

Law of the People's Republic of China on Urban and Rural Planning

Order of the President of the People's Republic of China

No.74

The Law of the People's Republic of China on Urban and Rural Planning, adopted at the 30th Meeting of the Standing Committee of the Tenth National People's Congress of the People's Republic of China on October 28, 2007, is hereby promulgated and shall go into effect as of January 1, 2008.

Hu Jintao

President of the People's Republic of China

October 28, 2007

Law of the People's Republic of China on Urban and Rural Planning

(Adopted at the 30th Meeting of the Standing Committee of the Tenth National People's Congress on October 28, 2007)

Contents

Chapter I General Provisions

Chapter II Formulation of an Urban and Rural Plan

Chapter III Implementation of an Urban and Rural Plan

Chapter IV Modification of an Urban and Rural Plan

Chapter V Supervision and Inspection

Chapter VI Legal Liability

Chapter VII Supplementary Provisions

Chapter I

General Provisions

Article 1 This Law is enacted for the purpose of improving administration of urban and rural planning, adjusting the layout of urban and rural spaces,

improving people's living environment and promoting the all-round coherent and sustainable development of the urban and rural economy and society.

Article 2 Making and implementing urban and rural plans and conducting construction activities in the areas covered by planning shall be governed by this Law.

For the purposes of this Law, urban and rural planning includes urban hierarchical plans, city plans, town plans, township plans and village plans. A city or town plan is divided into an overall plan and a detailed plan. A detailed plan is divided into a detailed regulatory plan and a detailed construction plan.

For the purposes of this Law, the areas covered by planning include the built-up areas in cities, towns and villages and the areas that must be kept the control of planning to meet the need of urban and rural construction and development. The specific scope of an area covered by planning shall be defined by the related people's government, which shall, in light of the urban and rural economic and social development and the need for overall development of urban and rural areas, have the area demarcated in the overall plan of a city or town, or in a township or village plan to be formulated under its charge.

Article 3 City and town authorities shall formulate city and town plans in accordance with this Law. Construction within the areas covered by city and town plans shall be conducted in compliance with the requirements of such plans.

The local people's governments at or above the county level shall, in light of the local rural economic and social development and in adherence to the principles of consideration of the local conditions, practicality and feasibility, determine the areas for which township or village plans should be made. The township and village authorities within the areas so determined shall work out

their respective plans in accordance with this Law. Construction in the townships or villages within the said areas shall be conducted in compliance with the requirements of plans.

The local people's governments at or above the county level shall encourage and give guidance to the township and village authorities in areas other than the ones specified in the preceding paragraph to make and implement their township and village plans.

Article 4 In making and implementing urban and rural plans, attention shall be paid to following the principles of overall planning for urban and rural areas, rational layout, conservation of land, intensive development and planning before construction, to improving the ecological environment, promoting conservation and comprehensive utilization of resources and energy, to preserving cultivated land and other natural resources and historical and cultural heritage, to maintaining the local and ethnic features and traditional cityscape, to preventing pollution and other public hazards, and to meeting the need of regional population development, national defense construction, disaster prevention and alleviation, and public health and safety. Construction in the areas covered by planning shall be conducted in adherence to the provisions of the laws and regulations governing land administration, natural resources conservation, environmental protection, etc. The local people's government at or above the county level shall, in light of the realities of the local economic and social development, rationally determine the development scale and steps, and construction standards for a city or town in its overall city or town planning.

Article 5 The overall plan for a city or town, and the plan for a township or village plan shall be formulated on the basis of the plan for national economic and social development and be compatible with the overall plan for land use.

Article 6 The people's governments at all levels shall incorporate the funds needed for the formulation and administration of urban and rural plans in their respective fiscal budgets.

Article 7 An urban or rural plan which is approved according to law shall provide the basis for administration of urban and rural development and planning, and it may not be modified without going through the statutory procedure.

Article 8 The authority in charge of the formulation of urban and rural plans shall, in a timely manner, publish the urban and rural plans upon approval according to law, except for the contents which may not be disclosed as prescribed by laws or administrative regulations.

Article 9 All units and individuals shall keep to the urban and rural plans which are published upon approval according to law and submit to administration of the plans, and they shall have the right to inquire of the department in charge of urban and rural planning about whether a construction activity which involves their interests is in compliance with the requirements of planning.

