighting, shall enjoy priority rights as provided for at Point a of this Clause within the fire- fighting area.

3. People and means participating in traffic, when realizing the priority siren, light and/or banner signals of the means performing fire-fighting task shall have to quickly give way to the latter.

4. The traffic police force and other forces, when performing the task of maintaining traffic

order, shall have to ensure that the fire-fighting forces and means travel as fast as possible.

**Article 37. Fire-fighting commander**

1. In all cases, the persons holding the highest positions in units of the fire prevention and fighting police units, who are present at the fires, shall be the fire-fighting commanders.

2. Where the fire prevention and fighting police force has not arrived yet at places where fires break out, the fire-fighting commander is stipulated as follows:

a/ If a fire occurs at an establishment, its head shall be the fire-fighting commander; in case of his/her absence, the head of the grassroots fire brigade or the authorized person shall be the fire-fighting commander;

b/ If a fire occurs at a village, hamlet or urban quarter, the chief thereof shall be the fire-fighting commander; in case of his/her absence, the head of the civil defense group or the authorized person shall be the fire-fighting commander;

c/ If a motorized vehicle being in circulation is on fire, the commander or owner thereof shall be the fire-fighting commander; in case of such person's absence, the means operator shall be the fire-fighting commander;

d/ In case of a forest fire, if the forest owner is an agency or organization, the head thereof or an authorized person shall be the fire-fighting commander while the chief of the village or hamlet where the fire occurs shall have to participate in commanding the fire fighting; if the forest owner is a household or individual, the chief of the village or hamlet or the authorized person shall be the fire-fighting commander.

The head of the forest ranger unit or the authorized person at the place where the fire occurs shall have to take part in commanding the fire fighting;

e/ The heads of agencies or organizations, the presidents of the commune/ward/township (commune-level for short) or higher-level People's Committees, who are present at the fire, shall direct and command the fire-fighting.

**Article 38. Rights and responsibilities of fire-fighting commanders**

1. Fire-fighting commanders of the fire prevention and fighting police shall have the following rights:

a/ To immediately mobilize personnel and means of fire prevention and fighting forces for fire fighting;

b/ To decide the fire-fighting area and measures; and use the surrounding terrain and natural objects for fire fighting;

c/ To ban irrelevant people and means from travelling across the fire-fighting area; mobilize people, means and properties of agencies, organizations, households and individuals for fire fighting;

d/ To decide the dismantlement of houses, projects and obstacles as well as removal of properties in emergency cases so as to rescue people and prevent big fires, which may cause serious damage.

2. Fire-fighting commanders being the heads of agencies, organizations and presidents of the commune- or higher-level People's Committees are entitled to exercise the rights defined in Clause 1 of this Article within the areas under their respective management

Fire-fighting defined prescribed at Points a, b, c and d, Clause 2, Article 37 of this Law may, within the areas under their respective management, exercise the rights provided for at Points a and b, Clause 1 of this Article.

3. All people shall have to obey orders of fire-fighting commanders. Fire-fighting commanders shall be held responsible before law for their decisions.

#### ***Article 39. Responsibility to handle big fires and fires that may cause serious damage***

1. The presidents of commune-level People's Committees, the heads of the agencies or organizations where fires occur shall have to direct and command the fire fighting, ensuring conditions therefore; quickly report cases beyond their competence to the presidents of the People's Committees of rural districts, urban districts, provincial towns or cities or the heads of the superior agencies for direction of the settlement, and in really necessary cases, report them to the presidents of the People's Committees of the provinces or centrally-run cities, and at the same time, to the presidents of the People's Committees of rural districts, urban districts, provincial towns or cities.

2. In cases where the handling goes beyond the local administration's jurisdiction, at the proposals of the presidents of the People's Committees of the provinces or centrally-run cities, the Minister of Public Security shall have to assume the prime responsibility and coordinate with the ministries, ministerial-level agencies, agencies attached to the Government and People's Committees of the concerned provinces or centrally-run cities in directing the settlement.

3. In particularly serious cases, the Minister of Public Security shall report them to the Prime Minister for decision.

#### ***Article 40. Overcoming of fire consequences***

1. The overcoming of fire consequences includes the following jobs:

a/ Giving the first-aid to victims; providing relief and assistance for people suffering from damage to stabilize their life;

b/ Applying measures to ensure environmental hygiene, social order and safety;

c/ Quickly restoring production, business, service and other activities.

2. The presidents of commune- or higher-level People's Committees, the heads of agencies and organizations with establishments having been on fires shall have to organize the implementation of the provisions at Clause 1, this Article.

