Regulations on the Administration of Construction Project Quality of the PRC

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Contents

Table of Contents 1

Chapter I — General Provisions 1

Chapter II — Quality Responsibilities and Obligations of Construction Entities 2

Chapter III — Quality Responsibilities and Obligations of Survey, Design and Construction Entities 3

Chapter IV — Quality Responsibilities and Obligations of Project Supervision Entities 4

Chapter V — Construction Project Quality Assurance 5

Chapter VI — Supervision and Administration 6

Chapter VII — Penalty Provisions 6

Chapter VIII — Supplementary Provisions 8

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Table of Contents

- Chapter I — General Provisions
- Chapter II — Quality Responsibilities and Obligations of Construction Entities
- Chapter III — Quality Responsibilities and Obligations of Survey, Design and Construction Entities
- Chapter IV — Quality Responsibilities and Obligations of Project Supervision Entities
- Chapter V — Construction Project Quality Assurance
- Chapter VI — Supervision and Administration
- Chapter VII — Penalty Provisions
- Chapter VIII — Supplementary Provisions

Chapter I — General Provisions

Article 1 — These Regulations are formulated in accordance with the Construction Law of the People's Republic of China for the purposes of strengthening the administration of construction project quality, ensuring the quality of construction projects, and protecting the safety of people's lives and property.

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Article 2 — Anyone who engages in new construction, expansion, renovation or other construction activities relating to construction projects and who supervises and administers construction project quality within the territory of the People's Republic of China shall comply with these Regulations.

Article 3 — The construction entity, the survey unit, the design unit, the construction unit, and the project supervision unit shall, in accordance with the law, be responsible for the quality of the construction project.

Article 4 — The construction administrative department of the people's government at or above the county level and other relevant departments shall strengthen the supervision and administration of construction project quality.

Article 5 — Anyone engaging in construction project activities must strictly comply with the basic construction procedures, adhere to the principle of survey before design and construction after design.

The people's government at or above the county level and its relevant departments may not exceed their authority to examine and approve construction projects or simplify the basic construction procedures without authorization.

Article 6 — The State encourages the adoption of advanced science and technology and management methods to improve the quality of construction projects.

Chapter II — Quality Responsibilities and Obligations of Construction Entities

Article 7 — A construction entity shall submit the construction project to the construction administrative department or other relevant departments for examination and approval in accordance with the law. No construction project may be constructed without approval.

Article 8 — A construction entity shall, in accordance with the law, conduct tendering for the survey, design, construction and supervision of the construction project, and shall select survey units, design units, construction units and project supervision units that have the corresponding qualification levels.

The construction entity shall sign written contracts with the survey, design, construction and project supervision entities in respect of the project, specifying the quality requirements and other contents.

Article 9 — A construction entity must provide the survey, design, construction and project supervision entities with the original survey data, design documents, technical data and other materials that are relevant to the construction project and are true, accurate and complete.

Article 10 — A construction entity may not, based on its own demands, compel the survey, design and construction entities to lower the quality standards for the construction project as prescribed by laws, regulations and mandatory standards for engineering construction. No entity or individual may alter the survey and design documents without authorization.

Article 11 — A construction entity shall submit the construction drawings and design documents to a qualified drawing review agency for review. No construction drawings and design documents that have not been reviewed or that fail to pass the review may be used.

Article 12 — A construction entity shall obtain a construction permit before the start of the project in accordance with the law. The construction administrative department of the people's government at or above the county level and other relevant departments shall examine and issue the construction permit in accordance with the relevant provisions.

Article 13 — A construction entity shall, within 15 days from the date of issuance of the construction permit, carry out work safety supervision registration with the construction administrative department of the local people's government at or above the county level.

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Article 14 — Where a construction entity entrusts supervision of the construction project in accordance with the regulations, it shall enter into a written entrustment supervision contract with the project supervision entity. The project supervision entity shall represent the construction entity in supervising the quality of the construction project, and shall be responsible to the construction entity for the quality of supervision work.

Article 15 — A construction entity shall, within 15 working days after the completion of a construction project that requires completion acceptance, apply to the construction administrative department for completion acceptance filing, and submit the relevant materials.

Article 16 — After receiving the completion acceptance report for a construction project, the construction entity shall organize the design, construction, project supervision and other relevant entities for completion acceptance. A construction project may be delivered for use only after it passes the completion acceptance. No construction project that has not passed the completion acceptance or that fails to pass the completion acceptance may be delivered for use.

