

No.: 40/2013/QH13

Hanoi, November 22, 2013

THE LAW

AMENDING AND ADDING A NUMBER OF ARTICLES OF THE LAW ON FIRE
PREVENTION AND FIGHTING

Pursuant to the Constitution of the Socialist Republic of Vietnam;

The National Assembly enacts the Law amending and adding a number of articles of the Law on fire prevention and fighting No.27/2001/QH10.

Article 1.

Amending and adding a number of articles of the Law on fire prevention and fighting:

1. Clause 3 and 6 of Article 3 are amended and supplemented as follows:

“3. Establishment is place of production, business, public works, working office, apartment building and other stand-alone works in the list defined by the Government.”

“6. Grassroots fire prevention and fighting team is an organization including the persons assigned duties of fire prevention and fighting at the establishment and operating under the full-time or part-time regulations.”

2. Amending and adding Clause 3; adding Clause 3a and 3b after Clause 3 of Article 5 as follows:

“3. Heads of agencies or organizations within their duties and power shall:

a) Propagate and disseminate knowledge about the fire prevention and fighting; develop the all-people movement participating in fire prevention and fighting; form and maintain the activities of team of fire prevention and fighting as prescribed by law;

b) Promulgate under the authority the rule and measures on fire prevention and fighting;

c) Implement, inspect and supervise the compliance with regulations on fire prevention and fighting;

d) Ensure funding for the activities of fire prevention and fighting and properly use it; equipping and maintaining the activities of tools and means of fire prevention and fighting, preparing the

conditions for fire fighting; formulate and practice fire fighting plan, ensure the conditions for professional training of fire prevention and fighting and organize the fire fighting and make good the consequences caused by fire;

dd) Perform other duties on fire prevention and fighting as prescribed by law;

3a. Family holders shall:

a) Urge and remind family members to comply with regulations on fire prevention and fighting;

b) Regularly inspect, detect and promptly remedy the risk of fire or explosion;

c) Coordinate with other organizations, agencies and family households in ensuring the conditions for fire prevention and fighting; strictly control and safely use flammable or explosive substances;

3b. The individuals shall:

a) Comply with regulations, rules and requirements on fire prevention and fighting of the competent persons or authority;

b) Comply with the law and thoroughly grasp necessary knowledge about fire prevention and fighting; know how to use common tools and means of fire prevention and fighting;

c) Ensure the safety of fire prevention and fighting during the use of source of fire or heat, the fire or heat generating equipment and tools and in preservation and use of inflammable materials;

d) Prevent the risk of direct fire generation and acts of violation of regulations on safety of fire prevention and fighting;

dd) Comply with other regulations related to personal responsibility in this Law.”

3. Amending and adding Clause 2; adding Clause 2a after Clause 2 of Article 6 as follows:

“2. Agencies, organizations and family households are responsible for organizing and implementing the propagation and dissemination of knowledge and skills of fire prevention and fighting;

2a. The state management authorities in education and training within their duties and power shall integrate the knowledge and skills of fire prevention and fighting into the curriculum and extracurricular activities courses in schools and other educational facilities in conformity with each discipline and educational level.”

4. Article 8 is amended and supplemented as follows:

“Article 8. Promulgation and application of technical standards and regulations on fire prevention and fighting

1. Activities of fire prevention and fighting must comply with national technical regulations;
2. The competent state authority shall promulgate the technical regulations after reaching an agreement with the Ministry of Public Security upon the fire prevention and fighting;
3. The competent agencies and organizations shall prepare and announce the national standards and grassroots standards on fire prevention and fighting after reaching an agreement with the Ministry of Public Security;
4. Application of Vietnam’s standards on fire prevention and fighting:
 - a) The national standards on fire prevention and fighting are compulsorily applied;
 - b) Standards on fire prevention and fighting must consist with the national standards on fire prevention and fighting;
 - c) Uniformity and feasibility assurance of standard system applied.
5. Foreign standards and international standards on fire prevention and fighting are applied in Vietnam in the following cases:
 - a) Foreign standards and international standards specified in international treaties in which Vietnam is a member;
 - b) Foreign standards and international standards with the regulations on fire prevention and fighting higher than Vietnam’s standards or accordance with the actual requirements of Vietnam and with the written approval of the Ministry of Public Security.
6. For the requirements on fire prevention and fighting without technical standards and regulations, the guidelines of competent state authority on fire prevention and fighting shall be applied.”

