

Measures for the Supervision and Administration of Safety Facilities of Construction Projects of the PRC

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Chapter I — General Provisions

Article 1 — These Measures are formulated in accordance with the provisions of the Work Safety Law of the People's Republic of China and other relevant laws and administrative regulations for the purposes of strengthening the supervision and administration of safety facilities of construction projects, preventing and reducing production safety accidents, and ensuring the safety of employees' lives and property.

Article 2 — The safety facilities of new construction, reconstruction, and expansion projects (hereinafter referred to as "construction projects") for production and storage of hazardous chemicals, and for non-coal mining and metal smelting shall be designed, constructed, and put into use simultaneously with the principal part of the project (hereinafter referred to as the "Three Simultaneities" requirement). The safety facilities of construction projects shall comply with the relevant State technical standards and specifications.

Article 3 — The construction entity shall be responsible for the safety facilities of the construction project. The construction entity shall, in accordance with the provisions of the State, ensure that safety facilities are designed, constructed, and put into production and use simultaneously with the principal part of the project, and shall be responsible for the consequences caused by the failure to fulfill such obligations.

Article 4 — The work safety supervision and administration departments shall strengthen the supervision and administration of the "Three Simultaneities" work for safety facilities of construction projects within their respective administrative areas and shall investigate and deal with illegal acts in accordance with the law.

Article 5 — Construction projects shall undergo safety pre-evaluation during the feasibility study stage. The safety pre-evaluation report shall be prepared by a qualified safety evaluation institution and submitted to the work safety supervision and administration department for review and filing.

Chapter II — Safety Pre-Evaluation and Safety Facility Design

Article 6 — The safety pre-evaluation report for a construction project shall include the following contents: (1) analysis of major hazard sources and degree of hazard; (2) analysis of hazards and harmful factors; (3) basis for selection of safety conditions and the main technical safety measures to be adopted; (4) measures and conclusions for countermeasures against hazards; and (5) other contents as required by the State.

Article 7 — The design of safety facilities for a construction project shall be carried out by a qualified design unit. The design of safety facilities shall specify the measures for the prevention and control of accidents such as fires, explosions, poisoning, asphyxiation, electric shocks, mechanical injuries, falling from heights, and object strikes that may occur during the production and operation of the construction project. The design of safety facilities for a construction project shall have a dedicated chapter on safety facility design. The dedicated chapter shall include: the basis for design; an overview of the construction project; hazard analysis and hazard degree prediction during the construction process and in production and operation after completion; safety measures and countermeasures adopted in the design; and other contents as required by the State.

Article 8 — Upon completion of the design of safety facilities, the construction entity shall submit the dedicated chapter on safety facility design to the work safety supervision and administration department for review. The work safety supervision and administration department shall, within 20 working days from the date of receipt of the application for review, complete the review and issue a written opinion.

Article 9 — Where a construction project that has already been approved undergoes any change in its scale, production process, raw materials, or auxiliary materials that may affect its safety conditions, the construction entity shall re-submit the safety facility design for review or shall carry out the design change in accordance with the provisions and submit it for filing with the original review department.

Chapter III — Safety Facility Construction and Acceptance

Article 10 — The construction of safety facilities for a construction project shall be carried out by a qualified construction unit in strict accordance with the approved safety facility design and relevant construction technical standards and specifications, and a complete record of the construction process shall be kept. The construction unit shall be responsible for the quality of the construction of safety facilities.

Article 11 — Upon completion of the construction of safety facilities, the construction entity shall organize the acceptance inspection of safety facilities. The acceptance inspection of safety facilities shall be carried out only after the construction entity has organized a trial production (operation) for a specified period and the safety facilities have been debugged and found to be in normal condition. The acceptance inspection of safety facilities shall be conducted by a qualified safety evaluation institution through acceptance evaluation. The construction entity shall prepare an acceptance evaluation report for safety facilities.

Article 12 — When organizing the acceptance inspection of safety facilities, the construction entity shall form an acceptance group. The acceptance group shall be composed of representatives of the construction entity, the design unit, the construction unit, and the supervision unit, as well as relevant experts. The acceptance group shall prepare a written acceptance opinion on the safety facilities. Where the safety facilities pass the acceptance inspection, the acceptance group shall issue an acceptance opinion on the safety facilities. Where the safety facilities fail the acceptance inspection, the construction entity shall make rectification and re-organize the acceptance inspection after the rectification is completed.

Article 13 — After the acceptance inspection of safety facilities has passed, the construction entity shall, in accordance with the provisions, file the acceptance materials of safety facilities with the work safety supervision and administration department. The acceptance filing materials shall include: the acceptance evaluation report on safety facilities; the acceptance opinion on safety facilities; the design modification notes on safety facilities (if any); the construction and supervision reports on safety facilities; and other materials as required by the State.

Article 14 — A construction project shall not be put into production or use until its safety facilities have passed the acceptance inspection. Where a construction project is put into production or use without passing the acceptance inspection of safety facilities, the work safety supervision and administration department shall order it to stop production or use and make rectification within a prescribed time limit.

Chapter IV — Legal Liability

Article 15 — Where a construction entity commits any of the following acts, the work safety supervision and administration department shall order it to make rectification within a prescribed time limit and may impose a fine of not more than RMB 30,000 yuan: (1) failing to conduct safety pre-evaluation in accordance with the provisions; (2) failing to carry out design, construction, or acceptance inspection of safety facilities simultaneously with the principal part of the project; (3) putting a construction project into production or use without passing the acceptance inspection of safety facilities; or (4) failing to file the acceptance materials of safety facilities in accordance with the provisions.

Article 16 — Where the design unit, construction unit, supervision unit, or safety evaluation institution undertaking the work related to safety facilities commits any of the following acts, the work safety supervision and administration department shall impose penalties in accordance with the relevant laws, administrative regulations, and rules: (1) the design unit fails to design safety facilities in accordance with the provisions; (2) the construction unit fails to construct in accordance with the approved safety facility design and relevant technical standards; (3) the supervision unit fails to supervise the quality of safety facilities in accordance with the provisions; or (4) the safety evaluation institution issues a false certification or evaluation report.

Article 17 — Where any functionary of a work safety supervision and administration department abuses his or her power, neglects his or her duties, or engages in malpractice for personal gain, he or she shall be subject to disciplinary action in accordance with the law; where the case constitutes a crime, criminal liability shall be pursued in accordance with the law.

Chapter V — Supplementary Provisions

Article 18 — The supervision and administration of "Three Simultaneities" for safety facilities of coal mine construction projects shall be separately provided for.

Article 19 — The safety supervision and administration departments of provinces, autonomous regions, and municipalities directly under the Central Government may formulate detailed implementation rules in accordance with these Measures and in light of actual local conditions.

Article 20 — These Measures shall be effective as of February 1, 2011. The Interim Measures for the Supervision and Administration of "Three Simultaneities" for Safety Facilities of Construction Projects

promulgated by the former State Administration of Work Safety on January 13, 2004 shall be repealed simultaneously.

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