All units and individuals shall have the right to report or make an accusation against any violations of the urban and rural plans to the competent departments in charge of urban and rural planning or the relevant departments. The said departments shall, without delay, accept such report or accusation and make arrangements for investigation and handling it.

Article 10 The state encourages the adoption of advanced scientific technologies to make urban and rural planning more scientific and to improve the efficiency in the implementation, supervision and administration of such planning.

Article 11 The department in charge of urban and rural planning under the State Council shall be responsible for administration of urban and rural planning nationwide.

The department in charge of urban and rural planning of the local people's governments at or above the county level shall be responsible for administration of urban and rural planning in their respective administrative areas.

Chapter II

Formulation of an Urban and Rural Plan

Article 12 The department in charge of urban and rural planning under the State Council shall, in conjunction with the relevant departments under the State Council, take charge of the formulation of the national urban hierarchical plan, which shall serve as the guidance for the formulation of provincial urban hierarchical plan and the overall plan of cities.

The national urban hierarchical plan shall be submitted by the department in charge of urban and rural planning under the State Council to the State Council for examination and approval.

Article 13 The people's government of a province or autonomous region shall take charge of the formulation of the provincial urban hierarchical plan and submit it to the State Council for examination and approval.

A provincial urban hierarchical plan shall include: the spatial layout of cities and towns and scale control, the layout of major infrastructures, and the areas which need strict control for preservation of the ecological environment and resources.

Article 14 The people's government of a city shall take charge of the formulation of the overall plan of the city.

The overall plan of a municipality directly under the Central Government shall be submitted by the people's government of the municipality to the State

Council for examination and approval. The overall plan of the city which is the seat of the people's government of the province or autonomous region and the overall plan of the city designated by the State Council shall be submitted to the State Council for examination and approval after it is examined and approved by the people's government of the province or autonomous region. The overall plan of any other city shall be submitted by the people's government of the city to the people's government of province or autonomous region for examination and approval.

Article 15 The county people's government shall take charge of the formulation of the overall plan of the town which is the seat of the county people's government and shall submit the plan to the people's government at the next higher level for examination and approval. The overall plan of any other town shall be formulated under the charge of the people's government of the town and submitted to the people's government at the next higher level for examination and approval.

Article 16 The provincial urban hierarchical plan formulated under the charge of the people's government of a province or autonomous region or the overall plan formulated under the charge of the people's government of a city or county shall, before it is submitted to the people's government at the next higher level for examination and approval, be deliberated by the standing committee of the people's congress at the same level, and the opinions of the component members of the standing committee formed after deliberation shall be submitted to the people's government at the same level for consideration and handling.

The overall plan of a town formulated under the charge of the people's government of the town shall, before it is submitted to the people's government at the next higher level for examination and approval, be deliberated by the people's congress of the town, and the opinions of the

deputies formed after deliberation shall be submitted to the people's government at the same level for consideration and handling.

When submitting a provincial urban hierarchical plan or the overall plan of a city or town for examination and approval, the authority in charge of the formulation of the such plan shall, at the same time, submit the opinions formed after deliberation among the component members of the standing committee of the people's congress at the same level or among the deputies of the people's congress of the town and the modifications made to the plan on the basis of the opinions.

Article 17 The overall plan of a city or town shall include: the arrangement for the development of the city or town, functional zones, land use layout, comprehensive traffic system, the regions where construction is prohibited or restricted or which are appropriate for construction, the various kinds of special items, etc.

The following shall be made mandatory for the overall plan of a city or town to include: the area covered by the plan, the scale of the land used for construction in the area covered by the plan, the land used for infrastructure and public service facilities, the waterhead sites and water system, capital farmland and land used for afforestation, environmental protection, preservation of natural and historical and cultural heritage, disaster prevention and alleviation, etc.

The period covered by the overall plan of a city or town is 20 years in general. In the overall planning of a city, arrangements predicting the development of the city over a longer period of time shall be made.

Article 18 A township or village plan shall be made by proceeding from the actual conditions of the countryside, showing respect to the will of the villagers and embodying the local and rural features.

