Regulations on the Administration of Work Safety in Construction Projects of the PRC

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Chapter I — General Provisions

Article 1 — These Regulations are formulated in accordance with the Construction Law of the People's Republic of China and the Work Safety Law of the People's Republic of China for the purposes of strengthening the supervision and administration of work safety in construction projects and safeguarding the personal safety and property safety of the people.

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

Article 3 — Work safety in construction projects shall adhere to the principles of safety first and prevention as the main focus. The construction entity, survey unit, design unit, construction unit, project supervision unit and other entities related to work safety in construction projects shall comply with the laws, regulations and standards on work safety, and shall bear legal liability for work safety in construction projects in accordance with the law.

Article 4 — The construction entity, survey unit, design unit, construction unit, project supervision unit and other entities related to work safety in construction projects must abide by the laws and regulations on work safety, ensure work safety in construction projects, and bear legal liability for work safety accidents in construction projects in accordance with the law.

Article 5 — The State encourages scientific and technological research on work safety in construction projects and the application of advanced technologies, and promotes the scientific management of work safety in construction projects.

Chapter II — Safety Responsibilities of Construction Entities

Article 6 — A construction entity shall provide the construction unit with information on the underground pipelines, hydrogeological conditions and data relating to the adjacent buildings, structures and underground works at the construction site, and shall ensure the truthfulness, accuracy and completeness of such information.

The construction entity may not raise requirements to the survey, design, construction, project supervision and other entities that violate the provisions of laws, regulations and mandatory standards on work safety in construction projects, nor may it arbitrarily reduce the project's reasonable construction period.

Article 7 — A construction entity may not compel a construction unit to use substandard safety protection equipment, mechanical equipment, construction machines and tools or accessories.

Article 8 — When preparing the project budget estimate, a construction entity shall determine the expenses required for the safe working environment and safe construction measures of the construction project.

Article 9 — A construction entity shall not explicitly or implicitly request a construction unit to purchase, lease or use safety protection equipment, mechanical equipment, construction machines and tools and accessories, fire protection facilities and equipment that fail to meet the requirements for safe construction.

Article 10 — Where a construction entity, when applying for a construction permit, shall provide information on the safety construction measures relating to the construction project. Where no safety construction measures have been provided for a construction project that should be subject to the construction permit system in accordance with the law, the construction administrative department shall not issue the construction permit.

Article 11 — The construction entity shall incorporate the demolition project into a construction unit with the corresponding qualification level, and shall submit the demolition project information, including the demolition and construction organization plan, to the construction administrative department of the local people's government at or above the county level for filing within 15 days before the start of the demolition project.

Where the demolition project is to be carried out by blasting, the construction entity shall go through the relevant formalities in accordance with the law.

Chapter III — Safety Responsibilities of Survey, Design, Supervision and Other Entities

Article 12 — A survey unit shall carry out survey in accordance with the laws, regulations and mandatory standards for engineering construction. The survey documents provided shall be true and accurate and shall meet the requirements of work safety in construction projects.

The survey unit shall, when conducting survey operations, strictly comply with the operating procedures and take measures to ensure the safety of all types of pipelines, facilities and adjacent buildings and structures around.

Article 13 — A design unit shall carry out design in accordance with the laws, regulations and mandatory standards for engineering construction, and shall prevent possible safety accidents caused by unreasonable design. Where safety technical measures are involved, the design unit shall specify them in the design documents and be responsible for the design.

The design unit shall, in its design documents, specify the key parts and links in the construction that involve safety, and provide guidance on preventing production safety accidents.

The design unit and registered architects and other registered practicing personnel shall be responsible for their designs.

Article 14 — A project supervision unit shall examine whether the safety technical measures in the construction organization design or the special construction plan comply with the mandatory standards for engineering construction.

In the course of supervising, where a project supervision unit discovers any potential safety hazard, it shall request the construction unit to make rectification; where the circumstances are serious, it shall request the construction unit to temporarily suspend construction and promptly report to the construction entity. Where the construction unit refuses to make rectification or suspend construction, the project supervision unit shall promptly report to the relevant competent department.

The project supervision unit and the supervision engineers shall bear supervision liability for work safety in construction projects in accordance with the laws, regulations and mandatory standards for engineering construction.

Article 15 — An entity that provides mechanical equipment, construction machines and tools and accessories for a construction project shall, in accordance with the requirements for safe construction, be equipped with complete and effective safety protection devices such as insurance and travel limit devices.

