

THE GOVERNMENT

No: 35/2003/ND-CP

SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom - Happiness

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Ha Noi , Day 04 month 04 year 2003

**DECREE No. 35/2003/ND-CP OF APRIL 4, 2003 DETAILING THE IMPLEMENTATION OF A NUMBER OF ARTICLES OF THE LAW ON FIRE PREVENTION AND FIGHTING**

THE GOVERNMENT

*Pursuant to the December 25, 2001 Law on Organization of the Government;*

*Pursuant to the June 29, 2001 Law on Fire Prevention and Fighting;*

*At the proposal of the Minister of Public Security,*

DECREES:

Chapter I

GENERAL PROVISIONS

**Article 1.-** Regulation scope

This Decree details the implementation of a number of articles of the Law on Fire Prevention and Fighting regarding fire prevention and fighting, the organization of fire prevention and fighting forces, the investment in fire prevention and fighting activities and the responsibilities of the People's Committees at all levels, of the ministries, the ministerial-level agencies and the agencies attached to the Government in fire prevention and fighting activities.

**Article 2.-** Application subjects

Agencies, organizations, households and individuals operating or living on the territory of the Socialist Republic of Vietnam must abide by the provisions of the Law on Fire Prevention and Fighting and the provisions of this Decree; in cases where the international treaties which the Socialist Republic of Vietnam has signed or acceded to contain different provisions, the provisions of such international treaties shall apply.

**Article 3.-** Responsibilities of the heads of agencies or organizations for fire prevention and fighting

The heads of agencies or organizations shall, within the scope of their management, tasks and powers, have the responsibilities:

1. To promulgate regulations, internal rules and measures on fire prevention and fighting;

2. To organize the implementation of regulations, internal rules, safety conditions and measure on fire prevention and fighting and the requirement for ensuring fire prevention and fighting safety according to the provisions of law;
3. To organize the propagation and dissemination of legislation and knowledge on fire prevention and fighting; provide training on fire prevention and fighting operations; build the mass movement for participation in fire prevention and fighting; to manage and maintain the operation of civil defense teams, grassroots fire prevention and fighting teams or specialized fire prevention and fighting teams;
4. To check fire prevention and fighting safety; to handle or propose the handling of, acts of violating the regulations and internal rules on fire prevention and fighting; to rectify in time shortcomings and violations of the regulations on fire prevention and fighting safety;
5. To equip fire prevention and fighting means; to prepare conditions for fire fighting; to work out and practice fire fighting plans; to organize fire fighting and overcome fire consequences;
6. To ensure funding for fire prevention and fighting activities;
7. To organize statistics and periodical reports on fire prevention and fighting situation; to promptly notify the direct managing fire prevention and fighting police offices of big changes related to ensuring fire prevention and fighting safety of their respective agencies or organizations;
8. To coordinate with nearby agencies, organizations and family households in ensuring the fire prevention and fighting safety; not to cause fire and/or explosion dangers to nearby agencies, organizations and family households;
9. To organize the participation in fire prevention and fighting activities upon the requests of competent bodies.

**Article 4.-** Household masters' responsibilities for fire prevention and fighting

The household masters have the responsibilities:

1. To implement the regulations, internal rules, safety conditions, measures and solutions on fire prevention and fighting as well as fire prevention and fighting requirements according to the provisions of law.
2. To check fire prevention and fighting safety; to urge their family members to observe the regulations, internal rules and safety conditions on fire prevention and fighting; to rectify in time shortcomings and violations of safety conditions on ensuring fire prevention and fighting safety;
3. To procure fire prevention and fighting means; to prepare conditions for fire fighting; to detect fires, alarm fires, fight fires and participate in overcoming fire consequences;

4. To coordinate with surrounding family households, agencies and organizations in ensuring fire prevention and fighting safety; not to cause fire and/or explosion dangers to nearby family households, agencies and organizations;
5. To participate in fire prevention and fighting activities upon the requests of competent bodies.

**Article 5.-** Individuals' responsibilities for fire prevention and fighting

1. To observe the regulations and internal rules on fire prevention and fighting and the fire prevention and fighting requests of competent persons of agencies; to perform fire prevention and fighting tasks according to their respective assigned functions and assigned tasks.
2. To inquire into and study fire prevention and fighting legislation and know-how within the scope of their respective responsibilities; to preserve and expertly operate common fire prevention and fighting means as well as other equipped fire prevention and fighting devices.
3. To ensure fire prevention and fighting safety in the process of using flames, heating sources, sparking equipment and instruments, heat-generating equipment and instruments and in preserving and using flammables; to rectify in time the shortcomings and violations of safety regulations on fire prevention and fighting.
4. To participate in fire prevention and fighting activities in their respective residence places, work places; to join civil defense teams, grassroots fire prevention and fighting teams or specialized fire prevention and fighting teams according to regulations; to give comments or proposals to the local administrations in their residence places, the heads of agencies or organizations where they work on measures to ensure fire prevention and fighting safety.
5. To immediately prevent the direct fire dangers and acts of violating the regulations on fire prevention and fighting safety.
6. To alarm fires and fight fires in time upon the detection of fires; to strictly abide by the orders on mobilization for participation in fire fighting and other fire prevention and fighting activities.

**Article 6.-** Fire prevention and fighting standards

1. Vietnamese fire prevention and fighting standards are standards to be compulsorily applied, including Vietnamese standards and branch standards which are relevant to or specialized in fire prevention and fighting.
2. The competent State bodies, before promulgating Vietnamese standards, branch standards related to fire prevention and fighting or specialized fire prevention and fighting standards, must obtain the written agreement of the Ministry of Public Security.
3. Foreign standards and international standards on fire prevention and fighting shall be allowed for application in Vietnam in the following cases:

- a) The foreign standards and/or the international standards are prescribed in the international treaties which Vietnam has signed or acceded to;
  - b) The foreign standards and/or the international standards contain provisions on fire prevention and fighting safety compatible with or higher than the provisions of Vietnamese standards, and are approved in writing by the Ministry of Public Security;
  - c) When Vietnam have no regulations yet while the foreign standards or the international standards are suitable to Vietnam's practical requirements and approved in writing by the Ministry of Public Security.
4. Where fire prevention and fighting requirements are not yet prescribed in the standards or the prescribed standards are not yet available, the Public Security Ministry's guidance shall be complied with.

**Article 7.-** Policies towards persons participating in fire fighting

Persons who directly fight fires or participate in fire fighting and get killed, injured or health damage shall be entitled to regimes and policies as prescribed by law. The Ministry of Labor, War Invalids and Social Affairs shall assume the prime responsibility and coordinate with the Ministry of Public Security in stipulating and guiding in detail the implementation thereof.

Chapter II

FIRE PREVENTION

**Article 8.-** Establishments prone to fires and explosions

Fire and/or explosion-prone establishments prescribed in Clause 4, Article 3 of the Law on Fire Prevention and Fighting include factories, enterprises, storehouses, working offices, hospitals, schools, theatres, hotels, marketplaces, trade centers, army barracks and other works prescribed in Appendix 1 to this Decree.

**Article 9.-** Fire prevention and fighting safety conditions for establishments

1. Establishments which are arranged in certain areas, have managers, operate and need independent fire prevention and fighting plans must satisfy the following fire prevention and fighting safety conditions:
  - a) Having regulations, internal rules, ban signals, signboards, diagrams or instruction boards on fire prevention and fighting, escapes, suitable to the characteristics and nature of their operations;
  - b) Having regulations on, and assigning responsibilities and tasks for, fire prevention and fighting at the establishments;
  - c) Having written approval of fire prevention and fighting for projects which require fire prevention and fighting designs and approval;

- d) The electric system, electric equipment, lightning-arresting systems, places where flame is used or heat is generated must ensure fire prevention and fighting safety;
- e) Having fire prevention and fighting technical process suitable to their production, business or service conditions;
- f) Having the grassroots fire prevention and fighting forces trained in fire prevention and fighting operations and organized to be ready for fire fighting, meeting the on-spot fire-fighting demands; having the fire fighting and escape plans already approved by competent authorities;
- g) Having fire-alarming, fire-fighting and fire-checking systems, other fire prevention and fighting means, human rescue means, suitable to the nature and characteristics of the establishments, ensuring the quantity, quality and operations thereof as provided for by the Ministry of Public Security as well as fire prevention and fighting standards; having traffic, water supply, communications and information systems in service of fire fighting at the establishments as provided for;
- h) Having dossiers on management and monitoring of fire prevention and fighting activities as provided for.

2. For other establishments, the fire prevention and fighting safety conditions prescribed in Clause 1 of this Decree shall be met in conformity with the scale and nature of operation of those establishments.

3. The fire prevention and fighting safety conditions prescribed in Clause 1 of this Article must be met and maintained throughout the process of operation. For establishments prescribed in Appendix 2 to this Decree, before being put into operation, they must be certified by the Fire Prevention and Fighting Police Department or Fire Prevention and Fighting Police Sections of the provincial-level Police Departments as having fully satisfied the fire prevention and fighting conditions.

