|  |  |  |
| --- | --- | --- |
| 发文机关  Promulgator | ：  : | 全国人民代表大会常务委员会  The Standing Committee of the National People's Congress |
| 发布日期  Date of Issue | ：  : | 2019.04.23  2019.04.23 |
| 生效日期  Effective Date | ：  : | 2019.04.23  2019.04.23 |
| 时效性  Effectiveness | ：  : | 现行有效  Current |

# 中华人民共和国建筑法（2019修订）

# Construction Law of the People's Republic of China (Amended in 2019)

中华人民共和国建筑法

Construction Law of the PRC

（1997年11月1日第八届全国人民代表大会常务委员会第二十八次会议通过　根据2011年4月22日第十一届全国人民代表大会常务委员会第二十次会议《关于修改〈中华人民共和国建筑法〉的决定》第一次修正　根据2019年4月23日第十三届全国人民代表大会常务委员会第十次会议《关于修改〈中华人民共和国建筑法〉等八部法律的决定》第二次修正）

(Adopted at the 28th Session of the Standing Committee of the 8th National People's Congress on November 1, 1997; revised for the first time according to the Decision on Revising the Construction Law of the People's Republic of China at the 20th Session of the Standing Committee of the 11th National People's Congress on April 22, 2011; and revised for the second time according to the Decision on Revising Eight Laws including the Construction Law of the People's Republic of China at the 10th Session of the Standing Committee of the 13th National People's Congress on April 23, 2019)

第一章 总 则

Chapter 1 General Provisions

第一条   为了加强对建筑活动的监督管理，维护建筑市场秩序，保证建筑工程的质量和安全，促进建筑业健康发展，制定本法。

Article 1 This Law is formulated for the purposes of strengthening supervision and administration of construction activities, safeguarding the order of construction market, ensuring the quality and safety of construction projects and promoting healthy development of the construction industry.

第二条   在中华人民共和国境内从事建筑活动，实施对建筑活动的监督管理，应当遵守本法。

Article 2. All parties which engage in construction activities within the territory of the People's Republic of China or carry out supervision and administration of construction activities must abide by this Law.

本法所称建筑活动，是指各类房屋建筑及其附属设施的建造和与其配套的线路、管道、设备的安装活动。

Construction activities referred to in this Law shall mean construction of all types of buildings and ancillary facilities thereof and installation of complementary lines, pipelines and equipment thereof.

第三条   建筑活动应当确保建筑工程质量和安全，符合国家的建筑工程安全标准。

Article 3 Construction activities shall ensure the quality and safety of construction projects, and shall comply with construction project safety standards of the State.

第四条   国家扶持建筑业的发展，支持建筑科学技术研究，提高房屋建筑设计水平，鼓励节约能源和保护环境，提倡采用先进技术、先进设备、先进工艺、新型建筑材料和现代管理方式。

Article 4 The State supports the development of the construction industry, supports scientific and technological research in construction to improve the levels in the design of housing construction, encourages energy economy and environmental protection, encourages adoption of advanced technologies, advanced equipment, advanced techniques and new building materials and modern mode of management.

第五条   从事建筑活动应当遵守法律、法规，不得损害社会公共利益和他人的合法权益。

Article 5 Persons engaging in construction activities shall comply with laws and regulations and shall not harm public interest and the legitimate rights and interests of others.

任何单位和个人都不得妨碍和阻挠依法进行的建筑活动。

No organisation or individual shall hinder or obstruct legitimate construction activities.

第六条   国务院建设行政主管部门对全国的建筑活动实施统一监督管理。

Article 6 The construction administrative authorities of the State Council shall implement unified supervision and administration of construction activities nationwide.

第二章 建 筑 许 可

Chapter 2 Construction Permit

第一节 建筑工程施工许可

Section 1 WORKING LICENSES FOR CONSTRUCTION PROJECTS

第七条   建筑工程开工前，建设单位应当按照国家有关规定向工程所在地县级以上人民政府建设行政主管部门申请领取施工许可证；但是，国务院建设行政主管部门确定的限额以下的小型工程除外。

Article 7 Prior to commencement of a construction project, the developer shall apply to the construction administrative authorities of a People's Government of county level and above at the location of the project for a construction permit pursuant to the relevant provisions of the State, except for small projects below the limit determined by the construction administrative authorities of the State Council.

按照国务院规定的权限和程序批准开工报告的建筑工程，不再领取施工许可证。

For any construction project for which the report on the start of construction has been approved in accordance with the powers and procedures specified by the State Council, the construction entity concerned shall not be required to apply for a construction permit.

第八条   申请领取施工许可证，应当具备下列条件：

Article 8 Application for a construction permit shall meet the following conditions:

（一）已经办理该建筑工程用地批准手续；

1. The formalities for the approval of land use for the construction project have been completed;

（二）依法应当办理建设工程规划许可证的，已经取得建设工程规划许可证；

(II) a planning permit for construction project has been obtained where required by law;

（三）需要拆迁的，其拆迁进度符合施工要求；

(III) In case of necessity of demolition, the progress of demolition shall comply with the requirements of construction;

（四）已经确定建筑施工企业；

(IV) Having determined the construction enterprise;

（五）有满足施工需要的资金安排、施工图纸及技术资料；

(V) Having the fund arrangement, construction drawings and technical materials needed for construction;

（六）有保证工程质量和安全的具体措施。

(VI) Having concrete measures for ensuring project quality and safety.

建设行政主管部门应当自收到申请之日起七日内，对符合条件的申请颁发施工许可证。

The construction administrative authorities shall issue a construction permit for applications which satisfy the criteria within seven days from the date of receipt of an application.

第九条   建设单位应当自领取施工许可证之日起三个月内开工。因故不能按期开工的，应当向发证机关申请延期；延期以两次为限，每次不超过三个月。既不开工又不申请延期或者超过延期时限的，施工许可证自行废止。

Article 9 The construction entity shall start construction within three months of the date on which it obtains the construction permit. For inability to start the construction in time due to unforeseen reasons, an application for extension shall be filed with the permit issuing authority; there shall be no more than two extensions and each extension shall not exceed three months. If the construction entity neither starts construction nor applies for extension or exceeds the extension period, the construction permit shall be automatically repealed.

