

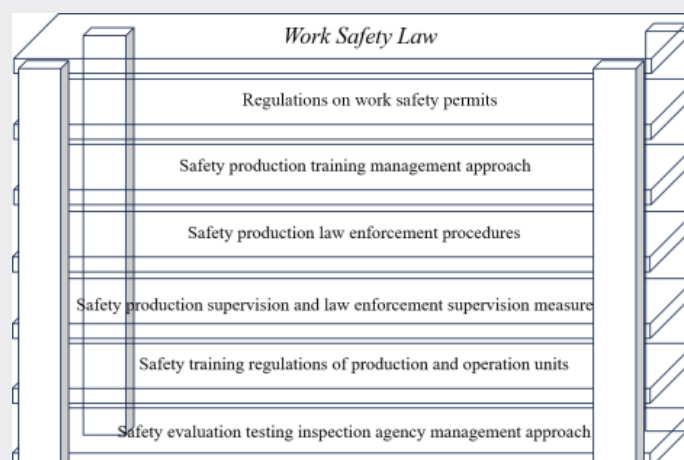
Overview of the current status of fire safety laws and regulations in China

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ABSTRACT: Fire safety laws and regulations are the key measures used to ensure the healthy economic development and safety of people in the field of fire safety. Understanding the current status of domestic laws and regulations is the proper way to improve emergency response capability and achieve an effective emergency response. China's fire laws and regulations are a system of laws and regulations, with the Constitution as the core and laws and other normative documents regulating specific matters. At the legal level, by *Work Safety Law of the People's Republic of China* and *Fire Protection Law of the People's Republic of China* on the principle of fire protection, the basic content, basic form, and main body of responsibility make general provisions, forming a pluralistic main body responsible for the "emerging areas of convergence", "clear practice-oriented", and "focus on spiritual factors" are the four major normative principles. Through laws and regulations and a series of normative documents to achieve the prevention of fire, fire rescue, supervision and inspection, and responsibility for the liquidation of the four processes of specific regulations at the policy level to achieve clear authority and responsibility, the field is comprehensive. However, at the level of judicial practice, owing to the complexity of the real situation and the rules of law application, there is still the problem of identifying the subject of fire safety responsibility, which further confirms the need to popularize fire safety laws and regulations.

KEYWORDS: fire safety; laws and regulations; work safety; current status of regulations



1 Introduction

Firefighting endeavors consider both economic development and life safety as objects of legal protection, and the impact of fire accidents on both is even more serious (Zhao, 2015). The Sichuan Zigong Jiuding building "7-17" fire killed 16 people; the Sichuan Xichang "3-30" forest fire led to the participation of rescue personnel 19 people were sacrificed, and 3 people were injured, resulting in a total area of 3047.7805 hectares of various types of land over the fire, a comprehensive calculation of the victim forest area of 791.6 hectares, and direct economic losses of 97,312,000 yuan. On September 26, 2023 in the northern Iraqi province of Nineveh Hamdaniyah town, a wedding fire caused 114 deaths, and at least 200 people were injured. Real-life experience shows that, whether it is a closed building, an open outdoor area or a place where people gather, ignoring fire safety, will pay a terrible price. A closer look at the causes of these disasters is needed, in addition to the unsound development of the level of fire science

and technology and the fact that fire safety vigilance is not high, the firefighting mechanism is not sound, and the popularity of the fire protection system is not high.

Fire safety laws and regulations are not only important means of supervising fire safety vigilance but also important means of protecting the rights and interests of fire workers and the public at large but also a means of fire protection institutionalization and standardization of the guidelines (Ivanov et al., 2022; Rodrigues et al., 2017) The fire safety laws and regulations of the specific provisions and mode of operation should be grasped so that fire science and technology can play a common role in safety and security.

2 Legislative sources and principles of fire safety laws and regulations

Work Safety Law of the People's Republic of China (hereinafter

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referred to as the *Work Safety Law*) is the general programme of laws and regulations in the field of work safety, on which a series of regulations and normative documents have been formulated, including *the Regulations on Work Safety Permits* and *the Measures for the Administration of Work Safety Training* (Homer, 2009; Liu et al., 2015) as shown in Fig. 1.

These laws and administrative regulations provide detailed regulations on work safety behaviors, including fire safety, on the basis of the categorization of the responsibilities of production operators, practitioners, regulators, emergency responders, and accident investigators. The newly amended *Work Safety Law* has refined the relevant content to better reflect the focus and difficult areas of fire safety regulation in the new situation, as shown in Fig. 2.

