

Law of the People's Republic of China on Safety in Mines
(Adopted at 28th Meeting of the Standing Committee of the Seventh National People's Congress on November 7, 1992 and promulgated by Order No. 65 of the President of the People's Republic of China on November 7, 1992)

Contents

Chapter I General Provisions

Chapter II Guarantees for Safety in Mine Construction

Chapter III Guarantees for Safety in Exploitation of Mines

Chapter IV Safety Management of Mining Enterprises

Chapter V Supervision and Control over Safety in Mines

Chapter VI Disposition of Accidents at Mines

Chapter VII Legal Liabilities

Chapter VIII Supplementary Provisions

Chapter I General Provisions

Article 1 This Law is formulated for the purpose of ensuring safety in production in mines, preventing accidents and protecting personal safety of workers and staff at mines and promoting the development of mining industry.

Article 2 All activities relating to exploitation of mineral resources conducted within the boundaries of the People's Republic of China, as well as in other sea areas under its jurisdiction must comply with this Law.

Article 3 Mining enterprises must possess facilities that ensure safety in production, establish and perfect the system of safety management, take effective measures to improve the working conditions for workers and staff and strengthen the work of safety control in mines in order to ensure safe production.

Article 4 The competent department of labour administration under the State Council shall exercise unified supervision over the work of safety control throughout the country.

The competent departments of labour administration of the local people's governments at or above the county level shall exercise unified supervision over the work of safety control in mines within their respective administrative regions.

The authorities in charge of mining enterprises under the people's governments at or above the county level shall administer safety work in mines.

Article 5 The State shall encourage research in science and technology relating to safety in mines, popularize advanced technology, improve safety facilities and enhance the level of safe production in mines.

Article 6 Units and individuals that have made outstanding achievements in persistent safe production in mines, prevention of accidents, participation in rescue work at mines and scientific and technological research relating to safety in mines shall be awarded.

Chapter II Guarantees for Safety in Mine Construction

Article 7 Safety facilities in mine construction projects must be designed, constructed and put into operation and use at the same time with the principal parts of the projects.

Article 8 The design papers for mine construction projects must comply with the safety rules and technological standards for mining industry and shall, according to regulations of the State, be subject to the approval of the authorities in charge of mining enterprises; those failing to comply with the safety rules and technological standards for mining industry may not be approved.

The designs of safety facilities in mine construction projects must be examined with the participation of the competent department of labour administration.

The safety rules and technological standards for mining industry shall be formulated by the authorities in charge of mining enterprises under the State Council.

Article 9 The following items in mining designs must comply with the safety rules and technological standards for mining industry:

- (1) ventilation system of the shaft, and quantity, quality and speed of underground air;
- (2) slope angles of an opencast mine and the width and height of its steps;
- (3) electricity supply system;
- (4) hoisting and transportation systems;
- (5) water control and drainage systems and fire control and fire-extinguishing systems;
- (6) gas control system and dust control system;
- (7) other items concerning safety in mines.

Article 10 Each underground mine must have at least two walkable safety outlets and the direct horizontal distance between such outlets must comply with the safety rules and technological standards for mining industry.

Article 11 Mines must have transportation and communication facilities that link the mines with the outside and meet safety requirements.

Article 12 Mine construction projects must be constructed in accordance with the design papers approved by the authorities in charge of mining enterprises.

Upon completion, the safety facilities in mine construction projects shall be subject to inspection for acceptance by the authorities in charge of mining enterprises, with participation of the competent department of labour administration; those failing to comply with the safety rules and technological standards for mining industry may not pass inspection for acceptance, and may not be put into operation.

Chapter III Guarantees for Safety in Exploitation of Mines

Article 13 For exploitation of mines, requirements that ensure safe production must be met, and the safety rules and technological standards for mining industry corresponding to the exploitation of different types of minerals must be observed.

Article 14 Mine pillars and rock pillars to be preserved as specified in the mining designs shall, within the prescribed period of time, be protected and may not be exploited or damaged.