第十条   在建的建筑工程因故中止施工的，建设单位应当自中止施工之日起一个月内，向发证机关报告，并按照规定做好建筑工程的维护管理工作。

Article 10 For suspension of construction of a construction project under construction due to unforeseen reasons, the construction unit shall, within one month from the date of suspension of the construction, submit a report to the permit-issuing organ and carry out maintenance and administration of the construction project in accordance with rules.

建筑工程恢复施工时，应当向发证机关报告；中止施工满一年的工程恢复施工前，建设单位应当报发证机关核验施工许可证。

When the construction project resumes construction, a report shall be submitted to the permit issuing authorities; before a project which has suspended construction for a year resumes construction, the developer shall apply to the permit issuing authorities for verification of the construction permit.

第十一条   按照国务院有关规定批准开工报告的建筑工程，因故不能按期开工或者中止施工的，应当及时向批准机关报告情况。因故不能按期开工超过六个月的，应当重新办理开工报告的批准手续。

Article 11 For inability to start construction in time or suspension of construction due to unforeseen reasons, a construction project the report for the start of construction of which has been approved pursuant to the relevant provisions of the State Council shall submit a report to the approval authority in time on the situation. If, for some reason, work cannot begin on schedule and is delayed for more than six (6) months, the applicant must undertake the approval procedures for the work commencement report again.

第二节 从 业 资 格

Section 2 Qualification

第十二条   从事建筑活动的建筑施工企业、勘察单位、设计单位和工程监理单位，应当具备下列条件：

Article 12 Construction enterprises, survey units, design units and project supervision units engaging in construction activities shall satisfy the following criteria:

（一）有符合国家规定的注册资本；

1. Having registered capital conforming to state provisions;

（二）有与其从事的建筑活动相适应的具有法定执业资格的专业技术人员；

(II) Having specialized technical personnel with qualifications for legal operations commensurate with the construction activities engaged in;

（三）有从事相关建筑活动所应有的技术装备；

(III) Having technical equipment for engaging in related construction activities; and

（四）法律、行政法规规定的其他条件。

(IV) Other conditions prescribed by laws and administrative regulations.

第十三条   从事建筑活动的建筑施工企业、勘察单位、设计单位和工程监理单位，按照其拥有的注册资本、专业技术人员、技术装备和已完成的建筑工程业绩等资质条件，划分为不同的资质等级，经资质审查合格，取得相应等级的资质证书后，方可在其资质等级许可的范围内从事建筑活动。

Article 13 Construction enterprises, survey units, design units and project supervision units engaging in construction activities shall be classified under different qualification grade based on qualification criteria such as their registered capital, technical professionals, technical equipment owned and track records of completed construction projects, etc, and may engage in construction activities within the scope permitted by their qualification grade upon passing examination of qualifications and obtaining the qualification certificate of corresponding grade.

第十四条   从事建筑活动的专业技术人员，应当依法取得相应的执业资格证书，并在执业资格证书许可的范围内从事建筑活动。

Article 14 Technical professionals engaging in construction activities shall obtain the corresponding practice qualification certificate pursuant to the law, and engage in construction activities within the scope permitted by the practice qualification certificate.

第三章 建筑工程发包与承包

Chapter III Contract Issuance and Contracting of Construction Projects

第一节 一 般 规 定

Section 1 GENERAL PROVISIONS

第十五条   建筑工程的发包单位与承包单位应当依法订立书面合同，明确双方的权利和义务。

Article 15 The contract-awarding unit and the contractor of a construction project shall enter into a written contract pursuant to the law to specify the rights and obligations of both parties.

发包单位和承包单位应当全面履行合同约定的义务。不按照合同约定履行义务的，依法承担违约责任。

The awarding organisation and the contractor shall perform the obligations agreed in the contract fully. Where any party fails to perform the obligations in accordance with the contract, the said party shall be liable for breach of contract in accordance with the law.

第十六条   建筑工程发包与承包的招标投标活动，应当遵循公开、公正、平等竞争的原则，择优选择承包单位。

Article 16 Invitation to tender and bidding of the tender of contract issuance and contracting of a construction project shall follow the principle of openness, fairness and equal competition and the contracting unit shall be selected on merit.

建筑工程的招标投标，本法没有规定的，适用有关招标投标法律的规定。

For invitation to tender and bidding of the tender of construction projects not prescribed in this Law, provisions of laws relating to invitation to tender and bidding of the tender shall apply.

第十七条   发包单位及其工作人员在建筑工程发包中不得收受贿赂、回扣或者索取其他好处。

Article 17 A contract issuing unit and its staff members, in the contract issuance of a construction project, shall not accept bribes and commissions or seek other benefits.

承包单位及其工作人员不得利用向发包单位及其工作人员行贿、提供回扣或者给予其他好处等不正当手段承揽工程。

A contractor and its employees must not offer a contract issuer bribes or commissions, give other benefits or use other improper means to contract a project.

第十八条   建筑工程造价应当按照国家有关规定，由发包单位与承包单位在合同中约定。公开招标发包的，其造价的约定，须遵守招标投标法律的规定。

Article 18. The cost of a construction project must be agreed on in the contract by the contract issuer and the contractor in accordance with relevant State regulations. For projects subject to public bidding, the construction cost shall be agreed upon in line with the provisions of the tendering law.

发包单位应当按照合同的约定，及时拨付工程款项。

The contract-awarding unit shall promptly make project payments pursuant to the provisions of the contract.

第二节 发 包

Section 2 Contracting-Out

第十九条   建筑工程依法实行招标发包，对不适于招标发包的可以直接发包。

Article 19 Construction projects shall practice contract issuance by invitation to tender in accordance with law; those construction projects not suitable for contract issuance by invitation to tender may adopt direct contract issuance.