2.1 Multiagency safety and security responsibility setting

The general principle of people-centered production safety is again reinforced in the general provisions, while the subjects of responsibility for safety and security are expanded and refined. The first is the obligation to ensure safety, which requires the government to work with industry supervisors, business supervisors, and production operators. It replaces the original “strengthen and implement the main responsibility of production and operation units” with “implement the principle responsibility

of production and operation units by controlling the industry and business, and by controlling the production and operation”. The legal provisions of the people’s governments at all levels of responsibility for safety and security have been refined, including but not limited to production safety planning and territorial space; industrial planning; industry layout; ecological assessment; many other aspects of the joint prevention and control of safety risks; and the implementation of scientific management. The second is the requirement that the main person in charge of a production and business unit, in conjunction with other persons in charge, is responsible for work safety in relation to his/her corresponding scope of work. This is directly related to the accountability mechanism after the occurrence of safety risks. Unlike other laws and regulations, which are highly abstract in nature, this law implements safety responsibility specifically to the individual, thus enriching and perfecting China’s production safety mechanism of “production and operation units are responsible for, employees’ participation in, government supervision, industry self-regulation and social supervision”. The third is the “all-volunteer” nature of safety work, with the law stating that the all-volunteer production safety responsibility system of production and management units should be clearly defined for all personnel in each position rather than stipulating, in general terms, the corresponding production safety responsibility system. In judicial practice, the multibody

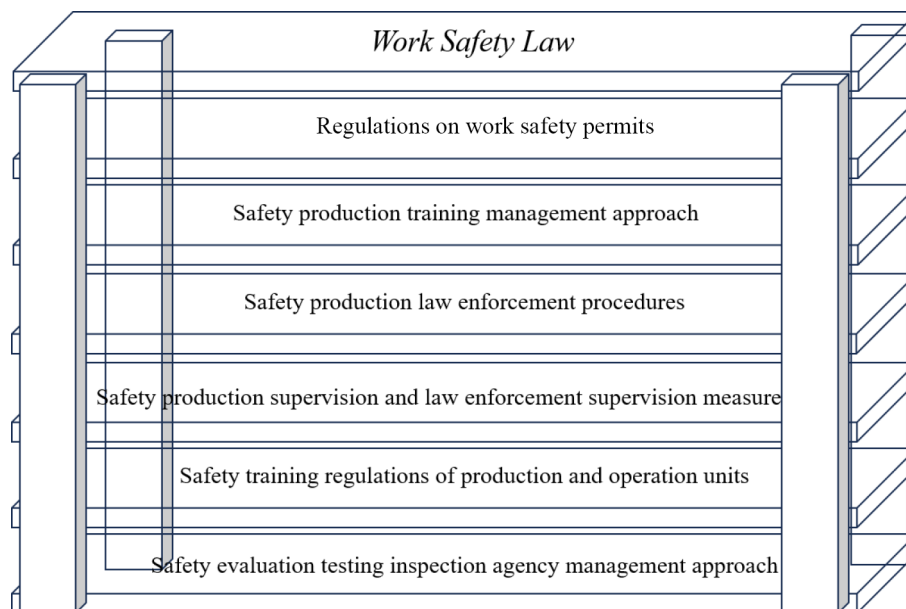


Fig. 1 System of fire safety laws and regulations.

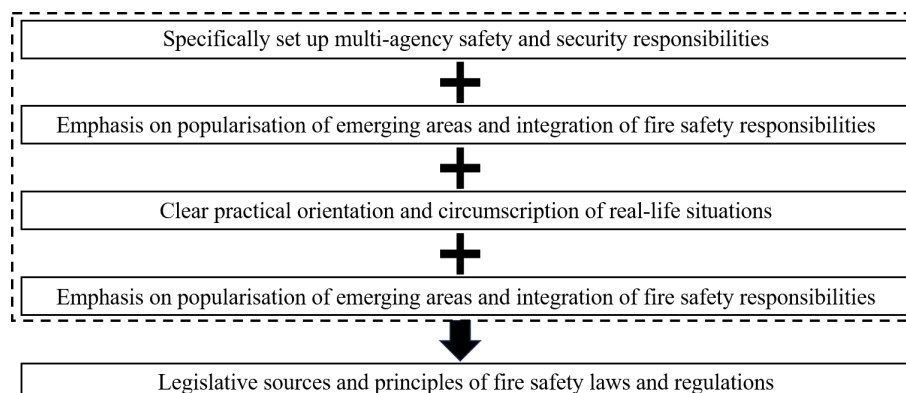


Fig. 2 Legislative origin and principle composition of fire safety laws and regulations.

responsibility problem is usually determined according to the hierarchy of laws and regulations and the substantive division of responsibility. Judicial organs, such as different levels of normative documents for the same accident to determine the main body of responsibility, are based on the Constitution, laws, administrative regulations, supervision regulations, and judicial interpretation of the high and low levels of responsibility, and the effectiveness of the high level of norms determined by the main body prevails. However, in the case of the liquidation of responsibility within a unit, the subject of responsibility for the accident may be determined on the basis of the departmental regulations established by the competent authority of the unit, provided that they do not contravene the five laws and regulations referred to above.