**Article 41. Protection of the fire scene, compilation of fire dossiers**

1. The police force shall have to organize the protection and examination of the fire scene as well as investigation thereof; agencies, organizations, households and individuals at places where fires occur shall have to participate in the protection of the fire scene and supply truthful information on the fires to the competent State agencies.

2. The fire prevention and fighting police shall have to compile fire dossier, evaluate the fire-fighting results, take part in the scene examination and determine causes of the fires.

**Article 42. Fighting fires at offices of diplomatic missions, consulates, representative offices of international organizations or residences of their members**

1. When fires occur at offices of diplomatic missions, consulates, representative offices of international organizations or residences of their members, the people present thereat shall have to quickly extinguish the fires and prevent the fire from spreading to surrounding areas.

2. The Vietnamese fire prevention and fighting forces shall have to quickly fight fire spread outside offices of diplomatic missions, consulates, representative offices of international organizations or residences of their members.

3. The Vietnamese fire prevention and fighting forces, when entering offices of diplomatic missions, consulates, representative offices of international organizations or residences of their members, for fire fighting, shall have to comply with the provisions of international agreements which Vietnam has signed or acceded to.

4. The Government shall stipulate in detail the fire fighting for subjects mentioned in Clause 3 of this Article.

**Chapter IV**

**ORGANIZATION OF FIRE PREVENTION AND FIGHTING FORCES**

**Article 43. Fire prevention and fighting forces**

Fire prevention and fighting forces constitute the core in the entire population's fire prevention and fighting activities, which include:

1. The civil defense force;
2. The grassroots fire prevention and fighting force;
3. The specialized fire prevention and fighting force, organized and operating according to law provisions;
4. The fire prevention and fighting police.

**Article 44. Setting up, management and direction of civil defense groups and grassroots fire brigades**

1. The civil defense groups and grassroots fire brigades shall be set up, managed and directed according to the following stipulations:

a/ In villages, hamlets and urban quarters civil defense groups shall be set up. The civil defense groups shall be set up, managed and directed by the presidents of the commune-level People's Committees;

b/ At establishments, grassroots fire brigades shall be set up. The grassroots fire brigades shall be set up, managed and directed by the heads of agencies and organizations.

2. The authorities issuing decisions to set up civil defense groups or grassroots fire brigades shall have to notify them in writing to the local fire prevention and fighting police.

**Article 45. Tasks of the civil defense force and grassroots fire prevention and fighting force**

1. To suggest the promulgation of regulations and internal rules on fire prevention and fighting safety.
2. To organize the propagation and popularization of fire prevention and fighting legislation and knowledge; to build up movement for mass participation in fire prevention and fighting.
3. To inspect and urge the execution of regulations and rules on safety for fire prevention and fighting safety.
4. To organize the drilling and fostering of professional fire prevention and fighting skills.
5. To work out plans, prepare forces and means and perform fire-fighting task in case of fire; to take part in fire-fighting in localities or other establishments when requested.

**Article 46. Drilling, fostering, directing, inspecting, professionally guiding and mobilizing civil defense force and grassroots fire prevention and fighting force, and the regimes and policies therefore**

1. The civil defense and grassroots fire prevention and fighting forces shall be drilled and

professionally fostered; subject to the direction, inspection and professional guidance by the fire prevention and fighting police; and subject to the mobilization by the competent authorities for participation in fire prevention and fighting activities.

2. The civil defense and grassroots fire prevention and fighting forces shall enjoy regimes and policies during the time of professional drilling and fostering and when directly participating in fire fighting according to the Government's regulations.

#### **Article 47. Organization of the fire prevention and fighting police force**

1. The fire prevention and fighting police force constitutes part of the armed forces, is organized uniformly from the central to local levels under the management and direction by the Minister of Public Security.

2. The State builds a regular and well-trained fire prevention and fighting police force, which shall be step by step modernized to meet the socio-economic development requirements of the country.

3. The organizational structure of the fire prevention and fighting police force shall be prescribed by the Government.

#### **Article 48. Functions and tasks of the fire prevention and fighting police force**

1. To give advice and suggestions to the competent State agencies on the promulgation of fire prevention and fighting legislation, and direct and organize the implementation thereof.

2. To organize the propagation and popularization of laws as well as drilling and fostering of professional knowledge about fire prevention and fighting; to guide the building up of a movement of the mass participation in fire prevention and fighting activities.

3. To apply fire prevention and fighting measures, promptly fight fires when they occur.

4. To build up fire prevention and fighting forces; equip and manage fire prevention and fighting means.

5. To organize the research and application of scientific and technological advances in the field of fire prevention and fighting.

