Regulations on the Administration of Work Safety in Construction Projects

Decree No. 393 of the State Council of the People's Republic of China

The Regulations on the Administration of Work Safety in Construction Projects were adopted at the 28th executive meeting of the State Council on November 12, 2003, and are hereby promulgated and shall come into force on February 1, 2004.

Premier Wen Jiabao

November 24, 2003

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" in order to strengthen the supervision and management of safe production in construction projects and to ensure the safety of people's lives and property.

Article 2 These Regulations shall be observed in the territory of the People's Republic of China in the territory of the People's Republic of China in the area of the People's Republic of China in the area of the People's Republic of China and in the implementation of supervision and management of the safe production of construction projects.

"Construction projects" as used in these Regulations refers to civil engineering, construction projects, line pipes and equipment installation works and decoration works.

Article 3 The management of safe production in construction projects shall adhere to the principle of safety first and prevention first.

Article 4 Construction units, survey units, design units, construction units, project supervision units and other units related to the safe production of construction projects must abide by the provisions of laws and regulations on production safety, ensure the safe production of construction projects, and bear the responsibility for safe production of construction projects in accordance with law.

Article 5 The State encourages scientific and technological research on safe production in construction projects and the popularization and application of advanced technologies, and promotes the scientific management of safe production in construction projects.

Chapter II: Safety Responsibilities of Construction Units

Article 6 The construction unit shall provide the construction unit with the data on underground pipelines such as water supply, drainage, power supply, gas supply, heat supply, communications, radio and television, meteorological and hydrological observation data, adjacent buildings and structures, and underground projects at the construction site and adjacent areas, and ensure the truthfulness, accuracy and completeness of the data.

When a construction unit inquires from the relevant departments or units for the information provided for in the preceding paragraph due to the needs of the construction project, the relevant departments or units shall promptly provide it.

Article 7 The construction unit shall not put forward requirements for survey, design, construction, project supervision and other units that do not conform to the provisions of the laws, regulations and mandatory standards for safe production of construction projects, and shall not compress the construction period stipulated in the contract.

Article 8 When preparing the project estimate, the construction unit shall determine the costs required for the safe working environment and safe construction measures of the construction project.

Article 9 The construction unit shall not expressly or implicitly indicate that the construction unit purchases, leases or uses safety protective equipment, machinery and equipment, construction machinery and accessories, fire fighting facilities and equipment that do not meet the requirements of safe construction.

Article 10 When applying for a construction permit, the construction unit shall provide information on the safety construction measures of the construction project.

For construction projects that have been approved in accordance with the law, the construction unit shall, within 15 days from the date of approval of the commencement report, submit the measures to ensure safe construction to the competent administrative department for construction of the local people's government at or above the county level where the construction project is located or other relevant departments for the record.

Article 11 The construction unit shall contract the demolition project to the construction unit with the corresponding qualification level.

The construction unit shall, 15 days before the construction of the demolition project, submit the following materials to the competent administrative department for construction of the local people's government at or above the county level where the construction project is located or other relevant departments for the record:

(1) Proof of the qualification level of the construction unit;

(2) an explanation of the buildings, structures to be demolished and those that may endanger adjacent buildings;

(3) Dismantling the construction organization plan;

(4) Measures for piling up and removing waste.

Where blasting operations are carried out, the provisions of the State on the management of explosives for civilian use shall be observed.

Chapter III: Safety Responsibilities of Survey, Design, Project Supervision and Other Relevant Units

Article 12 The survey unit shall conduct the survey in accordance with laws, regulations and mandatory standards for engineering construction, and the survey documents provided shall be true and accurate to meet the needs of safe production of construction projects.

When surveying operations, survey units shall strictly implement operating procedures and take measures to ensure the safety of all kinds of pipelines, facilities and surrounding buildings and structures.

Article 13 The design unit shall design in accordance with laws, regulations and mandatory standards for engineering construction to prevent the occurrence of production safety accidents due to unreasonable design.