The Ministry of Public Security shall specify the form of "fire prevention and fighting condition satisfaction certificate" and the procedures for the granting thereof.

**Article 10.-** Fire prevention and fighting safety conditions for population quarters

1. Having regulations and internal rules on fire prevention and fighting, on the use of electricity, the use of flame, flammables and explosion-prone substances; having ban signals, signboards, diagrams or instruction boards on fire prevention and fighting, escapes, suitable to the characteristics of the population quarters.

2. Having the approved fire prevention and fighting designs, for newly constructed population quarters.

3. The electric system must ensure the fire prevention and fighting safety standards.

4. Having fire prevention and fighting means with quantity and quality prescribed by the Ministry of Public Security and up to the fire prevention and fighting standards; having measures against spread of fires; having traffic systems and water sources in service of

fire fighting as provided for; having fire-fighting, escape plans already approved by competent authorities.

5. Having civil-defense forces trained in fire prevention and fighting operations and organized to be ready to fight fires, meeting the on-spot fire-fighting requirements.

6. Having dossiers on management and monitoring of fire prevention and fighting activities as provided for by the Ministry of Public Security.

**Article 11.-** Fire prevention and fighting safety conditions for family households

1. Cooking places, worshipping places, places of flame or heat sources, flame- or heat-generating equipment, electric systems and electric equipment must ensure fire prevention and fighting safety.

2. Assets, supplies, flammables must be stored, arranged, preserved and used strictly according to regulations on fire prevention and fighting safety.

3. Having anticipations of fire circumstances, escape and fire-fighting measures; having fire-fighting means suitable to the characteristics of activities of the family households and ensuring their quantity and quality under the guidance of the Ministry of Public Security.

**Article 12.-** Fire prevention and fighting safety conditions for motorized traffic means

1. Motorized traffic means with 4 seats or more, motorized traffic means carrying fire and/or explosion-prone dangerous substances or commodities must ensure and maintain the following fire prevention and fighting safety conditions:

a) Having regulations, internal rules, ban signals, signboards, diagrams or instruction boards on fire prevention and fighting, escapes, suitable to the characteristics and nature of the means' operations;

b) The means-operating process, the electric systems, the fuel systems, the arrangement of people, supplies and commodities onboard the means must ensure fire prevention and fighting safety;

c) Operators of motorized traffic means must learn about the fire prevention and fighting know-hows in the course of training for being granted the driving licenses; for motorized traffic means operators enjoying responsibility allowances and persons who operate, work onboard and work as attendants on motorized traffic means with 30 seats or more, or on special-use traffic means carrying fire- and/or explosion- prone dangerous substances or commodities must have certificates of training in fire prevention and fighting operations, issued by competent fire-fighting police offices;

d) Having fire-fighting means suitable to the means' requirements, natures and characteristics, ensuring the quantity, quality and operations thereof under the regulations of the Ministry of Public Security and the fire prevention and fighting standards.

2. Motorized traffic means with special requirements on fire prevention and fighting safety, including special-use ships, trains used for transportation of passengers, petroleum, other

flammable liquids, gas, explosive materials, fire- and/or explosion-prone chemicals must be approved in term of fire prevention and fighting when they are newly built or transformed, and the registries shall grant registration and inspection certificates only after the Fire Prevention and Fighting Police Department or Fire Prevention and Fighting Police Sections of the provincial-level Police Departments certify the full satisfaction of fire prevention and fighting conditions.

3. Motorized traffic means, when carrying fire- and/or explosion-prone substances or commodities of types 1, 2, 3, 4 and 9 prescribed in Appendix 1 to Decree No. 13/2003/ND-CP of February 19, 2003 of the Government, must have permits for transportation of fire-and/or explosion-prone substances or commodities, issued by the Ministry of Public Security.

The Ministry of Public Security shall specify the form of, the procedures and competence for granting, "permits for transportation of fire-and/or explosion-prone substances, commodities."

**Article 13.-** Fire prevention and fighting requirements upon the elaboration of plannings or projects on construction or renovation of urban centers, population quarters, special economic zones, industrial parks, export-processing zones, hi-tech parks

Upon the elaboration of plannings, projects on construction or transformation of urban centers, population quarters, special economic zones, industrial parks, export-processing zones, hi-tech parks, there must be fire prevention and fighting designing solutions, ensuring the following contents:

1. Locations for construction of works, work clusters, arrangement of land plots and housing blocks must ensure to combat fire spread, minimize the harms of heat, smoke and noxious gas emitted from the fires for surrounding population quarters and works;
2. Traffic systems and space must be designed with enough sizes and load capacity for motorized fire-fighting means to deploy fire-fighting activities;
3. The water supply systems must ensure the supply of water for fire fighting; the information and communications system, electricity supply system must ensure the service for fire-fighting activities, fire-alarming communications;
4. Arranging locations for building up fire prevention and fighting units at central areas convenient for traffic, information and communications and large enough for activities of combat readiness, drills, preservation, maintenance of fire-fighting means as provided for by the Ministry of Public Security;
5. The projects must contain estimates of funding for fire prevention and fighting work items.

**Article 14.-** Fire prevention and fighting requirements upon the project elaboration and project construction designs

Upon the elaboration of projects and designs for construction, renovation or changing the utility of projects, there must be fire prevention and fighting designing solutions ensuring the following contents:

1. The locations for construction of projects must ensure fire prevention and fighting safety distance for surrounding works;
2. The fire-resistance degree or extent of projects must conform to the scale and nature of operations of the projects; having solutions to check fires and combat fire spread between project items and between projects;
3. Manufacturing technologies, electric systems, lightning-arresting system, and anti-explosion systems of projects as well as machinery, equipment and supplies must be arranged to ensure the fire prevention and fighting safety requirements;
4. The fire escape system comprises doors, passages, corridors, common elevators, doors, passages and escape stairs, equipment for lighting and directing exits, ventilation and smoke blowing equipment, rescue equipment, signaling equipment, ensuring fast and safe escapes upon fire occurrence;
5. Traffic systems, parking lots in service of the operations of motorized fire-fighting means must ensure prescribed sizes and load capacity; the system of water supply for fire fighting must ensure the requirements of serving the fire fighting;
6. Fire-alarming system, fire-fighting system and other fire-fighting means must be enough, the installation locations and technical parameters must conform with the characteristics and nature of operation of the projects;
7. The projects and designs must contain estimates of funding for fire prevention and fighting project items.

**Article 15.-** Fire prevention and fighting fundings in investment and construction

1. The fire prevention and fighting fundings in investment and construction shall include fundings for fire prevention and fighting project items prescribed in Articles 13 and 14 of this Decree and other fundings for the elaboration of projects, designs, appraisal and approval, experimentation, testing, construction, test and acceptance of fire prevention and fighting items. The fire prevention and fighting funding in investment and construction must be arranged right at the stage of elaboration of planning projects, investment and work design projects.
2. The Finance Ministry shall assume the prime responsibility and coordinate with the Ministry of Construction and the Ministry of Public Security in prescribing norms for fire prevention and fighting fundings in investment and construction.

**Article 16.-** Fire prevention and fighting designs, appraisal and approval

1. Projects, works or work items (hereinafter referred collectively to as works) prescribed in Appendix 3 to this Decree belonging to all investment capital sources, when being newly constructed, renovated or utility-related changed, must have fire prevention and



fighting designs made by fully capable agencies and must be appraised and approved in term of fire prevention and fighting before the construction thereof.

Works not on the list prescribed in Appendix 3 to this Decree, when being newly constructed, renovated or utility-related changed, must also have designs ensuring the fire prevention and fighting requirements prescribed by law, but shall not be subject to appraisal and approval in term of fire prevention and fighting.

Basing itself on the socio-economic development situation in each period, the Ministry of Public Security shall submit to the Prime Minister for decision appropriate supplements and amendments to the list of projects and works requiring designs and appraisal and approval in term of fire prevention and fighting prescribed in Appendix 3 to this Decree.

2. The competent Fire Prevention and Fighting Police Offices shall be responsible for appraisal and approval of fire prevention and fighting for planning projects, work construction and designing projects prescribed in Clause 1 of this Article according to the contents prescribed in Article 15 of the Law on Fire Prevention and Fighting and Article 13 or 14 of this Decree. The written fire prevention and fighting appraisal and approval shall serve as one of the bases for the competent agencies to approve projects, designs and grant construction permits. The Ministry of Public Security shall prescribe the decentralization of fire prevention and fighting appraisal and approval.

3. A fire prevention and fighting appraisal and approval dossier includes:

a) The written request for fire prevention and fighting appraisal and approval, made by the investor; where the investor authorizes another unit to do it, the letter of authorization must be enclosed therewith;

b) The copies of the investment license and planning certificate or location agreement of the competent State management body;

c) Drawings and explanations expressing contents of fire prevention and fighting requirements prescribed in Article 13 or 14 of this Decree.

