Mine Safety Law of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purpose of ensuring safety in mine construction and mine production, preventing mine accidents, protecting the personal safety of mine workers, and promoting the development of the mining industry.

Article 2 — This Law shall apply to the construction of mine construction projects and mine production within the territory of the People's Republic of China and in other sea areas under the jurisdiction of the People's Republic of China.

Article 3 — In establishing a mining enterprise, the following conditions must be satisfied:

(1) compliance with the mine safety regulations and safety technical specifications for the mining industry;

(2) a safety management system that meets the requirements;

(3) safety technical equipment and safety facilities that meet the quality standards prescribed by the State; and

(4) compliance with other conditions prescribed by the mine safety laws, administrative regulations and mining enterprise safety rules.

Article 4 — The administrative department in charge of safety production supervision under the State Council shall exercise unified supervision over the national mine safety work. The administrative departments in charge of safety production supervision under the local people's governments at or above the county level shall exercise unified supervision over the mine safety work within their respective administrative regions.

The departments in charge of the administration of the mining industry under the people's governments at or above the county level shall administer the mine safety work.

Article 5 — The State Council shall encourage research in mine safety science and technology, disseminate advanced technologies, improve safety facilities, and enhance mine safety standards.

Article 6 — Units and individuals that have made remarkable achievements in adhering to the mine safety laws and regulations, in ensuring safety in mine production, in preventing mine accidents, in participating in mine rescue operations, and in mine safety science and technology research shall be rewarded.

Chapter II — Safety Assurance in Mine Construction

Article 7 — The safety facilities of a mine construction project must be designed, constructed and put into operation or use simultaneously with the main body of the project.

Article 8 — The design of a mine construction project must comply with the mine safety regulations and the safety technical specifications for the mining industry, and shall, in accordance with the provisions of the State, be subject to the approval of the department in charge of the administration of the mining industry; any design that does not comply with the mine safety regulations and the safety technical specifications for the mining industry may not be approved.

The design of safety facilities for a mine construction project must be examined by the administrative department in charge of safety production supervision; any such design that does not comply with the mine safety regulations and the safety technical specifications for the mining industry may not be approved. The department in charge of the administration of the mining industry that approves the design of a mine construction project shall, when examining and approving the design, examine the design of safety facilities.

Where the design of safety facilities of a mine construction project is modified without authorization upon approval, the construction unit shall report to the original examination and approval authority for approval before proceeding with the modification.

Article 9 — In the design of a mine, the following items of safety assurance in mine production must be included:

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(1) a mine safety system for roof control, slope control, water control, fire control, gas control, dust control and heat control;

(2) a mine safety system for ventilation, drainage, hoisting, transportation, power supply, compression and communication, etc.;

(3) a system for monitoring and controlling natural calamities such as flood, fire, explosion and rock burst; and

(4) other items relating to mine safety.

Article 10 — Each mine must have a facility designed to ensure safety in entering and exiting the mine, and the actual distance between entrances and exits of a mine must comply with the mine safety regulations and the safety technical specifications for the mining industry.

Article 11 — Mine hoisting and transportation facilities, protective devices for mine cars and other mine equipment, instruments and articles for use must comply with the national safety standards or the safety standards of the mining industry.

Article 12 — Upon completion of a mine construction project, the safety facilities shall, in accordance with the provisions of the State, be subject to acceptance inspection by the administrative department in charge of safety production supervision before the project is put into production or use; those that fail the acceptance inspection may not be put into production or use. The relevant departments participating in the acceptance inspection shall examine the safety facilities and safety conditions of the mine construction project.

Chapter III — Safety Assurance in Mine Exploitation

Article 13 — In mine exploitation, the following requirements for ensuring safety in production must be satisfied:

(1) the design of a mine must comply with the safety requirements for mining, including the retention of safety pillars for mines, the prescribed sizes of blasting parameters, mining method, sequence, roof control, slope stability, etc.;

(2) the mining technology and the equipment for safe operation must meet the requirements in respect of production safety;

(3) the actual distance between the upper and lower roadways and working faces must comply with the safety requirements;

(4) for mines involving natural ignition of coal seams, effective measures must be taken for fire prevention and extinguishment; and

(5) the exploitation of mines must comply with other safety requirements.

Article 14 — In designing a mine, the pillar for safety and the pillar for rock movement shall be retained.

Mines that have already been put into production shall, in accordance with the provisions prescribed by the State, have the necessary pillar for safety and the pillar for rock movement retained.