5. Article 9 is amended and supplemented as follows:

“Article 9. Fire and explosion insurance

The State encourages the agencies, organizations and individuals to participate in the fire and explosion insurance. The facilities at risk of fire and explosion must compulsorily participate in the fire and explosion insurance for their assets;

The Government defines and issue the list of facilities at risk of fire and explosion; conditions and premiums for fire and explosion insurance and the minimum amount of insurance.”

6. Adding the Article 9a after the Article 9 as follows:

“Article 9a. Business of fire prevention and fighting services

1. Business of fire prevention and fighting services is the conditional business line, including:

a) Consultation of design, appraisal, supervision; consultation of technical examination and inspection; performance and installation of fire prevention and fighting system; consultation of transfer of fire prevention and fighting technology; production and installation of means and equipment of fire prevention and fighting;

b) Training and guidance of techniques of fire prevention and fighting;

c) Business of means, equipment and supplies of fire prevention and fighting;

2. Business of fire prevention and fighting services must meet the following requirements:

a) The heads of enterprises and legal representatives of business facilities of fire prevention and fighting services must have degrees or certificates in line with the business activities;

b) Having material facilities, means and equipment and conditions ensuring their business activities.

3. The Government specifies in detail this Article.”

7. Article 10 is amended and supplemented as follows:

“Article 10. Regulations and policies for participants in fire fighting

The participants in fire fighting are entitled to the material benefits. In case of death, injury, harm to health, spirit or property loss, they shall be entitled to regulations and policies as prescribed by law.”

8. Amending and adding Clauses 3, 5, 6, 7 and 8; adding Clause 4a after Clause 4 and adding Clause 5a after Clause 5 of Article 13 as follows:

“3. Making corrupt use of fire prevention and fighting to harm the human life and health; infringing upon the property of the State, agencies, organizations and individuals.”

“4a. Failing to alarm the fire upon the conditions for fire alarm; delaying the fire alarm.

5. Producing, storing, transporting, using and illegally trading substances at risk of fire and explosion;

5a. Carrying goods and inflammable and explosive substances to places crowded with people;

6. Performing works at risk of fire and explosion, high-rise buildings and commercial centers without design approved for fire prevention and fighting; accepting and putting the works at risk of fire and explosion, the high-rise buildings and commercial centers into use when they are not eligible for ensuring the safety of fire prevention and fighting;

7. Appropriating, damaging, arbitrarily changing, moving or obscuring the means and equipment of fire prevention and fighting, signs, signposts and impeding the escape exits.

8. Other acts violating the regulations of law on fire prevention and fighting.”

9. Clause 2 of Article 17 is amended and added as follows:

“2. Hamlet, village, mountain village, mountain hamlet, ethnic minority village or group (hereafter referred to as hamlet) must have regulations and rules on fire prevention and fighting, on the use of electricity, fire and inflammable and explosive substances; based on the specific conditions, have the solutions to prevent fire

10. Clause 2 of Article 18 is supplemented and added as follows:

“2. Motor vehicles with special requirements for ensuring the safety of fire prevention and fighting and newly built and converted are only issued with registration certificate of technical safety and environmental protection by the registry when the design of fire prevention and fire fighting been approved and accepted;

The Government regulates the type of motor vehicle with special requirements for ensuring the safety of fire prevention and fighting.”

11. Adding Clause 1a after Clause 1; amending and adding Clause 2 and 4 of Article 19 as follows:

“1a. People’s Committees at all levels and forest owner must comply with the fire prevention measures in accordance with the level of forest fire danger warning.

2. When formulating plan and forest development project, there must be solutions to forest fire prevention and fighting for each type of forest. ”

“4. Agencies, organizations, family households and individuals, when operating in forest or forest edges, they must comply with regulations of law on fire prevention and fighting”.