Article 16 — The installation and disassembly of integral hoisting scaffolds, formwork and other self-lifting facilities shall be carried out by a unit with the corresponding qualification; a special construction plan shall be prepared, and safety technical measures shall be formulated, and the special construction plan shall be signed by the technical person in charge of the unit.

Article 17 — After the installation of integral hoisting scaffolds, formwork and other self-lifting facilities, the installation entity shall conduct self-inspection and keep a record. The installation entity shall issue a certificate of conformity and conduct safety usage instructions, and go through the acceptance formalities.

Chapter IV — Safety Responsibilities of Construction Entities

Article 18 — The principal person in charge of a construction entity shall be fully responsible for the work safety of the entity in accordance with the law. The construction entity shall establish and improve the work safety responsibility system and the work safety education and training system, formulate work safety rules and regulations and operating procedures, ensure the investment of funds required for work safety conditions of the entity, conduct regular and special safety inspections of the construction projects it undertakes, and keep safety inspection records.

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Article 19 — The person in charge of a construction project of a construction entity shall be a person who has obtained the qualification of the corresponding practice, and shall be responsible for the safety management of the construction project. The construction entity shall establish a work safety management organization and shall be staffed with full-time work safety management personnel in accordance with the relevant provisions.

The full-time work safety management personnel shall be responsible for conducting on-site supervision and inspection of work safety. Where any potential safety hazard is discovered, they shall promptly report it to the person in charge of the project and the work safety management organization of the entity, and shall immediately stop the operation of persons violating regulations in accordance with the relevant provisions.

Article 20 — The total cost of the safety protection and civilized construction measures for a construction project shall be used by the construction entity in full. The construction entity may not divert such expenses for other purposes.

Article 21 — A construction entity shall, before the start of construction, prepare a special plan for the construction organization design of the construction project and shall take corresponding safety technical measures based on the characteristics of the construction project. For construction projects that meet certain risk levels, the construction entity shall prepare a special construction plan for the parts and links of the project with a relatively high degree of risk, and shall attach the safety check and calculation results.

For special construction plans that involve deep foundation pits, underground excavation projects, and tall formwork projects, the construction entity shall also organize experts to conduct demonstrations and review.

Article 22 — A construction entity shall, before construction, be responsible for the safety technical briefing of the construction management personnel and operators of the project management department, and make a written record of the briefing. No one may work at a post without safety technical briefing.

The safety technical briefing shall include the operation procedures and safety precautions for the project's construction operations and the risk factors in the work site and the positions, preventive measures, emergency measures for accidents, and other contents.

Article 23 — A construction entity shall, in accordance with the relevant provisions of the State, set up an obvious safety warning sign at the entrance to the construction site, at the construction hoist, temporary power facilities, scaffolding, edge openings, staircase openings, elevator shaft openings, reserved openings, pits and ditches, beam formwork supports, and other dangerous parts.

Article 24 — A construction entity shall separate the areas for office, living and work at the construction site, and maintain a safe distance. The site selection of the office and living facilities shall comply with the safety requirements. The office and living facilities shall comply with the safety requirements for the service environment.

The construction entity may not rent out unqualified temporary buildings as dormitories for employees. The collective dormitories of employees at the construction site shall meet the requirements of fire safety, safe electricity use and sanitation.

Article 25 — A construction entity shall take special protection measures for adjacent buildings, structures and underground pipelines that may be damaged by the construction project.

Article 26 — A construction entity shall set up fire passages, fire water sources, fire extinguishing equipment, fire water supply and other fire protection facilities at the construction site in accordance with the requirements of the fire control design and the construction progress. Where conditions permit, fire protection passages shall be set up at the construction site.

Article 27 — A construction entity shall provide operators with safety protection equipment and safety protective clothing, and shall inform operators in writing of the operating procedures for dangerous positions

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and the hazards of illegal operations.

Article 28 — Before hoisting large machinery and integral hoisting scaffolds, formwork and other self-lifting facilities at the construction site, the construction entity shall organize the relevant entities to conduct acceptance inspection, or may entrust an inspection and testing institution with the corresponding qualification to conduct the acceptance inspection. The facilities may be used only after they pass the acceptance inspection and a certificate of conformity is issued. The construction entity shall register the acceptance inspection of integral lifting scaffolds, formwork and other self-lifting facilities within the statutory time limit.

