Urban and Rural Planning Law of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of strengthening the administration of urban and rural planning, coordinating the spatial layout of urban and rural areas, improving the living environment, and promoting the comprehensive, coordinated, and sustainable development of urban and rural society and economy.

Article 2 — This Law shall apply to the formulation, implementation, amendment, supervision, and inspection of urban and rural plans, and to construction activities within planned areas. “Urban and rural plans” as used in this Law includes the urban system plan, city plan, town plan, township plan, and village plan. City plans and town plans are divided into comprehensive plans and detailed plans. Detailed plans are further divided into regulatory detailed plans and site detailed plans. “Planned area” as used in this Law means the area within the built-up area of a city, town, or village, as well as the area that needs to be subject to planning control to meet the needs of urban or rural construction and development.

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Article 3 — A city or town shall formulate a city plan or a town plan. The formulation of a city plan or a town plan shall be based on the requirements of the national economic and social development plan, and shall be consistent with the master plan for land use. A township shall formulate a township plan. The local people's government at or above the county level may formulate village plans for areas where village plans are necessary, based on the needs of local rural economic and social development.

Article 4 — The formulation and implementation of urban and rural plans shall follow the principles of urban and rural planning, rational layout, conservation of land, intensive development, and planning before construction; improve the ecological environment, promote the conservation and comprehensive utilization of resources and energy; protect natural and cultural heritage resources such as cultivated land, maintain local characteristics, ethnic characteristics, and traditional styles; prevent pollution and other public hazards; and meet the needs of the regional population, national defense construction, disaster prevention and reduction, and public health and public safety.

Article 5 — The formulation of urban system plans, city comprehensive plans, and town comprehensive plans shall be based on the requirements of the national economic and social development plan, and shall be consistent with the master plan for land use, the river basin comprehensive plans, and the comprehensive transportation development plans.

Article 6 — The people's governments at all levels shall include the funds for the administration of urban and rural planning in the fiscal budgets at the corresponding levels.

Article 7 — Urban and rural plans that have been approved in accordance with the law shall be the basis for the administration of urban and rural construction and planning, and shall not be amended without the statutory procedures.

Article 8 — The organization for the formulation of urban and rural plans shall, in accordance with the law, publish the approved urban and rural plans for public announcement, unless otherwise provided by laws or administrative regulations. No unit or individual shall construct within a planned area in violation of an approved urban or rural plan.

Chapter II — Formulation of Urban and Rural Plans

Article 12 — The competent department of urban and rural planning under the State Council shall, in conjunction with the relevant departments under the State Council, organize the formulation of the national urban system plan, which shall be used to guide the formulation of provincial urban system plans and city comprehensive plans. The national urban system plan shall be submitted to the State Council for examination and approval.

Article 13 — The people's government of each province or autonomous region shall organize the formulation of the provincial urban system plan and submit it to the State Council for examination and approval. The provincial urban system plan shall include: the spatial distribution and scale control of cities and towns, the distribution of major infrastructure, and the regional arrangements for the protection of the ecological environment, resources, and other matters requiring overall coordination.

Article 14 — The people's government of a city shall organize the formulation of the city comprehensive plan. The city comprehensive 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 city comprehensive plans of the cities where the people's governments of provinces or autonomous regions are located and the city comprehensive plans of cities designated by the State Council shall be examined by the people's governments of the provinces or autonomous regions and submitted to the State Council for examination and approval. The city comprehensive plans of other cities shall be examined by the people's governments of the cities and submitted to the people's governments of the provinces or autonomous regions for examination and approval.

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Article 15 — The people's government of a county shall organize the formulation of the town comprehensive plan for the town where the people's government of the county is located and submit it to the people's government at the next higher level for examination and approval. The town comprehensive plans of other towns shall be organized and formulated by the people's governments of the towns and submitted to the people's governments at the next higher level for examination and approval.

Article 16 — The formulation of provincial urban system plans, city comprehensive plans, and town comprehensive plans shall first be examined and approved by the standing committees of the people's congresses at the corresponding levels, and the deliberation opinions of the standing committees of the people's congresses at the corresponding levels shall be submitted together with the plans to the people's governments at the next higher level for examination and approval.