A township or village plan shall include: the area covered by the plan, the layout of the land used for production, construction of service facilities for people's daily lives and public welfare undertakings in the rural areas, such as dwelling houses, roads, water supply and drainage, power supply, garbage collection, livestock and poultry farms, and the related development requirements, as well as the specific arrangements for protection of the cultivated land and other natural resources and historical and cultural heritage, for prevention and alleviation of disasters, etc. A township plan shall, in addition, include arrangements for the development of the villages within the administrative area of the town.

Article 19 The department in charge of urban and rural planning of a city people's government shall, in conformity with the requirements for overall planning of the city, take charge of the formulation of a detailed control plan and, upon approval by the said people's government, submit the plan to the standing committee of the people's congress at the same level and the people's government at the next higher level for the record.

Article 20 A town people's government shall, in conformity with the requirements for overall planning of the town, take charge of the formulation of a detailed control plan and submit the plan to the people's government at the next higher level for examination and approval. The detailed control plan of the town which is the seat of the county people's government shall, in conformity with the requirements for overall planning of the town, be formulated under the charge of the department in charge of urban and rural planning under the county people's government and, upon approval by the county people's government, be submitted to the standing committee of the people's congress at the same level and the people's government at the next higher level for the record.

Article 21 The competent department in charge of urban and rural planning under the people's government of a city or county, and the people's government of a town may take charge of the formulation of a detailed construction plan for important tracts of land. A detailed construction plan shall be in conformity with the detailed control plan.

Article 22 The people's government of a township or town shall take charge of the formulation of the township or village plan, which shall be submitted to the people's government at the next higher level for examination and approval. The plan of a village shall, before it is submitted for examination and approval, be presented to the meeting of villagers or of the villagers' representatives for discussion and consent.

Article 23 In the overall and detailed plan of the capital, all-round consideration shall be given to the need of the layout of the land used by the organs of the Central Government and of the spatial arrangements.

Article 24 The authority responsible for formulation of urban and rural plans shall authorize the units with the appropriate qualifications to do the specific planning.

A unit may do urban and rural planning within the scope allowed by its qualifications only when it meets the following requirements, passes the examination conducted according to law by the department in charge of urban and rural planning under the State Council or under the people's government of a province, autonomous region or municipality directly under the Central Government and is issued the certificate of qualification at the appropriate grade:

- (1) having the status of a legal person;
- (2) having the specified number of planners who are registered at the department in charge of urban and rural planning under the State Council;
- (3) having the specified number of technicians of the related professions;

- (4) having the appropriate technical equipment; and
- (5) having a sound management system for technologies, quality and financial affairs.

The administrative measures for the qualifications of licensed planners shall be formulated by the department in charge of urban and rural planning under the State Council in conjunction with the administrative department of personnel under the State Council.

The relevant State standards shall be met when urban and rural plans are being formulated.

Article 25 Formulation of urban and rural plans, necessitates basic information on prospecting, mapping, meteorology, earthquake, hydrology, environment, etc., as is required by the State.

The competent departments under the local people's governments at or above the county level shall, in light of the need of urban and rural planning, provide the relevant basic information in a timely manner.

Article 26 Before submitting an urban or rural plan for examination and approval, the authority in charge of its formulation shall, in accordance with law, publish the draft of the plan and solicit opinions from experts and the general public by holding appraisal conferences or hearings, or by other means. Publication of the draft shall remain for at least 30 days.

The authority in charge of formulation of the plan shall fully consider the opinions of the experts and the general public and, when submitting the materials for examination and approval, attach an explanation on its adoption of the relevant opinions and the reasons.

Article 27 Before granting approval to a provincial urban hierarchical planning, an overall plan of a city or town, the examining and approval authority shall organize experts and the related departments to conduct examination.

Chapter III

Implementation of an Urban and Rural Plan

Article 28 The local people's governments at various levels shall, in light of the local economic and social development, act within their capabilities, respect the will of the general public and organize the implementation of the urban and rural plans step by step in a planned way.

Article 29 In the construction and development of a city, priority shall be given to the construction of infrastructure and public service facilities, the relation between the development of new areas and the reconstruction of the old ones shall be properly handled, and overall consideration shall be given to the daily lives of the migrant workers in the city and to the need of the economic and social development and of the villagers' production and daily lives on the periphery of the city.