第二十条   建筑工程实行公开招标的，发包单位应当依照法定程序和方式，发布招标公告，提供载有招标工程的主要技术要求、主要的合同条款、评标的标准和方法以及开标、评标、定标的程序等内容的招标文件。

Article 20 For a construction project for invitation to open tender, the contract issuing unit shall, pursuant to the legal procedures and mode, publish a tender notice providing tender documents carrying such contents as major technical requirements of the project open to tender, main articles of the contract, standards and methods of bid evaluation as well as procedures of bid opening, bid evaluation and bid finalization.

开标应当在招标文件规定的时间、地点公开进行。开标后应当按照招标文件规定的评标标准和程序对标书进行评价、比较，在具备相应资质条件的投标者中，择优选定中标者。

Bid opening shall be carried out in public at the time and place specified in the tender documents. After the opening of tenders, all tender documents shall be evaluated and compared in accordance with the evaluation standards and procedures as stipulated in the tender documents. The tenderer with the appropriate qualifications shall be selected as the winning tenderer on merit.

第二十一条   建筑工程招标的开标、评标、定标由建设单位依法组织实施，并接受有关行政主管部门的监督。

Article 21. A construction unit will organise the implementation of the opening of tenders, tender evaluation and tender selection for a construction project in accordance with the law and will accept supervision from the relevant department in charge of administration.

第二十二条   建筑工程实行招标发包的，发包单位应当将建筑工程发包给依法中标的承包单位。建筑工程实行直接发包的，发包单位应当将建筑工程发包给具有相应资质条件的承包单位。

Article 22 For a construction project following contract issuance through tender, the contract issuing unit shall award the contract of the construction project to the contracting unit winning the bid in accordance with law. For a construction project following direct contract issuance, the contract issuing unit shall award the contract of the construction project to the contracting unit with corresponding human quality qualifications.

第二十三条   政府及其所属部门不得滥用行政权力，限定发包单位将招标发包的建筑工程发包给指定的承包单位。

Article 23 The Government and its subordinate departments shall not abuse their administrative powers in restricting contract issuing units in awarding contracts of construction projects following contract issuance through tenders to designated contracting units.

第二十四条   提倡对建筑工程实行总承包，禁止将建筑工程肢解发包。

Article 24 General contracting of construction projects shall be encouraged and dismemberment of contract issuance of construction projects shall be prohibited.

建筑工程的发包单位可以将建筑工程的勘察、设计、施工、设备采购一并发包给一个工程总承包单位，也可以将建筑工程勘察、设计、施工、设备采购的一项或者多项发包给一个工程总承包单位；但是，不得将应当由一个承包单位完成的建筑工程肢解成若干部分发包给几个承包单位。

The contract-awarding unit of a construction project may award the contract for the construction project's survey, design, construction and procurement of equipment to a general contractor of the project or award one contract or several contracts for the construction project's survey, design, construction and procurement of equipment to a general contractor of the project; but shall not break up a construction project which should be completed by a contractor into several parts to award several contracts to several contractors.

第二十五条   按照合同约定，建筑材料、建筑构配件和设备由工程承包单位采购的，发包单位不得指定承包单位购入用于工程的建筑材料、建筑构配件和设备或者指定生产厂、供应商。

Article 25 For building materials, building structural pieces and parts and equipment to be procured by the contracting unit of the project pursuant to the agreement in the contract, the contract issuing unit shall not designate the contracting unit in the procurement of building materials, building structural pieces and parts and equipment for the project, nor shall it designate the manufacturers and suppliers of the same.

第三节 承 包

Section 3 Contract

第二十六条   承包建筑工程的单位应当持有依法取得的资质证书，并在其资质等级许可的业务范围内承揽工程。

Article 26 The contracting units of construction projects shall contract projects with human quality certificates obtained in accordance with law and within the business scope permitted by their human quality grades.

禁止建筑施工企业超越本企业资质等级许可的业务范围或者以任何形式用其他建筑施工企业的名义承揽工程。禁止建筑施工企业以任何形式允许其他单位或者个人使用本企业的资质证书、营业执照，以本企业的名义承揽工程。

Building construction enterprises shall be prohibited to contract projects beyond the business scope permitted by their respective human quality grades or in the name of other Building construction enterprises in any form. Construction enterprises shall be prohibited from allowing another organisation or individual to use their qualification certificate or business licence to contract projects in any form in their name.

第二十七条   大型建筑工程或者结构复杂的建筑工程，可以由两个以上的承包单位联合共同承包。共同承包的各方对承包合同的履行承担连带责任。

Article 27 Large construction projects or structurally complex construction projects may be jointly contracted by two or more contractors. Parties to joint project contracting shall bear joint responsibilities for the implementation of the contract.

两个以上不同资质等级的单位实行联合共同承包的，应当按照资质等级低的单位的业务许可范围承揽工程。

In the case of a joint contract by more than two units with different human quality grades, the project shall be contracted in accordance with the scope of business permit of the unit with lower human quality grade.

第二十八条   禁止承包单位将其承包的全部建筑工程转包给他人，禁止承包单位将其承包的全部建筑工程肢解以后以分包的名义分别转包给他人。

Article 28 Subcontracting to others of the entire construction project contracted by the contracting unit shall be prohibited. Subcontracting to others in the name of subcontracting after dismemberment of the entire construction project contracted by the contracting unit shall be prohibited.

第二十九条   建筑工程总承包单位可以将承包工程中的部分工程发包给具有相应资质条件的分包单位；但是，除总承包合同中约定的分包外，必须经建设单位认可。施工总承包的，建筑工程主体结构的施工必须由总承包单位自行完成。

Article 29 The general contracting unit of a construction project may award contracts of parts of the contracted project to subcontracting units with corresponding human quality qualifications; however, except for the subcontracting agreed upon in the general contracting contract, acknowledgement of the construction unit shall be obtained. With regard to overall project contracting, the construction of the main structure of the project shall be completed by the overall contracting units.