Article 17 — The content of a city comprehensive plan or town comprehensive plan shall include: the development layout of the city or town, functional zoning, land use layout, comprehensive transportation system, prohibited, restricted, and suitable for construction areas, and various specialized plans. The mandatory content of a plan shall include: the scope of the planned area, the scale of land for construction within the planned area, the land for infrastructure and public service facilities, the water source areas and water system areas, the basic farmland and green areas, the environmental protection, the protection of historical and cultural heritage and traditional styles, and the disaster prevention and reduction facilities.

Article 18 — A township plan or village plan shall be formulated based on the requirements of the national economic and social development plan, taking into account local conditions and the actual needs of rural economic and social development. The content of a township plan shall include: the scope of the planned area, the layout of land for various types of production, living, services, and other purposes, land for infrastructure such as roads, water supply, drainage, power supply, and communication, the direction of development, etc. The content of a village plan shall include: the scope of the planned area, the layout of residential housing, roads, water supply, drainage, power supply, garbage collection, livestock and poultry breeding sites, and other production and living service facilities and public welfare undertakings.

Chapter III — Implementation of Urban and Rural Plans

Article 28 — The local people's governments at all levels shall organize the implementation of urban and rural plans in a gradual and orderly manner in light of the level of local economic and social development.

Article 29 — Urban construction and development shall give priority to the arrangement of infrastructure and public service facilities, take into account the needs of the daily life of residents and the normal operation of cities, and properly handle the relationships between new district development and old district redevelopment.

Article 30 — The development and construction of new urban districts shall determine the scale and timing of construction in a reasonable manner, make full use of existing municipal infrastructure and public service facilities, strictly protect natural resources and the ecological environment, and embody local characteristics. The development of new urban districts shall not occupy the space needed for urban green areas or infrastructure.

Article 31 — The redevelopment of old urban districts shall protect historical and cultural heritage and traditional styles, reasonably determine the scale of demolition and construction, and carry out the redevelopment in a planned manner on the basis of priority for infrastructure and public service facilities, improvement of living environment, and upgrading of urban functions.

Article 32 — The construction and development of towns and villages shall, in light of local conditions and based on rural economic and social development, give priority to the supply of infrastructure such as water supply, drainage, power supply, gas supply, roads, communication, radio and television, and public service facilities such as schools, kindergartens, health centers, welfare homes, and cultural and sports facilities, so

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as to provide services for the surrounding rural areas.

Article 33 — The location and construction of urban underground spaces shall comply with urban and rural plans, meet the requirements of civil air defense and disaster prevention, and improve comprehensive disaster prevention capabilities.

Article 34 — The use of land for urban and rural construction shall comply with the requirements of urban and rural plans. The administrative department of urban and rural planning shall not issue a site selection opinion for a construction project beyond the scope of construction land determined by the city comprehensive plan or town comprehensive plan.

Chapter IV — Amendment of Urban and Rural Plans

Article 46 — The organization for the formulation of a provincial urban system plan, city comprehensive plan, or town comprehensive plan shall organize the relevant departments and experts to periodically evaluate the implementation of the plan and solicit public opinions by means such as hearings. The organization for the formulation of the plan shall submit an evaluation report accompanied by the opinions solicited to the standing committee of the people's congress at the corresponding level and the original examination and approval authority.

Article 47 — The amendment of a provincial urban system plan, city comprehensive plan, or town comprehensive plan shall be reported to the original examination and approval authority for approval. The organization for the formulation of the plan shall specifically demonstrate the necessity of the amendment of the plan and submit a special report to the original examination and approval authority. Upon consent of the original examination and approval authority, the plan may be amended in accordance with the procedures for examination and approval of the plan.

Article 48 — The amendment of a regulatory detailed plan shall be submitted by the organization for the formulation of the plan to the people's government at the corresponding level for approval. The approval authority shall specifically demonstrate the necessity of the amendment, solicit the opinions of the interested parties within the planned area, and submit a special report to the standing committee of the people's congress at the corresponding level and the people's government at the next higher level for the record.

Article 49 — The amendment of a township plan or village plan shall be submitted by the people's government of the township or town to the people's government at the next higher level for examination and approval. The village plan shall be discussed and agreed upon by the villagers' meeting or villagers' representative meeting before being submitted for examination and approval.

Chapter V — Supervision and Inspection

Article 51 — The people's governments at or above the county level and their competent departments of urban and rural planning shall strengthen the supervision and inspection of the formulation, examination and approval, implementation, and amendment of urban and rural plans.