Article 17 — A construction entity shall strictly follow the relevant national regulations on archives management and shall establish a complete set of construction project archives in a timely manner. After the completion acceptance of the construction project, the construction entity shall transfer the project archives to the construction administrative department or other relevant departments.

Chapter III — Quality Responsibilities and Obligations of Survey, Design and Construction Entities

Article 18 — Entities engaged in survey, design and construction of construction projects shall obtain corresponding qualification grade certificates in accordance with the law, and shall undertake projects within the scope permitted by their qualification grades.

Survey, design and construction entities may not engage in survey, design and construction activities beyond the permitted scope of their qualification grades, nor may they allow other entities or individuals to use their qualification certificates in any form, nor may they subcontract projects to other entities in the form of subcontracting or in any other form.

Article 19 — Survey and design entities must carry out survey and design in accordance with the mandatory standards for engineering construction, and shall be responsible for the quality of their survey and design.

The registered practicing personnel such as registered architects and registered structural engineers and other design personnel specified in the design documents shall sign the design documents and be responsible for the design documents.

Article 20 — A survey entity shall provide a true and accurate survey report. The survey report shall include geological, topographical and hydrological survey data, survey conclusions and opinions.

Article 21 — A design entity shall carry out the design in accordance with the survey report and the mandatory standards for engineering construction. The design documents shall comply with the national prescribed design depth requirements, and shall indicate the reasonable service life of the project.

Article 22 — A design entity shall, in its design documents, specify the specifications, models, performance and other technical indicators of the building materials, building components, parts and equipment to be used, and their quality requirements must comply with the national prescribed standards.

Except where there are special requirements for building materials, building components, parts and equipment, the design entity may not designate the manufacturer or supplier.

Article 23 — The design entity shall participate in the analysis of major quality accidents in construction projects, and shall provide corresponding technical treatment plans for quality accidents caused by design.

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Article 24 — The design entity shall examine the construction drawings, design documents and completion acceptance documents of the construction project, and shall sign and confirm the examination opinions.

Article 25 — A construction entity shall obtain a corresponding qualification grade certificate in accordance with the law and undertake projects within the scope permitted by its qualification grade.

Article 26 — A construction entity shall be responsible for the construction quality of the construction project. A construction entity shall establish a quality responsibility system and determine the project manager, technical person in charge and construction management person in charge of the construction project.

A general contractor shall be responsible for the quality of all construction projects contracted by it; where a general contractor subcontracts a construction project to other entities in accordance with the law, the subcontracting unit shall be jointly and severally liable with the accepting entity for the quality of the subcontracted project.

Article 27 — The general contractor shall, in accordance with the contract, be responsible to the construction entity. The subcontracting unit shall be responsible to the general contractor in accordance with the subcontract. The general contractor and the subcontracting unit shall bear joint and several liability to the construction entity for the quality of the subcontracted project.

Article 28 — A construction entity must carry out construction in accordance with the engineering design drawings and construction technical standards, and may not alter the engineering design without authorization or cut corners on material and workmanship.

Where a construction entity discovers errors in the design documents and drawings during the construction process, it shall promptly submit opinions and suggestions to the construction entity and the design entity.

Article 29 — A construction entity must inspect the building materials, building components, parts and equipment in accordance with the engineering design requirements, construction technical standards and contractual stipulations, and may not use materials that fail to pass inspection. The entity shall keep a written record and have a special person sign the inspection.

Article 30 — A construction entity must establish and improve the quality inspection system for construction, strictly manage work procedures, keep concealed work records, and conduct inspections of concealed work. The concealed work may be covered only after it is inspected and signed by the construction entity or the project supervision entity.

Article 31 — Construction personnel shall conduct testing of the test blocks and test pieces relating to structural safety and the test materials at the construction site, and shall take samples under the supervision of the construction entity or the project supervision entity. The samples shall be sent to a testing institution with corresponding qualification grades for testing.

Article 32 — Where, during the construction process, a construction entity discovers a quality defect in the project design or a quality problem in the construction, it shall take protective measures and promptly report to the construction entity or the project supervision entity.

Article 33 — A construction entity shall be responsible for the repair of a construction project within the warranty period in accordance with the warranty contract and relevant national regulations, and shall bear liability for compensation for the losses caused.

Chapter IV — Quality Responsibilities and Obligations of Project Supervision Entities

Article 34 — A project supervision entity shall obtain a corresponding qualification grade certificate in accordance with the law and undertake supervision business within the scope permitted by its qualification grade.

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A project supervision entity shall not have an affiliated relationship or any interest relationship with the construction entity or the construction entity of the project subject to its supervision, nor with the supplier of building materials, building components, parts and equipment.