A fire prevention and fighting appraisal and approval dossier shall be made in 3 sets; if the dossiers are made in foreign language(s), the Vietnamese translations thereof must be enclosed therewith and the dossiers must be certified by the investors.

4. The fire prevention and fighting appraisal and approval shall be conducted simultaneously with the construction appraisal and approval. The fire prevention and fighting appraisal and approval time limit shall be counted from the time of receiving the complete and valid dossiers and prescribed as follows:

a) Not exceeding 20 working days for planning projects, construction projects;

b) Not exceeding 30 working days for technical designs of Group A projects; not exceeding 20 working days for projects of Group B or C.

The classification of projects in Groups A, B and C at this Point shall comply with the current Regulation on investment and construction management.

5. Fundings for fire prevention and fighting appraisal and approval shall be determined in the investment capital of projects, works.

The Finance Ministry shall consult with the Ministry of Public Security in determining charge and fee levels for fire prevention and fighting appraisal and approval.

**Article 17.-** Responsibilities of designing agencies, investors, construction contractors and Fire Prevention and Fighting Police Offices in investment and work construction

1. The fire prevention and fighting designing agencies have the responsibilities:

- a) To design to ensure the fire prevention and fighting requirements; take responsibility for the designing product quality in the period of work construction and use;
- b) To exercise the author's supervision in the course of work construction and installation;
- c) To participate in test and acceptance of works.

2. The investors have the responsibilities:

- a) To submit the fire prevention and fighting appraisal and approval dossiers prescribed in Clause 3, Article 16 of this Decree;
- b) To organize the construction according to the appraised and approved designs. In case of change in fire prevention and fighting designs and equipment in the course of construction, the investors must explain or make supplementary designs which must be re-appraised and approved;
- c) To organize the inspection and supervision of work construction and test as well as acceptance;
- d) To ensure safety on work fire prevention and fighting and explosion prevention throughout the process of construction till the works are tested, accepted and put to use.

3. The construction contractors have the responsibilities:

- a) To conduct construction according to the appraised and approved designs;
- b) To ensure fire prevention and fighting safety, explosion prevention in areas under their management throughout the process of construction and installation till the works are handed over;
- c) To compile dossiers on construction completion, to prepare documents in service of the work test and acceptance and to participate in work test and acceptance.

4. The Fire Prevention and Fighting Police Offices have the responsibilities:

- a) To appraise and approve fire prevention and fighting contents and requirements for projects and designs strictly according to standards and law provisions and must ensure the appraisal and approval time limits prescribed in Clause 4, Article 16 of this Decree;

b) To expertise fire prevention and fighting equipment and means before they are installed; to inspect the construction and installation of fire prevention and fighting equipment according to the approved designs; to check fire prevention and fighting safety in the process of work construction, test and acceptance;

c) To join in the pre-acceptance tests of works and issue fire prevention and fighting test and acceptance for works which are subject to fire prevention and fighting appraisal and approval.

**Article 18.-** Fire prevention and fighting test and acceptance

Construction works which have been appraised and approved in term of fire prevention and fighting must be subject to pre-acceptance test of fire prevention and fighting before the investors proceed with the test and acceptance of works. The fire prevention and fighting test and acceptance covers the test and acceptance of each part, each stage, each item and the test, acceptance and hand-over of the entire works; for hidden parts of works, they must be tested and accepted before proceeding to next jobs.

The fire prevention and fighting test and acceptance documents shall serve as one of the bases for the investors to test and accept, settle and put the works to use.

**Article 19.-** Inspection of fire prevention and fighting safety

1. The inspection of fire prevention and fighting safety shall be carried out with the following contents:

a) The satisfaction of fire prevention and fighting safety conditions by each of the subjects defined in Articles 9, 10, 11, 12 and other relevant articles of this Decree and other law provisions;

b) The fulfillment of fire prevention and fighting responsibility by each of the subjects defined in Articles 3, 4, 5 and relevant articles of this Decree and other law provisions;

c) The observance of standards and law provisions on fire prevention and fighting as well as fire prevention and fighting requests of competent persons or agencies.

2. The fire prevention and fighting safety inspection shall be conducted according to the regime of regular, periodical and unexpected inspections.

3. The responsibilities for fire prevention and fighting safety inspection are prescribed as follows:

a) The establishment heads, the commune-level People's Committee presidents, motorized traffic means owners, forest owners, family masters shall have to organize the fire prevention and fighting safety inspection in areas under their respective management according to the inspection regime prescribed in Clause 2 of this Article;

b) The heads of agencies or organizations, the presidents of the People's Committees of the district or higher level have the responsibility to organize the fire prevention and

fighting safety inspection according to the regime of periodical and unexpected inspections within areas under their respective management;

c) The fire prevention and fighting police offices have the responsibilities to inspect the fire prevention and fighting safety quarterly, for establishments exposed to fire and explosion dangers and motorized traffic means requiring special fire prevention and fighting safety; biannually or annually for remaining subjects; and unexpectedly upon the appearance of signs of fire prevention and fighting dangers or unsafety or violations of regulations on fire prevention and fighting safety and upon special protection requests.

4. The Ministry of Public Security shall specify the procedures for fire prevention and fighting safety inspection.

**Article 20.-** Suspension and extended suspension of operations of establishments, motorized traffic means, activities of family households and/or individuals, that fail to ensure fire prevention and fighting safety, and restoration of operations and activities

1. Cases of operation suspension prescribed in Clause 1, Article 29 of the Law on Fire Prevention and Fighting are construed as follows:

a) Direct fire and/or explosion dangers means the appearance in the fire and/or explosion danger environment of flame or heat sources or the appearance of fire and/or explosion danger environment when flame or heat sources are available;

b) Particularly serious violations of regulations on fire prevention and fighting mean violations which, if not being stopped in time, may lead to direct fire and/or explosion dangers or may cause particularly serious consequences upon the occurrence of fires or explosions;

c) Serious violations of regulations on fire prevention and fighting means the violations which may lead to fires and/or explosions with serious consequences which are requested by competent State management bodies in charge of fire prevention and fighting to be overcome, but have not yet been overcome though administrative sanctions were imposed.

2. The suspension of operations of establishments, motorized traffic means and/or activities of family households and individuals as prescribed in Clause 1 of this Article is limited within the smallest scope and effected according to the principle that suspension shall be effected only on activities in domains where the direct fire and/or explosion dangers have emerged or where the violations of fire prevention and fighting regulations are committed. When the operations of sections or entire establishments, motorized traffic means and activities of family households and individuals are affected and the direct fire and/or explosion dangers emerge, such operations and activities shall also be suspended.

3. The operation or activities suspension duration is determined on the basis of the conditions and capabilities to eliminate the direct fire and/or explosion dangers, the capabilities to redress the violations of fire prevention and fighting regulations, but must not exceed 30 days. If past the operation or activities suspension time limit the direct fire and/or explosion dangers have not yet been eliminated or the violations of the fire prevention and fighting regulations have not yet been redressed, the extended suspension

shall be considered, but must not exceed 30 days. In special cases where the duration of extended suspension of operation has expired while the direct fire and/or explosion dangers have not yet been eliminated or the violations of the fire prevention and fighting regulations have not yet been redressed, the persons who issued the suspension decisions shall report such to the competent superior authorities who shall consider and decide on further extension or handle such cases according to law provisions.

4. During the operation or activities suspension, if the direct fire and/or explosion dangers are eliminated or the violations of the fire prevention and fighting regulations are redressed, the operation shall be restored.

5. The operation or activities suspension decisions and the operation restoration decisions shall be expressed in writing or verbally; where the competent persons make verbal decisions, such decisions must be expressed in writing within the shortest time. In cases where after the competent persons make verbal decisions the direct fire and/or explosion dangers are eliminated or the violations of the fire prevention and fighting regulations are redressed, they may make verbal decisions on operation restoration.

The heads of establishments, agencies, organizations or family households, the motorized traffic means operators or owners and individuals, when receiving the suspension decisions, must strictly abide by them and have the responsibility to eliminate the direct fire and/or explosion dangers or redress the violations of the fire prevention and fighting regulations within the shortest time.

6. Competence to suspend operation, extend operation suspension and restore operation is stipulated as follows:

a) The Minister of Public Security or authorized persons are entitled to decide on suspension of operations of establishment sections or entire establishments or motorized traffic means and activities of family households or individuals nationwide; the special cases shall be reported to the Prime Minister for decision;

b) The People's Committee presidents at all levels are entitled to decide on suspension of establishment sections, entire establishments, motorized traffic means, activities of family households or individuals falling within the scope of their respective management responsibilities;

c) The director of the Fire Prevention and Fighting Police Department and the heads of Fire Prevention and Fighting Police Sections shall, within the ambit of their respective jurisdiction, be entitled to decide to suspend the operations of parts or whole of establishments, motorized traffic means, or activities of family households or individuals;

d) The fire prevention and fighting safety inspection police shall be entitled to suspend the operations of parts or whole of establishments, motorized traffic means, activities of family households or individuals when there exist direct fire and/or explosion dangers, and must promptly report such to the competent immediate superiors;

e) Persons competent to issue operation or activity suspension decisions shall be entitled to extend the operation or activity suspension and to restore the suspended operation or activities.