In the construction and development of a town, priority shall, in light of the economic and social development as well as industrial restructuring in the rural areas, be given to the construction of the infrastructures such as water supply and drainage, power supply, gas supply, roads, communications, radio and TV broadcasting, as well as the public service facilities such as schools, hospitals, cultural centers, kindergartens and welfare institutions, to serve the surrounding rural areas.

In the construction and development of a township or village, attention shall be paid to economizing on the use of land in light of the local conditions, giving play to the role of the villagers' self-government organizations and giving guidance to the villagers in rational construction, and improving the production and living conditions in the rural areas.

Article 30 In the development and construction of the new areas in a city, attention shall be paid to rational determination of the scale and schedule of construction, to the full use of the existing urban infrastructures and public

service facilities, careful preservation of the natural resources and ecological environment and embodying of the local features.

Beyond the scope of the land used for construction as determined in the overall plan of a city or town, no development zones or new urban zones of any description may be established.

Article 31 In the reconstruction of an old urban area, attention shall be paid to preservation of the historical and cultural heritage and traditional style and features, rational determination of the scale of demolition and construction, and planned reconstruction of the places where clusters of dilapidated houses are located and the infrastructures are outdated.

The famous historical and cultural cities, townships and villages shall be preserved and the buildings under preservation shall be maintained and used in compliance with the provisions of the relevant laws and administrative regulations and of the regulations of the State Council.

Article 32 In urban and rural construction and development, attention shall be paid to the preservation and rational use of the famous scenic spots and other such resources according to law and overall arrangement for the development of the famous scenic sites and the surrounding townships, towns and villages. In planning, construction and management of the famous scenic sites, attention shall be paid to compliance with the provisions of the relevant laws and administrative regulations and of the regulations of the State Council.

Article 33 In the development and use of the urban underground space, attention shall be paid to their adaptation to the level of economic and technical development, and to adherence to the principles of overall arrangement, comprehensive development and rational use and to giving full consideration to the need of disaster prevention and alleviation, civil air defense and communications, as well as to their conformity with the urban plan, and to completion of the formalities for examination and approval.

Article 34 The people's government of a city, county or town shall, in accordance with the overall plan of the city or town, the overall plan and annual plan for land use, and the plan for national economic and social development, draw up a short-term construction plan and submit it to the authority for examination and approval of overall plans for the record.

The short-term construction plan shall focus on the construction of important infrastructures, public service facilities and the residential houses for the residents with moderate and low income, and the protection of ecological environment, with specified short-term schedule, orientation of development and spatial layout. The period covered by a short-term construction plan shall be five years.

Article 35 It is prohibited to alter, without authorization, the purpose of use of the land for railways, highways, ports, airports, roads, green fields, power transmission and distribution facilities, power transmission line passages, communications facilities, radio and TV broadcasting facilities, pipelines, water courses, reservoirs, waterhead sites, natural reserves, flood control passages, fire fighting passages, nuclear power stations, garbage landfills and incineration plants, sewage treatment plants, public service facilities -- as specified in an urban and rural plan, and other land the use of which is under the protection of law.

Article 36 For construction projects which are subject to approval or verification by the relevant department, as is required by State regulations, if the right to use of State-owned land is extended through allocation, the developing units shall, before submitting the projects to the relevant department for approval or verification, apply to the department in charge of urban and rural planning for issue of a written proposal on the choice of location.

A written proposal on the choice of location is not needed for construction projects other than the ones provided for in the preceding paragraph.

Article 37 If the right to use of State-owned land is extended through allocation for a construction project located within the area covered by the plan of a city or town, the developing unit shall, after the project is approved or verified and recorded by the relevant department, apply to the department in charge of urban and rural planning under the city or county people's government for a permit for planned use of land for construction, and the said department shall, according to the detailed control plan, check and verify the location and area of the said land and the scope of area within which construction is permitted, before issuing the said permit.

The developing unit may apply for land use to the department in charge of land under the local people's government at or above the county level only after obtaining the permit for planned use of land for construction. The said department shall allocate the land to it upon approval by the people's government at or above the county level.

Article 38 Where the right to use of State-owned land located within the area covered by the plan of a city or town is extended through transfer, before the said right is transferred, the department in charge of urban and rural planning under the people's government of the city or county shall, according to the detailed control plan, lay down the conditions for planning with respect to the location of the tract of land to be transferred, its nature of use, intensity of development, etc., which shall constitute the component part of the contract on transfer of the right to use of State-owned land. Where no conditions for planning are laid down for a tract of land, the said right shall not be transferred.