Article 35 — A project supervision entity shall carry out supervision in accordance with laws, regulations, relevant technical standards, design documents and the construction project contract, and shall be responsible to the construction entity for the quality of the construction project and bear supervision liability.

Article 36 — A project supervision entity shall select chief supervision engineers and supervision engineers with corresponding qualifications to enter the construction site. Without the signature of the supervision engineer, building materials, building components, parts and equipment may not be used or installed on the project, and the next construction process may not be carried out. Without the signature of the chief supervision engineer, the construction entity may not appropriate project funds and may not conduct completion acceptance.

Article 37 — The supervision engineer shall adopt the methods of patrol inspection, parallel inspection and on-site inspection to supervise the quality of the construction project. For concealed works, the supervision engineer shall conduct inspection and record the inspection.

Article 38 — Where a project supervision entity discovers that the design of the project fails to comply with the quality standards for construction projects or the quality requirements specified in the contract, it shall report the matter to the construction entity and request the design entity to make corrections.

Where a project supervision entity discovers that the construction activities fail to comply with the engineering design requirements, construction technical standards or contractual stipulations, it shall have the right to request the construction entity to make corrections; where the circumstances are serious, it shall have the right to request the construction entity to suspend construction.

Chapter V — Construction Project Quality Assurance

Article 39 — A construction project shall implement a quality warranty system. Construction project contracting entities shall issue a quality warranty to the construction entity when submitting the project for completion acceptance. The quality warranty shall specify the warranty scope, warranty period and warranty liability of the construction project.

Article 40 — The minimum warranty period for a construction project shall be:

(1) The reasonable service life of the project as specified in the design documents for foundation works and main structure works;

(2) Five years for water-proof works on roofs, and for water-proof works in toilets, rooms and external walls that are subject to leakage or water seepage;

(3) Two heating periods and two cooling periods for heating and cooling systems;

(4) Two years for electrical conduits, water supply and drainage conduits, equipment installation, and finishing and decoration works;

(5) Other warranty periods prescribed by the construction entity and the contractor.

The warranty period for a construction project shall be calculated from the date on which the construction project passes the completion acceptance.

Article 41 — Where any quality problem occurs to a construction project within the warranty scope and warranty period, the construction entity shall perform its warranty obligations and shall bear liability for compensation for the losses caused.

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Article 42 — Where a construction project exceeds the reasonable service life specified in the design and needs to continue to be used, the property owner shall entrust a qualified survey and design entity for appraisal, and shall take corresponding reinforcement, repair and other measures in accordance with the appraisal results before it may be used.

Chapter VI — Supervision and Administration

Article 43 — The State implements a construction project quality supervision and administration system. The construction administrative department of the State Council shall exercise unified supervision and administration over the quality of construction projects nationwide. The relevant departments of the State Council, such as transportation and water resources, shall, in accordance with their respective duties prescribed by the State Council, supervise and administer the quality of specialized construction projects.

The construction administrative department of the local people's government at or above the county level shall supervise and administer the quality of construction projects within its administrative region. The relevant departments of the local people's government at or above the county level, such as transportation and water resources, shall, within their respective functions and duties, supervise and administer the quality of specialized construction projects.

Article 44 — The construction administrative department of the State Council and the construction administrative departments of the local people's governments at or above the county level shall strengthen the supervision and administration of the quality of construction projects, and shall conduct supervisory inspection of the implementation of mandatory standards, the quality of building materials, and the main structural quality of projects.

Article 45 — The construction administrative department of the State Council and the construction administrative departments of the local people's governments at or above the county level shall, in conducting supervisory inspection of the quality of construction projects, have the right to take the following measures:

(1) To request the inspected entity to provide documents and materials relating to the quality of the project;

(2) To enter the construction site of the inspected entity for inspection;

(3) To discover quality problems and order corrections to be made.

Article 46 — Construction project quality supervision and administration may be carried out by the construction administrative department of the people's government at or above the county level entrusting a construction project quality supervision institution with specific implementation.

Entities engaged in special quality inspection of housing construction projects and municipal infrastructure projects must be established with the approval of the construction administrative department of the State Council. The inspection reports issued by such entities shall be the basis for determining the quality of construction projects.

Article 47 — The construction administrative department of the people's government at or above the county level and other relevant departments shall promptly accept and deal with complaints and reports about quality defects and quality accidents in construction projects.