7. The Ministry of Public Security shall specify the forms of "operation suspension decisions," "extended operation suspension decisions," "operation restoration decisions"; the procedures for operation suspension, operation suspension extension and operation restoration.

**Article 21.-** Suspension of operations of establishments, motorized traffic means, activities of family households and individuals, that fail to ensure fire prevention and fighting safety

1. Establishments, motorized traffic means, family households and individuals, that are suspended from operations or activities under the provisions in Clause 1, Article 20 of this Decree, but, upon the expiry of the suspension duration, still fail to or cannot overcome the situation and threaten to cause fires and/or explosions with serious consequences, shall be subject to stoppage of their operations or activities. The operation or activity stoppage may be imposed on part or whole of the activities of establishments, motorized traffic means, family households and/or individuals.

2. Competent persons defined at Points a, b and c, Clause 6, Article 20 of this Decree, who have powers to suspend the operations or activities of any subjects, shall be entitled to stop the operations or activities of such subjects.

3. The Ministry of Public Security shall prescribe the form of "operation stoppage decisions" and the procedures for operation stoppages.

### Chapter III

### FIRE FIGHTING

**Article 22.-** Fire-fighting plans

1. Fire-fighting plans must ensure the following basic requirements and contents:

a) Stating the nature and characteristics of fire, explosion and/or toxicity dangers and the conditions related to fire-fighting activities;

b) Anticipating circumstances of the biggest and most complicated fires as well as other typical fires, which may occur, the possibility of fire development at various degrees;

c) Setting out plans on mobilization and use of forces, means as well as organization of fire-fighting command, technical measures, tactics and service work, suitable to each period of each fire circumstance.

2. Heads of establishments, special economic zones, industrial parks, export processing zones or hi-tech parks, chiefs of villages, hamlets, urban population groups, forest owners, and owners of motorized traffic means, which require special fire prevention and fighting safety, shall have to draw up the fire-fighting plans; where their fire-fighting plans require the mobilization of forces and means of many agencies, organizations or localities, they shall request the fire prevention and fighting police agencies to guide and direct the elaboration of such plans.

The fire-fighting plans must be supplemented and adjusted in time when there is any change in the nature and characteristics of the fire, explosion and/or toxicity dangers as well as conditions related to fire-fighting activities.

3. Competence to approve fire-fighting plans:

a) The commune-level People's Committee presidents, the heads of agencies or organizations shall approve fire-fighting plans falling under the scope of their management responsibilities;

b) The fire prevention and fighting police section heads shall approve fire-fighting plans involving forces and means of many agencies and organizations in the localities; for special cases, the directors of the provincial-level Police Departments shall approve them;

c) The provincial-level People's Committee presidents shall approve the fire-fighting plans involving forces and means of the army units stationing in their respective localities;

d) The director of the Fire Prevention and Fighting Police Department shall approve the fire-fighting plans involving forces and means of many agencies, organizations and/or localities; in case of necessity, they shall be submitted to the Minister of Public Security or authorized persons for approval; for special cases, they shall be submitted by the Minister of Public Security to the Prime Minister for approval.

4. The fire-fighting plans shall be managed and used according to the regime of management and use of secret documents. Persons responsible for elaborating the fire-fighting plans, defined in Clause 2 of this Article, shall have to organize the archival of such plans and send the copies thereof to the fire prevention and fighting police units, which manage the geographical areas. Agencies and organizations having forces and means involved in the plans shall be informed of the contents related to their tasks.

5. Responsibility to organize drills under the fire-fighting plans:

a) Persons responsible for elaborating the fire-fighting plans, defined in Clause 2 of this Article, shall have to organize drills according to such plans. The fire-fighting plan drills must be organized periodically at least once a year and irregularly when so requested;

b) Forces and means included in plans, when mobilized, must fully participate therein.

6. The fire prevention and fighting police units shall have to guide and inspect the elaboration, practice, management and use of fire-fighting plans.

7. The Ministry of Public Security shall prescribe the form of "fire-fighting plans," the time limits for approval thereof and the regime of practicing the fire-fighting plans.

**Article 23.-** Responsibility to alarm fires, fight fires and participate in fire fighting

1. The fire detectors must seek all ways and means to alarm fires to people around and to one or all of the following units:

a) The grassroots civil defense teams or fire prevention and fighting teams at places where the fire break out;

b) The nearest fire prevention and fighting police units;

c) The nearest local administration or police offices.

2. The agencies and units prescribed at Points a, b and c, Clause 1 of this Article, upon receiving reports on fires occurring in areas assigned to them for management, shall have to quickly come to organize the fire fighting, and at the same time report such to the necessary agencies and units for their support in fire fighting; where fires occur outside the geographical areas assigned to them for management, after receiving the reports on fires, they must seek ways and means to quickly report them to the agencies or units managing the geographical areas where the fires break out, and at the same time to their superiors.

3. Persons who are present at places where fires break out and physically fit must seek ways and means to rescue people, prevent the fires from spreading and stamp out the fires; the participants in fire fighting must obey the orders of the fire-fighting commanders.

4. The police, army and militia and self-defense forces, the medical, electricity, water supply, urban sanitation, traffic and other relevant agencies have the tasks to fight fires and participate in fire fighting under the provisions in Clauses 2, 3 and 4, Article 33 of the Law on Fire Prevention and Fighting.

**Article 24.-** Mobilizing priority vehicles, personnel and/or means of the army, of international organizations, foreign organizations and/or individuals in Vietnam for participation in fire fighting

1. Army personnel and means, when not performing urgent tasks, can all be mobilized for fire fighting and/or service of fire fighting. Army unit commanders, upon receiving orders on personnel and means mobilization for fire fighting and/or service of fire fighting, must immediately abide by them or report to the competent authorities for implementation organization.

The Ministry of Public Security shall assume the prime responsibility and coordinate with the Ministry of Defense in guiding in detail the mobilization of army personnel and means for fire fighting and/or service of fire fighting.

2. Vehicles of the following types shall not be mobilized for fire fighting and/or service of fire fighting:

a) Army vehicles and police vehicles being on urgent missions;

b) Ambulances on emergency missions;

c) Dyke protection vehicles, vehicles being on missions to overcome consequences of natural calamities or emergency state as provided for by law;

d) Police-led vehicle convoys;



- e) Funeral procession vehicles;
- f) Other priority vehicles as provided for by law.

3. Personnel and/or means of international organizations, foreign organizations and individuals in Vietnam can all be mobilized for fire fighting and/or service of fire fighting, except for international organizations, foreign organizations and individuals, that enjoy diplomatic privileges and immunities as provided for by law.

The Foreign Ministry shall have the responsibility to notify the Ministry of Public Security of the international organizations as well as foreign organizations and individuals in Vietnam, that enjoy diplomatic privileges and immunities.

**Article 25.-** Competence to mobilize forces, means and properties for fire fighting

1. The competence to mobilize forces, means and properties for fire fighting is prescribed as follows:

- a) The fire fighting commanders being fire prevention and fighting police, heads of agencies and organizations and presidents of the People's Committees of the commune or higher levels are entitled to mobilize forces, means and properties of agencies, organizations, family households and individuals within the areas under their respective management; where they need to mobilize forces, means and properties outside their management scopes, they must report such to persons with the mobilizing competence for decision;
- b) The heads of the fire prevention and fighting police sections are entitled to mobilize forces, means and properties of agencies, organizations, family households and individuals in the provinces and centrally-run cities. After the mobilization, they must notify the competent persons managing such forces, means and properties thereof;
- c) The director of the Fire Prevention and Fighting Police Department is entitled to mobilize forces, means and properties of agencies, organizations, family households and individuals nationwide. After such mobilization, he/she shall have to notify the competent persons managing such forces, means and properties thereof.

2. The Ministry of Public Security shall prescribe forms, management and use of " Orders on mobilization of forces, means and properties for fire fighting' and the mobilization procedures.

**Article 26.-** Returning and compensating for damage caused to means and properties mobilized for fire fighting

Means and properties of agencies, organizations, family households and individuals, which are mobilized for fire fighting and/or service of fire fighting, must be returned immediately after the fire fighting; in cases where means and/or properties are lost, damaged, houses and/or works are dismantled under the provisions at Points c and d, Clause 1, Article 38 of the Law on Fire Prevention and Fighting, compensations shall be made therefor under the provisions of law.

The compensation fundings shall be allocated from the State budget.

The Finance Ministry shall assume the prime responsibility and coordinate with the Ministry of Public Security in providing detailed guidance on compensations.

**Article 27.-** Priority and ensuring the priority rights for people and means mobilized for fire fighting and participation in fire fighting

1. Vehicles, trains and aircraft of the fire prevention and fighting police force, when being on fire-fighting or fire-fighting service missions may use the priority signals, circulation priority rights and other priority rights as prescribed by law.