2.2 Emphasis on the popularization of emerging areas and the integration of fire safety responsibilities

This is a positive initiative to respond to the development of the platform economy, artificial intelligence, and other technologies in the new situation. The law emphasizes that “business units should establish, improve, and implement a full production safety responsibility system according to the characteristics of the industry and field, and strengthen the education and training of employees in production safety”. This results in greater requirements for firefighting, which is a highly technical industry, so that the relevant personnel are not only technically proficient but also have the ability to combine traditional firefighting work with new technologies and innovation while always holding a sense of risk and responsibility in the process. Unlike the nature of norms in general, the inclusion of these competencies and awareness in the Work Safety Law means that they will be linked to legal compulsion and that failure to meet the standards or violation of the provisions will correspond to specific legal responsibilities. As far as the fire protection field is concerned, the introduction of new fields can provide technical support, disperse the pressure of risk control, monitor the indicators of fire protection risk with the assistance of internet big data, and then carry out visual analysis of big data on the management of fire protection work, prevention and control of key areas, and the setup of fire protection general layouts to obtain statistics and share information and investigate and analyze accidents, which is very helpful in promoting the accuracy and intelligence of the supervision of safety risks. However, there are still technical challenges to overcome. However, at present, there are still problems in overcoming technical difficulties, rationally using information, promoting the application of new working platform models, etc. The provisions of the law on emerging fields have undoubtedly determined the development ideas of fire protection work in the new period and have promoted the integration of new quality productivity and fire protection work.

2.3 Clear practical orientation and circumscription of real-life situations

The normative and relatively stable character of the law determines that most laws are highly abstract in their provisions, with little refinement of real-life specific matters, but this is not the case with the Work Safety Law, which is highly practical and concrete. Research on safety accidents in real-life production revealed that a major reason for the difficulty in making emergency equipment and accountability mechanisms work is human tampering, sabotage, or shutdown behavior. Such acts of concealment make routine maintenance and upkeep of safety equipment null and void, and in the event of a safety accident, all

preliminary safeguards will be null and void. Therefore, the law prohibits such behaviors in a very specific way, especially the highly abstract law specifically stating that “catering and other industries” should be installed with combustible gas alarm devices when using gas, and this refinement reflects the law’s insight and alertness to the high incidence of fire accidents in such business units. In addition, Article 102 of the Work Safety Law originally stipulated that the blocking of exits from workplaces and dormitories was punishable by fines or criminal liability. On this basis, the newly amended Article 105 adds regulation to the occupation of evacuation routes in the abovementioned places, reflecting the practical orientation and circumspectness of the Code. In the area of fire prevention, Article 43 specifically adds that production and business establishments must also observe safety norms when carrying out hazardous operations such as “starting fires” and “temporary use of electricity”, which is unprecedented in the previous code.

2.4 Emphasis on the popularization of emerging areas and the integration of fire safety responsibilities

First, we should pay attention to the psychological state of practitioners and strengthen the spiritual care of relevant practitioners. This is also a painful lesson caused by many safety accidents. In practice, many safety accidents originate from the mental and psychological factors of the staff concerned, such as excessive mental stress caused by overwork and mental illnesses caused by family genetic history, which are all contributing factors to the safety accidents that have actually occurred. This is why Article 44 stresses the need to strengthen psychological guidance and mental comfort for employees and to prevent all abnormal behaviors that may lead to accidents. Second, it focuses on building the level of production safety integrity of the whole society. Emphasis is placed on the punishment and publicity of production and operation units with a breach of trust, and departments with supervisory and management responsibilities for work safety enjoy the responsibility and authority to collect, share, apply, and disclose information on administratively punished units to breach trust in society and supervise work safety through the supervision of public opinion. This legal framework is not only conducive to promoting humanistic care in economic production activities and strengthening the social and spiritual spheres but also enables the exercise of spiritual supervision and the safeguarding of safety in all aspects and at all levels.