建筑工程总承包单位按照总承包合同的约定对建设单位负责；分包单位按照分包合同的约定对总承包单位负责。总承包单位和分包单位就分包工程对建设单位承担连带责任。

The general contractor of the construction project shall be accountable to the developer pursuant to the agreement in the turnkey contract; subcontractors shall be accountable to the general contractor pursuant to the agreement in the subcontract. The general contractor and the subcontractors will bear joint and several liability to the construction unit in respect of the subcontracted work.

禁止总承包单位将工程分包给不具备相应资质条件的单位。禁止分包单位将其承包的工程再分包。

The general contractor shall be prohibited from subcontracting a project to units which do not possess the corresponding qualifications. Subcontractors shall be prohibited from further subcontracting their subcontracted work.

第四章 建筑工程监理

Chapter IV Construction Project Supervision and Control

第三十条   国家推行建筑工程监理制度。

Article 30 The State practices the construction project supervision and control system.

国务院可以规定实行强制监理的建筑工程的范围。

The State Council may stipulate the scope of construction projects for mandatory supervision.

第三十一条   实行监理的建筑工程，由建设单位委托具有相应资质条件的工程监理单位监理。建设单位与其委托的工程监理单位应当订立书面委托监理合同。

Article 31 Construction projects which implement supervision shall be supervised by a project supervision unit with the corresponding qualification criteria entrusted by the developer. The developer and the entrusted project supervision unit shall enter into a written contract for entrusted supervision.

第三十二条   建筑工程监理应当依照法律、行政法规及有关的技术标准、设计文件和建筑工程承包合同，对承包单位在施工质量、建设工期和建设资金使用等方面，代表建设单位实施监督。

Article 32 Construction project supervision shall comply with laws, administrative regulations and the relevant technical standards, design documents and the construction project contract, and supervision shall be implemented on behalf of the developer for construction quality, construction period and use of construction funds by the contractor, etc.

工程监理人员认为工程施工不符合工程设计要求、施工技术标准和合同约定的，有权要求建筑施工企业改正。

When project supervising personnel think the construction work is not in line with the requirements of project design, technical standards for construction and the terms of the contracts, they have the right to demand corrections from the construction units.

工程监理人员发现工程设计不符合建筑工程质量标准或者合同约定的质量要求的，应当报告建设单位要求设计单位改正。

Project supervision personnel shall report to the developer the requirement for the design unit to make correction upon discovery that the project design does not comply with the construction project quality standards or the quality requirements agreed in the contract.

第三十三条   实施建筑工程监理前，建设单位应当将委托的工程监理单位、监理的内容及监理权限，书面通知被监理的建筑施工企业。

Article 33 Prior to implementation of construction project supervision, the developer shall notify the construction enterprise subject to supervision in writing of the entrusted project supervision unit, supervision contents and supervision authority.

第三十四条   工程监理单位应当在其资质等级许可的监理范围内，承担工程监理业务。

Article 34 An engineering supervision and control unit shall undertake engineering supervision and control business within the scope of supervision and control permitted for its human quality grade.

工程监理单位应当根据建设单位的委托，客观、公正地执行监理任务。

Project supervision units shall execute supervision tasks pursuant to the entrustment of the developer in an objective and fair manner.

工程监理单位与被监理工程的承包单位以及建筑材料、建筑构配件和设备供应单位不得有隶属关系或者其他利害关系。

A project supervision unit shall not be affiliated with or be a stakeholder in the contractor of the project under supervision as well as the suppliers of the construction materials, structural components and fittings and equipment.

工程监理单位不得转让工程监理业务。

No project supervision entity may transfer any project supervision services.

第三十五条   工程监理单位不按照委托监理合同的约定履行监理义务，对应当监督检查的项目不检查或者不按照规定检查，给建设单位造成损失的，应当承担相应的赔偿责任。

Article 35 Project supervision units which failed to perform supervision obligations pursuant to the agreement in the entrusted supervision contract or failed to inspect the items which should be supervised and inspected or failed to inspect the items which should be supervised and inspected pursuant to the provisions and cause the developer to suffer losses shall bear the corresponding compensation liability.

工程监理单位与承包单位串通，为承包单位谋取非法利益，给建设单位造成损失的，应当与承包单位承担连带赔偿责任。

A project supervision unit which conspires with a contractor to seek illegal gains for the contractor and causes the developer to suffer losses shall bear compensation liability jointly and severally with the contractor.

第五章 建筑安全生产管理

Chapter 5 Construction Production Safety Management

第三十六条   建筑工程安全生产管理必须坚持安全第一、预防为主的方针，建立健全安全生产的责任制度和群防群治制度。

Article 36 Construction project production safety management must adhere to the policy of safety first and prevention foremost, establish and perfect the responsibility system of production safety and the system of prevention and treatment by the masses.

第三十七条   建筑工程设计应当符合按照国家规定制定的建筑安全规程和技术规范，保证工程的安全性能。

Article 37 Construction project design shall comply with the construction safety procedures and technical specifications stipulated and formulated by the State to ensure safety performance of the project.

第三十八条   建筑施工企业在编制施工组织设计时，应当根据建筑工程的特点制定相应的安全技术措施；对专业性较强的工程项目，应当编制专项安全施工组织设计，并采取安全技术措施。

Article 38 A building construction enterprise shall work out corresponding safety technical measures according to the characteristics of the construction project in the compilation of design for construction organization; for specialty-intensive projects, design for special-purpose safety construction organization shall be compiled and safety technical measures taken.

第三十九条   建筑施工企业应当在施工现场采取维护安全、防范危险、预防火灾等措施；有条件的，应当对施工现场实行封闭管理。

Article 39 Construction enterprises shall adopt measures for maintenance of safety, prevention of dangers, fire disasters, etc at construction sites; where the conditions allow, construction sites shall implement closed-off management.

施工现场对毗邻的建筑物、构筑物和特殊作业环境可能造成损害的，建筑施工企业应当采取安全防护措施。

When the construction site may cause damages to the adjacent buildings, structures and special operating environment, the construction enterprises shall adopt safety and preventive measures.