12. Article 21 is amended and added as follows:

“Article 21. Fire preventing for industrial parks, export processing zones and high-tech parks

1. The industrial parks, export processing zones and high-tech parks must have the fire prevention and fighting plans for the entire area; develop and maintain the operation of technical

infrastructure of fire prevention and fighting; form forces and means of fire prevention and fighting consistently with the plan for fire prevention and fighting;

2. The facilities operating in industrial parks, export processing zones and high-tech parks must have the fire prevention and fighting plan for their facilities and form their teams of grassroots fire prevention and fighting.

3. The Government specifies in detail this Article.”

13. Amending and adding name of Article 22 and contents of Clause 2, 3 and 4 of Article 22 as follows:

“Article 22. Fire prevention in extraction, processing, production, transport, business, use and preservation of petroleum products, gas and chemicals and other materials and goods at risk of fire and explosion”

“2. Depots, transport system of petroleum products, gas and chemicals at risk of fire and explosion and works processing oil. gas and chemicals at risk of fire must have systems to alarm and handle concentration of vapor and gas at risk of fire and explosion and take measures to protect against the incident and break of tanks, equipment and pipeline;

3. Business facilities of petroleum products, gas and chemicals at risk of fire and explosion must ensure the safety of fire prevention and fighting for the adjacent works. The import, export and transport of petroleum products, gas and chemicals at risk of fire and explosion must comply with the regulations on the safety of fire prevention and fighting;

4. Organizations and individuals engaged in production, business, services, supply and transport of supplies and goods at risk of fire and explosion must fully ensure the conditions for safety of fire prevention and fighting, print the technical parameters on the goods label and have the safety instruction on fire prevention and fighting in Vietnamese language.”

14. Article 23 is amended and added as follows:

“Article 23. Fire prevention for high-rise works, water works, underground works, tunnels, underground mining and houses with steel frame and metal roof

1. The high-rise works must have solution to fire spread, non-convergence of smoke, smoke and toxic vapor spread generated by the fire; ensure the conditions for safe escape to save people and property when fire occurs; equip the system automatically detecting fires, equip the means and system of fire fighting to ensure the self-fire fighting; use refractory building materials, prohibit the use of inflammable soundproofing and insulating materials;

2. Water works at risk of fire and explosion must have solution to fire spread, plan, force and means ensuring the self-fire fighting;

3. Underground works, tunnels and underground mining must be equipped to detect and handle combustible gases, toxic gases, must have the ventilation systems, the solutions to fire spread and conditions for safe escape assurance, deployment of forces and means to save people, property and fight the fires;

4. Steel-framing and metal-roofing houses with large area used for place of production and storage of goods at risk of fire and explosion must have solution to fire spread and limit the risk of collapse when the fire occurs. "

15. Clause 1 of Article 24 is amended and added as follows:

“1. In the power plant and on the power grid, there must measures to proactively troubleshoot the fire incident.”

16. Adding Article 24a after Article 24 as follows:

“Article 24a. Fire prevention for nuclear facilities

1. The fire prevention for nuclear facilities must ensure the following requirements:

a) There are systems of fire prevention and fighting meeting the standards and regulations on safety of fire prevention and fighting for nuclear facilities;

b) Persons who work in the nuclear facilities must be trained and retrained with techniques of fire prevention and fighting in accordance with the nature of work;

c) The specialized fire prevention and fighting team must be equipped in line with characteristics of each facility;

d) Other conditions to ensure the safety of fire prevention and fighting;

2. The Government details the formulate and practice the plan for fire fighting, rescue and salvage for nuclear facilities.”

17. Clause 1 of Article 25 is amended and added as follows:

“1. At markets and commercial centers, it is required to separate the power systems for business with the protection and fire fighting power system; arrange business households and business lines to meet the requirements on safety of fire prevention and fighting; have the escape exit as prescribed and the plan for escape and clearance of goods upon the occurrence of fire, system of fire alarm and fighting, solution to fire spread in accordance with the scale and nature of operation. Owners of goods at risk of fire and explosion must equip the tools and means of on-site fire fighting.”

18. Article 26 is amended and added as follows:

“Article 26. Fire prevention for airport, seaport, inland waterway port, railway station and bus station

At the airport, seaport, inland waterway port, railway station and bus station, there must be means of fire prevention and fighting in line with the standards and regulations on safety of fire prevention and fighting, plan for escape and clearance of means, materials and goods upon occurrence of fire.”