For a construction project for which the right to use of State-owned land is extended through transfer, after the contract on transfer of the said right is

concluded, the developing unit shall, on the strength of the approval, verification and the recorded documents and the contract on transfer of the right to use of State-owned land, apply to the department in charge of urban and rural planning under the people's government of the city or county concerned for a permit for planned use of land for construction.

The department in charge of urban and rural planning under the people's government of the city or county shall not, without authorization, alter the conditions for planning laid down in the permit for planned use of the land for construction, which constitute the component part of the contract on transfer of the right to use of State-owned land.

Article 39 Where the conditions for planning are not included in the contract on transfer of the right to use of State-owned land, the said contract shall be deemed to be invalid; where approval for the use of a tract of land is granted to the developing unit that fails to obtain the permit for planned the use of land for construction, the relevant approval documents shall be revoked by the people's government at or above the county level; where the land is used, it shall be returned in a timely manner; and where losses are caused to a party, compensation shall be made according to law.

Article 40 For the construction of buildings, structures, roads, pipelines and other projects in an area covered by the plan of a city or town, the developing unit or individual shall apply for a permit for a planned construction project to the department in charge of urban and rural planning under the people's government of the city or county concerned or to the township people's government designated by the people's government of the province, autonomous region, or municipality directly under the Central Government. To apply for a permit for a planned construction project, the applicant shall submit such materials as the relevant certifications on the land to be used and the designed scheme of the construction project. For a construction project for

which the developing unit is required to draw up a detailed construction plan, it shall submit such a plan. If a construction project conforms to both the detailed control plan and the conditions for planning, the permit for a planned construction project shall be issued by the department in charge of urban and rural planning under the people's government of the city or county concerned or by the township people's government designated by the people's government of the province, autonomous region, or municipality directly under the Central Government.

The department in charge of urban and rural planning under the people's government of the city or county concerned or the township people's government designated by the people's government of the province, autonomous region, or municipality directly under the Central Government shall, according to law, publish the detailed construction plan and the general plane figure of the designed scheme of the construction project which are examined and approved.

Article 41 For construction of township enterprises, rural public facilities and public welfare undertakings in areas covered by the plan of a township or village, the developing unit or individual shall make an application to the people's government of the town or township concerned, which shall report the matter to the department in charge of urban and rural planning under the people's government of the city or county concerned for issue of a permit for planned rural construction.

The administrative measures for planning the construction of rural residential houses for the villagers on the original house sites in the areas covered by the plans of the township or villages shall be formulated by the provinces, autonomous regions, or municipalities directly under the Central Government. No land for agricultural use may be used for construction of township enterprises, rural public facilities or public welfare undertakings or for

construction of rural residential houses for villagers in areas covered by the plan of a township or village; where it is really necessary to use such land, the examining and approving formalities for the change of land use shall be completed according to the relevant provisions of the Land Administration Law of the People's Republic of China, before the permit for planned rural construction is issued by the department in charge of urban and rural planning under the people's government of a city or county.

The developing unit or individual may go through the examination and approval formalities for land use only after it or he obtains the permit for planned rural construction.

Article 42 The department in charge of urban and rural planning shall not issue any permit for planning the use of land beyond the scope of land planned for construction as determined in the urban and rural plan.

Article 43 A developing unit shall carry out construction in compliance with the conditions for planning; where it is really necessary to make changes in the conditions, it shall apply to the department in charge of urban and rural planning under the people's government of the city or county concerned. If the changes to be made are not in conformity with the detailed control plan, the said department shall not grant approval. The department shall, in a timely manner, inform the department in charge of land at the same level of the changes made in the conditions for planning according to law and publish such changes.

The developing unit shall, in a timely manner, report for the record the conditions for planning which are changed according to law to the department in charge of land under the people's government concerned.

Article 44 Temporary construction carried out in the area covered by the plan of a city or town shall be subject to approval by the department in charge of urban and rural planning under the people's government of the city or county

concerned. If temporary construction affects the implementation of the short-term construction plan or the detailed control plan, traffic, the appearance or safety of a city, etc., no approval may be granted. Temporary buildings shall be demolished by the building unit itself before the expiration of the approved time limit on use.