Article 52 — The local people's governments at all levels shall report to the standing committees of the people's congresses at the corresponding levels or the people's congresses of townships or towns on the implementation of urban and rural plans and accept supervision.

Article 53 — The competent departments of urban and rural planning of the people's governments at or above the county level shall have the right to take the following measures against construction projects that violate urban and rural plans: (1) requiring the relevant entities and personnel to provide documents and materials relating to the supervision and inspection matters; (2) requiring the relevant entities and personnel to explain the matters relating to the supervision and inspection; (3) entering the construction site to conduct on-site inspection; and (4) ordering the relevant entities and personnel to cease acts that violate urban and rural planning laws and regulations.

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Chapter VI — Legal Liability

Article 58 — Where the relevant people's government or the competent department of urban and rural planning prepares urban and rural plans in violation of the provisions of this Law, the people's government at the next higher level or the relevant department shall, in accordance with the provisions of this Law, order it to make corrections, circulate a notice of criticism, and impose sanctions on the persons directly in charge and other persons directly responsible in accordance with the law.

Article 59 — Where the people's government or the competent department of urban and rural planning at any level entrusts an entity without the corresponding qualifications to prepare an urban or rural plan, the people's government at the next higher level shall order it to make corrections, circulate a notice of criticism, and impose sanctions on the persons directly in charge and other persons directly responsible in accordance with the law.

Article 60 — Where the people's government of a town or the competent department of urban and rural planning of the people's government at or above the county level commits any of the following acts, the people's government at the corresponding level, the competent department of urban and rural planning at the next higher level, or the supervisory authority shall, in accordance with its functions and powers, order it to make corrections, circulate a notice of criticism, and impose sanctions on the persons directly in charge and other persons directly responsible in accordance with the law: (1) issuing a site selection opinion, a land use planning permit, a construction project planning permit, or a rural construction planning permit beyond its authority or to an unqualified applicant; (2) failing to issue a site selection opinion, a land use planning permit, a construction project planning permit, or a rural construction planning permit in accordance with the law to an applicant who meets the statutory requirements; or (3) failing to verify the planning conditions for a construction project within the statutory time limit, or issuing a verification certificate to an unqualified construction project.

Article 61 — Where the relevant department of the people's government at or above the county level commits any of the following acts, the people's government at the corresponding level or the relevant department of the people's government at the next higher level shall order it to make corrections and circulate a notice of criticism, and impose sanctions on the persons directly in charge and other persons directly responsible: (1) granting approval for the use of land for a construction project for which a site selection opinion has not been obtained in accordance with the law; (2) failing to include the planning conditions in the land transfer contract when transferring state-owned land use rights, or changing the land transfer contract without authorization; or (3) approving the alteration of the use of land without authorization.

Article 64 — Where a construction project has not obtained a construction project planning permit or the construction is not in compliance with the construction project planning permit, the competent department of urban and rural planning of the local people's government at or above the county level shall order the cessation of construction; where corrective measures can still be taken to eliminate the impact on the implementation of the plan, the offender shall make corrections within a specified period of time, and a fine of not less than five percent but not more than ten percent of the cost of the construction project shall be imposed; where corrective measures cannot be taken, the construction shall be demolished within a specified period of time, and if the construction cannot be demolished, the physical objects or illegal income shall be confiscated, and a concurrent fine of not more than ten percent of the cost of the construction project may be imposed.

Article 65 — Where a township or village enterprise, rural public facility, or public welfare undertaking construction within the planned area of a township or village fails to obtain a rural construction planning permit or fails to construct in compliance with the rural construction planning permit, the people's government of the township or town shall order the cessation of construction and the construction to be corrected within a specified period of time; if the construction is not corrected within the specified period, the construction may be demolished.

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Chapter VII — Supplementary Provisions

Article 68 — This Law shall come into effect on January 1, 2008. The Urban Planning Law of the People's Republic of China adopted at the 11th Session of the Standing Committee of the Sixth National People's Congress on December 26, 1989, shall be repealed simultaneously.

Article 69 — Matters relating to construction land planning permits, construction project planning permits, and rural construction planning permits that were handled in accordance with the law before the implementation of this Law shall remain valid.

Article 70 — This Law shall apply to the formulation, implementation, amendment, supervision, and inspection of plans for towns established before this Law comes into effect. The people's governments of towns that do not meet the conditions for the establishment of towns as prescribed by the state shall formulate plans in accordance with the provisions of this Law on townships and villages.

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