Article 29 — A construction entity shall, in accordance with the equipment management regulations, conduct inspection, repair and maintenance of safety protection equipment, mechanical equipment, construction machines and tools and accessories used in the construction project, and keep corresponding records.

Article 30 — A construction entity shall provide safety education and training to management personnel and operators at least once a year, and the education and training shall be recorded in personal work files. A construction entity shall ensure that operators receive safety education and training before starting work at their new positions or at new construction sites; those who fail to pass the education and training may not work at their posts.

Article 31 — A construction entity shall handle accidental injury insurance for personnel engaged in dangerous operations at the construction site. The accidental injury insurance premium shall be paid by the construction entity. The construction entity shall also purchase work-related injury insurance for all employees in accordance with the law.

Chapter V — Supervision and Administration

Article 32 — The construction administrative department of the State Council shall exercise unified supervision and administration over work safety in construction projects nationwide. The relevant departments of the State Council, such as transportation and water resources, shall, within their respective functions and duties, supervise and administer work safety in specialized construction projects.

The construction administrative department of the local people's government at or above the county level shall supervise and administer work safety in 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 work safety in specialized construction projects.

Article 33 — The administrative departments of work safety supervision and administration of the people's governments at or above the county level shall exercise comprehensive supervision and administration over work safety in construction projects in accordance with the provisions of the Work Safety Law.

Article 34 — The construction administrative department or other relevant departments may entrust a construction project safety supervision institution with the specific supervision and administration of work safety at the construction site.

Article 35 — The construction administrative department shall, in the course of examining and issuing the construction permit, examine whether there are safety construction measures for the construction project and whether the construction entity has gone through the safety supervision formalities. For a construction project that fails to meet the requirements, the construction permit shall not be issued.

Article 36 — The construction administrative department and other relevant departments shall, in accordance with the division of duties, conduct regular supervisory inspections of the safety management of construction projects, and keep records of the inspections.

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Article 37 — The construction administrative department and other relevant departments shall promptly handle complaints and reports about work safety in construction projects, and shall keep confidential the names and addresses of the complainants and reporters.

Chapter VI — Emergency Rescue, Accident Reporting and Handling

Article 38 — A construction entity shall prepare an emergency rescue plan for production safety accidents based on the characteristics and scope of the construction project, establish an emergency rescue organization or designate emergency rescue personnel, equip emergency rescue equipment and devices, and conduct regular drills.

Article 39 — After a production safety accident occurs in a construction project, the construction entity shall take measures to rescue the injured and prevent the accident from expanding, protect the scene of the accident, and report the accident. Where it is necessary to move certain objects at the scene, a mark shall be made, and a written record shall be kept with on-site photos or video recordings, and the original state of important traces and physical evidence at the scene shall be properly preserved.

Article 40 — The construction administrative department shall, in accordance with the provisions, report the situation of production safety accidents in construction projects level by level. It shall not delay or conceal the reporting, make a false report, or omit to report.

Article 41 — After a production safety accident occurs in a construction project, the construction entity shall report the accident in accordance with the provisions on the reporting, investigation and handling of production safety accidents, and shall cooperate with the relevant departments in the accident investigation and handling.

Chapter VII — Legal Liability

Article 42 — Where a construction entity violates the provisions of these Regulations by failing to provide the construction entity with information on the underground pipelines, hydrogeological conditions and data relating to the adjacent buildings, structures and underground works at the construction site, it shall be ordered to make corrections within a prescribed time limit, and a fine of not less than RMB 50,000 but not more than RMB 100,000 shall be imposed.

Article 43 — 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; where heavy losses are caused, the liability for compensation shall be borne in accordance with the law:

(1) Raising requirements to the survey, design, construction, project supervision and other entities that violate the provisions of laws, regulations and mandatory standards on work safety;

(2) Requesting a construction unit to arbitrarily reduce the reasonable construction period;

(3) Compelling a construction unit to use substandard safety protection equipment, mechanical equipment, construction machines and tools or accessories.

Article 44 — Where a construction entity fails to incorporate the demolition project into a construction unit with the corresponding qualification level, it shall be ordered to make corrections within a prescribed time limit and a fine of not less than RMB 100,000 but not more than RMB 300,000 shall be imposed.