The specific measures for administration of the planning on temporary construction and land use shall be formulated by the people's government of a province, autonomous region, or municipality directly under the Central Government.

Article 45 The department in charge of urban and rural planning under the people's government at or above the county level shall, according to the regulations of the State Council, check whether a construction project is in compliance with the conditions for planning. If a construction project is not checked, or checking proves that it does not comply with the conditions for planning, the developing unit may not arrange for acceptance check upon completion of the project.

The developing unit shall, within six months after the acceptance check conducted upon completion of a project, submit the relevant materials thereof to the department in charge of urban and rural planning.

Chapter IV

Modification of an Urban and Rural Plan

Article 46 The authority in charge of the formulation of a provincial urban hierarchical plan or the overall plan of a city or town shall organize the relevant departments and experts to regularly assess the implementation of the plan, and solicit opinions from the public by holding appraisal conferences or hearings or by other means. The said authority shall submit the assessment report, attached with the opinions solicited, to the standing committee of the

people's congress at the same level or the people's congress of the town and the original examination and approval authority.

Article 47 Authority in charge of the formulation of the provincial urban hierarchical plan or the overall plan of a city or town may only modify such plans within the prescribed limits of power and according to the prescribed procedure under one of the following circumstances:

- (1) Where changes are made in the urban and rural plan formulated by the people's government at a higher level, therefore modification of the plan is requested;
- (2) Where readjustment of the division of administrative regions necessitates modification of the plan;
- (3) Where approval granted by the State Council to the construction of a major project necessitates modification of the plan;
- (4) Where the result of assessment proves the need to modify the plan; and
- (5) Other circumstances under which the examination and approval authority of urban and rural plan deems it necessary to modify the plan.

Before modifying the provincial urban hierarchical plan or the overall plan of a city or town, the authority in charge of its formulation shall analyze the implementation of the original plan and make a report to the original examination and approval authority; if the modification involves the compulsory items in the overall plan of a city or town, a special report shall be submitted to the original examination and approval authority before making plans for modification upon its consent.

The modified provincial urban hierarchical plan or the overall plan of a city or town shall be submitted for examination and approval in compliance with the procedures specified by the provisions of Articles 13 through 16 of this Law.

Article 48 Where a detailed control plan needs to be modified, the authority in charge of its formulation shall expound and prove the necessity for

modification, solicit the opinions of the interested parties within the tract of land covered by the plan and make a special report to the original examination and approval authority, and may only formulate the plan for modification upon the latter's consent. The modified detailed control plan shall be submitted for examination and approval in compliance with the procedures specified by the provisions of Articles 19 and 20 of this Law. Where the modification of a detailed control plan involves the compulsory items in the overall plan of a city or town, the overall plan concerned shall be modified first.

Where a township or village plan needs to be modified, the matter shall be submitted for examination and approval in compliance with the procedure specified by the provisions of Article 22 of this Law.

Article 49 Where the people's government of a city, county or town modifies its short-term construction plan, it shall submit the modified plan to the authority for examination and approval of overall plans for the record.

Article 50 Where, after the issue of a written proposal on the choice of location, the permit for planned use of land for construction, the permit for a planned construction project or the permit for planned rural construction, losses are caused to the lawful rights and interests of the person granted the permit due to modification of an urban and rural plan according to law, compensation shall be made according to law.

The detailed construction plan and the general plane figure of the designed scheme of a construction project, which are examined and approved according to law, shall not be modified at will; where it is necessary to make modification, the department in charge of urban and rural planning shall, by holding hearings or by other means, listen to the opinions of the interested parties; if losses are caused to the lawful rights and interests of the latter, compensation shall be made according to law.

Chapter V

Supervision and Inspection

Article 51 The people's governments at or above the county level and the departments in charge of urban and rural planning under them shall improve supervision over and inspection of the formulation, examination and approval, implementation and modification of urban and rural plans.

Article 52 The local people's governments at various levels shall respectively report on the implementation of the urban and rural plans to the standing committees of the people's congresses at the same level or to the people's congresses of townships or towns, and shall subject themselves to supervision by the latter.