Land motorized traffic means of agencies, organizations and individuals, which are mobilized for fire fighting tasks, are entitled to enjoy the priority rights prescribed at Point b, Clause 2, Article 36 of the Law on Fire Prevention and Fighting and are given priority in crossing bridges, ferries and exempt from fees for circulation on roads.

2. Persons who are mobilized for the tasks of fire fighting, when presenting the mobilization orders, must be arranged for their trips as soon as possible by means owners or traffic means operators or relevant responsible persons.

**Article 28.-** Priority signals, pennants, signboards and banners used in fire fighting

1. The priority signals used for land and waterway motorized traffic fire fighting means shall include:

- a) Flickering red or blue lights;
- b) Horns blowing priority signals.
- c) Fire fighting pennants.

3. Pennants, signboards and banners used in fire fighting include:

- a) The fire-fighting command pennant;
- b) The fire-fighting command banner;
- c) Signboards and bands delimiting boundaries of fire-fighting zones;
- d) Signboards banning movement to and from the fire-fighting zones.

The specifications of priority signals, pennants, signboards and banners used in fire fighting are prescribed in Appendix 4 to this Decree (not printed herein).

**Article 29.-** Fire-fighting commanders

1. For the fire prevention and fighting police forces, the fire-fighting commanders must be the persons holding the rank of fire brigade commanders or higher.

2. In cases where the fire prevention and fighting police forces have not yet arrived at the places where fires broke out and the fires have spread from one establishment to another or from establishments to population quarters or vice versa, the fire-fighting commanders of the establishments and the population quarters shall have to coordinate in commanding the fire fighting.

3. Where motorized traffic means catch fire in areas of establishments, villages, hamlets, urban population groups, forests, where the fire prevention and fighting police forces have not yet arrived, the persons commanding the fire-fighting for the motorized traffic means must coordinate with the persons responsible for commanding the fire fighting at establishments in commanding the fire fighting.

4. When the person with the highest rank in the fire prevention and fighting police unit arrives at the place where a fire breaks out, the fire-fighting commander prescribed in Clause 2, Article 37 of the Law on Fire Prevention and Fighting shall have to join the Fire Fighting Command and submit to the assignment by the fire-fighting commander of the Fire Prevention and Fighting Police Force.

**Article 30.-** Fire-fighting commanding and directing tasks

1. Fire-fighting commanding tasks:

a) Mobilizing forces, means, properties, water sources and fire-fighting materials for fire fighting;

b) Locating the fire-fighting zones, drawing up and implementing technical measures and tactics for fire fighting;

c) Putting forth the requirements on ensuring traffic and order;

d) Organizing logistics for fire fighting, service of fire fighting and healthcare;

e) Organizing information and communications in service of fire fighting;

f) Organizing political and ideological work in fire fighting;

g) Organizing the information on the fire;

h) Proposing other requirements in service of fire fighting.

2. Fire-fighting directing tasks mean organizing the implementation of the mobilization of forces, means, properties, water sources and fire-fighting materials for fire fighting; ensuring conditions in service of fire fighting such as traffic, order, information and communications, fire fighting logistics, healthcare and political as well as ideological work in fire fighting.

3. When the fire prevention and fighting police forces have not yet arrived at the places where the fires break out, the heads of agencies and organizations and the presidents of the People's Committees of the commune or higher levels shall have to perform the tasks prescribed in Clauses 1 and 2 of this Article. When the fire prevention and fighting police

forces arrive at the places where the fires break out, the commanders of the fire prevention and fighting police units shall have to perform the tasks prescribed in Clause 1 of this Article; the heads of the agencies and organizations, the presidents of the People's Committees of the commune or higher levels shall have to participate in commanding the fire fighting and perform the tasks of directing the fire fighting prescribed in Clause 2 of this Article.

**Article 31.-** Emergency circumstances where the right to decide on dismantlement of houses, works, obstacles and removal of assets upon fire fighting may be exercised

The fire fighting commanders may exercise the right to decide on dismantlement of houses, works, obstacles and removal of assets prescribed at Point d, Clause 1, Article 38 of the Law on Fire Prevention and Fighting in the following emergency circumstances:

1. Where people are trapped in the fires or the fires directly threaten the lives of many people;
2. The fires are in the danger of directly leading to explosion, toxicity; adversely affecting the environment; causing heavy human and material losses; possibly causing bad political impacts if no measures are taken to stop them in time;
3. Houses, works and/or obstacles hindering the deployment of fire fighting, for which there is no other alternative to ensure higher effectiveness of the fire fighting.

**Article 32.-** Fire fighting at offices of diplomatic missions, consulates, representations of international organizations and residences of staff members thereof

1. The fire prevention and fighting forces of Vietnam may enter the offices of the following agencies for fire fighting when so requested or consented by the heads or the authorized persons of those agencies:

- a) Offices of the diplomatic missions;
- b) Offices of the consulates of the countries which have signed with Vietnam consular agreements clearly stating that the fire prevention and fighting forces of Vietnam may enter for fire fighting when so requested or consented by the heads or authorized persons of those agencies;
- c) Offices of the representations of international organizations within the United Nations system;
- d) Offices of the representations of the inter-governmental international organizations outside the United Nations system, missions of international organizations, if the agreements signed between Vietnam and those organizations stipulate that the fire prevention and fighting forces of Vietnam may enter for fire fighting when so requested or consented by the heads or authorized persons of those agencies.

2. The fire prevention and fighting forces of Vietnam may enter the offices of the consulates and representations of international organizations not specified in Clause 1 of

this Article for fire fighting without the requests or consents of the heads or authorized persons of those agencies.

3. The fire prevention and fighting forces of Vietnam may enter residences of the following persons for fire fighting when so requested or consented by those persons:

a) Residences of diplomats and their family members being other than Vietnamese citizens; administrative and technical personnel and their family members being other than Vietnamese citizens nor permanent residents in Vietnam;

b) Residences of consuls being other than Vietnamese citizens nor permanent residents in Vietnam, if the consular agreements signed between Vietnam and the countries of those consuls stipulate that the fire prevention and fighting forces of Vietnam may enter for fire fighting when so requested or consented by those persons.

4. The fire prevention and fighting forces of Vietnam may enter residences of staff members of consulates or representations of international organizations other than those specified in Clause 3 of this Article without the requests or consents of those staff members.

5. The Foreign Ministry shall notify the Ministry of Public Security of the subjects defined at Points b, c and d of Clause 1, and Point b of Clause 3 of this Article.

#### Chapter IV

### ORGANIZING FIRE PREVENTION AND FIGHTING FORCES

**Article 33.-** Organizing and managing the civil-defense forces, the grassroots and specialized fire prevention and fighting forces

1. Village chiefs, hamlet chiefs and urban population group leaders have the responsibility to propose the establishment and directly maintain the operations of civil defense teams in villages, hamlets, urban population groups. For large villages, hamlets or urban population groups, a civil-defense team may consist of may civil-defense groups. The commune-level People's Committee presidents shall have to decide on the establishment, promulgate the regulations on operation of, the provision of fundings and equipment as well as other conditions for, civil defense teams.

2. The heads of establishments shall have to propose the establishment and directly maintain the operation of grassroots fire prevention and fighting teams. The heads of agencies or organizations directly managing the establishments shall have the responsibility to decide on the establishment, promulgate the regulations on operation of, ensure funding, equipment and conditions for, the grassroots fire prevention and fighting teams.

The Management Boards of special economic zones, industrial parks, export-processing zones or hi-tech parks shall have to set up and directly manage the operation of the grassroots fire prevention and fighting teams on a full time basis.

3. The fire prevention and fighting police offices have the responsibility to professionally direct and inspect the fire prevention and fighting operations of the civil defense forces, the grassroots and specialized fire prevention and fighting forces.

4. The Ministry of Public Security shall specify the organization of civil-defense teams and grassroots fire prevention and fighting teams; guide and inspect the management and maintain the operation of civil defense forces, the grassroots and specialized fire prevention and fighting forces.

**Article 34.-** Training and fostering in fire prevention and fighting operations for cadres and members of the civil-defense teams, the grassroots and specialized fire prevention and fighting teams

1. Cadres and members of the civil-defense teams, the grassroots and specialized fire prevention and fighting teams shall be trained and fostered in fire prevention and fighting operations according to the following contents:

a) Legal knowledge, fire prevention and fighting know-how, suitable to each kind of subjects;

b) Methods of propagation and building of mass movement for fire prevention and fighting;

c) Fire prevention measures;

d) Methods of elaborating and practicing fire-fighting plans; fire-fighting measures, tactics and techniques;

e) Methods of preserving and using fire prevention and fighting devices;

f) Methods of examining the fire prevention and fighting safety.

2. The Ministry of Public Security shall guide in detail the programs, contents and time of professional training and fostering in fire prevention and fighting operations; specify the granting and form of certificates of professional training in fire prevention and fighting operation, and organize the fostering according to the contents and programs for the subjects defined in Clause 1 of this Article.

**Article 35.-** Regimes and policies towards cadres and members of civil-defense teams, grassroots and specialized fire prevention and fighting teams.