Article 15 Equipments, apparatus, protective appliances and safety testing instruments used in mines with special safety requirements must comply with the national safety standards or safety standards of the mining industry; those failing to comply with the national safety standards or safety standards of the mining industry shall not be put into use.

Article 16 Mining enterprises must regularly carry out inspection, maintenance and repair of mechanical and electrical equipments and protective installations thereof, as well as safety testing instruments, so as to ensure safe operation.

Article 17 Mining enterprises must conduct testing of poisonous and harmful substances at the work sites and of the percentage of oxygen in underground air to ensure that they meet safety requirements.

Article 18 Mining enterprises must adopt preventive measures against the following hidden dangers of accidents that jeopardise safety:

- (1) roof falling, slabbing, slope sliding, and surface collapsing;
- (2) gas blast and coal dust explosion;
- (3) bumps, gas outburst and blowout;
- (4) fire and flood on surface and underground;
- (5) perils arising from demolition apparatus and demolition operations;
- (6) perils caused by dust, poisonous and harmful gases, radioactive and other harmful substances; and
- (7) other perils.

Article 19 Mining enterprises shall take preventive measures against perils that may arise by using mechanical and electrical equipment, soil tips, mine tips, dams and lagoons, as well as from disused mine pits.

Chapter IV Safety Management of Mining Enterprises

Article 20 Mining enterprises must establish and improve the safe production responsibility system. Managers of mines shall be responsible for the safe production in their respective enterprises.

Article 21 Managers of mines shall, on a regular basis, report their work on safe production to the corresponding congresses of workers and staff or assemblies of workers and staff, thus bringing into play the supervisory role of the congresses of workers and staff.

Article 22 Workers and staff of mining enterprises must observe the laws, regulations and enterprise rules concerning safety in mines.

Workers and staff of mining enterprises have the right to make criticisms, reports and charges against any conduct that endangers safety.

Article 23 Trade unions of mining enterprises shall safeguard, in accordance with the law, the lawful rights and interests of the workers and staff in relation to safe production, organize the workers and staff to carry out supervision over the safety work of the mines.

Article 24 If a mining enterprise violates any laws or regulations concerning safety, the trade union is entitled to demand that the management of the enterprise or the department concerned deal with the case seriously.

Meetings held by mining enterprises to discuss matters concerning safe production shall be attended by representatives from trade unions, and trade unions have the right to advance their opinions and proposals.

Article 25 Where the management of an enterprise gives a command contrary to the established rules and compels workers to operate under unsafe conditions, or, major hidden dangers of accidents and occupational hazards are found in the course of production, the trade union has the right to put forward proposals for a solution; where the life of the workers and staff is in danger, the trade union has the right to propose to the management that the workers and staff be evacuated from the dangerous site in an organized manner, and the management must make a decision without delay.

Article 26 Mining enterprises must give safety education and training to their workers and staff; those without receiving safety education and training may not take up a post of duty.

Special operators in charge of safe production in mining enterprises must receive special training; they may take up a post of such duty only after they have obtained a certificate of operation qualification after passing due examination and verification.

Article 27 Managers of mines must be proved, through examination, to have special knowledge of safety and the capability of leading safe production and disposing of accidents at mines.

Personnel in charge of safety work in mining enterprises must possess necessary specialized knowledge of safety and experiences in safety work in mines.

Article 28 Mining enterprises must distribute to their workers and staff labour protective articles necessary for guaranteeing safe production.

Article 29 Mining enterprises may not recruit minors to engage in underground work.

Mining enterprises shall in accordance with regulations of the State practise special labour protection with respect to women workers and staff, and may not assign women workers any underground work.

Article 30 Mining enterprises must work out preventive measures against accidents at mines, and be responsible for their implementation.

Article 31 Mining enterprises shall establish rescue and first-aid groups composed of full-time or part-time personnel and equipped with necessary equipments, appliances and medicine.