The design unit shall consider the needs of safe operation and protection of construction, indicate the key parts and links involved in construction safety in the design documents, and put forward guidance on the prevention of production safety accidents.

For construction projects using new structures, new materials and new processes and construction projects with special structures, the design unit shall put forward suggestions for measures to ensure the safety of construction workers and prevent production safety accidents in the design.

Registered practitioners such as design units and registered architects shall be responsible for their designs.

Article 14 The project supervision unit shall examine whether the safety technical measures or special construction plans in the design of the construction organization comply with the mandatory standards for project construction.

In the process of implementing supervision, if the project supervision unit discovers that there are hidden dangers of safety accidents, it shall request the construction unit to rectify; if the situation is serious, it shall require the construction unit to temporarily stop the construction and promptly report to the construction unit. If the construction unit refuses to rectify or does not stop the construction, the project supervision unit shall promptly report to the relevant competent department.

The project supervision unit and the supervision engineer shall supervise in accordance with laws, regulations and mandatory standards for project construction, and assume the responsibility for supervision of the safe production of construction projects.

Article 15 Units providing machinery and equipment and accessories for construction projects shall be equipped with complete and effective safety facilities and devices such as insurance and position limits in accordance with the requirements of safe construction.

Article 16 The leased machinery and equipment and construction machinery and accessories shall have a production (manufacturing) license and a product qualification certificate.

The leasing unit shall test the safety performance of the leased machinery and equipment and construction tools and accessories, and shall issue a certificate of passing the test when signing the lease agreement.

It is forbidden to rent machinery and equipment and construction tools and accessories that fail to pass the test.

Article 17 The installation and dismantling of construction lifting machinery and the overall lifting scaffolding, formwork and other jack-up erection facilities at the construction site must be undertaken by units with corresponding qualifications.

The installation and disassembly of construction lifting machinery and the overall lifting scaffolding, formwork and other self-elevating erection facilities shall prepare disassembly plans, formulate safe construction measures, and be supervised by professional and technical personnel on site.

After the installation of the construction lifting machinery and the overall lifting scaffolding, formwork and other jack-up erection facilities, the installation unit shall conduct self-inspection, issue a self-inspection certificate, and explain the safe use to the construction unit, handle the acceptance procedures and sign.

Article 18 Where the use of construction lifting machinery and overall lifting scaffolding, formwork and other jack-up erection facilities reaches the inspection and testing period prescribed by the State, it must be tested by an inspection and testing institution with professional qualifications. Those who fail to pass the test shall not continue to use it.

Article 19 Inspection and testing institutions shall issue safety certification documents for construction lifting machinery and overall lifting scaffolding, formwork and other jack-up erection facilities that pass the test, and shall be responsible for the test results.

Chapter IV Safety Responsibilities of Construction Units

Article 20 Construction units engaged in new construction, expansion, reconstruction and demolition of construction projects shall meet the conditions of registered capital, professional and technical personnel, technical equipment and safe production prescribed by the State, obtain qualification certificates of the corresponding level in accordance with law, and undertake the project within the scope permitted by their qualification level.

Article 21 The principal responsible person of the construction unit shall be fully responsible for the safe production work of the unit in accordance with law. The construction unit shall establish and improve the safety production responsibility system and the safety production education and training system, formulate safety production rules and regulations and operating procedures, ensure the investment of funds required for the safe production conditions of the unit, conduct regular and special safety inspections of the construction projects undertaken, and make safety inspection records.

The project leader of the construction unit shall be a person who has obtained the corresponding professional qualifications, be responsible for the safe construction of the construction project, implement the safety production responsibility system, safety production rules and regulations and operating procedures, ensure the effective use of safe production costs, and organize and formulate safe construction measures according to the characteristics of the project, eliminate hidden dangers of safety accidents, and timely and truthfully report production safety accidents.

Article 22 The expenses required by the construction unit for the safe working environment and safe construction measures included in the estimated budget of the construction project shall be used for the procurement and updating of construction safety protective equipment and facilities, the implementation of safe construction measures, and the improvement of safe production conditions, and shall not be diverted for other purposes.

