

Section 6. Legal studies

<https://doi.org/10.29013/ESR-23-5.6-37-43>

*Ms. Pham Thi Thanh Thu,
University of Fire Protection, Vietnam*

THE SITUATION OF FIRE, EXPLOSION, INCIDENTS, ACCIDENT IN VIETNAM AND ISSUES POSED IN THE ASSIGNMENT OF MANAGEMENT RESPONSIBILITIES ON FIRE AND RESCUE

Abstract. In recent times, the situation of fires, explosions, incidents, accidents in Vietnam has become complicated, and the damage caused by fire is increasing day by day. The article focuses on researching, analyzing and clarifying the situation of fire, explosion, incidents, accidents in Vietnam and the problems posed in the assignment and decentralization of management responsibilities for fire and rescue.

Keywords: Vietnam; fire and rescue; situation of fire, explosion, incidents, accident.

1. Research results on fire, explosion, incidents, accidents in Vietnam

1.1. Fire and explosion situation

From 2001 to 2022, there were 59.878 fires and explosions nationwide (of which 49.724 fires occurred in factories, factories, warehouses, agencies, schools, hospitals, people's houses...; 344 explosions and 9.810 forest fires), killing 1.910 people, injuring 4.434 people; on assets estimated at 26.152 billion VND and 61.138 hectares of forest with economic value. Through the statistics of fire and explosion data, it shows that the socio-economic development of the country and the complicated situation of climate change lead to the frequency of fires, explosions, incidents and accidents. In particular, comparing the period 2012–2022 with the period before 2001–2011, the number of fire and explosion cases increased by 13.5% (31.828 cases in the period 2013–2022/28.050 cases in the period 2001–2011), damage human damage increased by 39.4% (1.112 people in the period 2013–2022/798 people in the period 2001–2011), property damage increased by

382.4% (21.661.3 billion VND in the period 2013–2022/4.490), 6 billion in the period 2001–2011.

In the past 10 years (2013–2022), there were 29.596 fires nationwide (including 26.699 fires in houses, facilities, vehicles and 2.897 forest fires). The damage caused by the fire killed 860 people, injured 1.662 people, preliminary property damage was estimated at 13.349 billion VND and 13.439 hectares of forest. 297 explosions occurred, killing 168 people, injuring 435 people, preliminary damage to property was estimated at 6.891 billion VND.

On the basis of the fire and explosion situation, the following aspects can be analyzed:

- Regarding the cause of the fire: due to system and electrical equipment failure 13.465 cases (accounting for 45.5%); due to careless use of fire and heat sources 7.717 cases (accounting for 26.1%); due to violations of regulations on fire prevention and fighting safety 513 cases (accounting for 1.7%); due to technical problems 784 cases (accounting for 2.6%); due to the impact of natural phenomena 95 cases (accounting for 0.3%); 50 cases of

spontaneous combustion (accounting for 0.2%); traffic accidents 981 cases (accounting for 3.3%) and other causes 3,190 cases (accounting for 10.8%). Currently investigating 1,853 cases (accounting for 6.3%).

– In the area where fires occurred: 15,798 cases occurred in urban areas (accounting for 53.4%); 10,901 cases occurred in rural areas (accounting for 36.8%).

– Regarding the type of fire occurrence: 10,151 fires in residential houses (accounting for 34.3%); 8,580 fires in warehouses, production and business establishments (accounting for 29.0%); 2,897 forest fires (accounting for 9.8%); 2,397 traffic vehicle fires (8.0%); 1,127 house fires combined with business (accounting for 3.8%); 136 apartment fires (accounting for 0.5%); 195 fires in markets, supermarkets and trade centers (accounting for 0.7%); 210 workplace fires (accounting for 0.7%); 67 bar and karaoke fires (accounting for 0.2%); 73 fires in educational institutions (accounting for 0.2%); 104 fires at power plants and substations (accounting for 0.4%); 40 medical facility fires (accounting for 0.1%); 05 fires at ports, railway stations and bus stations (accounting for 0.02%); and 3,632 fires of other types of establishments (accounting for 12.3%).