1. Cadres and members of the civil-defense teams, the grassroots and specialized fire prevention and fighting teams shall be equipped with protection clothing and personal devices suitable to the nature of operations.

2. Cadres and members of the civil-defense teams shall be exempt from public labor obligations; for each day of professional training and fostering in fire prevention and fighting operation, they shall enjoy a money amount equal to the value of 1.5 of an average workday in their localities.

3. The cadres and members of the civil-defense teams, when directly participating in fire fighting, shall enjoy the allowance regime as follows:

a) If the fire fighting lasts for less than 2 hours, they shall each enjoy an allowance amount equal to the value of half of an average workday in their respective localities;

b) If the fire fighting lasts between 2 and under 4 hours, they shall each enjoy an allowance amount equal to two-thirds of an average workday in their respective localities;

c) If the fire fighting lasts for 4 hours or more or many days, for every 4 hours, they shall each enjoy an allowance amount equal to the value of an average workday in their respective localities.

4. Cadres and members of the civil-defense teams, when participating in professional training and fostering in fire prevention and fighting operation and getting accidents, suffering from health damage or death, shall enjoy the social insurance regime like State officials and employees.

The fundings for payment of allowances and social insurance indemnities to members of civil-defense teams shall be provided by the local budgets.

5. Cadres and members of grassroots and specialized fire prevention and fighting teams, during the period of professional training and fostering in fire prevention and fighting operations, shall be entitled to work leaves and enjoy full salaries and other allowances (if any) and an allowance amount being equal to half of the daily pay for each day.

6. Cadres and members of the grassroots and specialized fire prevention and fighting teams, who directly participate in fire fighting, shall enjoy the allowance regime as follows:

a) If the fire fighting lasts for less than 2 hours, they shall each enjoy an allowance amount equal to the value of half of the daily pay;

b) If the fire fighting lasts between 2 and under 4 hours, they shall each enjoy an allowance amount equal to two-thirds of the daily pay;

c) If the fire fighting lasts for 4 hours or more or for many days, for every 4 hours they shall each enjoy an allowance amount equal to the value of the daily pay.

7. Cadres and members of the grassroots and specialized fire prevention and fighting teams, when participating in professional training and fostering in fire prevention and fighting operations and getting accidents thus suffering from health damage or death, shall enjoy the social insurance regime.

The fundings for payment of allowances and social insurance regimes to cadres and members of the grassroots and specialized fire prevention and fighting teams shall be supplied by the managing agencies or organizations.

8. The Ministry of Labor, War Invalids and Social Affairs shall assume the prime responsibility and coordinate with the Ministry of Public Security, the Finance Ministry and the concerned agencies in guiding in detail the implementation of regimes of allowance

and social insurance for cadres and members of the civil defense teams as well as the grassroots and specialized fire prevention and fighting teams.

**Article 36.-** Mobilizing civil-defense forces, grassroots and specialized fire prevention and fighting forces for participation in fire prevention and fighting

1. Competence to mobilize civil-defense forces, grassroots and specialized fire prevention and fighting forces for participation in fire prevention and fighting is prescribed as follows:

a) The presidents of the People's Committees at all levels, the heads of agencies or organizations may mobilize civil-defense teams, grassroots and fire prevention and fighting teams under their respective management;

b) Heads of the fire prevention and fighting police sections may mobilize civil defense forces, grassroots and specialized fire prevention and fighting forces in geographical areas under their respective management;

c) The director of the Fire Prevention and Fighting Police Department may mobilize civil-defense forces, grassroots and specialized fire prevention and fighting forces nationwide.

2. Upon receiving decisions on mobilization for participation in fire prevention and fighting, the competent persons managing the civil-defense forces, the grassroots and specialized fire prevention and fighting forces shall have to abide by such decisions.

3. The Ministry of Public Security shall prescribe the form, management and use of decisions on mobilization of civil defense forces and grassroots and specialized fire prevention and fighting forces for participation in fire prevention and fighting as well as the mobilization procedures.

**Article 37.-** Organizational apparatus of the fire prevention and fighting police force

1. The fire prevention and fighting police force is organized uniformly from the central to local levels under the Public Security Minister's management and direction, comprising:

a) The Fire Prevention and Fighting Police Department;

b) The fire prevention and fighting training establishments;

c) The fire prevention and fighting police sections under the Police Departments of the provinces and centrally-run cities;

d) Fire prevention and fighting police teams under the fire prevention and fighting police sections. These teams shall be established in provincial cities and towns, urban districts, rural districts, special economic zones, industrial parks, export-processing zones, hi-tech parks and other key economic regions.

2. The Ministry of Public Security shall specify the functions, tasks and organizational structures of the agencies and units defined in Clause 1 of this Article and specify the establishment of fire prevention and fighting police teams.



**Article 38.-** Regimes and policies towards officers, non-commissioned officers and men of the fire prevention and fighting police force

The officers, non-commissioned officers and men of the fire prevention and fighting police force shall, apart from the regimes and policies prescribed for the officers, non-commissioned officers and men of the People's Police, enjoy the regimes of high quantitative food rations, training, drill and fire-fighting allowances; entitlements according to lists of particularly heavy, hard and hazardous jobs under the State's regulations. Employees and workers of the fire prevention and fighting police force shall enjoy the regimes and policies as those for the Police employees and workers.

## Chapter V

### FIRE PREVENTION AND FIGHTING MEANS

**Article 39.-** Fire prevention and fighting means

1. The fire prevention and fighting means include motorized means, equipment, machinery, tools, chemicals, support instruments used exclusively for fire prevention and fighting, human rescue, property rescue, which are specified in Appendix 5 to this Decree (not printed herein).

2. The fire-fighting motorized communication means of the fire prevention and fighting police force shall include fire-fighting vehicles, trains and airplanes.

3. The fire engines of the fire prevention and fighting police force include fire-fighting substance spraying vehicles, fire-fighting means and fire-fighter-carrying vehicles, water transportation vehicles, fire-fighting ladder vehicles and other motorized communication means used for the purposes of fire fighting and service of fire fighting.

4. Home-made or imported fire prevention and fighting means must satisfy the following conditions:

a) Ensuring the technical parameters according to designs in service of fire prevention and fighting;

b) Being compatible with Vietnamese standards or foreign standards, international standards permitted for application in Vietnam.

5. Brand-new home-made or imported fire prevention and fighting means must be expertised in term of quality, categories, models under the regulations of the Ministry of Public Security.

6. Transformed home-made fire prevention and fighting means must be permitted by competent fire prevention and fighting police offices and must be expertised in term of quality, categories and models under the regulations of the Ministry of Public Security.

7. The Ministry of Public Security shall define the norms and criteria of fire prevention and fighting means for the subjects prescribed in Clauses 1 and 2 of Article 50 of the Law on Fire Prevention and Fighting.

**Article 40.-** Equipment of means for fire prevention and fighting police force

The fire prevention and fighting police force shall be equipped with fire prevention and fighting means and other facilities with prescribed quantity, quality, completeness, modernity to satisfy the requirements of fire prevention and fighting and human rescue in all circumstances and in all domains.

The Ministry of Public Security shall specify the norms and criteria of equipment of fire prevention and fighting means for the fire prevention and fighting police force.

**Article 41.-** Management and use of fire prevention and fighting means

1. The fire prevention and fighting means must be managed, maintained and repaired strictly according to regulations so as to ensure fire-fighting readiness. For motorized fire-fighting means, apart from being used in fire fighting, drills, fire-fighting plan practices, they shall only be used in the following cases:

- a) Participation in the work of ensuring political security;
- b) Participation in the work of ensuring social order and safety;
- c) Rescue of victims; urgent handling of accidents;
- d) Combating natural calamities and overcoming the consequences thereof.

2. The Public Security Minister or authorized persons and the presidents of the provincial-level People's Committees shall, within the scope of their respective management, be entitled to mobilize motorized fire-fighting means for the purposes prescribed in Clause 1 of this Article.

3. The director of the Fire Prevention and Fighting Police Department, the directors of the provincial-level Police Departments shall, within the scope of their respective management, be entitled to mobilize motorized fire-fighting means for the purposes prescribed at Points b, c and d, Clause 1 of this Article.

4. The heads of agencies or organizations shall, within the scope of their respective management, be entitled to mobilize motorized fire-fighting means for the purposes prescribed at Points c and d, Clause 1 of this Article.

5. The Ministry of Public Security shall stipulate the regime of managing, preserving, maintaining and using fire prevention and fighting means and guide the ministries, branches and localities in the implementation thereof.

Chapter VI

INVESTMENT IN FIRE PREVENTION AND FIGHTING ACTIVITIES

**Article 42.-** Using financial sources for investment in fire prevention and fighting activities

1. The financial sources for investment in fire prevention and fighting activities shall be used for the following contents:

- a) Investment in fire prevention and fighting activities, material foundations, equipment and facilities as well as equipment of the fire prevention and fighting police force;
- b) Support for activities of the civil defense forces, the grassroots fire prevention and fighting forces;
- c) Support for propagation and building of mass movement for fire prevention and fighting;
- d) Support for commendation and rewards in fire prevention and fighting work;
- e) Support for other fire prevention and fighting activities.