Article 23 The construction unit shall establish a safety production management organization and allocate full-time safety production management personnel.

Full-time safety production management personnel are responsible for on-site supervision and inspection of safe production. When hidden dangers of safety accidents are discovered, they shall be promptly reported to the project leader and the safety production management agency; those who have been commanded in violation of regulations or operated in violation of regulations shall be stopped immediately.

The allocation of full-time safety production management personnel shall be formulated by the competent administrative department for construction under the State Council in conjunction with other relevant departments of the State Council.

Article 24 Where a construction project is subject to general contracting, the general contracting unit shall be responsible for the safe production at the construction site.

The general contracting unit shall complete the construction of the main structure of the construction project on its own.

Where the general contracting unit subcontracts the construction project to other units in accordance with the law, the subcontract shall specify the rights and obligations of the respective units in terms of safe production. The general contracting unit and the subcontracting unit shall be jointly and severally liable for the safe production of the subcontracted project.

The subcontracting unit shall obey the safety production management of the general contracting unit, and if the subcontracting unit does not obey the management and leads to a production safety accident, the subcontracting unit shall bear the main responsibility.

Article 25 Vertical transport machinery operators, installation and dismantling workers, blasting operators, lifting signal workers, ascending erection operators and other special operation personnel must undergo special safety operation training in accordance with the relevant provisions of the State and obtain special operation qualification certificates before they can take up their posts.

Article 26 The construction unit shall prepare safety technical measures and temporary electricity consumption plans at the construction site in the design of the construction organization, and prepare special construction plans for the following sub-projects with greater danger of reaching a certain scale, and attach the safety calculation results, which shall be implemented after being signed by the technical person in charge of the construction unit and the chief engineer, and the full-time safety production management personnel shall conduct on-site supervision:

(1) Foundation pit support and precipitation projects;

(2) Earthwork excavation projects;

(3) Formwork projects;

(4) Lifting and hoisting projects;

(5) Scaffolding projects;

(6) Demolition and blasting projects;

(7) Other projects of greater danger as prescribed by the competent administrative department for construction under the State Council or other relevant departments.

For the special construction plans listed in the preceding paragraph that involve deep foundation pits, underground excavation projects, and tall formwork projects, the construction unit shall also organize experts to conduct demonstrations and reviews.

The standards for projects with greater danger of reaching a certain scale as provided for in the first paragraph of this Article shall be formulated by the competent administrative department for construction under the State Council in conjunction with other relevant departments of the State Council.

Article 27 Before the construction of a construction project, the technical personnel responsible for project management of the construction unit shall make a detailed explanation of the technical requirements for safe construction to the construction team and operators, and shall be signed and confirmed by both parties.

Article 28 The construction unit shall set up obvious safety warning signs at the entrance of the construction site, construction lifting machinery, temporary electrical facilities, scaffolding, access passages, stairwells, elevator shafts, holes, bridges, tunnels, foundation pit edges, blasters and hazardous gases and liquid storage places. Safety warning signs must comply with national standards.

The construction unit shall take corresponding safety construction measures at the construction site according to the changes in different construction stages and the surrounding environment, seasons and climate. Where construction site is temporarily suspended, the construction unit shall do a good job of on-site protection, and the necessary expenses shall be borne by the responsible party, or implemented in accordance with the contract.

Article 29 The construction unit shall set up the office and living areas of the construction site separately from the operation area and maintain a safe distance; the location of the office and living area shall meet the safety requirements. Employees' meals, drinking water, rest places, etc. shall comply with health standards. Construction units shall not set up collective dormitories for employees in buildings that have not yet been completed.

Temporary buildings at the construction site shall meet the requirements for safe use. The prefabricated mobile home used at the construction site shall have a product certificate.

Article 30 The construction unit shall take special protective measures against adjacent buildings, structures and underground pipelines that may cause damage due to the construction of the construction project.