3 Specific provisions of fire safety laws and regulations

In the area of fire safety, there are a total of four laws and regulations governing the general provisions of fire safety work, the division of responsibility for fire safety, fire supervision and inspection, and the investigation of fire accidents: *Fire Protection Law of the People’s Republic of China*, *the Measures for the Implementation of the System of Responsibility for Fire Safety*, *the Provisions for the Supervision and Inspection of Fire Services*, and *the Provisions for the Investigation of Fire Accidents* (Chen et al., 2002; Subramaniam, 2004). According to the *Fire Protection Law of the People’s Republic of China*, the purpose of fire service work is to protect the safety of people and property, and the legal interest is the maintenance of public safety. This reflects both the people-oriented purpose of the legislation and the importance of property safety, as well as the content and nature of firefighting work, which is different from work in other fields. In terms of the nature of the work, fire safety obligations are “specific duties”

given the source of obligations because they involve an unspecified majority of “public safety”, the need for statutory responsibility. To adapt to the aforementioned Work Safety Law in the provisions of multisubject safety obligations, *Fire Protection Law of the People's Republic of China* clearly “unifies leadership of the government, the departments in accordance with the law to supervise, the unit is fully responsible for, the active participation of citizens of the principle”, and encouraging units and individuals to maintain fire safety, protection of fire safety facilities, prevention of fires and the obligation to report fire. The obligation to report fires (Hale et al., 2015; Wang et al., 2018) The rights and obligations of fire protection organizations in the course of fire protection work are meticulously stipulated through the four processes of “prevention beforehand–rescue during the incident–supervision and inspection–liquidation of responsibility” to achieve the consistency of rights and responsibilities and to make the power legal (Ridley and Channing, 2008), as shown in Fig. 3.

3.1 Fire prevention—statutory fire standards for buildings

According to the principle of the “fire triangle”, combustibles, oxidizers, and igniters constitute indispensable elements in the occurrence of a fire (Pédrot and Tabareau, 2019). At the preemptive stage, the legislation mainly regulates the setting, implementation, and supervision of fire safety standards for buildings, which are “combustibles”. The law states that “the fire protection design and construction of construction projects must comply with the national engineering and construction fire protection technical standards. Construction, design, construction, project supervision, and other units of the construction project fire design, construction quality is responsible for”. This means that once a fire occurs due to the building's construction, design, construction, and engineering supervision, these units should be jointly and severally liable for the losses caused by the fire accident, which is conducive to strengthening the sense of responsibility and risk vigilance. After a building has passed fire safety inspection and is put into use, the user unit will set up a person responsible for fire safety to take over the responsibility for fire safety and perform his/her fire safety duties, including but not limited to, setting up fire safety equipment, establishing fire safety files, organizing fire safety training and drills, and carrying out fire safety inspections. In this process, specific requirements have been set for the safety of firefighting equipment, the professionalism of firefighting personnel and the advancement of firefighting technology, and support for firefighting scientific research and technological innovation has been encouraged.

3.2 Fire fighting and rescue—object and scope statutory

This is the central aspect of the exclusion of security incidents and

a direct reflection of the professionalism of firefighting. The law on the leadership and command authority of the fire rescue team, the gratuitous use of resources and the corresponding units of gratuitous cooperation have made detailed provisions that fully embody the emergency and priority of the centralized rescue and relief efforts. After the accident is rescued but also medical, compassionate work is performed, and a good job of accident scene protection, the production of fire accident certificates, which is an important basis for subsequent fire liability inspection work, is performed. The law provides comprehensive fire and rescue teams and full-time fires to undertake emergency rescue work, major disasters and accidents in the rescue of human life and property and materials. The special nature of the unit should establish a full-time fire brigade in charge of the unit's firefighting work. These units are mostly flammable and explosive hazardous materials placed in important high-tech experimental units, civil airports, and other high-density places, as well as the rescue of difficult valuable cultural relic protection units, etc., reflecting the characteristics of the combination of universal and key fire rescue work.

3.3 Supervision and inspection—content and procedures are statutory

Fire work involves the implementation and operation of power and needs to correspond to the level of the people's government departments concerned with performing the duties of fire supervision. This aspect reflects the national legal norms of the hierarchy of the strict system and the importance of fire supervision and inspection of the work of the fire to provide the whole society with various organs, groups, enterprises, institutions, and other units of fire supervision duties and obligations, the power to be placed in the sunshine, and the supervision of all sectors of the community. The General Office of the State Council issued *fire safety responsibility system implementation measures* in the provisions of the State Council, the public security department of national fire supervision and management. *Measures based on Fire Protection Law of the People's Republic of China* indicate that the public security department is responsible for the daily supervision and inspection of fire safety, and permission is given to a total of public security departments to make provisions for refinement.