In addition, there have been thousands of small fire-related incidents (not subject to statistics, causing insignificant damage or shutting down without needing to be repaired, short-circuiting of electrical equipment on electric poles, in houses). people and burning grass, garbage...).

From the above research results, through analysis and research, it is shown that about the situation of large fires, fires causing serious damage: 352 fires occurred causing great damage to property (accounting for 1.2%), estimated at 8,399.2 billion VND (accounting for 87.8% of the total damage caused by fires); concentrated mainly in localities with rapid economic development and urbanization, with many industrial parks, export processing zones, markets and trade centers.

Nationwide, there were 439 fires causing serious damage to people (accounting for 1.5%), killing 860 people and injuring 1,662 people. Concentration mainly occurs in residential areas, especially the type of individual houses, houses combined with production and business, establishments with large concentration of people (karaoke bars, bars, discos ...).

Some typical fires are:

The fire of Phu Tai Bioenergy Joint Stock Company in Binh Dinh on August 12, 2019; the fire of Phu Lam Import-Export Co., Ltd., Hai Phong on May 15, 2019; Tuyen Quang General Construction Joint Stock Company fire on December 28, 2017; the fire of Green Farm Company Limited in Binh Dinh on October 23, 2018; the fire of Texhong Ngan Long Science and Technology Co., Ltd., Quang Ninh on April 4, 2018 and the fire of Soc Son Market, Hanoi on June 21, 2018; the fire of Rong Hoa Thai Co., Ltd on January 6, 2018, the fire of Kangna Textile Industry Co., Ltd on April 29, 2018 in Tien Giang...; The fire of the ISIS Karaoke bar on August 1, 2022, at Quan Hoa Street, Cau Giay, Hanoi caused 03 Fire and Rescue Police officers to die while on duty; An Phu karaoke bar fire on September 6, 2022, in Thuan An city, Binh Duong province killed 32 people; house fire on April 21, 2022 in Kim Lien ward (Dong Da, Hanoi) causing 5 deaths; The Carina Plaza Apartment fire in Ho Chi Minh City killed 13 people and injured 51 people; the fire on December 21, 2018 at Ruby Restaurant in Dong Nai province killed 07 people; the fire on December 7, 2019 at Ba Lau restaurant in Vinh Phuc province, killing 04 people; ...

1.2. Situation of incidents and accidents

From 2013 to 2022, the Fire Protection and Rescue Police force directly participated in organizing 20,857 fire incidents; organization saved 6,468 people, found 3,129 victims' bodies (due to traffic accidents, drowning, suicide, etc.) were handed over to the authorities for handling. In addition, through monitoring the situation, there are hundreds of other small incidents and accidents organized by the people and forces on the spot, but there is no report

to the Fire Protection and Rescue Police agency for organizing. statistical office.

On average, each year, the fire prevention and fighting police force and the Central High Commission have directly participated in organizing 2.086 fire incidents; The organization saved 617 people, found 313 bodies and handed them over to the authorities for handling. Incidents and accidents organized by the Fire Protection and Rescue Police force, of which: 13.613 incidents and accidents in the fire (accounting for 65.3%); 3.260 drowning accidents in rivers, streams, waterfalls, lakes, ponds, wells, deep pits with water, beaches (accounting for 15.6%); 1.042 incidents of road, railway and inland waterway traffic accidents (accounting for 5.0%); 383 incidents, accidents with people trapped in the house; construction; overhead (accounting for 1.8%); 319 cases in caves, tunnels, wells; underground works (accounting for 1.5%); 361 incidents, accidents, collapse, collapse of buildings, constructions, equipment, machinery, trees, landslides, rocks, in tourist areas, amusement parks (accounting for 1.7%); 1.879 other incidents and accidents (accounting for 16.4%).

2. Results of research and analysis of state management of fire and rescue

2.1. Summary of some of the results achieved

In order to improve the effectiveness of State management over fire prevention and fighting, the Government, Prime Minister, ministries and branches have focused on developing legal documents guiding the implementation of the Law on Fire Prevention and Control. Up to now, the issues stipulated in the Law on Fire Prevention and Control have been basically guided by documents under the Law, the timely formulation and issuance of guiding documents for the implementation of the Law on Fire Prevention and Fighting has created a uniformity. consensus in organizing the implementation of the Law on Fire Protection. The promulgated legal documents have contributed to improving the effectiveness of the State's management of fire prevention

and fighting, creating a legal corridor for each aspect of professional fire prevention and fighting work. In the locality, chairpersons of provincial and district People's Committees have issued many documents directing the strengthening of fire prevention and fighting work. This result is really a direct factor that has a positive impact on the effectiveness and efficiency of the Law in recent years.