The construction unit shall comply with the provisions of the relevant laws and regulations on environmental protection, and take measures at the construction site to prevent or reduce the harm and pollution of dust, waste gas, waste water, solid waste, noise, vibration and construction lighting to people and the environment.

In the construction project in the urban area of the city, the construction unit shall implement a closed enclosure of the construction site.

Article 31 The construction unit shall establish a fire safety responsibility system at the construction site, determine the person responsible for fire safety, formulate various fire safety management systems and operating procedures for the use of fire, electricity, the use of inflammable and explosive materials, etc., set up fire passages, fire fighting water sources, equipped with fire fighting facilities and fire extinguishing equipment, and set up obvious signs at the entrance of the construction site.

Article 32 The construction unit shall provide safety protective equipment and safety protective clothing to the operators, and inform the dangerous posts in writing of the operating procedures of the dangerous posts and the hazards of illegal operations.

Operators have the right to criticize, report and accuse the safety problems existing in the working conditions, operating procedures and operation methods of the construction site, and have the right to refuse illegal command and force risky operations.

In the event of an emergency that endangers personal safety during construction, the operator has the right to immediately stop the operation or evacuate the dangerous area after taking the necessary emergency measures.

Article 33 Operators shall abide by the mandatory standards, rules and regulations and operating procedures for safe construction, and correctly use safety protective equipment, machinery and equipment.

Article 34 The safety protective equipment, mechanical equipment, construction machinery and accessories purchased and leased by the construction unit shall have a production (manufacturing) license and product qualification certificate, and shall be inspected before entering the construction site.

Safety protective equipment, mechanical equipment, construction tools and accessories at the construction site must be managed by special personnel, regularly inspected, repaired and maintained, the corresponding data files are established, and scrapped in a timely manner in accordance with relevant national regulations.

Article 35 Before using construction lifting machinery and overall lifting scaffolding, formwork and other jack-up erection facilities, the construction unit shall organize the relevant units to carry out acceptance, and may also entrust an inspection and testing institution with corresponding qualifications to carry out acceptance; Only those who pass the acceptance test can be used.

The construction lifting machinery stipulated in the Regulations on the Safety Supervision of Special Equipment shall be supervised and inspected by an inspection and testing institution with corresponding qualifications before acceptance.

The construction unit shall register with the competent administrative department for construction or other relevant departments within 30 days from the date of acceptance of the construction lifting machinery and the overall lifting scaffolding, formwork and other self-elevating erection facilities. The registration mark shall be placed or attached to a conspicuous position on the equipment.

Article 36 The main responsible person, project leader and full-time safety production management personnel of the construction unit shall pass the assessment of the competent administrative department of construction or other relevant departments before taking up their posts.

The construction unit shall conduct safety production education and training for management personnel and operators at least once a year, and their education and training shall be recorded in the personal work file. Personnel who fail to pass the assessment of safety production education and training shall not be allowed to take up their posts.

Article 37 Before entering a new post or a new construction site, operators shall receive education and training on production safety. Personnel who have not been educated and trained or who fail to pass the education and training assessment must not work on the job.

When adopting new technologies, new processes, new equipment and new materials, the construction unit shall carry out corresponding safety production education and training for the operators.

Article 38 The construction unit shall handle accident injury insurance for personnel engaged in dangerous operations at the construction site.

Accident insurance premiums are paid by the construction unit. Where the general contracting of construction is implemented, the general contracting unit shall pay the insurance premium for accident injury. The period of accident insurance is from the date of commencement of construction to the date of completion and acceptance.

Chapter V: Supervision and Management

Article 39 The department responsible for the supervision and management of production safety under the State Council shall, in accordance with the provisions of the "Work Safety Law of the People's Republic of China", carry out comprehensive supervision and management of the work of production safety in construction projects throughout the country.

The departments responsible for the supervision and management of production safety of local people's governments at or above the county level shall, in accordance with the provisions of the "Work Safety Law of the People's Republic of China", carry out comprehensive supervision and management of the work of safe production in construction projects within their respective administrative regions.