19. Adding Article 27a after Article 27 as follows:

“Article 27a. Fire prevention and fighting for production facilities, amory, storage of explosive materials and supporting tools

The production facilities, amory and storage of explosive materials and supporting tools must ensure the safety of fire and explosion prevention and fighting; have safety belts and ensure the safe distance of adjacent residential areas and public works. ”

20. Article 31 is amended and added as follows:

“Article 31. Formulation and practice of fire fighting plan

1. Chairman of communal-level People’s Committee, head of facilities, forest owner, owner of motor vehicles with special requirements on ensuring the safety of fire prevention and fighting under their management shall formulate the fire fighting plan, use on-site forces and means for hamlets, facilities, forests and vehicles;

2. Chairman of communal-level People’s Committee, head of facilities and residential area at high risk of fire and explosion shall coordinate with the police agencies of fire prevention and fighting to formulate practice the fire fighting for facilities and residential areas under their management under the guidance of the Ministry of Public Security;

3. The police agencies of fire prevention and fighting shall formulate the fire fighting plan for facilities and residential areas at high risk of fire and explosion in need of mobilization of forces and means of police of fire prevention and fighting and other agencies, organizations and localities;

4. The fire fighting plan must be approved by the competent authority. The forces and means stated in the plan upon practice must take full participation.

5. The Minister of Public Security regulates the facilities and residential areas with high risk of fire and explosion and approval authority and duration of practice of fire fighting plan.”

21. Article 32 is amended and added as follows:

Article 32. Information on fire alarm and fighting

Information on fire alarm is by command or by phone.

The telephone number for fire alarm specified in the country is 114. The means of communication must be prioritized for fire alarm and fighting.”

22. Adding Clause 4a after Clause 4 of Article 33 as follows:

“4a. The People’s Committees of adjacent localities must formulate the coordination plan and establish forces of fire prevention and fighting upon requirement.”

23. Clause 1, Article 37 is amended and added as follows:

“1. Upon occurrence of fire, the person having the highest position of police unit of fire prevention and fighting shall be present at the scene of the fire is the fire-fighting commander. ”

24. Clause 3 of Article 43 is amended and added as follows:

“3. Specialized fire prevention and fighting force;”

25. Article 44 is amended and added as follows:

“Article 44. Establishment and management of local militia team, grassroots fire prevention and fighting team and specialized fire prevention and fighting team

1. In the hamlets, it is required to establish the local militia team which is established and managed by the decision of Chairman of communal-level People’s Committee;

2. At the facilities, it is required to establish the grassroots fire prevention and fighting team which is established and managed by the decision of the head of agency or organization;

3. The specialized fire prevention and fighting team and the grassroots fire prevention and fighting team are organized to meet the requirements of specific activities of the facilities and established and managed by the decision of the head of agency or organization;

At the following facilities, it is required to establish the specialized fire prevention and fighting team:

- a) Nuclear facilities;
- b) Airports and seaports;
- c) Oil and gas extraction and processing facilities;
- d) Coal mining facilities;
- dd) Production facilities and armories;

e) Other facilities are specified by the Minister of Public Security;

4. The decision on establishment of local militia team, the specialized fire prevention and fighting team and the grassroots fire prevention and fighting team must be sent by the issuing authority to the police agency of fire prevention and fighting of that area.”

26. Article 46 is supplemented and added as follows:

“Article 46. Training, retraining, direction, inspection, professional guidance, transfer, regulation and policies for the local militia team, the specialized fire prevention and fighting team and the grassroots fire prevention and fighting team

1. The local militia team, the specialized fire prevention and fighting team and the grassroots fire prevention and fighting team are provided with the training and retraining of techniques of fire prevention and fighting and are under the direction, inspection and professional guidance of police agency of fire prevention and fighting and are under the transfer of the competent authority to participate in the activities of fire prevention and fighting;

2. The local militia team, the specialized fire prevention and fighting team and the grassroots fire prevention and fighting team are entitled to regulations and policies during the training and professional retraining and direct fire fighting;

3. Leader and assistant leader of local militia team and the part-time grassroots fire prevention and fighting team are entitled to regular supporting regulations;

4. The Government specifies in detail Clause 2 and 3 of this Article.”

27. Adding Article 46a after Article 46 as follows:

“Article 46a. Volunteer fire prevention and fighting

1. Communal-level People’s Committee, head of facility and police force of fire prevention and fighting are responsible for facilitate and encourage organizations and individuals to voluntarily participate in fire prevention and fighting;

2. The persons who voluntarily participate in fire prevention and fighting are added to the local militia team and the grassroots fire prevention and fighting team.”