Article 32 Mining enterprises must, in accordance with regulations of the State, draw special funds for safety technical measures from the amount of sales of their mineral products. The special funds for safety technical measures must be used exclusively to improve conditions of safe production in mines and may not be diverted to any other purposes.

Chapter V Supervision and Control over Safety in Mines

Article 33 Competent departments of labour administration of the people's governments at or above the county level shall exercise the following supervisory functions and responsibilities with respect to safety work in mines:

- (1) to inspect the implementation of laws and regulations on safety in mines by mining enterprises and the authorities in charge of mining enterprises;
- (2) to participate in the examination of designs of safety facilities in mine construction projects as well as the inspection for acceptance upon completion of such projects;
- (3) to inspect the working conditions and state of safety in mines;
- (4) to inspect the work of giving education and training in safety to workers and staff by mining enterprises;
- (5) to supervise the drawing and use of the special funds for safety technical measures by mining enterprises;
- (6) to participate in and supervise investigations and disposition of accidents at mines; and
- (7) other supervisory functions and responsibilities provided for in laws and administrative rules and regulations.

Article 34 The authorities in charge of mining enterprises under the people's governments at or above the county level shall exercise the following functions and responsibilities with respect to the control of safety work in mines:

- (1) to inspect the implementation of laws and regulations on safety in mines by mining enterprises;
- (2) to examine and approve designs of safety facilities in mine construction projects;
- (3) to be responsible for the inspection for acceptance upon completion of safety facilities in mine construction projects;
- (4) to organize the training of managers of mines and personnel in charge of safety work in mining enterprises; (5) to investigate and dispose of serious accidents at mines; and

(6) other controlling functions and responsibilities provided for in laws and administrative rules and regulations.

Article 35 The personnel in charge of mine safety supervision under the competent department of labour administration are entitled to enter mining enterprises and make on-the-spot inspections on state of safety; when circumstances of emergency threatening the safety of workers and staff are discovered, they shall demand a prompt disposition thereof by the mining enterprise involved.

Chapter VI Disposition of Accidents at Mines

Article 36 In case an accident occurs at a mine, the mining enterprise concerned must organize rescue work immediately so as to prevent the developing of the accident and reduce casualties and property losses, and must immediately and truthfully report any accident involving casualties to the competent department of labour administration and the authorities in charge of mining enterprises.

Article 37 In the case of an ordinary mine accident, the mining enterprise concerned shall be responsible for the investigation and the disposition thereof.

In the case of a serious mine accident, the relevant government, together with its competent department, the trade union and the mining enterprise concerned, shall investigate and deal with the case in accordance with the provisions of administrative rules and regulations.

Article 38 Mining enterprises shall, in accordance with regulations of the State, give pensions or compensations for workers and staff members who died or were injured in accidents at mines.

Article 39 After the occurrence of a mine accident, dangers at the scene shall immediately be eliminated, causes of the accident promptly ascertained and preventive measures timely devised. Production may be resumed only after dangers at the scene have been eliminated.

Chapter VII Legal Liabilities

Article 40 Whoever commits any of the acts enumerated below in violation of this Law shall be ordered by the competent department of labour administration to make a rectification and may concurrently be punished by a fine; if the circumstances are serious, the case shall be submitted to the people's government at or above the county level for a decision ordering the suspension of production for consolidation; the person in charge and the person directly responsible shall be subjected to administrative sanctions by the unit to which they belong or by the competent authorities at higher levels:

(1) assigning any worker or staff member a post of duty without due education and training in safety;

(2) using equipments, apparatus, protective appliances and safety examination and testing instruments manufactured without complying with the national safety standards or safety standards of the industry;

(3) failing to draw or use the special funds for safety technical measures in compliance with relevant regulations;

(4) refusing personnel in charge of safety in mines to make on-the-spot inspections, or concealing hidden dangers of accidents or failing to truthfully report the situations when being inspected; and

(5) failing to make timely and truthful reports, as prescribed, on accidents at mines.