The Ministry of Public Security on *fire supervision and inspection regulations* clearly notes that the public security organs and public security police stations, in accordance with the law on the unit, comply with fire laws and regulations for fire supervision (Masalab, 2020). The Ministry of Public Security has made detailed provisions on the form and content of fire safety supervision and inspection, which mainly include the use of fire safety facilities in public places, the fulfillment of fire safety duties

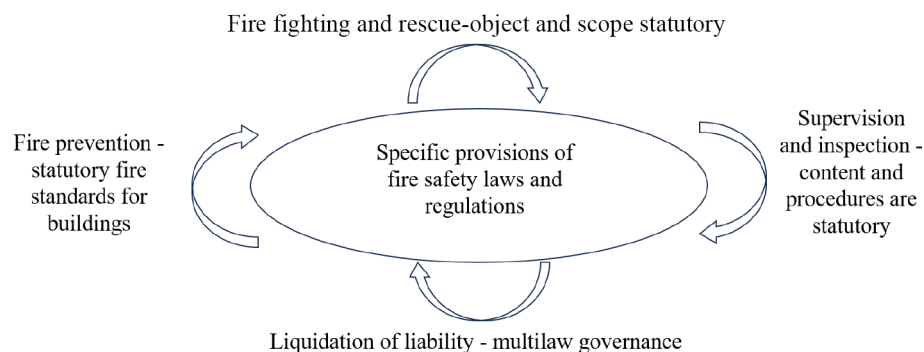


Fig. 3 Prescribed structure of fire safety laws and regulations.

by units, fire safety violations reported by the public, and fire safety inspection work before large-scale events. Supervision and inspection work is carried out in the form of a combination of random and regular inspections, requiring public security organs at all levels to accurately grasp and scientifically apply the fire laws and characteristics of the region and actively supervising and inspecting the buildings that are prone to fires as determined by their basic compositional characteristics, the seasons where fires are prone to occur as a result of the climate or the development of industry and agriculture, and the specific gatherings and activities brought about by culture or custom.

In addition to the legalization of the contents of inspection and supervision, the *Provisions on Fire Protection Supervision and Inspection* have also made the procedural setting as perfect as possible (Chen, 2013). On the one hand, fire incidents are related to the life and property safety of an unspecified number of people, which has a great impact on public security; on the other hand, they are usually related to economic production and operation, which is directly related to the local order of life and production. The supervision and inspection period is usually relatively short. For example, when receiving reports and complaints of fire safety violations, the public security organs of fire agencies should be verified within three working days, but for the obstruction of safe evacuation, unauthorized disabled fire safety facilities should be verified within 24 h, fire supervision and inspection of informative procedures should be performed, and the delivery of documents should also usually be set within three working days. However, for fire hazards caused by a serious threat to public safety, the duration of a seizure is limited to thirty days, depending on the situation of hidden trouble. Here, the principle of efficiency and the principle of the supremacy of life involves a conflict of value, but fire safety work should be prioritized over the value of life, which is the Constitution, the Work Safety Law and the Fire Services Law of the consistent settings (Chen, 2016).

3.4 Liquidation of liability—multilaw governance

Consistency of power and responsibility is one of the basic principles of law, which means that the competent authorities, the implementing departments, and the persons in charge of fire protection work should fulfill their corresponding responsibilities and obligations while enjoying specific powers in their daily work with regard to their own legal authority. For example, the approval of the right to produce and sell flammable and explosive products operators in the acquisition of enormous profits at the same time should strictly comply with the relevant fire safety technical standards and management regulations in the process of production, storage, and transport in accordance with the provisions of the obligation of due diligence to prevent improper management of fires caused by accidents. In addition, if the staff of the relevant departments who have supervisory responsibilities have abused their powers, neglected their duties and other violations of the regulations, they should also bear the corresponding responsibility. The plurality of liability subjects and the complexity of the regulatory situation together determine the diversity of liability clearance, and multilaw coregulation becomes necessary.

The violation of fire safety obligations by government departments should bear administrative responsibility, which, in fire prevention, fire rescue, and accident inspection and supervision work, has been more common, as long as not in accordance with the relevant requirements of the norms of behavior caused by safety accidents, we have to bear the corresponding administrative penalties, usually fines, order to