第四十条   建设单位应当向建筑施工企业提供与施工现场相关的地下管线资料，建筑施工企业应当采取措施加以保护。

Article 40 The developer shall provide underground pipeline information relating to the construction site to the construction enterprise, the construction enterprise shall adopt measures for protection.

第四十一条   建筑施工企业应当遵守有关环境保护和安全生产的法律、法规的规定，采取控制和处理施工现场的各种粉尘、废气、废水、固体废物以及噪声、振动对环境的污染和危害的措施。

Article 41 The building construction enterprise shall abide by the provisions of the laws and regulations relating to environmental protection and safety in production and take control and disposal measures at the construction site of various kinds of dust, waste gas, waste water, solid waste as well as noise, vibration polluting and damaging the environment.

第四十二条   有下列情形之一的，建设单位应当按照国家有关规定办理申请批准手续：

Article 42 A construction unit shall, pursuant to the relevant state provisions, go through the formalities of application for approval in case of any of the following circumstances:

（一）需要临时占用规划批准范围以外场地的；

1. Need of temporarily occupying places outside the approved planned scope;

（二）可能损坏道路、管线、电力、邮电通讯等公共设施的；

(II) Possibility of damaging such public facilities as roads, pipes and cables, electricity, postal service and telecommunications;

（三）需要临时停水、停电、中断道路交通的；

(III) Need of temporary suspension of water, power and road traffic;

（四）需要进行爆破作业的；

(IV) Need to conduct blasting operation; and

（五）法律、法规规定需要办理报批手续的其他情形。

(V) Other circumstances required by laws and regulations.

第四十三条   建设行政主管部门负责建筑安全生产的管理，并依法接受劳动行政主管部门对建筑安全生产的指导和监督。

Article 43 The competent department of construction administration shall be responsible for the administration of construction safety in production and subject to the guidance and supervision of the competent department of labor in construction safety in production in accordance with law.

第四十四条   建筑施工企业必须依法加强对建筑安全生产的管理，执行安全生产责任制度，采取有效措施，防止伤亡和其他安全生产事故的发生。

Article 44 A building construction enterprise must, in accordance with law, strengthen construction safety production management, implement the safety production responsibility system and take effective measures to prevent casualties and other accidents in safety production from taking place.

建筑施工企业的法定代表人对本企业的安全生产负责。

The legal representative of a building construction enterprise will be responsible for work safety within the enterprise.

第四十五条   施工现场安全由建筑施工企业负责。实行施工总承包的，由总承包单位负责。分包单位向总承包单位负责，服从总承包单位对施工现场的安全生产管理。

Article 45 Construction enterprises are responsible for the safety at construction sites. The overall contraction unit shall be responsible for the fire safety of a construction project under the general contracting. Subcontractors will be responsible to the general contractor and must obey the work safety management measures of the general contractor in respect of a construction site.

第四十六条   建筑施工企业应当建立健全劳动安全生产教育培训制度，加强对职工安全生产的教育培训；未经安全生产教育培训的人员，不得上岗作业。

Article 46 Building construction enterprises shall establish and perfect the educational training system of safety in labor and production, step up the education and training of workers and staff members in safety in production; no personnel without undergoing education and training in safety in production shall take up posts in operations.

第四十七条   建筑施工企业和作业人员在施工过程中，应当遵守有关安全生产的法律、法规和建筑行业安全规章、规程，不得违章指挥或者违章作业。作业人员有权对影响人身健康的作业程序和作业条件提出改进意见，有权获得安全生产所需的防护用品。作业人员对危及生命安全和人身健康的行为有权提出批评、检举和控告。

Article 47 Building construction enterprises and their personnel shall, in the process of construction, abide by the laws and regulations relating to safety in production and safety rules and regulations of the construction industry, and shall not give command in contravention of regulations or operate in contravention of regulations. Working personnel are entitled to forward proposals for improving the operating programs and conditions which adversely affect health and to obtain protective equipment as required for safe operation. Working personnel shall have the right to criticise, inform against and bring charges against acts endangering life and health.

第四十八条   建筑施工企业应当依法为职工参加工伤保险缴纳工伤保险费。鼓励企业为从事危险作业的职工办理意外伤害保险，支付保险费。

Article 48 Construction enterprises shall contribute work injury insurance premiums for employees participating in work injury insurance pursuant to the law. Enterprises shall be encouraged to take out accident insurance and pay premiums for employees engaging in dangerous operation.

第四十九条   涉及建筑主体和承重结构变动的装修工程，建设单位应当在施工前委托原设计单位或者具有相应资质条件的设计单位提出设计方案；没有设计方案的，不得施工。

Article 49 For renovation which involves changes to the main structure of a building and its load- bearing structure, the developer shall, prior to construction, entrust the original design unit or a design unit which possesses the corresponding qualification criteria to propose a design scheme; no construction shall be carried out without a design scheme.

第五十条   房屋拆除应当由具备保证安全条件的建筑施工单位承担，由建筑施工单位负责人对安全负责。

Article 50 Demolition of building shall be undertaken by a construction unit which is able to ensure safety and the person-in-charge of the construction unit shall be responsible for the safety.

第五十一条   施工中发生事故时，建筑施工企业应当采取紧急措施减少人员伤亡和事故损失，并按照国家有关规定及时向有关部门报告。

Article 51 In the event of an accident in the process of construction, the building construction enterprise shall take emergency measures to reduce casualties of personnel and losses caused by the accident, and submit a report in time to the departments concerned pursuant to relevant state provisions.

第六章 建筑工程质量管理

Chapter 6 Quality Management of Construction Projects

第五十二条   建筑工程勘察、设计、施工的质量必须符合国家有关建筑工程安全标准的要求，具体管理办法由国务院规定。

Article 52. The quality of a construction project's survey, design and construction work must meet the requirements of the State's safety standards for construction projects. The State Council will stipulate detailed administrative measures.

有关建筑工程安全的国家标准不能适应确保建筑安全的要求时，应当及时修订。

State standards for construction project safety must be amended in a timely fashion if they are unable to guarantee construction safety.