Article 15 — All equipment used in mines that may endanger personal safety must be equipped with protective devices in conformity with the prescribed standards, and effective measures must be taken for their maintenance and repair to ensure safety.

Article 16 — The requirements for ventilation in a mine must comply with the following provisions:

(1) effective ventilation facilities and systems must be set up;

(2) the volume of air must meet the mine safety requirements, and the quality of air and wind speed must conform to the prescribed standards;

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(3) power supply for main ventilation fans must have backup lines; and

(4) underground mines must adopt mechanical ventilation.

Article 17 — A mine must be equipped with effective dust-prevention measures. The concentration of dust in the workplace must meet the prescribed standards for safety in production.

Article 18 — In mines where there is danger of gas explosion, effective preventive measures must be taken. In mines where there is gas emission, gas monitoring and automatic alarm and power cutoff devices must be installed.

Article 19 — Effective protective measures against flooding must be taken for the roofs and the sides of open pits and mine shafts. In mines where there is danger of water leakage, measures must be taken for water detection, water drainage, and waterproof blocking.

Article 20 — Mines where there is danger of spontaneous combustion must be equipped with effective fire prevention and extinguishment systems and fire-fighting devices.

Article 21 — Mines must be equipped with reliable signaling devices.

Article 22 — Harmful substances in the environment of underground mines and the temperature of the workplace must meet the prescribed standards for safety in production. When the temperature of the workplace exceeds the prescribed standard, effective measures must be taken to reduce the temperature.

Article 23 — Protective measures against electric shock, electric leakage and overcurrent must be adopted for the electrical apparatus and equipment, and for the cables and wires used in mines.

Article 24 — In open-pit mines and underground mines where there is danger of slope sliding, rock burst and landslides, effective protective measures must be taken.

Article 25 — Mines that use blasting must be equipped with reliable safety facilities for blasting, and the relevant regulations on blasting equipment and safety in blasting operations must be complied with.

Article 26 — Mining enterprises shall adopt protective measures in respect of the dust and poison hazards at the operation sites and protect the workers against occupational diseases.

Article 27 — Mining enterprises shall not mine under dangerous conditions in disregard of safety. Mining enterprises shall have the right to refuse directions given by their superior administrative authorities or any persons in charge that violate the safety rules.

Article 28 — For special operators of a mining enterprise, such as gas checkers, blasters, signalmen, winders, electricians, shotfirers, winding engine drivers, transport drivers and safety inspectors, specialized training must be provided and examinations held; only those who have passed the examinations may take up their posts.

The scope of special operators of a mining enterprise shall be prescribed by the administrative department in charge of safety production supervision under the State Council in conjunction with the relevant departments of the State Council.

Article 29 — Mining enterprises must provide the workers with the necessary articles for labor protection in conformity with the State provisions. Labor protection articles for use under special conditions must be subject to strict inspection and ensure safety.

Article 30 — Mining enterprises must work out emergency rescue plans for mine accidents; mines where there is danger of major accidents shall establish rescue and first-aid organizations or be equipped with rescue and first-aid personnel and necessary rescue and first-aid apparatus, equipment and medicines.

Article 31 — Mining enterprises must establish a safety reporting system and provide safety education and training for their workers; without safety education and training, no workers may take up their posts.

The safety management staff of a mining enterprise must possess the necessary mine safety expertise and practical experience in mine safety work as well as the ability to deal with accidents at the scene of production and other work.

Chapter IV — Safety Management in Mining Enterprises

Article 32 — A mining enterprise must establish and improve the safety production responsibility system. The principal leading person of the mining enterprise shall be fully responsible for the safety work of the enterprise.

Article 33 — The miners' congress or the miners' representative assembly of a mining enterprise shall, in accordance with the provisions of the law, exercise democratic supervision over the enterprise's mine safety work. The trade union of a mining enterprise shall safeguard, in accordance with the law, the lawful rights and interests of the workers in respect of production safety, and organize the workers to carry out democratic management and democratic supervision over the mine safety work of the enterprise.

Article 34 — A trade union shall have the right, in accordance with the law, to participate in the investigation and handling of accidents and to put forward its opinions on the prevention of mine accidents and other issues relating to safety in mine production. Mining enterprises shall deal with the trade union's opinions seriously.

Article 35 — When a mining enterprise assigns tasks to its workers, it shall, in accordance with the provisions, require its workers to observe the safety rules and operating procedures of the enterprise.