suspend business rectification, etc., according to the difficulty of achieving the responsibility for safety and the degree of harm caused by the consequences of the degree is different. There are many bases for the division of responsibility, depending on the law of *Public Security Administration Punishments Law of the People's Republic of China*, *Product Quality Law of the People's Republic of China*, *Construction Law of the People's Republic of China*, *Construction Project Quality Management Regulations*, and other laws and regulations. However, for acts that seriously endanger public security, the *Criminal Law of the People's Republic of China* also has relevant offences to regulate. In Chapter 2, "Offences against public safety", a number of offences are set out for major safety accidents caused by violations of safety regulations, including public safety damage caused by violations of fire safety management regulations. For example, the offense of "responsible fire safety accidents" provides criminal penalties for those directly responsible for violating administrative regulations set by the administrative authorities and refusing to carry out the corrective actions ordered by the fire safety supervisory authorities (mainly the aforementioned government departments, including the public security authorities), which results in serious consequences; the offense of "major safety accidents at large mass events" provides criminal penalties for those directly responsible for violating administrative regulations set by the public security authorities. The "crime of major security incidents at large-scale mass events" involves failure to fulfill the fire safety obligations at large-scale mass events, resulting in mass panic and stampede accidents; the "crime of dangerous goods accidents" involves dangerous accidents caused by the improper use or nonuse of firefighting facilities and materials; major safety accidents caused by architectural, design, construction, and supervisory units violating state regulations and lowering the quality standard of fire protection in construction works in the offense of "major safety accidents in construction works"; and the offences of "failing to report or falsely reporting safety accidents" and "major safety accidents in educational facilities". "Educational facilities, major safety accidents" and other offences include fire safety requirements and the serious consequences of violations.

The regulatory model of multilaw coregulation reflects the harshness of the responsibility of the fire service industry, but on the basis of the requirements of legal responsibility and the modesty of criminal law, the process of pursuing responsibility for violations in the field of fire safety still adheres to objective and fair standards and implementation requirements. In the *supreme people's court on further strengthening the trial of criminal cases of endangering production safety opinions the supreme people's court, the supreme people's procuratorates on the handling of criminal cases of endangering production safety of the application of law on a number of issues in the interpretation* or on the relevant assessment of the consequences of harm, the responsible person, the behavior of the subjective state, remedial possibilities and so on the content of the limitations of the explanation, to prevent the overly expansive interpretation caused by the wrongful death of the wrongdoer. For example, the Opinion particularly emphasizes the correct determination of responsibility to accurately distinguish between direct and indirect causes; accurately identify directly engaged in the production of personnel and operations of personnel, command or management personnel, actual controllers, investors, etc.; and, according to the cause of the accident, the consequences of the hazards, the main body of responsibility, the size of the fault, and other factors to determine the primary responsibility and secondary responsibility. Even if the person primarily responsible is identified, the legal

responsibility to be borne in an accident cannot be determined solely on the basis of the level of the position; rather, the division of responsibility must be based on a combination of the qualifications, time and professionalism of the perpetrator; an assessment of the onsite conditions of production and operation; and the ability to respond to emergencies and whether they were subjected to a requirement or threat to operate under compulsion, among other factors.

4 Judicial decision cases

Fire safety laws and regulations matter as much as possible to achieve clear powers and responsibilities, the field of comprehensive, but the practical characteristics of the law determine that a good law must be properly applied to achieve its intended effect, that is, to achieve the protection of fire safety in the work of people and property safety, to reduce the social losses associated with the effectiveness of the law. However, the implementation of the law is not as certain as the provisions of the framework in the application of the complexity of the practical situation and the operation of the law rules of the double impact. Improvingly handled to carry out the effect of fire work and the authority of the law have greatly damaged all the early fire science development of advanced theories, and advanced initiatives cannot play a due role. The following two cases highlight the importance of legal issues in fire services.

4.1 Firefighting dispute cases involving statutory liability

Fire safety is a great responsibility, fire is unpredictable, and clear fire responsibility is a necessary and effective initiative. However, in real life, the determination of fire safety responsibility is not as simple as the provisions of the law can correspond to; the main body of responsibility of the dispute triggered by the administrative penalty often becomes a typical case of administrative justice. By the Shanghai Higher People's Court in 2023, a property management company and the Huangpu District Fire and Rescue Brigade and other fines and administrative reconsideration of the second instance case (Case No. (2023) Shanghai line end of the 32nd) on the fire safety responsibility to show the main body of the problem. During fire supervision and inspection of a building, the Huangpu Fire Brigade revealed five fire safety hazards in the building: (1) blocked safety exits and fences; (2) malfunction of the automatic fire alarm system; (3) blind zones of firefighting equipment on some floors, which required the installation of additional sprinklers and smoke sensors; (4) malfunction of the smoke exhaust fan and the fire pumps; and (5) no one was on duty in the fire control room, as shown in Fig. 4.