Chapter VII — Penalty Provisions

Article 48 — Where a construction entity commits any of the following acts, it shall be ordered to make corrections and a fine of not less than RMB 200,000 but not more than RMB 500,000 shall be imposed:

(1) Compelling the survey, design or construction entity to lower the quality standards for the construction project;

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(2) Arbitrarily shortening the reasonable construction period;

(3) Delivering a construction project that has not passed the completion acceptance or that fails to pass the completion acceptance for use;

(4) Failing to submit the construction project for completion acceptance filing in accordance with the regulations.

Article 49 — Where a construction entity fails to submit the project data to the construction administrative department or other relevant departments after the completion acceptance of the construction project, it shall be ordered to make corrections and a fine of not less than RMB 10,000 but not more than RMB 100,000 shall be imposed.

Article 50 — Where a survey, design or construction entity or a project supervision entity conducts business beyond its qualification grade, it shall be ordered to cease the illegal act; the illegal income shall be confiscated; a fine shall be imposed; and it may be ordered to suspend business for rectification and its qualification grade may be reduced; where the circumstances are serious, its qualification certificate shall be revoked.

Article 51 — Where a survey or design entity fails to carry out survey or design in accordance with the mandatory standards for engineering construction, it shall be ordered to make corrections and a fine of not less than RMB 100,000 but not more than RMB 300,000 shall be imposed. Where losses are caused, it shall bear liability for compensation in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 52 — Where a construction entity commits any of the following acts in the course of construction, it shall be ordered to make corrections and a fine of not less than 2% but not more than 4% of the contract price of the project shall be imposed; where the quality of the project fails to comply with the prescribed quality standards, it shall be responsible for rework and repair and shall compensate for the losses caused; where the circumstances are serious, it shall be ordered to suspend business for rectification, its qualification grade shall be reduced, or its qualification certificate shall be revoked:

(1) Cutting corners on material and workmanship during construction;

(2) Using substandard building materials, building components, parts and equipment;

(3) Failing to carry out construction in accordance with the engineering design drawings or construction technical standards.

Article 53 — Where a construction entity fails to inspect the building materials, building components, parts and equipment, or fails to conduct the construction testing of the test blocks, test pieces and relevant materials relating to structural safety in accordance with the regulations, it shall be ordered to make corrections and a fine of not less than RMB 100,000 but not more than RMB 200,000 shall be imposed; where the circumstances are serious, it shall be ordered to suspend business for rectification, its qualification grade shall be reduced, or its qualification certificate shall be revoked; where losses are caused, it shall bear liability for compensation in accordance with the law.

Article 54 — Where a construction entity fails to perform its warranty obligations, it shall be ordered to make corrections and a fine of not less than RMB 100,000 but not more than RMB 200,000 shall be imposed, and it shall bear liability for compensation for the losses caused within the warranty scope and warranty period due to quality defects.

Article 55 — Where a project supervision entity commits any of the following acts, it shall be ordered to make corrections and a fine of not less than RMB 500,000 but not more than RMB 1,000,000 shall be imposed; its qualification grade shall be reduced or its qualification certificate shall be revoked; where illegal income is obtained, it shall be confiscated; where losses are caused, it shall bear joint and several liability for

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compensation:

(1) Having an affiliated relationship or any interest relationship with the construction entity or the construction entity, or with the supplier of building materials, building components, parts and equipment, and undertaking the supervision business of the construction project;

(2) Colluding with the construction entity or the construction entity, practicing fraud in the name of the construction entity, and lowering the quality of the project;

(3) Signing for unqualified building materials, building components, parts, equipment or work processes.

Article 56 — Where a construction project quality accident is caused by the fault of the survey, design, construction or project supervision entity, the entity shall bear legal liability in accordance with the law. Where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 57 — Where a construction project quality accident occurs due to reasons attributable to the construction entity, the construction entity shall bear legal liability in accordance with the law. Where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 58 — The relevant competent departments may, in accordance with the provisions of these Regulations, impose fines on entities that have violated the provisions of these Regulations. The fines shall be handed over to the State Treasury.

Chapter VIII — Supplementary Provisions

Article 59 — These Regulations shall apply mutatis mutandis to the quality administration of construction projects for which no construction permit is required, the quality administration of farmers' self-built low-rise residences, and the emergency rescue and reconstruction works for natural disasters.

Article 60 — The quality administration of construction projects for which the construction administrative department of the State Council and the relevant departments of the State Council make special provisions for the quality administration of construction projects of special categories shall be governed by such provisions.

Article 61 — The quality administration of military construction projects shall be separately prescribed by the Central Military Commission in accordance with these Regulations.

Article 62 — These Regulations shall enter into force on the date of promulgation. The Provisions on the Administration of Construction Project Quality promulgated by the State Council on November 10, 1993 shall be repealed simultaneously.

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