Article 53 The departments in charge of urban and rural planning under the people's governments at or above the county level shall have the power to adopt the following measures in supervision over and inspection of the implementation of the urban and rural plans:

- (1) requiring the relevant units or persons to provide the documents and materials relating to the matters under supervision and making duplicates thereof;
- (2) requiring the relevant units and persons to explain the issues related to the matters under supervision and, where necessary, entering the site to make a survey; and
- (3) ordering the relevant units and persons to discontinue the violation of the laws or regulations governing urban and rural planning.

When performing the duty of supervision and inspection as provided for in the preceding paragraph, staff members of the department in charge of urban and rural planning shall produce their papers for law enforcement. The units and individuals subjected to supervision and inspection shall cooperate with

them and shall not impede or obstruct their supervision and inspection conducted according to law.

Article 54 The results of supervision and inspection and of the resolution of problems shall be published for public consultation and supervision.

Article 55 Where, in the course of investigation and handling of violations of the provisions of this Law, the department in charge of urban and rural planning finds that a staff member of a government department should be given an administrative sanction according to law, it shall make a proposal to such an effect to the authority responsible for his appointment and removal or to the supervisory authority.

Article 56 Where an administrative sanction should be given according to the provisions of this Law but the department in charge of urban and rural planning concerned fails to do so, the department in charge of urban and rural planning under the people's government at a higher level shall have the power to order it to do so, or to suggest that the people's government concerned do so.

Article 57 Where the department in charge of urban and rural planning grants administrative permission in violation of the provisions of this Law, the department in charge of urban and rural planning under the people's government at a higher level shall have the power to order it to revoke the permission granted, or to directly revoke the permission itself. If revocation of the permission causes losses to the lawful rights and interests of the party involved, compensation shall be made according to law.

Chapter VI

Legal Liability

Article 58 Where an urban and rural plan should be formulate, as is required by law, the authority concerned fails to take charge of such formulation, or fails to formulate, examine and grant approval, or modify an urban and rural

plan in compliance with the statutory procedure, the people's government at a higher level shall order it to rectify and have it criticized in a circular; and it shall give sanctions, according to law, to the leading person of the people's government concerned and the other persons directly responsible.

Article 59 Where the authority in charge of the formulation of urban and rural plans entrusts a unit which lacks the qualifications commensurate with the task, the people's government at a higher level shall order it to rectify and have it criticized in a circular; and the leading person of the people's government concerned and the other persons directly responsible shall be given sanctions according to law.

Article 60 Where the people's government of a town or the department in charge of urban and rural planning under a people's government at or above the county level commits one of the following acts, it shall be ordered to rectify by the people's government at the same level, or by the department in charge of urban and rural planning or the supervisory authority under the people's government at a higher level within the limits of their power, and shall be criticized in a circular; and the leading person directly in charge and the other persons directly responsible shall be given sanctions according to law:

- (1) failing to act in accordance with law and take charge of the formulation of the detailed control plan of a city or of the town where the county people's government is located;
- (2) issuing a written proposal on the choice of location, permit for planned use of land for construction, permit for a planned construction project, or permit for planned rural construction by going beyond its powers, or issuing such proposal or permit to an applicant who does not meet the statutory conditions;

(3) failing to issue, within the statutory time limit, a written proposal on the choice of location, permit for planned use of land for construction, permit for a planned construction project, or permit for planned rural construction to an applicant who meets the statutory conditions;

(4) failing to publish, according to law, the detailed construction plan or the general plane figure of the designed scheme of a construction project already examined and approved according to law;

(5) failing to listen to the opinions of the interested parties by holding hearings or by other means before it gives its consent to the modification of a detailed construction plan and the general plane figure of the designed scheme of a construction project; and

(6) when it discovers the construction conducted in an area covered by a plan, for which no permit for planning is issued according to law or which is conducted in violation of the provisions in the permit for planning, failing to investigate into and handle the matter; or after it receives the report on the matter, failing to handle it according to law.

Article 61 Where the relevant department under a people's government at or above the county level commits one of the following acts, it shall be ordered to rectify by the people's government at the same level or by the relevant department under the people's government at a higher level, and shall be criticized in a circular; and the leading person directly in charge and the other persons directly responsible shall be given sanctions according to law:

(1) issuing the approval document for a construction project for which the written proposal on the choice of location is not obtained according to law;

(2) failing to lay down, according to law, the conditions for planning in the contract on transfer of the right to use of State-owned land, or changing the conditions for planning which are laid down in the said contract according to law; and

(3) allocating the right to use of State-owned land to the developing unit that fails to obtain a permit for planned use of land for construction according to law.