These problems violate the *Fire Protection Law of the People's Republic of China* Article 28: "No unit or individual shall damage, misappropriation or unauthorized demolition, deactivation of fire facilities, equipment, shall not be buried, encircled, cover the fire

hydrant or occupy the fire spacing, shall not be occupied, blocked, closed evacuation routes, safety exits, fire truck passages (Chen, 2003). The doors and windows of the crowded places shall not be set up with obstacles affecting escape and fire-fighting and rescue". The provisions of Article 16, paragraph 1, subparagraph 2 of the "institutions, groups, enterprises, institutions and other units should implement the fire safety responsibility system, the development of the unit's fire safety system, fire safety procedures, the development of fire extinguishing and emergency evacuation plan". In accordance with the regulations, the property company was issued a Notice of Order to Make Immediate Corrections and a Notice of Order to Make Corrections within a Time Limit, as well as the corresponding administrative penalties. However, the property company argued that it had already fulfilled its obligation to keep the firefighting equipment in good condition and that it had rectified the situation before the issuance of the second Notice of Order to Make Corrections and that the reason why it was found not to have rectified the situation again was that the destruction of the equipment caused by the renovation of other tenants had occurred during the period and that this act had nothing to do with the property company; thus, it applied to the government of Huangpu District for an administrative reconsideration request to revoke the administrative penalty, but the government upheld the original administrative penalty decision made by the Huangpu Fire Brigade. However, the government maintained the original administrative penalty decision made by the Huangpu Fire Brigade. The property company was sued by the property company and heard by the Shanghai No. 1 Intermediate People's Court and the Shanghai Higher People's Court, which ultimately revealed that the property company still had the main responsibility for fire safety hazards.

This case involves two legal and regulatory documents on the property company as the main body of responsibility for fire safety, one of which is the *Fire Protection Law of the People's Republic of China*, Article 16, paragraph 1, paragraph 2 of the unit is equipped with fully functional fire safety facilities mandatory provisions: "organs, groups, enterprises, institutions, etc., should be fulfilled in accordance with national standards, industry standards for the configuration of fire safety facilities, equipment, set up fire safety signs, and regularly organize inspection, maintenance, to ensure the integrity and effectiveness of fire safety responsibilities". The second is the provision of Article 10, paragraph 2 of the Provisions on the Administration of Fire Safety in Organs, Groups, Enterprises and Institutions (Ministry of Public Security Decree No. 61), which provides that "property management units outside residential areas shall be responsible for the management of public fire safety within the scope of entrusted management". In addition to the mandatory provisions of the law and normative documents, the owners' committee and the property contract also agreed on the property company's fire safety responsibilities and obligations, so for the property

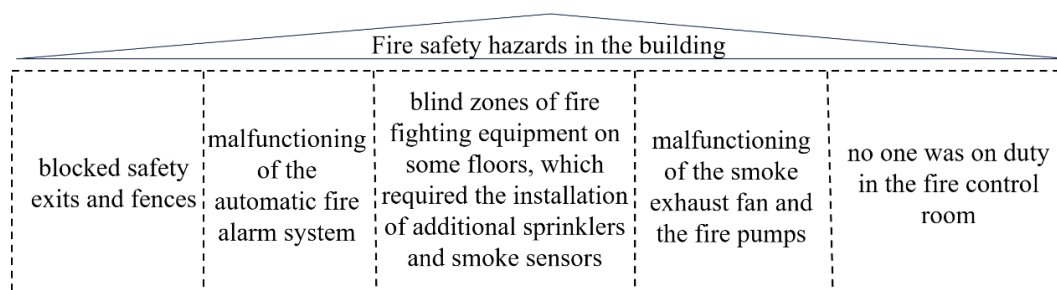


Fig. 4 Fire safety hazards in buildings.

company to the third party destruction on the grounds that the subject is not eligible for the defense cannot be established. The case of the building's fire inspection reflects the common form of real-life fire hazard but also presents the relevant organs of the fire inspection and supervision of the performance of the duties of the process, the property company's fire safety responsibility of the main body of the determination of the unit, the building manager and other subjects have sounded the fire safety alarm.

4.2 Firefighting cases of disputes on the subject of responsibility arising from the application of normative documents

In the previous case, the main responsibility set by the law and departmental regulations provided a stable standard for the relevant responsible persons to fulfill their fire safety responsibilities. In turn, if the relevant person urges the authority to perform their duties, whether the laws and regulations, normative documents to obtain clear guidelines, are used is also an important factor affecting the realization of fire safety.