Article 40 The competent administrative department for construction under the State Council shall supervise and manage the safe production of construction projects throughout the country. The relevant departments of railways, transportation, water conservancy and other relevant departments under the State Council shall be responsible for the supervision and management of the safe production of relevant professional construction projects in accordance with the division of duties stipulated by the State Council.

The competent administrative departments for construction of local people's governments at or above the county level shall supervise and manage the safe production of construction projects within their respective administrative areas. The relevant departments of transportation, water conservancy and other relevant departments of local people's governments at or above the county level shall, within the scope of their respective duties, be responsible for the supervision and management of the safe production of professional construction projects within their respective administrative regions.

Article 41 The competent administrative department for construction and other relevant departments shall send a copy of the main contents of the relevant materials provided for in Articles 10 and 11 of these Regulations to the department responsible for production safety supervision and management at the same level.

Article 42 When examining and issuing construction permits, the competent administrative department for construction shall examine whether there are safe construction measures for construction projects, and where there are no safe construction measures, construction permits shall not be issued.

When the competent administrative department for construction or other relevant departments examine whether there are safe construction measures for construction projects, they shall not collect fees.

Article 43 The departments of the people's governments at or above the county level responsible for the supervision and management of production safety in construction projects have the right to take the following measures when performing safety supervision and inspection duties within the scope of their respective duties:

(1) Require the inspected unit to provide documents and materials related to the safe production of construction projects;

(2) Enter the construction site of the unit being inspected for inspection;

(3) Correct violations of production safety requirements during construction;

(4) Order the immediate elimination of hidden dangers of safety accidents discovered during inspections; if safety cannot be guaranteed before or during the elimination of hidden dangers of major safety accidents, order the evacuation of operators from the dangerous area or temporarily stop construction.

Article 44 The competent administrative department for construction or other relevant departments may entrust the supervision and inspection of the construction site to the construction project safety supervision institution for specific implementation.

Article 45 The State implements a phase-out system for processes, equipment and materials that seriously endanger construction safety. The specific catalogue shall be formulated and published by the competent administrative department for construction under the State Council in conjunction with other relevant departments of the State Council.

Article 46 The competent administrative departments for construction of people's governments at the county level or above and other relevant departments shall promptly accept reports, accusations and complaints about production safety accidents and hidden dangers of safety accidents in construction projects.

Chapter VI Emergency Rescue and Investigation and Handling of Production Safety Accidents

Article 47 The competent administrative departments for construction of local people's governments at or above the county level shall, in accordance with the requirements of the people's governments at the same level, formulate emergency rescue plans for extraordinarily large production safety accidents in construction projects within their respective administrative regions.

Article 48 The construction unit shall formulate an emergency rescue plan for its own production safety accidents, establish an emergency rescue organization or allocate emergency rescue personnel, equip it with necessary emergency rescue equipment and equipment, and organize regular drills.

Article 49 The construction unit shall, in accordance with the characteristics and scope of the construction of the construction project, monitor the parts and links at the construction site that are prone to major accidents, and formulate an emergency rescue plan for production safety accidents at the construction site. Where general contracting for construction is implemented, the general contracting unit shall uniformly organize the preparation of an emergency rescue plan for production safety accidents in construction projects, and the general contracting unit and the subcontracting unit shall, in accordance with the emergency rescue plan, each establish an emergency rescue organization or be equipped with emergency rescue personnel, equipped with rescue equipment and equipment, and organize regular drills.

Article 50 In the event of a production safety accident in a construction unit, it shall promptly and truthfully report to the department responsible for the supervision and management of production safety, the competent administrative department for construction or other relevant departments in accordance with the provisions of the State on the reporting and investigation and handling of casualty accidents; The department receiving the report shall follow the relevant provisions of the State and truthfully report it.

For construction projects that implement general contracting, the general contracting unit shall be responsible for reporting accidents.

Article 51 After the occurrence of a production safety accident, the construction unit shall take measures to prevent the expansion of the accident and protect the accident site. When it is necessary to move on-site items, markings and written records shall be made to properly keep the relevant evidence.