Over the past 20 years, the Government has issued 12 Decrees on fire prevention and fighting work; The Prime Minister has issued 05 Decisions and 04 Directives on fire prevention and fighting work; Ministries have coordinated to develop and promulgate 44 circulars and joint circulars on fire prevention and fighting. In fact, the effectiveness of state management of fire prevention and fighting has been significantly improved; Leaders at all levels and branches have paid more attention to fire prevention and fighting, contributing to ensuring political security and social order and safety.

Implementing the policy of the Government, the ministries, branches and localities have directed the departments, agencies and sectors to carry out the reform of administrative procedures in the fields, in which the Ministry of Public Security has directed the implementation of implemented and 100% of police units and localities have implemented to handle administrative procedures in the field of fire prevention and fighting, level 3 and level 4 on the Public Service Portal of the Ministry of Public Security, including: Certificate of practice in consulting on fire prevention and fighting; Appraisal of designs on fire prevention and fighting; Acceptance of fire prevention and fighting; issue a certificate of eligibility for fire prevention and fighting service business; issue certificates of professional training in fire prevention and fighting; issue a certificate of training in rescue operations; issue the certificate of inspection of fire prevention and fighting equipment...). At the same time, it has simplified administrative procedures and shortened the time limit for granting the above licenses.

2.2. Inadequacies in the assignment of responsibilities in the management of fire and rescue

In general state management, the assignment of management responsibilities is particularly important, based on consistent and consistent principles; promote the autonomy and self-responsibility of ministries, branches and local authorities at all levels and ensure no overlap; in accordance with the characteristics and practical capabilities; ensure a close combination of management by sector, field with management by administrative unit; be suitable to the conditions, management level and ability to receive assignments and decentralization of ministries, branches and localities, ensuring the principle of efficiency; enhance publicity, transparency and responsibility for inspection and examination.

However, in practice, the assignment and decentralization of state management of fire prevention and fighting has not been uniform and highly synchronous. The assignment has been legislated (Article 58) but still lacks mechanisms and policies to implement synchronously and ensure effective implementation:

The responsibilities of ministries, ministerial-level agencies and government-attached agencies have not yet been specified and fully defined in coordinating with the Ministry of Public Security to perform unified state management of fire and rescue.

There are no specific regulations on the responsibilities of the People's Committees at all levels in performing the state management of fire prevention and fighting in the locality.

According to Article 58 of the Law, the assignment of responsibilities in the state management of fire prevention and fighting is prescribed as follows:

The Government performs the unified state management of fire prevention and fighting.

The Ministry of Public Security is responsible before the Government for performing the state management of fire prevention and fighting.

Ministries, ministerial-level agencies and Governmental agencies shall, within the ambit of their

tasks and powers, coordinate with the Ministry of Public Security in organizing the implementation of regulations on fire prevention and fighting.

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

People's Committees at all levels shall, within the ambit of their tasks and powers, perform the state management of fire prevention and fighting in their localities.

In addition, in a number of other provisions, the Law also directly stipulates the responsibilities of: Vietnam Fatherland Front (Article 7), Information and propaganda agencies (Article 6), State management agencies on education (Article 6) and related organizations and individuals.

After the Law on Organization of Local Government in 2015, amended and supplemented in 2019 and the Law on Government Organization in 2015, amended and supplemented in 2019 were promulgated, the assignment and decentralization of state management said In general, the state management of fire prevention and fighting and social reform in particular are governed by these two laws. Practice also shows that effective water management in terms of assignment and decentralization is associated with decentralization, while the decentralization of powers to local authorities must be specified in the law. Therefore, some content on decentralization of management on fire prevention and fighting and social engineering is difficult to implement in practice.