In the case of "Zhang sued the Beijing Municipal Public Security Bureau Fangshan Branch (hereinafter referred to as Fangshan Public Security Bureau) does not fulfill its statutory duties", Zhang Mou, to the Beijing Municipal Public Security Bureau of Fangshan District Public Security Bureau, applied for investigation of fire hazards in the district in which he lived, explaining that his district existed in the absence of fire qualification of the people in the fire control room on duty 24 h a day. There were fewer than two people on duty per shift with a fire permit, and the fire escapes were blocked by bicycles and other debris, but the Fangshan Public Security Bureau did not respond, so he appealed to the Beijing Municipal Fangshan District People's Court, and, after a dismissal ruling that "the matters for which he had filed an application for the fulfillment of his responsibilities did not fall within the scope of the administrative duties performed by the Fangshan Public Security Bureau", he appealed to the Beijing second intermediate people's court, and the court of second instance, according to the "Fire Protection Law of the People's Republic of China" article 4, paragraph 1 of the provisions of the "local people's government above the county level emergency management department of the administrative area of the fire supervision and Therefore, the statutory duties required by Zhang's litigation request do not fall within the competence of the administrative organ being sued, so his request for the court to rule that the Fangshan Public Security Bureau perform the duties of fire inspection and supervision is not supported.

At this point, doubts arose as to whether the public security organs enjoyed the right to fire inspection and supervision and whether the hidden safety hazards could be requested from the public security organs to perform their duties. Beijing No. 2 Intermediate People's Court's decision seems to be contrary to the aforementioned 2.3 chapter of the General Office of the State Council, which issued the "fire safety responsibility system implementation measures" in the "public security department of the State Council on the implementation of the supervision and management of the country's fire safety work", the provisions of the Ministry of Public Security on the "supervision and inspection of fire safety regulations", in the "by the public security organs of the fire agencies and public security police stations in accordance with the law on this unit to comply with fire laws and regulations for fire supervision". In addition, the provisions of the previous case of "organs, groups, enterprises, institutions fire safety management regulations" (ministry of public security decree No.

61) on the fire safety responsibility of the refinement of the provisions of the rule of law in the practice of the application of facts. On the basis of the "Fire Protection Law of the People's Republic of China", rejecting the party's application is appropriate.

Here, the hierarchy of legal norms and administrative authority is used to set the effectiveness of the problem. The Constitution and the law with the highest level of effectiveness of the norms are other administrative regulations, and departmental regulations of the source of the effectiveness of the basis of administrative regulations and departmental regulations shall not violate the provisions of the law. In this case, "Fire Protection Law of the People's Republic of China" Article 4 "by the people's government at or above the county level is responsible for the supervision and management of firefighting work in the region"; the state council general office of the fire safety responsibility system issued by the implementation of the measures of the third provides that "the state council's public security department of the country's firefighting work to implement supervision and management". However, the measures do not constitute a conflict with the Fire Services Law because the Measures have already been indicated in Article 2: "Local people's governments at all levels are responsible for fire protection work in their administrative areas, with the principal person in charge of the government as the first person in charge, the person in charge of the government as the main person in charge, and the other members of the team responsible for fire protection work within the scope of their responsibilities". The main position of the people's government as the first responsible person is recognized. The reason for the conflict between the two is that the state council general office issued the "measures" nature is "administrative regulations" under a more special form of norm, "state council normative documents", and the normative documents cannot produce the effect of administrative authorization and can only produce administrative delegation of the effect. That is, the state council will fire supervision and management work to the public security department for specific implementation is not administrative authorization; rather, administrative entrustment, the difference between the two is given the power to the organ, whether to their own name alone to exercise power and assume the corresponding responsibility, the authorized organ to exercise power independently and in their own name to bear the corresponding legal consequences, whereas the entrusted organ cannot be in its own name to implement administrative management and external legal consequences. and bears legal consequences externally. Therefore, in daily fire safety inspection activities, common public security organizations perform specific duties, and all types of regulatory documents issued through public security are still valid. However, in the judicial trial, the public security organ, as a commissioned organ, under the supervision and management of fire safety work and does not have authority, cannot be an independent subject of the lawsuit; Zhang Mou raised in this case does not belong to the scope of administrative litigation, and the court dismissed by law is justified.

5 Conclusions

Against the backdrop of the stabilization of our disciplinary setup and work system, the professional development of firefighting by safety science researchers and the realistic operation of firefighting by safety production managers are substantial initiatives to safeguard firefighting safety.

(1) The regulation of fire protection work by laws and regulations is both a supplement to and supervision of industry

self-regulation and a promotion and protection of industry development and the rights and interests of industry personnel.

(2) Focusing only on improving fire protection technology and ignoring laws and regulations cannot ensure the healthy and sustainable development of the industry.

(3) Grasping the principles and specific contents of legal norms can inspire fire safety work to adhere to the value of life first, thus improving the wrong practice of fire hazard investigations in daily work at the cost of improving economic efficiency and greatly avoiding fire accidents on the basis of the law's prior warning and normative guidance.

Declaration of competing interest

The authors have no competing interests to declare that are relevant to the content of this article.

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