2. The financial sources for investment in fire prevention and fighting activities shall be managed and used according to the provisions of the State Budget Law.

The Finance Ministry shall assume the prime responsibility and coordinate with the Ministry of Public Security in specifying the regime of management and use of financial investment in fire prevention and fighting activities.

**Article 43.-** Budgetary investment in fire prevention and fighting activities

1. The funding for fire prevention and fighting activities of the fire prevention and fighting police force, administrative and non-business units, armed force units, other units benefiting from the State budget and localities shall be included in annual State budget estimates under the provisions of the State Budget Law.

Annually, the State shall ensure and allocate separate budget for activities of the fire prevention and fighting police force; the Ministry of Public Security shall elaborate plans on budgetary investment in fire prevention and fighting activities and assign them to the Fire Prevention and Fighting Police Department for implementation.

2. Agencies and organizations not benefiting from the State budget, family households, individuals and foreign organizations based in the Vietnamese territory shall themselves ensure fundings for fire prevention and fighting activities according to regulations.

3. The State budget investment in activities of the fire prevention and fighting police force shall be used for the following contents:

- a) Regular activities of the fire prevention and fighting police force;
- b) Equipment, renovation and modernization of fire prevention and fighting means as well as technical and material foundations; research into fire prevention and fighting science and technology according to regulations.

**Article 44.-** Encouraging investment in fire prevention and fighting activities

1. The State encourages and creates conditions for domestic agencies, organizations and individuals, overseas Vietnamese, foreign organizations and individuals and international organizations to invest in or provide financial support for, the following domains:

- a) Fire prevention and fighting activities;
- b) Equipment of fire prevention and fighting means;
- c) Training and fostering to raise the fire prevention and fighting knowledge;
- d) Application of scientific and technological advances to fire prevention and fighting activities.

2. The State encourages the research into the domestic manufacture and assembly, export and import of fire prevention and fighting means.

3. Agencies, organizations and individuals manufacturing and/or assembling fire prevention and fighting means shall be entitled to enjoy the tax preference policies under the regulations of the State.

## Chapter VII

### RESPONSIBILITIES OF THE MINISTRIES, MINISTERIAL-LEVEL AGENCIES, GOVERNMENT-ATTACHED AGENCIES AND PEOPLE'S COMMITTEES AT ALL LEVELS FOR FIRE PREVENTION AND FIGHTING ACTIVITIES

**Article 45.-** Responsibilities of the ministries, ministerial-level agencies and Government-attached agencies

The ministries, the ministerial-level agencies and the Government-attached agencies shall, within the ambit of their tasks and powers, coordinate with the Ministry of Public Security in organizing the implementation of the fire prevention and fighting work and have the following specific tasks:

1. To promulgate legal documents and regulations on fire prevention and fighting within the scope of their respective management and powers;
2. To coordinate with the Ministry of Public Security in organizing the implementation of law provisions on fire prevention and fighting;
3. To organize the propagation and education of legislation on, and provide guidance on the knowledge about, fire prevention and fighting; direct the building and maintenance of mass movement for fire prevention and fighting;
4. To direct the investment of funding in fire prevention and fighting activities, equipment of fire prevention and fighting means;
5. To direct the organization of fire fighting and overcoming of fire consequences;

6. To arrange forces for the performance of fire prevention and fighting tasks; to make statistics and reports on fire prevention and fighting to the Government and the Ministry of Public Security.

**Article 46.-** Responsibilities of the Ministry of Public Security

The Ministry of Public Security shall have the responsibility to exercise the uniform State management over fire prevention and fighting throughout the country and perform the following tasks:

1. To propose and organize the implementation of fire prevention and fighting strategies, plannings and plans nationwide;
2. To propose the promulgation of or to promulgate legal documents on fire prevention and fighting; to guide and organize the implementation of and inspect the observance of fire prevention and fighting regulations;
3. To guide and direct the propagation and education of legislation and knowledge on fire prevention and fighting, build the mass movement for participation in fire prevention and fighting activities;
4. To perform the work of specialized fire prevention and fighting inspection; to settle complaints and denunciations related to the field of fire prevention and fighting, which fall under its jurisdiction.
5. To appraise and approve the fire prevention and fighting for projects, designs; to test and accept construction works regarding the fire prevention and fighting; to expertise, grant and withdraw certificates of means safety and of full qualifications for fire prevention and fighting;
6. To perform the work of investigation and handling of fires and handle violations of regulations on fire prevention and fighting;
7. To guide and direct the organization of fire-fighting standby, to draw up and practice fire fighting plans; to perform the tasks of daily rescue and salvage;
8. To elaborate and organize the implementation of, projects on investment in the equipment of fire prevention and fighting means for the fire prevention and fighting police force; to promulgate and organize the implementation of, regulations on equipment and use of fire prevention and fighting means;
9. To build the fire prevention and fighting police force; to organize the training of fire prevention and fighting professionals;
10. To organize the research into, dissemination and application of scientific and technological advances in the field of fire prevention and fighting;
11. To organize the system of information on management, direction and administration of fire prevention and fighting activities;

12. To organize and inspect the fire and explosion insurance activities in association with fire prevention and fighting activities;

13. To submit to the Government the participation in international organizations, the conclusion of or accession to international treaties on fire prevention and fighting activities; to carry out international activities related to fire prevention and fighting activities according to competence.

**Article 47.- Responsibilities of the People's Committees at all levels**

1. The People's Committees of the provincial or district level shall, within the ambit of their tasks and powers, have to perform the function of State management over fire prevention and fighting in their respective localities, and have the following specific tasks:

- a) To promulgate regulations on fire prevention and fighting in their localities;
- b) To direct, inspect and organize the implementation of law provisions on fire prevention and fighting in their localities; to administratively handle acts of violating the regulations on fire prevention and fighting according to their competence;
- c) To guide and direct the propagation and education of legislation and knowledge on fire prevention and fighting to people, to build mass movement for fire prevention and fighting;
- d) To invest budget in fire prevention and fighting activities; to equip fire prevention and fighting means;
- e) To plan locations and propose land allocation and build camps for the fire prevention and fighting police force;
- f) To direct the elaboration and practice of fire fighting plans requiring the mobilization of large forces and means;
- g) To direct the organization of fire fighting and overcoming of fire consequences;
- h) To make statistics and reports on fire prevention and fighting to the superior People's Committees, the Government and the Ministry of Public Security.

2. The commune-level People's Committees shall, within the ambit of their tasks and powers, have the responsibility to perform the State management over fire prevention and fighting in their respective localities and have the following specific tasks:

- a) To direct, inspect and organize the implementation of law provisions on fire prevention and fighting in their respective localities; to ensure fire prevention and fighting safety conditions for population quarters; to administratively handle acts of violating the regulations on fire prevention and fighting according to competence;
- b) To organize the propagation, guidance and education of legislation and knowledge on fire prevention and fighting, to build up the mass movement for fire prevention and fighting;

- c) To organize the management of civil defense teams in villages, hamlets, urban population groups;
- d) To invest funding in fire prevention and fighting activities; to equip fire prevention and fighting means for civil-defense teams according to regulations;
- e) To ensure conditions on fire alarm information, roads and water sources in service of fire fighting;
- f) To direct the elaboration and practice of fire-fighting plans;
- g) To organize fire fighting and handle the fire consequences;
- h) To make statistics and reports on fire prevention and fighting to the district-level People's Committees.

## Chapter VIII

### COMMENDATION, REWARD AND HANDLING OF VIOLATIONS

#### **Article 48.-** Commendation and reward

Organizations and individuals living and working on the Vietnamese territory and recording achievements in fire prevention and fighting activities shall be commended and/or rewarded according to the common regulations of the State. The State shall award the "For the Cause of Fire Prevention and Fighting" Medals to individuals who have rendered meritorious services and contributions to the cause of fire prevention and fighting or have recorded outstanding exploits in fire prevention and fighting activities.

#### **Article 49.-** Handling of violations

Those who commit acts of violating the regulations on fire prevention and fighting, obstructing fire prevention and fighting activities or abusing fire prevention and fighting activities to infringe upon the interests of the State, the legitimate rights and interests of organizations and individuals shall, depending on the nature and seriousness of their violations, be administratively handled or examined for penal examination under the provisions of law.

The heads of agencies, organizations or establishments, if showing irresponsibility in the management and inspection of the fire prevention and fighting activities and letting fires occur in their respective units, may, depending on the nature and seriousness of their violations, be disciplined or examined for penal liability under the provisions of law.

The heads of fire prevention and fighting units who, due to irresponsibility in organizing the fire-fighting standby, leave fire engines unfilled with water, with fuels and cause serious consequences, shall, depending on the nature and seriousness of their violations, be disciplined or examined for penal liability according to law provisions.