Article 52 The investigation of production safety accidents in construction projects and the punishment and handling of the units responsible for the accidents and the responsible persons shall be carried out in accordance with the provisions of relevant laws and regulations.

Chapter VII: Legal Liability

Article 53: Where the provisions of these Regulations are violated, the staff of the competent administrative departments for construction of people's governments at the county level or above or other relevant administrative departments commit any of the following acts, they shall be given administrative sanctions of demotion or removal;

(1) Issuing qualification certificates to construction units that do not have the conditions for safe production;

(2) issuing construction permits for construction projects without safe construction measures;

(3) Where unlawful conduct is discovered and not investigated;

(4) Other conduct that does not perform supervision and management duties in accordance with law.

Article 54 Where, in violation of the provisions of these Regulations, the construction unit fails to provide the expenses required for the safe production operation environment and safe construction measures of the construction project, it shall be ordered to make corrections within a time limit; if it fails to make corrections within the time limit, it shall be ordered to stop the construction of the construction project.

If the construction unit fails to submit the measures to ensure safe construction or the relevant information of the demolition project to the relevant departments for the record, it shall be ordered to make corrections within a time limit and give a warning.

Article 55 Where a construction unit violates the provisions of these Regulations and commits any of the following acts, it shall be ordered to make corrections within a time limit and shall be fined not less than 200,000 yuan but not more than 500,000 yuan; where a major safety accident is caused and constitutes a crime, the persons directly responsible shall be investigated for criminal liability in accordance with the relevant provisions of the Criminal Law; where losses are caused, they shall bear the liability for compensation in accordance with law:

(1) Putting forward requirements for units such as survey, design, construction, or project supervision that do not conform to the provisions of laws, regulations, and mandatory standards on production safety;

(2) requiring the construction unit to reduce the construction period agreed upon in the contract;

(3) Contracting the demolition project to a construction unit that does not have the corresponding qualification level.

Article 56 Where, in violation of the provisions of these Regulations, the survey unit or design unit commits any of the following acts, it shall be ordered to make corrections within a time limit and shall be fined not less than 100,000 yuan but not more than 300,000 yuan; if the circumstances are serious, order it to suspend business for rectification, lower the qualification level, and even revoke the qualification certificate; where a major safety accident is caused and constitutes a crime, the directly responsible personnel shall be investigated for criminal liability in accordance with the relevant provisions of the Criminal Law; and where the losses are caused, they shall bear the liability for compensation in accordance with law:

(1) Failing to conduct surveys and designs in accordance with laws, regulations, and mandatory standards for engineering construction;

(2) Construction projects using new structures, new materials, new processes and construction projects with special structures, and the design unit has not put forward suggestions for measures to ensure the safety of construction workers and prevent production safety accidents in the design.

Article 57 Where the provisions of these Regulations are violated and the project supervision unit commits any of the following acts, it shall be ordered to make corrections within a time limit; if it is not corrected within the time limit, it shall be ordered to suspend business for rectification and shall be fined not less than 100,000 yuan but not more than 300,000 yuan; if the circumstances are serious, the qualification level shall be lowered until the qualification certificate is revoked; if a major safety accident is caused and constitutes a crime, the directly responsible personnel shall be investigated for criminal liability in accordance with the relevant provisions of the Criminal Law; and if the losses are caused, they shall bear the liability for compensation in accordance with law:

(1) Failing to review the safety technical measures or special construction plans in the design of the construction organization;

(2) Failing to promptly request the construction unit to rectify or temporarily stop construction when hidden dangers of safety accidents are discovered;

(3) The construction unit refuses to make corrections or does not stop construction, and fails to promptly report to the relevant competent departments;

(4) Failure to carry out supervision in accordance with laws, regulations, and mandatory standards for project construction.