6. To inspect and handle acts of violating the fire prevention and fighting legislation.

#### **Article 49. Uniforms, badges, stripes and regimes, as well as policies for fire prevention and fighting police force**

1. Officers, non-commissioned officers and soldiers of the fire prevention and fighting police shall wear uniforms, badges and stripes and enjoy regimes and policies as prescribed for the people's police force; and be entitled to allowances and other regimes as provided for by the

Government.

2. Workers and employees of the fire prevention and fighting police force shall enjoy regimes and policies as those of the police force.

## Chapter V

### FIRE PREVENTION AND FIGHTING MEANS

#### **Article 50. Equipment of fire prevention and fighting means for establishments, villages, hamlets, urban quarters, households, forests of all kinds and motorized transport means**

1. Agencies, organizations and individuals shall have to equip fire prevention and fighting means for establishments, forests of all kinds and motorized transport means under their respective management.

The commune-level People's Committees shall have to equip civil defense groups with fire prevention and fighting means.

Organizations and individuals engaged in production, business and service activities and owners of forests and motorized transport means other than the State-owned ones shall have to equip themselves with fire prevention and fighting means.

2. Households shall have to prepare conditions and means for fire prevention and fighting.

3. The Ministry of Public Security shall specify and guide conditions as well as the equipment of fire prevention and fighting means for subjects defined in Clauses 1 and 2 of this Article.

#### **Article 51. Equipment for fire prevention and fighting police force**

The State shall equip fire prevention and fighting police force with fire-fighting means and other necessary facilities and devices, ensuring their completeness and step-by-step modernization, thereby meeting the requirements on fire-fighting and rescue of people in all circumstances.

#### **Article 52. Management and use of fire prevention and fighting means**

1. Fire prevention and fighting means of agencies, organizations, households and individuals must be managed and used to ensure their readiness for fire fighting.

2. The motorized fire-fighting means, besides being used for fire fighting, shall be used only in service of the requirements to ensure social security, order and safety and in other special cases as prescribed by the Government.

#### **Article 53. Production and import of fire prevention and fighting means**

1. The home-made or imported fire prevention and fighting means must ensure quality and

standards and suit the Vietnamese conditions.

2. Organizations and individuals producing and/or trading in fire prevention and fighting means must satisfy all conditions on material and technical foundations according to regulations of the competent State bodies in charge of fire prevention and fighting.

## **Chapter VI**

### **INVESTMENT IN FIRE PREVENTION AND FIGHTING ACTIVITIES**

#### ***Article 54. Financial sources for investment in fire prevention and fighting activities***

1. Financial sources for investment in fire prevention and fighting activities include:

a/ The State budget allocations;

b/ The revenues from fire and explosion insurance;

c/ The voluntary contributions and donations from domestic and foreign agencies, organizations and individuals, and other revenue sources prescribed by law.

2. The Government shall specify revenue sources, collection levels and regime of managing and using financial sources for fire prevention and fighting activities.

#### ***Article 55. State budget investment in fire prevention and fighting activities***

1. The State shall ensure the annual necessary budget for investment in fire prevention and fighting activities.

2. The State shall allocate budget for fire prevention and fighting activities of fire prevention and fighting police, administrative and public-service units, armed force units and other units enjoying the State budget.

3. Subjects other than those specified in Clause 2 of this Article must, by themselves, ensure funding for fire prevention and fighting activities.

#### ***Article 56. Encouragement of investment in fire prevention and fighting activities***

1. The State encourages domestic agencies, organizations and individuals, overseas Vietnamese, foreign organizations and individuals as well as international organizations to invest in and financially support fire prevention and fighting activities.

1. The State shall adopt preferential tax policies for production, assembly and export of fire prevention and fighting means.

## Chapter VII

### STATE MANAGEMENT OVER FIRE PREVENTION AND FIGHTING

#### **Article 57. Contents of State management over fire prevention and fighting**

1. Elaborating fire prevention and fighting strategy, planning and plans, and directing the implementation thereof.
2. Issuing, guiding and organizing the implementation of legal documents on fire prevention and fighting.
3. Conducting the propagation and education on fire prevention and fighting legislation and knowledge.
4. Organizing and directing fire prevention and fighting activities.
5. Organizing the training and building of fire prevention and fighting forces as well as the equipment and management of fire prevention and fighting means.
6. Ensuring budget for fire prevention and fighting activities; organizing fire and explosion insurance in association with fire prevention and fighting activities.
7. Evaluating and ratifying projects, designing and after-test accepting fire prevention and fighting constructions; expertising and certifying the means♦ safety; certifying the fire prevention and fighting safety conditions.
8. Organizing research, application and dissemination of scientific and technological advances regarding fire prevention and fighting.
9. Examining, inspecting, handling violations and settling complaints and denunciations regarding fire prevention and fighting; investigating fires.
10. Making the State statistics on fire prevention and fighting.
11. Effecting international cooperation on fire prevention and fighting.