## Chapter IX

## IMPLEMENTATION PROVISIONS

**Article 50.-** This Decree takes effect 15 days after its publication on the Official Gazette.

**Article 51.-** The Public Security Minister, the Finance Minister, the Construction Minister, the Labor, War Invalids and Social Affairs Minister shall, within the ambit of their respective functions and tasks, guide the implementation of this Decree.

The ministers, the heads of the ministerial-level agencies, the heads of the Government-attached agencies, the presidents of the provincial/municipal People's Committees shall have to implement this Decree.

On behalf of the Government  
Prime Minister  
*PHAN VAN KHAI*

## APPENDIX 1

### LIST OF FIRE- AND/OR EXPLOSION-PRONE ESTABLISHMENTS

*(Promulgated together with the Government's Decree No.35/2003/ND-CP of April 4, 2003 )*

1. Establishments manufacturing explosive materials, establishments exploiting and processing petroleum and petroleum products, fuel gas; establishments producing or processing other flammable commodities with a volume of 5,000 m<sup>3</sup> or over.
2. Explosive material depots, petroleum and petroleum product depots; liquefied gas depots; explosive material export ports, petroleum and petroleum products import ports, liquefied gas export and import ports.
3. Gasoline, oil or liquefied gas stores.
4. Generators; transformer stations of 110 KV or higher.
5. Solid, semi-solid marketplaces under the direct management of the People's Committees of the district or higher level; other solid and semi-solid marketplaces, trade centers, supermarkets, department stores with pavilions occupying a total area of 300 m<sup>2</sup> or over or a volume of 1,000 m<sup>3</sup> or more.
6. Collective dwelling houses, condominiums, hotels, guest houses, inns of 5 storeys or more, or a volume of 5,000 m<sup>3</sup> or more.
7. The provincial, ministerial or branch hospitals; other medical examination and treatment establishments with 50 beds or more.
8. Theatres, cinemas, meeting halls, cultural houses, sports competition houses with 200 seats or more, dancing halls, indoor clubs, entertainment and recreation and other public-service establishments with a flooring space of 200 m<sup>2</sup> or more; stadiums with 5,000 seats or more.



9. Railways stations, airports, sea ports, river ports, ship wharves, car terminals of the provincial or higher level; parking lots accommodating 200 cars or more; passenger railways stations of grades 1, 2 and 3; cargo stations of grades 1 and 2.
10. Archives, libraries, museums, historical relics, trade fair and exhibition buildings under the direct management by ministries, ministerial-level agencies, provinces, centrally-run cities.
11. Radio and television stations, post and telecommunications establishments of the provincial or higher level.
12. Regional and national commanding, regulating, administering or control centers in all domains.
13. Warehouses of flammable goods and/or materials or non-flammable goods and/or materials packed in flammable packages with a volume of 5,000 m<sup>3</sup>; cargo and flammable materials yards of 500 m<sup>2</sup> or larger.
14. Agencies' headquarters, working offices, research institutions of 6 storeys or more or a volume of 25,000 m<sup>3</sup> or more.
15. Pits of coal or other flammable minerals; underground traffic works of 400 m or more in length; works in caves or shelters engaged in production, preservation and use of flammable and/or explosive substances with a volume of 1,000 m<sup>3</sup> or more.
16. Establishments or works with items or principal components which may affect the entire establishments or works if fires occur thereat, or with the total area or a volume of all items and/or sections thereof representing 25% of the total areas or volumes of the entire establishments or works, and such items or sections, in the course of their operations, always contain dangerous flammable and/or explosive substances in one of the following cases:
  - a) Burning gas with volume being able to create explosion-prone mixtures occupying 5% or more of the air volume in rooms or with 70 kg of burning gas or more.
  - b) Liquids with burning temperature at 610C with a volume which may create explosion-prone mixtures occupying 5% or more of the air volume in rooms or other liquids with the burning temperature at over 610C with a volume of 1,000 liters or over.
  - c) Flammable dusts or burning fibers with explosion limit being equal to or lower than 65 g/m<sup>3</sup> with volumes which may create explosion-prone mixtures occupying 5% or over of the air volume in rooms; flammable solid substances, goods, materials, with the average volume of 100 kg or more on one square meter of flooring space or more;
  - d) Substances which may easily get burned, explode or generate flammable or explosive substances when they are interacted, with a total volume of 1,000 kg or over;
  - e) Substances which may burn or explode or generate flammable or explosive substances when they are interacted with water or oxygen in the air with a volume of 500 kg or more.

## APPENDIX 2

### LIST OF ESTABLISHMENTS REQUIRING THE CERTIFICATES OF FULL SATISFACTION OF FIRE PREVENTION AND FIGHTING CONDITIONS BEFORE BEING PUT INTO OPERATION

*(Promulgate together with the Government's Decree No.35/2003/ND-CP of April 4, 2003)*

1. Dormitories, hotels, working offices, leased office building of 7 storeys or more.
2. Establishments manufacturing or processing gasoline, oil, liquefied gas and chemicals, which are easily flammable, explosion-prone, of all sizes.
3. Establishments producing, processing, supplying, preserving and using industrial explosives.
4. Petroleum depots with a total volume of 500 m<sup>3</sup> or more, liquefied gas depots with a total weight of 600 kg or more.
5. Gasoline, oil or liquefied gas stores.
6. Solid or semi-solid marketplaces with a total business space of 1,200 m<sup>2</sup> or more or with 300 business households or more, trade centers, supermarkets, department stores with the total area of pavilions of 300 m<sup>2</sup> or more or with a total volume of 1,000 m<sup>3</sup> or more.
7. Thermo-electric power plants of a capacity of 100,000 kW or higher, hydro-electric power stations of a capacity of 20,000 kW or higher, transformer stations of 220 kV or higher.

## APPENDIX 3

### LIST OF PROJECTS, WORKS SUBJECT TO FIRE PREVENTION AND FIGHTING DESIGNS, APPRAISAL AND APPROVAL

*(Promulgated together with the Government's Decree No.35/2003/ND-CP of April 4, 2003)*

1. Projects on plannings for urban construction or renovation; projects on plannings for construction or renovation of population quarters, special economic zones, industrial parks, export-processing zones and/or hi-tech parks, which fall under the approving jurisdiction of the provincial or higher levels.
2. Projects on construction or renovation of works belonging to technical infrastructures, related to fire prevention and fighting in urban centers, population quarters, special economic zones, industrial parks, export-processing zones and/or hi-tech parks, which fall under the approving jurisdiction of the provincial or higher levels.
3. Dormitories and condominiums of 5 storeys or more or of a volume of 5,000 m<sup>3</sup> or more; other lodging houses of 7 storeys or more.

4. Hospitals, sanatoriums of district or higher levels; other hospitals, sanatoriums, general medical examination and treatment establishments with 25 or more beds; specialized medical examination and treatment establishments and other medical service establishments with 10 or more beds.
5. Schools, educational institutions of 3 storeys or more or of a total volume of 5,000 m<sup>3</sup> or more; creches, kindergartens of 100 children or more or of a total volume of 1,000 m<sup>3</sup> or more.
6. Solid and semisolid marketplaces on which the designing and construction projects fall under the approving jurisdiction of the district or higher levels; trade centers, supermarkets, department stores with the total area of all pavilions being 300 m<sup>2</sup> or more or with a volume of 1,000 m<sup>3</sup> or more.
7. Theatres, cinemas, meeting halls, cultural houses, stadiums, sports competition houses and other crowded places with a designed capacity of 200 seats or more; dancing halls, clubs; entertainment and recreation service establishments and other public facilities with a volume of 1,000 m<sup>3</sup> or more.
8. Hotels, guests' houses, inns of 5 storeys or higher or of a volume of 5,000 m<sup>3</sup> or/more.
9. Administrative buildings, working offices of administrations, political or social organizations of the district or higher levels; other administrative buildings, headquarters, working offices of 5 storeys or more or of a volume of 5,000 m<sup>3</sup> or more.
10. Archives, libraries, museums, exhibition houses under the State's management.
11. Buildings, works belonging to scientific and technological research institutions of 5 storeys or more or of a volume of 5,000 m<sup>3</sup> or more.
12. Radio or television stations, post and telecommunications establishments of the district or higher levels.
13. Railways stations, airports, seaports, riverports, ship wharves, car terminals of the district or higher levels; urban railway stations.
14. Gasoline, oil or liquefied gas stores.
15. Warehouses, ports for export, import, preservation of explosive materials, petroleum, liquefied gas.
16. Goods and other materials warehouses of a volume of 1,000 m<sup>3</sup> or more.
17. Houses and works belonging to industrial or handicraft production establishments, on which the designing and construction projects fall under the approving jurisdiction of the district or higher levels.
18. Power plants; transformer stations of 35 KV or higher.

19. Security or defense works with fire and/or explosion danger or with special protection requirements.
20. Regional or national commanding, regulating, administering or control centers in all domains.
21. Underground works, works in caves or shelters with fire and/or explosion danger.
22. Projects on, designs on installation or renovation of fire prevention and fighting systems and technical equipment.