Article 41 Mine managers without special knowledge of safety, or specialized operators in charge of safe production taking up a post of duty without certificates of operation qualifications shall be ordered by the competent department of labour administration to make a rectification within a fixed period of time; where rectifications are not made upon expiration of the period, the matter shall be submitted to the relevant people's government at or above the county level for a decision ordering the suspension of production, and production may not be resumed until qualified personnel are assigned to such posts after readjustment.

Article 42 Where a mine construction project is started without having the designs of its safety facilities approved, the mining enterprise concerned shall be ordered by the authorities in charge of mining enterprises to stop the construction; with respect to the mining enterprise refusing to carry out the order, the matter shall be submitted by the authorities in charge of mining enterprises to the relevant people's government at or above the county level for a decision on the rescission of its mining permit and business license by the competent authorities.

Article 43 Where the safety facilities in a mine construction project are put into operation without having been inspected for acceptance or without having passed inspection for acceptance, the mining enterprise concerned shall be ordered to stop production by the competent department of labour administration in conjunction with the authorities in charge of mining enterprises, and shall also be fined by the competent department of labour administration; with respect to the mining enterprise refusing to stop production, the matter shall be submitted by the competent department of labour administration to the relevant people's government at or above the county level for a decision on the rescission of its mining permit and business license by the competent authorities.

Article 44 Where a mining enterprise already put into operation but without the due conditions for safe production insists on forced exploitation, it shall be ordered by the competent authorities of labour administration in conjunction with the authorities in charge of mining enterprises to make improvement within a fixed period of time; with respect to the mining enterprise that still fails to meet the conditions for safe production upon expiration of the period, the matter shall be submitted by the competent department of labour administration to the relevant people's government at or above the county level for a decision on the suspension of production for the purpose of consolidation or on the rescission of its mining permit and business license by the competent authorities.

Article 45 If any party is not satisfied with the decision on administrative sanctions, it may, within 15 days from receiving the notification of the sanction decision, apply for reconsideration to the higher authorities next to the one that has made the sanction decision; the party also may directly bring a suit before a people's court within 15 days from receiving the notification of the sanction decision.

The reconsideration authorities shall make a reconsideration decision within 60 days from receiving the application for reconsideration. If the party is not satisfied with the

reconsideration decision, it may bring a suit before a people's court within 15 days from receiving the reconsideration decision. If upon expiration of the time limit, the reconsideration authorities fail to make a reconsideration decision, the party may bring a suit before a people's court within 15 days upon expiration of the period for reconsideration.

If upon expiration of the time period, the party concerned has not applied for reconsideration, nor brought a suit before a people's court, nor complied with the sanction decision, the authorities that has made the sanction decision may apply to the people's court for compulsory execution.

Article 46 Any responsible person of a mining enterprise who gives command in violation of regulations and compels workers to carry out operations at risks, thus causing accidents involving serious casualties, shall be investigated for criminal responsibilities in accordance with the provisions of Article 114 of the Criminal Law.

Article 47 Any responsible person who fails to take measures with respect to hidden dangers of accidents in the mine, thereby causing accidents involving serious casualties, shall be investigated for criminal responsibilities by applying *mutatis mutandis* the provisions of Article 187 of the Criminal Law.

Article 48 Where any person in charge of safety supervision or safety control in a mine abuses his power, neglects his duty, or practises favoritism and irregularities, and if the act constitutes a crime, the person concerned shall be investigated for criminal responsibilities in accordance with the law; if the act does not constitute a crime, administrative sanctions shall be given .

Chapter VIII Supplementary Provisions

Article 49 Regulations for implementation shall be formulated by the competent department of labour administration under the State Council in accordance with this Law, and the regulations formulated shall be submitted to the State Council for approval before implementation.

The standing committees of the people's congresses of provinces, autonomous regions and municipalities directly under the Central Government may, in accordance with this Law and in light of the actual conditions of their respective areas, draw up measures of implementation.

Article 50 This Law shall go into effect as of May 1, 1993.