Article 45 — Where a survey or design unit fails to carry out survey or design in accordance with the laws, regulations and mandatory standards for engineering construction, or where a design unit fails to specify the key parts and links in the design documents that involve construction safety and fails to provide guidance on preventing production safety accidents, it shall be ordered to make corrections within a prescribed time limit and a fine of not less than RMB 100,000 but not more than RMB 300,000 shall be imposed; where the circumstances are serious, it shall be ordered to suspend business for rectification, its qualification grade

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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 46 — Where a project supervision entity violates the provisions of these Regulations by failing to examine the safety technical measures in the construction organization design or the special construction plan, or by failing to request the construction unit to make rectification or temporarily suspend construction upon discovery of a potential safety hazard, it shall be ordered to make corrections within a prescribed time limit; where it fails to make corrections within the prescribed time limit, it shall be ordered to suspend business for rectification and a fine of not less than RMB 100,000 but not more than RMB 300,000 shall be imposed; where the circumstances are serious, 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 47 — Where a construction entity commits any of the following acts, it shall be ordered to make corrections within a prescribed time limit and a fine shall be imposed; where it fails to make corrections within the prescribed time limit, it shall be ordered to suspend business for rectification and a heavier fine shall be imposed; where a safety accident is caused, which constitutes a crime, the directly responsible persons shall be investigated for criminal liability in accordance with the relevant provisions of the Criminal Law:

(1) Failing to set up a work safety management organization or to be staffed with full-time work safety management personnel in accordance with the provisions;

(2) Where the person in charge of the project, full-time work safety management personnel, operators of special types of work, or other relevant personnel fail to hold a certificate to work at their posts;

(3) Failing to set up an obvious safety warning sign at a dangerous part of the construction site;

(4) Failing to provide operators with safety protection equipment and safety protective clothing;

(5) Failing to conduct acceptance inspection of hoisting machinery, integral hoisting scaffolds, formwork and other self-lifting facilities before use;

(6) Using safety protection equipment, mechanical equipment, construction machines and tools and accessories that have been eliminated or prohibited by the State;

(7) Failing to conduct safety education and training for management personnel and operators.

Article 48 — Where a construction entity violates the provisions of these Regulations by constructing a project without safety protection measures, it shall be ordered to make corrections within a prescribed time limit; where it fails to make corrections within the prescribed time limit, it shall be ordered to suspend construction for rectification and a fine of not less than RMB 50,000 but not more than RMB 100,000 shall be imposed; where a safety accident is caused, which constitutes a crime, the directly responsible persons shall be investigated for criminal liability in accordance with the relevant provisions of the Criminal Law.

Article 49 — Where a construction entity fails to conduct safety construction, the construction administrative department and other relevant departments shall order it to make corrections within a prescribed time limit. Where the construction entity fails to make corrections within the prescribed time limit, it shall be ordered to suspend business for rectification, and a fine shall be imposed; where the circumstances are serious, its qualification grade shall be reduced or its qualification certificate shall be revoked.

Article 50 — Where the relevant responsible persons of a construction entity fail to perform their duties of work safety management in accordance with the law, they shall be ordered to make corrections within a prescribed time limit; where a safety accident is caused, which constitutes a crime, they shall be investigated for criminal liability in accordance with the relevant provisions of the Criminal Law; if no crime is constituted, administrative sanctions shall be imposed or a fine of not less than RMB 20,000 but not more than RMB 200,000 shall be imposed.

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Article 51 — Where a staff member of the construction administrative department or other relevant departments commits any of the following acts, he shall be given a demotion or removal from office; where a crime is constituted, criminal liability shall be pursued in accordance with the relevant provisions of the Criminal Law:

(1) Issuing a construction permit to a construction entity that does not meet the conditions for work safety;

(2) Failing to perform supervisory and administrative duties in accordance with the law upon discovery of illegal acts;

(3) Failing to investigate or handle a complaint or report about work safety in construction projects in accordance with the law;

(4) Committing other acts of dereliction of duty, abuse of power, or malpractice for personal gain.

Chapter VIII — Supplementary Provisions

Article 52 — The quality administration of military construction projects shall be separately prescribed by the Central Military Commission in accordance with these Regulations.

Article 53 — Where damage is caused to others due to work safety accidents in construction projects, the responsible entities and persons shall bear civil liability for compensation in accordance with the law.

Article 54 — These Regulations shall enter into force on February 1, 2004.

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