The lack of specific regulations on management assignment and decentralization has led to the phenomenon that, in some cases, it is difficult to identify and assign specific responsibilities to each organization and individual in the state management of state

management. Fire prevention and fighting and social reform, leading to the situation that the work of fire prevention and fighting has not yet strongly affirmed its position, role and value in social life.

3. Discuss the goal of solving and propose to solve the problem of assignment of responsibilities

3.1. Problem solving goals

On the basis of practical requirements and relevant legal regulations, to complete the provisions of the Law on Fire and Rescue to unify the assignment and decentralization of state management of fire prevention and fighting in the direction of synchronous, specific and clear responsibilities. responsibilities, have enforcement mechanisms:

Implement assignment and decentralization to ensure the principles of assignment and decentralization on the basis of relevant laws. In particular, there are specific provisions on the content of decentralization of powers to local authorities at all levels.

Clearly prescribe mechanisms and principles for coordination between ministries, ministerial-level agencies, government-attached agencies and the Ministry of Public Security in the state management of fire and rescue.

3.2. Suggested solutions to solve the problem

Solution 1: Maintain the regulations on assignment and decentralization in the Law on Fire Prevention and Fighting.

Solution 2: Amending, supplementing and perfecting regulations on assignment and decentralization on the basis of practice and relevant legal regulations to complete the provisions of the Law on Fire Prevention and Fighting and Social Sciences to unify the assignment and decentralization of management. State management of fire prevention and fighting in the direction of synchronous, specific, clear responsibilities, ensuring effective enforcement mechanism:

Further concretize the content of assignment, decentralization and regulations on examination, inspection and control of the implementation in the guiding Laws and Decrees.

Clarify responsibilities for state management of fire prevention and fighting and social reform in Chapter VII State management of fire prevention and fighting and social reform: Government; Police; Ministries, ministerial-level agencies, agencies attached to the Government; People's Committees of provinces and centrally run cities.

Specific and clearer regulations on the content, state management responsibilities, tasks and powers of the government People's Committees of provinces/cities, districts and communes on fire prevention and fighting and social engineering within the administrative area main; is responsible for promulgating regulations on fire prevention and fighting, as well as regulations on assignment and decentralization of fire prevention and fighting management, ensuring the principles of consistency, democracy, transparency, creating favorable conditions for agencies, organizations, individuals working in the field of fire prevention and fighting.

Further concretize the content of regulations on inspection, inspection and control of the implementation of the provisions of the Law on Fire Prevention and Control and the guiding documents.

3.3. Assess the impact of solutions on those directly affected by the policy and other related subjects

Solution 1: Maintain the regulations on assignment and decentralization in the Law on Fire Prevention and Fighting.

Positive impact:

Economic impact: there is no cost for the development of legal documents for the State.

Social impact: no new impact on society.

Impact on the legal system: no new provisions of the law arise.

Impact on administrative procedures: no administrative procedures arise.

Gender impact: no gender impact.

Negative effects:

Economic impact: if the regulations on assignment and decentralization are maintained, in some cases, it is difficult to clearly and specifically define

the responsibilities and powers of organizations and individuals, the Human Resources Committee and the People's Committee. people at all levels... in the state management of fire prevention and fighting and social reform. Therefore, the efficiency and effectiveness of state management is not effective, it is easy to make mistakes or push responsibility, while fire prevention and fighting work is determined to ensure the safety of fire prevention and fighting, contributing to part to ensure political security and social order and safety to serve the cause of sustainable economic and social development. Doing the wrong thing or pushing the responsibility also means not creating more favorable conditions for the fire prevention and fighting and high-tech sectors, thereby reducing the attractiveness of the investment environment of foreign investors in Vietnam.

Social impact: not creating more favorable conditions in the field of fire prevention and fighting and social engineering. It is difficult to encourage and attract social forces to participate in the field of fire prevention and fighting.

Impacts on the legal system: the legal system on fire prevention and fighting is not guaranteed to be complete and feasible due to many issues that have not yet been adjusted or adjusted, but are no longer suitable with regulations. current practice.