第五十三条   国家对从事建筑活动的单位推行质量体系认证制度。从事建筑活动的单位根据自愿原则可以向国务院产品质量监督管理部门或者国务院产品质量监督管理部门授权的部门认可的认证机构申请质量体系认证。经认证合格的，由认证机构颁发质量体系认证证书。

Article 53 The State implements quality certification system for organisations engaging in construction activities. Units engaging in construction activities may, in accordance with the principle of voluntarism, apply for quality system authentication to authentication agencies acknowledged by the department of product quality supervision administration under the State Council or by the authorized departments of the department of product quality supervision administration under the State Council. Authentication agencies shall issue quality authentication certificates to those who pass the authentication.

第五十四条   建设单位不得以任何理由，要求建筑设计单位或者建筑施工企业在工程设计或者施工作业中，违反法律、行政法规和建筑工程质量、安全标准，降低工程质量。

Article 54 No construction unit shall, with whatever reasons, ask the building design unit or building construction enterprise to lower the project quality in project design or construction operations in violation of the laws, administrative regulations and quality and safety standards of construction projects.

建筑设计单位和建筑施工企业对建设单位违反前款规定提出的降低工程质量的要求，应当予以拒绝。

The building design unit and building construction enterprise shall refuse the request of a developer for lowering project quality in violation of the provisions of the preceding paragraph.

第五十五条   建筑工程实行总承包的，工程质量由工程总承包单位负责，总承包单位将建筑工程分包给其他单位的，应当对分包工程的质量与分包单位承担连带责任。分包单位应当接受总承包单位的质量管理。

Article 55 For a construction project under general contract, the general contracting unit shall be responsible for the project quality. In the case of the general contracting unit subcontracting out the construction project to other units, the former shall bear joint responsibility with the subcontracting units of the quality of the subcontracted projects. Subcontractors shall accept quality management by the general contractor.

第五十六条   建筑工程的勘察、设计单位必须对其勘察、设计的质量负责。勘察、设计文件应当符合有关法律、行政法规的规定和建筑工程质量、安全标准、建筑工程勘察、设计技术规范以及合同的约定。设计文件选用的建筑材料、建筑构配件和设备，应当注明其规格、型号、性能等技术指标，其质量要求必须符合国家规定的标准。

Article 56 The survey and design units of a construction project shall be responsible for the quality of their survey and design. Survey and design documents shall comply with the provisions of the relevant laws and administrative regulations and construction project quality and safety standards, construction project survey and design technical specifications and the contractual agreement. Such technical indexes as the specifications, types and performance of the construction materials, components, fittings and equipment selected in the design documents shall be indicated and their quality requirements shall conform to the standards prescribed by the State.

第五十七条   建筑设计单位对设计文件选用的建筑材料、建筑构配件和设备，不得指定生产厂、供应商。

Article 57 No building design unit shall designate manufacturers or suppliers of the building materials, building structural pieces and parts and equipment selected in the design documents.

第五十八条   建筑施工企业对工程的施工质量负责。

Article 58 Construction enterprises are responsible for the quality of construction projects.

建筑施工企业必须按照工程设计图纸和施工技术标准施工，不得偷工减料。工程设计的修改由原设计单位负责，建筑施工企业不得擅自修改工程设计。

Construction enterprises must carry out construction operation in accordance with design drawings of projects and construction technical standards, and shall not cheat on work and materials. The original design unit shall be responsible for amendment of project design, the construction enterprise shall not amend project design arbitrarily.

第五十九条   建筑施工企业必须按照工程设计要求、施工技术标准和合同的约定，对建筑材料、建筑构配件和设备进行检验，不合格的不得使用。

Article 59 Construction enterprises shall inspect construction materials, structural components and fittings and equipment pursuant to project design requirements, construction technical standards and contractual agreement, and shall not use construction materials, structural components and fittings and equipment which do not pass inspection.

第六十条   建筑物在合理使用寿命内，必须确保地基基础工程和主体结构的质量。

Article 60 A building must ensure the quality of its ground foundation project and the main part of the structure within its life expectancy of rational use.

建筑工程竣工时，屋顶、墙面不得留有渗漏、开裂等质量缺陷；对已发现的质量缺陷，建筑施工企业应当修复。

Upon completion of a construction project, there shall not be any quality defects such as leaks or cracks in the roofs and walls; the construction enterprise shall repair such quality defects, if found.

第六十一条   交付竣工验收的建筑工程，必须符合规定的建筑工程质量标准，有完整的工程技术经济资料和经签署的工程保修书，并具备国家规定的其他竣工条件。

Article 61 A completed construction project which is delivered for acceptance inspection shall comply with the stipulated construction project quality standards, there shall be complete technical and economic data of the project and a signed project warranty, and other completion criteria stipulated by the State shall be satisfied.

建筑工程竣工经验收合格后，方可交付使用；未经验收或者验收不合格的，不得交付使用。

A construction project may only be delivered for use upon passing acceptance inspection; construction projects which have not undergone acceptance inspection or do not pass acceptance inspection shall not be delivered for use.

第六十二条   建筑工程实行质量保修制度。

Article 62 Construction projects practice the quality warranty system.

建筑工程的保修范围应当包括地基基础工程、主体结构工程、屋面防水工程和其他土建工程，以及电气管线、上下水管线的安装工程，供热、供冷系统工程等项目；保修的期限应当按照保证建筑物合理寿命年限内正常使用，维护使用者合法权益的原则确定。具体的保修范围和最低保修期限由国务院规定。

The scope of warranty of a construction project shall include the ground foundation project, main structural project, roof waterproofing project and other civil engineering projects as well as installation projects of electrical wiring and water piping and drainage and projects of the heating and cooling systems; the warranty period shall be determined in accordance with the principles of ensuring normal use of the building within its reasonable lifespan and safeguarding the legitimate rights and interests of users. The specific scope of warranty and minimum warranty period shall be stipulated by the State Council.