Article 62 Where a unit formulating urban and rural plans commits one of the following acts, it shall be ordered to rectify within a time limit by the department in charge of urban and rural planning under the people's government of the city or county where it is located, and shall be fined not less than one time but not more than two times the amount of the fees for formulation of the plan which were agreed upon in the contract; if the circumstances are serious, it shall be ordered to suspend business for shakeup, and its grade of qualifications shall be demoted or its qualification certificate revoked by the original issuing authority; if losses are caused, it shall be liable for compensation according to law:

(1) undertaking the formulation of an urban and rural plan by going beyond the scope allowed for its grade of qualifications; or

(2) formulating an urban and rural plan in violation of the relevant State standard.

Where a unit that fails to obtain the qualification certificate according to law undertakes the formulation of an urban and rural plan, it shall be ordered to cease the illegal act by the department in charge of urban and rural planning under the local people's government at or above the county level, and it shall be fined according to the provisions in the preceding paragraph; if losses are caused, it shall be liable for compensation according to law.

Where a unit that obtains the qualification certificate by fraud undertakes the formulation of an urban and rural plan, its certificate shall be revoked by the original issuing authority, and it shall be fined according to the provisions in the first paragraph of this Article; if losses are caused, it shall be liable for compensation according to law.

Article 63 Where a unit formulating urban and rural plans ceases to meet the necessary requirements for qualifications after obtaining the qualification certificate, it shall be ordered to rectify within a time limit by the original issuing authority; if it fails to rectify on the expiration of the prescribed time limit, its grade of qualifications shall be demoted or its qualification certificate shall be revoked.

Article 64 Where a unit engages in construction without obtaining the permit for a planned construction project or without complying with the provisions in the said permit, it shall be ordered to discontinue construction by the department in charge of urban and rural planning under the local people's government at or above the county level; if measures for rectification can be adopted to eliminate the impact on the implementation of the plan, it shall be ordered to make rectification within a time limit and be fined not less than five percent but not more than ten percent the cost of the construction project; otherwise, it shall be ordered to demolished the project within a time limit; if the project cannot be demolished, the project itself or the unit's unlawful income shall be confiscated, and it may, in addition, be fined not more than ten percent the cost of the construction project.

Article 65 Where a unit engages in construction in an area covered by the plan of a town or village without obtaining the permit for planned rural construction or without complying with the provisions in the said permit, it shall be ordered by the people's government of the township or town concerned to discontinue construction and to make rectification within a time limit; if it fails to rectify on the expiration of the prescribed time limit, the construction project may be demolished.

Article 66 Where a developing unit or an individual commits one of the following acts, it or he shall be ordered to demolish the temporary construction project in question by the department in charge of urban and

rural planning under the people's government of the city or county where it or he is located and may, in addition, be fined not more than one time the cost of the temporary construction project:

- (1) engaging in temporary construction without approval;
- (2) engaging in temporary construction without complying with what is approved of; and
- (3) failing to demolish the temporary building or structure at the expiration of the approved time limit.

Article 67 Where a developing unit fails to submit the materials on acceptance check of a construction project to the department in charge of urban and rural planning within six months after the acceptance check is conducted upon completion of the project, the said unit shall be ordered to make a supplementary report within a time limit by the department in charge of urban and rural planning under the people's government of the city or county where it is located; if it fails to do so on the expiration of the prescribed time limit, it shall be fined not less than RMB 10,000 yuan but not more than 50,000 yuan.

Article 68 Where, after the department in charge of urban and rural planning makes a decision on ordering the discontinuation of construction, or the demolition of a construction project within a time limit, the party involved refuses to comply, the local people's government at or above the county level at the place where the construction project is located may order the relevant department to adopt such measures as closing the construction site or demolishing the project by compulsory means.

Article 69 Where anyone violates the provisions of this Law, which constitutes a crime, he shall be investigated for criminal responsibility according to law.

Chapter VII

Supplementary Provisions

Article 70 This Law shall go into effect as of January 1, 2008. The City Planning Law of the People's Republic of China shall be annulled at the same time.