The workers of a mining enterprise shall abide by the laws, regulations and rules concerning mine safety as well as the safety rules and operating procedures of the enterprise.

Article 36 — A mining enterprise must educate and supervise the workers in safe production and conduct regular safety inspections. Safety rules must be formulated and observed for the inspection and maintenance of equipment, facilities and safety installations, and a system of periodical maintenance must be established to keep them in good condition.

Article 37 — A mining enterprise must regularly inspect the safety facilities at the mine site, and take timely measures to eliminate hidden perils of accidents; it may not proceed with production until such hidden perils are eliminated.

Article 38 — A mining enterprise shall allocate special funds for technical safety measures to improve the conditions of safe production, and such funds shall be used for no other purposes.

Article 39 — A mining enterprise shall, in accordance with the State provisions, submit reports on mine safety to the administrative departments in charge of safety production supervision and the departments in charge of the administration of the mining industry respectively. Such reports must be truthful.

Article 40 — Where the workers of a mining enterprise discover that there is a hidden peril endangering personal safety or an emergency in the enterprise, they shall have the right to stop operation or to leave the operation site and shall promptly take necessary measures.

Where the workers of a mining enterprise discover a serious hidden peril endangering their personal safety, they shall have the right to stop work and withdraw from the dangerous site.

Article 41 — A mining enterprise must establish a system of pre-employment health examination, periodic health examination during the term of employment and post-employment health examination for the workers, and be equipped with personnel for labor hygiene monitoring. For workers suffering from occupational diseases, the mining enterprise shall, in accordance with the provisions, give them timely treatment and properly arrange for them.

Article 42 — Mining enterprises must purchase personal injury insurance for the workers engaged in operations dangerous to personal safety and social insurance for the workers in accordance with the State provisions.

Article 43 — Mining enterprises shall not recruit minors to engage in underground work.

A mining enterprise shall, in accordance with the provisions of the State, provide special labor protection to female workers and shall not assign them to underground work.

Article 44 — In case of a mine accident, a mining enterprise must immediately organize rescue operations and, in accordance with the provisions, promptly and truthfully report the matter to the relevant departments.

Article 45 — The administrative department in charge of safety production supervision under the State Council and the departments in charge of the administration of the mining industry under the people's governments at or above the county level shall, in accordance with the provisions of the State, formulate management measures for mine safety and safety technical standards respectively.

Chapter V — Mine Safety Supervision

Article 46 — The administrative departments in charge of safety production supervision under the people's governments at or above the county level shall, in accordance with the provisions of the State, inspect mine safety, examine and accept the safety facilities of mine construction projects, examine and accept the safety conditions of mines put into production, organize the investigation and handling of major mine accidents, and impose administrative penalties for illegal acts in violation of the mine safety laws and regulations in accordance with the law.

Article 47 — In conducting safety inspections of mining enterprises, the administrative departments in charge of safety production supervision shall have the right to enter the site for inspection, to take part in the relevant meetings convened by the mining enterprises, to have access to the relevant materials and to learn about the relevant information from the relevant units and persons.

Mining enterprises must truthfully report their work relating to mine safety to the administrative departments in charge of safety production supervision, and may not conceal anything or make false reports.

Article 48 — When discovering hidden perils of accidents at a mine site, the safety supervisors of the administrative departments in charge of safety production supervision shall have the power to order the mining enterprise to eliminate them immediately or within a prescribed time limit. When discovering acts of forced operation under dangerous conditions, they shall have the power to order the mining enterprise to stop operation and the workers to withdraw from the dangerous site.

Article 49 — No unit or individual may hinder or interfere with the lawful performance of the official duties of the safety supervisors of the administrative departments in charge of safety production supervision.

Article 50 — The administrative departments in charge of safety production supervision may not charge fees from the enterprises subject to their supervision.

The funds needed by the administrative departments in charge of safety production supervision and their safety supervisors for performing their duties of safety supervision shall be covered by the fiscal budget.

Chapter VI — Handling of Mine Accidents

Article 51 — In the event of a mine accident, the mining enterprise must immediately organize rescue operations to prevent the expansion of the accident, minimize casualties and property losses, and shall, in accordance with the provisions, immediately and truthfully report to the relevant departments and the administrative department in charge of safety production supervision.

Article 52 — Upon receiving a report of a mine accident, the local people's government and the relevant department must, in accordance with the provisions of the State, promptly send personnel to the scene of the accident, organize rescue operations, and deal with the aftermath of the accident in accordance with the State provisions.