Impact on administrative procedures: although option 1 does not give rise to administrative procedures, in reality there will be no legal basis to implement the assignment and decentralization in a unified direction, making it difficult to assign specific responsibilities. possible for organizations and individuals in the state management of fire prevention and fighting.

Gender impact: no gender impact.

Solution 2: Amending, supplementing and perfecting regulations on assignment and decentralization on the basis of practice and relevant legal regulations to perfect the provisions of the Law on Fire Prevention and Fighting and Social Sciences to unify the assignment and decentralization of management.

State management of fire prevention and fighting and social reform in the direction of synchronization, specificity, clear responsibilities, ensuring an effective enforcement mechanism.

Positive impact:

Economic impact: the completion of regulations on assignment and decentralization in the state management of fire prevention and fighting will create a legal basis to promote activities in the field of fire prevention and fighting and hi-tech in association with economic development – local society. Ensuring fire safety and good socialization will ensure political security and social order and safety, effectively serving the cause of socio-economic development; increasing the attractiveness of the investment environment of foreign investors in Vietnam.

Social impact: the completion of regulations on assignment and decentralization of fire prevention and fighting management and fire prevention and control will create more favorable conditions for state management of fire prevention and fighting, and encourage, attract and mobilize mobilize social forces to participate in the field of fire prevention and fighting.

Impact on the legal system: the legal system on fire prevention and fighting is completed, ensuring the consistency, synchronism, completeness and feasibility; overcome limitations and inadequacies in current legal regulations and solve inadequacies in law enforcement practice.

Impact on administrative procedures: (1) overcome the inadequacies in current administrative procedures; (2) for administrative procedures will clearly assign state management agencies in the fields in charge: the full regulation of administrative procedures will create clarity and transparency in the order, implementation methods, dossiers and requirements, and conditions for dealing with specific jobs related to individuals and organizations. On the other hand, due to the goal of administrative reform, the regulations on administrative procedures will be stipulated in the direction of simplification for organizations and individuals to implement.

Gender impact: no gender impact.

Negative impact

Economic impact: none.

Social impact: none.

Impact on the legal system: none

Impact on administrative procedures: this solution does not generate administrative procedures.

Gender impact: no gender impact.

3.4. Proposing alternative solutions

Comparing the above two solutions, solution 2 is the one that brings the greatest positive impacts, obtains the best economic benefits and social impacts, and has the most positive impact on the legal system. and bring positive impact on administrative procedures. Therefore, it is proposed to choose solution 2

for the development of the Law on Fire Prevention and Control and the Social Security Administration. The promulgating authority is the National Assembly.

4. Conclusion

4.1. The article has assessed and analyzed the situation of fires, explosions, incidents and accidents from 2001 (since the Law on Fire Prevention and Fighting was enacted) up to now, thereby showing that the above situation is complicated, posing many issues that need to be studied. research, including issues of assignment and decentralization.

4.2. The article has explained the management results as well as the inadequacies in the assignment of management responsibilities, from which to analyze and propose solutions in the coming time.

References:

1. Ministry of Public Security (2011). Summary report of 10 years of implementation of the Law on Fire Protection, Hanoi.
2. Politburo (2022). Resolution No. 12-NQ/TW dated March 16, 2022 of the Politburo on building a truly clean, strong, regular, elite and modern People's Public Security force, meeting requirements and tasks in the new situation, Hanoi.
3. Le Quang Bon (2021). General volume of fire prevention and fighting technology, CAND Publishing House, Hanoi.
4. Fire and Rescue Police Department (2022). Report on the situation and results of fire prevention and fighting work and the direction of key tasks of the Fire and Rescue Police force from 2013 to 2022, Hanoi.
5. Fire and Rescue Police Department (2023). Project No. 10/DA-BCA-C07 dated March 15, 2023 on building a really clean, strong, regular, elite, modern police force, Ha Interior.
6. Dao Huu Dan, Hoang Ngoc Hai (2020). Textbook of State management on fire prevention and fighting, People's Public Security Publishing House, Hanoi.
7. Dao Huu Dan, Hoang Ngoc Hai (2020). Textbook of Law on Fire Prevention and Control, People's Public Security Publishing House, Hanoi.
8. National Assembly (2013). Law on fire prevention and fighting, consolidated document, Hanoi.