第六十三条   任何单位和个人对建筑工程的质量事故、质量缺陷都有权向建设行政主管部门或者其他有关部门进行检举、控告、投诉。

Article 63 Any unit or individual has the right to report to, file a charge or lodge a complaint with the competent department of construction administration or other departments concerned about quality accidents and quality defects of construction projects.

第七章 法 律 责 任

Chapter 7 Legal Liability

第六十四条   违反本法规定，未取得施工许可证或者开工报告未经批准擅自施工的，责令改正，对不符合开工条件的责令停止施工，可以处以罚款。

Article 64 For construction on one's own without obtaining a building permit or without obtaining approval of the report for the start of construction in violation of the provisions of this Law, an order shall be issued for making corrections; that which does not conform to the conditions for the start of construction shall be ordered to stop construction and may be imposed a fine.

第六十五条   发包单位将工程发包给不具有相应资质条件的承包单位的，或者违反本法规定将建筑工程肢解发包的，责令改正，处以罚款。

Article 65 Contract-awarding units which award contracts to contractors which do not possess the corresponding qualification criteria or violate the provisions of this Law in breaking up a construction project for awarding contracts shall be ordered to make correction and be subject to a fine.

超越本单位资质等级承揽工程的，责令停止违法行为，处以罚款，可以责令停业整顿，降低资质等级；情节严重的，吊销资质证书；有违法所得的，予以没收。

For contracting a project beyond the human quality grade of the unit, the violator shall be ordered to stop the illegal act and imposed a fine, it may be ordered to suspend operations for consolidation and lower its human quality grade; where the circumstances are serious, its human quality certificate shall be revoked; where there are illegal gains, they shall be confiscated.

未取得资质证书承揽工程的，予以取缔，并处罚款；有违法所得的，予以没收。

Contractors contracting projects without obtaining a qualification certificate shall be banned and be subject to a fine; illegal income, if any, shall be confiscated.

以欺骗手段取得资质证书的，吊销资质证书，处以罚款；构成犯罪的，依法追究刑事责任。

If a unit uses fraudulent means to obtain a credentials certificate, its credentials certificate will be revoked and a fine will be imposed. If the case constitutes a crime, criminal liability will be pursued in accordance with the law.

第六十六条   建筑施工企业转让、出借资质证书或者以其他方式允许他人以本企业的名义承揽工程的，责令改正，没收违法所得，并处罚款，可以责令停业整顿，降低资质等级；情节严重的，吊销资质证书。对因该项承揽工程不符合规定的质量标准造成的损失，建筑施工企业与使用本企业名义的单位或者个人承担连带赔偿责任。

Article 66 Any building construction enterprise that transfers or lends its human quality certificate or permits others to contract a project in the name of the enterprise in other forms shall be ordered to make a rectification, its illegal gains shall be confiscated and a fine imposed, and may be ordered to suspend operations for consolidation and lower its human quality grade; where the circumstances are serious, the human quality certificate shall be revoked. For losses resulting from non-compliance with the stipulated quality standards for the said contracted project, the construction enterprise and the organisation or individual that uses the enterprise's name shall bear compensation liability jointly and severally.

第六十七条   承包单位将承包的工程转包的，或者违反本法规定进行分包的，责令改正，没收违法所得，并处罚款，可以责令停业整顿，降低资质等级；情节严重的，吊销资质证书。

Article 67 Any contracting unit that subcontracts its contracted project or subcontracts it in violation of the provisions of this Law shall be ordered to make a rectification, its illegal gains shall be confiscated, and a fine imposed, may be ordered to suspend operations for consolidation and lower its human quality grade; where the circumstances are serious, the human quality certificate shall be revoked.

承包单位有前款规定的违法行为的，对因转包工程或者违法分包的工程不符合规定的质量标准造成的损失，与接受转包或者分包的单位承担连带赔偿责任。

Contractors guilty of committing an illegal act stipulated in the preceding paragraph shall bear compensation liability jointly and severally with the transferee unit or subcontractor unit for losses resulting from the non-compliance of the transferred project or illegally subcontracted project with the stipulated quality standards.

第六十八条   在工程发包与承包中索贿、受贿、行贿，构成犯罪的，依法追究刑事责任；不构成犯罪的，分别处以罚款，没收贿赂的财物，对直接负责的主管人员和其他直接责任人员给予处分。

Article 68 Whoever seeks bribes, accepts bribes or gives bribes in issuing contract of a project or contracting a project shall, if a crime has been constituted, be investigated of criminal liability; where a crime has not been constituted, fines shall be imposed separately, property of bribes confiscated, and sanctions imposed on the person-in-charge held directly responsible and other persons directly responsible.

对在工程承包中行贿的承包单位，除依照前款规定处罚外，可以责令停业整顿，降低资质等级或者吊销资质证书。

In addition to the penalties prescribed in the preceding paragraph, any contracting unit that gives bribes in the contracting of a project may be ordered to suspend operations for consolidation, lower its human quality grade or its human quality certificate revoked.

第六十九条   工程监理单位与建设单位或者建筑施工企业串通，弄虚作假、降低工程质量的，责令改正，处以罚款，降低资质等级或者吊销资质证书；有违法所得的，予以没收；造成损失的，承担连带赔偿责任；构成犯罪的，依法追究刑事责任。

Article 69 Any project supervision and control unit that acts in collusion with the construction unit or building construction enterprise, practising fraud and lowering project quality shall be ordered to make a rectification, imposed a fine and its human quality grade shall be lowered or the human quality certificate revoked; where there are illegal gains, they shall be confiscated; where losses have been caused, joint responsibility for compensation shall be borne; where a crime has been constituted, criminal liability shall be investigated according to law.

工程监理单位转让监理业务的，责令改正，没收违法所得，可以责令停业整顿，降低资质等级；情节严重的，吊销资质证书。

Any project supervision and control unit that transfers its supervision and control business shall be ordered to make a rectification, its illegal gains shall be confiscated, it may be ordered to suspend operations for consolidation and lower its human quality grade; where the circumstances are serious, the human quality certificate shall be revoked.