Article 53 — The investigation and handling of mine accidents shall be carried out in accordance with the provisions of the State.

Article 54 — The expenses incurred in the rescue and rehabilitation operations arising from a mine accident shall be borne by the mining enterprise in which the accident occurs.

Chapter VII — Legal Liability

Article 55 — Where a mining enterprise commits any of the following acts, it shall be ordered to make corrections and may be concurrently fined; if the circumstances are serious, it shall be ordered to suspend production and make rectification; the persons in charge who are directly responsible and other persons directly responsible shall be given administrative sanctions in accordance with the law:

(1) failing to conduct safety education and training for its workers and assigning workers to take up their posts without safety education and training;

(2) using equipment, apparatus and protective articles that do not meet the national safety standards or the safety standards of the mining industry;

(3) failing to withdraw the necessary pillar for safety or the pillar for rock movement in accordance with the provisions;

(4) failing to adopt effective preventive measures against dust, poison and heat hazards at the operation sites;

(5) failing to provide workers with necessary labor protection articles in accordance with the provisions;

(6) failing to allocate special funds for technical safety measures in accordance with the provisions;

(7) failing to establish a rescue and first-aid organization or failing to be equipped with rescue and first-aid personnel and necessary rescue and first-aid apparatus, equipment and medicines in accordance with the provisions; or

(8) failing to submit truthful reports on mine safety in accordance with the provisions.

Article 56 — Where a mining enterprise's safety facilities are not designed, constructed or put into operation and use simultaneously with the main body of the project, or where the mining enterprise puts a mine construction project into production or use without the acceptance inspection of the safety facilities, the administrative department in charge of safety production supervision shall order it to make corrections within a prescribed time limit; if it fails to do so, it shall be ordered to suspend production and make rectification.

Article 57 — Where a mining enterprise fails to regularly inspect the safety facilities at the mine site or fails to take timely measures to eliminate hidden perils of accidents, the administrative department in charge of safety production supervision shall order it to make corrections and may concurrently fine it.

Article 58 — Where a mining enterprise operates in violation of the safety rules and gives directions in disregard of safety, thereby compelling the workers to operate under dangerous conditions, the administrative department in charge of safety production supervision shall order it to make corrections and impose a fine; if the circumstances are serious, it shall be ordered to suspend production and make rectification; the persons in charge who are directly responsible and other persons directly responsible shall be given administrative sanctions in accordance with the law; if a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 59 — Where a mining enterprise's principal leading person fails to perform the safety production management duties in accordance with the law, resulting in a mine accident, the administrative department in charge of safety production supervision shall impose a fine on the said person in accordance with the law; if the circumstances are serious, the relevant department shall revoke his qualifications for safety production; if a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 60 — Where a person in charge of a mining enterprise fails to timely and truthfully report a mine accident, the administrative department in charge of safety production supervision shall impose a fine; if the circumstances are serious, the relevant department shall revoke his qualifications for safety production; if a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 61 — Where a mining enterprise's workers refuse to accept the directions given by the administrative personnel of the enterprise in violation of the safety rules or refuse to stop work and withdraw from the dangerous site when discovering a serious hidden peril endangering their personal safety, the mining enterprise may not retaliate against them by canceling their labor contracts or reducing their wages, welfare and other benefits.

Article 62 — Where the administrative department in charge of safety production supervision or the department in charge of the administration of the mining industry, in violation of the provisions, commits any of the following acts, the persons in charge who are directly responsible and other persons directly responsible shall be given administrative sanctions in accordance with the law; if a crime is constituted, criminal liability shall be pursued in accordance with the law:

(1) approving the design of a mine construction project or the design of safety facilities that does not comply with the mine safety regulations and the safety technical specifications for the mining industry;

(2) granting acceptance to a mine construction project whose safety facilities have not been inspected and accepted or that has failed the acceptance inspection;

(3) failing to take timely measures to eliminate a mine accident peril that it has discovered; or

(4) committing other acts of abusing powers, neglecting duties, or engaging in malpractices for personal gain.

Chapter VIII — Supplementary Provisions

Article 63 — Measures for the administration of safety in the mining of petroleum and natural gas shall be separately formulated by the State Council.

Article 64 — The State Council shall formulate implementation rules in accordance with this Law.

Article 65 — This Law shall come into force as of May 1, 1993.

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