Article 58: Where registered practitioners fail to implement laws, regulations, and mandatory standards for engineering construction, they are ordered to stop practicing for 3 months to 1 year; where the circumstances are serious, the qualification certificate for practicing is revoked and not registered within 5 years; where major safety accidents are caused, they are not registered for life; where a crime is constituted, criminal responsibility is to be pursued in accordance with the relevant provisions of the Criminal Law.

Article 59 Where a unit that violates the provisions of these Regulations and provides machinery and equipment and accessories for a construction project fails to equip itself with complete and effective safety facilities and devices such as insurance and position limits in accordance with the requirements of safe construction, shall be ordered to make corrections within a specified period of time and shall be fined not less than 1 times but not more than 3 times the contract price;

Article 60 Whoever, in violation of the provisions of these Regulations, leases machinery and equipment and construction machinery and accessories that have not been tested for safety performance or have failed to pass the test, shall be ordered to stop business for rectification and shall be fined not less than 50,000 yuan but not more than 100,000 yuan;

Article 61 Where, in violation of the provisions of these Regulations, the unit that installs or dismantles the self-elevating erection facilities such as the construction of lifting machinery and the overall lifting scaffolding and formwork has any of the following acts, it shall be ordered to make corrections within a time limit and shall be fined not less than 50,000 yuan but not more than 100,000 yuan;

(1) Failing to prepare disassembly plans and formulate safe construction measures;

(2) Failure to supervise on-site by professional and technical personnel;

(3) Failing to issue a self-inspection certificate or issuing a false certificate;

(4) Failing to explain safe use to the construction unit and handling the handover formalities.

Where units engaged in the installation and dismantling of self-elevating erection facilities such as construction lifting machinery and overall lifting scaffolding and formwork have the acts mentioned in items (1) and (3) of the preceding paragraph, and after being proposed by the relevant departments or employees of the unit, they still do not take measures against the hidden dangers of the accident, resulting in major casualties or accidents or other serious consequences, constituting a crime, the directly responsible personnel shall be investigated for criminal responsibility in accordance with the relevant provisions of the Criminal Law.

Article 62 Where a construction unit violates the provisions of these Regulations and commits any of the following acts, it shall be ordered to make corrections within a time limit; if it fails to make corrections within the time limit, it shall be ordered to suspend business for rectification and shall be fined in accordance with the relevant provisions of the "Work Safety Law of the People's Republic of China"; if a major safety accident is caused and constitutes a crime, the directly responsible personnel shall be investigated for criminal liability in accordance with the relevant provisions of the Criminal Law:

(1) Failing to establish a safety production management body, appointing full-time safety production management personnel, or failing to have full-time safety production management personnel supervise the construction of sub-projects;

(2) The principal responsible person, project leader, full-time safety production management personnel, operators or special operation personnel of the construction unit engage in relevant work without safety education and training or unqualified assessment;

(3) Failing to set up conspicuous safety warning signs in dangerous parts of the construction site, or failing to follow the relevant provisions of the State to set up fire passages, fire fighting water sources, fire fighting facilities and fire extinguishing equipment at the construction site;

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

(5) Failing to follow provisions to register after the acceptance of construction lifting machinery and overall lifting scaffolding, formwork, and other self-elevating erection facilities;

(6) Using processes, equipment, or materials that endanger construction safety that the State has explicitly eliminated or prohibited.

Article 63 Where, in violation of the provisions of these Regulations, a construction unit misappropriates the expenses required for the safe production operation environment and safe construction measures included in the estimated budget of the construction project, it shall be ordered to make corrections within a time limit and shall be fined not less than 20% but not more than 50% of the misappropriation costs; if the losses are caused, it shall bear the liability for compensation in accordance with law.