28. Clause 1 of Article 47 is amended and added as follows:

“1. Police of fire prevention and fighting unde People’s Police is a part of the armed forces, organized and managed uniformly from the central to local levels. ”

29. Article 48 is amended and supplemented as follows:

“Article 48. Function and duties of police force of fire prevention and fighting

1. Within the assigned duties and power, advice and propose the state competent authority to issue, direct and organize the implementation of regulations of law on fire prevention and fighting;
2. Propagate and disseminate law; guide the development of all-people movement of participation in activities of fire prevention and fighting; train and retrain the techniques and knowledge of fire prevention and fighting;
3. Taking measures of fire prevention and fighting; appraise, approve the design and accept the fire prevention and fighting; perform effective and timely fire fighting.
4. Form the fire prevention and fighting force; equip and manage means and equipment of fire prevention and fighting.
5. Study and apply the advanced science and technology in the field of fire prevention and fighting; technically inspect and test and certify the conformity for the means, equipment and goods that are strictly required for fire prevention and fighting as prescribed;
6. Examine, inspect and handle acts of violation of law on fire prevention and fighting; issue transport permit of goods at risk of fire and explosion as prescribed;
7. Perform a number of investigation activities as prescribed by law on organization of criminal investigation;
8. Perform other duties as prescribed by law.”

30. Clause 2 of Article 55 is amended and added as follows:

“2. The State provides funding for activities of fire prevention and fighting for the police force of fire prevention and fighting, the state agencies, non-business units, armed forces and other units entitled to the state budget;

In the expenditure of annual national defense budget and security of the People's Committees at all levels, there must be the contents ensuring the work for fire prevention and fighting. ”

31. Clause 2 of Article 56 is supplemented and amended as follows:

“2. The State has the incentive policies on tax for organizations and individuals producing and assembling means of fire prevention and fighting.”

32. Clause 3 and 7 of Article 57 is amended and added as follows:

“3. Propagation, education and dissemination of knowledge about fire prevention and fighting; development of all-people movement of participation in fire prevention and fighting.”

“7. Appraisal and approval for project and design and acceptance of building works of fire prevention and fighting; technical inspection and testing and certification of conformity for the means, equipment, substances and goods with strict requirements for fire prevention and fighting.”

33. Adding Article 63a after Article 63 as follows:

“Article 63a. Handling facilities which fail to ensure the requirements for fire prevention and fighting and which are put into operation before the effective date of the Law on fire prevention and fighting No. 27/2001/QH10

The People’s Council of provinces and centrally-affiliated cities regulate the handling of facilities in the area which fail to ensure the requirements for fire prevention and fighting and which are put into operation before the effective date of the Law on fire prevention and fighting No. 27/2001/QH10. For depot and processing works of petroleum products, gas and chemicals at risk of fire and explosion in the residential areas and places crowded with people, there must be plans for relocation and safe distance assurance.”

Article 2.

1. Annuling Clause 9 of Article 3

2. Annuling the phrase “hamlet, mountain village and group” in Clause 1, Article 31, Point b, Clause 2, Article 37 and the name of Article 50; annulling the phrase “ head of hamlet, mountain village and group” at Point b, Clause 2 of Article 37; annulling the phrase “ head of hamlet and mountain village” at Point d, Clause 2 of Article 37 of the Law on fire prevention and fighting No. 27/2001/QH10.

Article 3.

1. This Law takes effect on July 01, 2014

2. The Government specifies in detail the Article and clauses stated in the Law;

This law was passed by the 13th National Assembly of the Socialist Republic of Vietnam at its 6th session on November 22, 2013.

CHAIRMAN OF NATIONAL ASSEMBLY

Nguyen Sinh Hung