#### **Article 58. State management bodies in charge of fire prevention and fighting**

1. The Government shall exercise the unified State management over fire prevention and fighting.
2. The Ministry of Public Security shall take responsibility before the Government for exercising the State management over fire prevention and fighting.

3. The ministries, ministerial-level agencies and agencies attached to the Government shall, within their tasks and powers, have to coordinate with the Ministry of Public Security in organizing the implementation of regulations on fire prevention and fighting.

The Government shall stipulate the coordination between the Ministry of Public Security and the Ministry of Defense in organizing fire prevention and fighting for defense establishments, and between the Ministry of Public Security and the Ministry of Agriculture and Rural Development in organizing forest fire prevention and fighting.

4. The People's Committees of different levels shall, within their tasks and powers, have to exercise the State management over fire prevention and fighting in their respective localities.

#### **Article 59. Fire prevention and fighting inspectorate**

1. The fire prevention and fighting inspectorate is the specialized inspectorate.

2. The fire prevention and fighting inspectorate shall have the following tasks and powers:

a/ Organizing inspection of the observance of law provisions on fire prevention and fighting;

b/ Requesting the inspected subjects to supply relevant documents and reply on matters necessary for inspection;

c/ To handle violations of the legislation on fire prevention and fighting according to their competence.

3. Inspection delegations and inspectors shall be held responsible before law for their decisions.

4. The Government shall prescribe in detail the organization and operation of the fire prevention and fighting inspectorate.

#### **Article 60. Rights and obligations of inspected subjects**

1. Inspected subjects shall have the following rights:

a/ To request inspection delegations to show inspection decisions and inspectors to show their cards and strictly comply with the inspection legislation;

b/ To lodge complaints, denunciations or initiate lawsuits with the competent State bodies about inspection decisions, inspectors acts and inspection conclusions, if having grounds to believe that they are contrary to law;

c/ To request compensation for damage caused by inspection delegations ♦ or inspectors ♦ handling measures which are contrary to law.

2. Inspected subjects are obliged to satisfy requests of inspection delegations and inspectors; create conditions for inspection delegations and inspectors to perform their tasks; and execute handling decisions of inspection delegations and inspectors according to the provisions of law.

**Article 61. Right to complain, denounce and initiate lawsuits**

1. Agencies, organizations and individuals shall have the right to complain or initiate lawsuits against decisions or handling measures of inspection delegations and inspectors according to law provisions.

2. Individuals shall have the right to denounce with the competent State agencies acts of violating the fire prevention and fighting legislation.

3. The agencies receiving complaints, denunciations or petitions shall have to consider and settle them in time as prescribed by law.

**Chapter VIII**

**COMMENDATION AND HANDLING OF VIOLATIONS**

**Article 62. Commendation**

Agencies, organizations, households and individuals making achievements in fire prevention and fighting activities shall be commended or rewarded according to law.

**Article 63. Handling of violations**

1. Any persons committing acts of violating the provisions of this Law shall, depending on the nature and seriousness of their violations, be administratively sanctioned or examined for penal liabilities; and, if causing damage, have to pay compensation therefore as prescribed by law.

2. Any persons who abuse their positions and powers in fire prevention and fighting activities to infringe upon the State's interests, the legitimate rights and interests of organizations or individuals shall, depending on the nature and seriousness of their violations, be disciplined or examined for penal liabilities; and if causing damage, have to pay compensation therefore as prescribed by law.

3. The heads of agencies or organizations, who, due to the lack of responsibility in organizing, managing or inspecting the fire prevention and fighting activities, let fires occur, shall, depending on the nature and seriousness of their violations, be disciplined or examined for penal liabilities as prescribed by law.

The heads of fire prevention and fighting units, who, due to the lack of responsibility in performing the fire-fighting task, cause serious consequences shall, depending on the nature and seriousness of their violations, be disciplined or examined for penal liabilities as prescribed by

law.

## **Chapter IX**

### **IMPLEMENTATION PROVISIONS**

#### ***Article 64. Implementation effect***

This Law takes effect as from October 4, 2001.

All the earlier provisions, which are contrary to this Law, are hereby annulled.

#### ***Article 65. Guidance of implementation***

The Government shall detail and guide the implementation of this Law.

*This Law was passed by the 10<sup>th</sup> National Assembly of the Socialist Republic of Vietnam at its 9<sup>th</sup> session on June 29, 2001.*

**THE NATIONAL  
ASSEMBLY  
CHAIRMAN**  
*(signed)*  
**Nguyen Van An**