Article 64 Where a construction unit violates the provisions of these Regulations and commits any of the following acts, it shall be ordered to make corrections within a time limit; if it fails to make corrections within the time limit, it shall be ordered to suspend business for rectification and shall be fined not less than 50,000 yuan but not more than 100,000 yuan; where a major safety accident is caused and constitutes a crime, the directly responsible personnel shall be investigated for criminal liability in accordance with the relevant provisions of the Criminal Law:

(1) Where the technical requirements for safe construction have not been elaborated before construction;

(2) Failing to adopt corresponding safety construction measures at the construction site according to different construction stages, changes in the surrounding environment, seasons, and climate, or failing to implement closed enclosures at the construction site of construction projects within urban areas;

(3) Setting up employees' collective dormitories in buildings that have not yet been completed;

(4) The temporarily erected buildings at the construction site do not meet the requirements for safe use;

(5) Failing to take special protective measures against adjacent buildings, structures, underground pipelines, etc., that may cause damage due to the construction of construction projects.

Where the construction unit commits the acts in items (4) and (5) of the preceding paragraph and causes losses, it shall bear the liability for compensation in accordance with law.

Article 65 Where a construction unit violates the provisions of these Regulations and commits any of the following acts, it shall be ordered to make corrections within a time limit; if it fails to make corrections within the time limit, it shall be ordered to suspend business for rectification and shall be fined not less than 100,000 yuan but not more than 300,000 yuan; if the circumstances are serious, the qualification level shall be lowered until the qualification certificate is revoked; if a major safety accident is caused and constitutes a crime, the directly responsible personnel shall be investigated for criminal liability in accordance with the relevant provisions of the Criminal Law; and if the losses are caused, they shall bear the liability for compensation in accordance with law:

(1) Safety protective equipment, machinery, machinery and accessories are put into use without inspection or unqualified inspection before entering the construction site;

(2) Using construction lifting machinery that has not been experienced or has failed acceptance inspection, and self-elevating erection facilities such as overall lifting scaffolding and formwork;

(3) Entrusting units that do not have corresponding qualifications to undertake the installation and dismantling of construction lifting machinery at the construction site and the overall lifting of scaffolding, formwork and other self-elevating erection facilities;

(4) Failure to prepare safety technical measures, temporary electricity consumption plans or special construction plans at the construction site in the design of construction organizations.

Article 66 Where the principal responsible person or project leader of a construction unit violates the provisions of these Regulations, he shall be ordered to make corrections within a time limit; if the corrections are not made within the time limit, the construction unit shall be ordered to suspend business for rectification; and where major safety accidents, major casualties or other serious consequences are caused, constituting a crime, criminal responsibility shall be pursued in accordance with the relevant provisions of the Criminal Law.

Where operators are dissatisfied with management, violate rules and regulations and operating procedures, and take risky operations, causing major casualties or other serious consequences, and constituting a crime, criminal responsibility shall be pursued in accordance with the relevant provisions of the Criminal Law.

Where the principal responsible person or project leader of a construction unit commits any illegal act mentioned in the preceding paragraph and is not sufficient for criminal punishment, he shall be fined between 20,000 and 200,000 yuan or given a dismissal sanction in accordance with the authority of management; from the date of completion of the criminal punishment or the date of punishment, he shall not serve as the main responsible person or project leader of any construction unit for 5 years.

Article 67 Where a construction unit lowers the conditions for safe production after obtaining a qualification certificate, it shall be ordered to make corrections within a time limit; if the conditions for safe production that are not met in accordance with its qualification level after rectification and reform have not reached the conditions for safe production, it shall be ordered to suspend business for rectification, lower its qualification level until the qualification certificate is revoked.

Article 68 The administrative punishment provided for in these Regulations shall be decided by the competent administrative department for construction or other relevant departments in accordance with the statutory authority.

Violations of fire safety management regulations shall be punished by the public security fire fighting agency in accordance with law.

Where relevant laws or administrative regulations have other provisions on the administrative punishment decision-making organs for illegal acts of production safety in construction projects, those provisions shall prevail.

Chapter VIII Supplementary Provisions

Article 69 These Regulations shall not apply to the management of emergency rescue and disaster relief and the safe production of low-rise houses built by peasants themselves.

Article 70 The management of production safety in military construction projects shall be carried out in accordance with the relevant provisions of the Central Military Commission.

Article 71: These Regulations shall come into force. 2004年2月1日起