第七十条   违反本法规定，涉及建筑主体或者承重结构变动的装修工程擅自施工的，责令改正，处以罚款；造成损失的，承担赔偿责任；构成犯罪的，依法追究刑事责任。

Article 70 Any construction of a decoration project without authorization involving the main part of a building or changes in the weight- bearing structure in violation of the provisions of this Law shall be ordered to make a rectification and imposed a fine; where losses have been caused, liability for compensation shall be borne; where a crime has been constituted, criminal liability shall be investigated according to law.

第七十一条   建筑施工企业违反本法规定，对建筑安全事故隐患不采取措施予以消除的，责令改正，可以处以罚款；情节严重的，责令停业整顿，降低资质等级或者吊销资质证书；构成犯罪的，依法追究刑事责任。

Article 71 Any building construction enterprise that fails to take measures to eliminate the hidden causes of safety accidents in construction in violation of the provisions of this Law shall be ordered to make a rectification and may be imposed a fine; where the circumstances are serious, it shall be ordered to suspend operations for consolidation and lower its human quality grade or its human quality certificate shall be revoked; where a crime has been constituted, criminal liability shall be investigated according to law.

建筑施工企业的管理人员违章指挥、强令职工冒险作业，因而发生重大伤亡事故或者造成其他严重后果的，依法追究刑事责任。

The management personnel of a building construction enterprise who violate rules and regulations by directing or ordering employees to carry out dangerous work will have their criminal liability pursued in accordance with the law if their actions result in an accident where there are serious injuries or fatalities or other serious consequences.

第七十二条   建设单位违反本法规定，要求建筑设计单位或者建筑施工企业违反建筑工程质量、安全标准，降低工程质量的，责令改正，可以处以罚款；构成犯罪的，依法追究刑事责任。

Article 72 Any construction unit that asks the building design unit or building construction enterprise to lower project quality in contravention of construction project quality and safety standards in violation of the provisions of this Law shall be ordered to make a rectification and may be imposed a fine; where a crime has been constituted, criminal liability shall be investigated according to law.

第七十三条   建筑设计单位不按照建筑工程质量、安全标准进行设计的，责令改正，处以罚款；造成工程质量事故的，责令停业整顿，降低资质等级或者吊销资质证书，没收违法所得，并处罚款；造成损失的，承担赔偿责任；构成犯罪的，依法追究刑事责任。

Article 73 Any building design unit that fails to design in accordance with construction project quality and safety standards shall be ordered to make a rectification and imposed a fine; the unit that has caused an accident in project quality shall be ordered to suspend operations for consolidation, lower its human quality grade or its human quality certificate shall be revoked, the illegal gains confiscated and a fine imposed; where losses have been caused, liability for compensation shall be borne; where a crime has been constituted, criminal liability shall be investigated according to law.

第七十四条   建筑施工企业在施工中偷工减料的，使用不合格的建筑材料、建筑构配件和设备的，或者有其他不按照工程设计图纸或者施工技术标准施工的行为的，责令改正，处以罚款；情节严重的，责令停业整顿，降低资质等级或者吊销资质证书；造成建筑工程质量不符合规定的质量标准的，负责返工、修理，并赔偿因此造成的损失；构成犯罪的，依法追究刑事责任。

Article 74 Any building construction enterprise that engages in jerry -building, uses substandard building materials, building structural pieces and parts and equipment or commits other acts of not complying with the design drawings or the technical standards for the construction project in the construction shall be ordered to make a rectification and imposed a fine; where the circumstances are serious, it shall be ordered to suspend operations for consolidation and lower its human quality grade or its human quality certificate shall be revoked; where the quality of the construction project does not conform to the prescribed quality standards, it shall be responsible for rework and repairs and shall compensate for the losses thus caused; where a crime has been constituted, criminal liability shall be investigated according to law.

第七十五条   建筑施工企业违反本法规定，不履行保修义务或者拖延履行保修义务的，责令改正，可以处以罚款，并对在保修期内因屋顶、墙面渗漏、开裂等质量缺陷造成的损失，承担赔偿责任。

Article 75 Any building construction enterprise that fails to fulfill its obligations of warranty or delays to fulfill its obligations of warranty in violation of the provisions of this Law shall be ordered to make a rectification, may be imposed a fine, and shall bear the liability of compensation for the losses caused by such quality flaws as leakage and seepage in roofs and on wall surfaces during the warranty period.

第七十六条   本法规定的责令停业整顿、降低资质等级和吊销资质证书的行政处罚，由颁发资质证书的机关决定；其他行政处罚，由建设行政主管部门或者有关部门依照法律和国务院规定的职权范围决定。

Article 76 The administrative penalties of ordering suspension of operations for consolidation, lowering the human quality grade and revoking the human quality certificate prescribed in this Law shall be decided upon by the human quality certificate issuing organ; other administrative penalties shall be decided upon by the competent department of construction administration or the departments concerned in accordance with laws and the terms of reference prescribed by the State Council.

依照本法规定被吊销资质证书的，由工商行政管理部门吊销其营业执照。

Where a credentials certificate is revoked pursuant to the provisions of this Law, the administration for industry and commerce shall revoke the business licence.

第七十七条   违反本法规定，对不具备相应资质等级条件的单位颁发该等级资质证书的，由其上级机关责令收回所发的资质证书，对直接负责的主管人员和其他直接责任人员给予行政处分；构成犯罪的，依法追究刑事责任。

Article 77 Any organ that issues a human quality certificate of a said grade to a unit which does not have the corresponding human quality qualifications in violation of the provisions of this Law shall be ordered by the organ at its next higher level to withdraw the human quality certificate issued and administrative sanctions shall be imposed on the person-in-charge held directly responsible and other persons directly responsible therefor; where a crime has been constituted, criminal liability shall be investigated according to law.

第七十八条   政府及其所属部门的工作人员违反本法规定，限定发包单位将招标发包的工程发包给指定的承包单位的，由上级机关责令改正；构成犯罪的，依法追究刑事责任。

Article 78 Any functionary of the government and its subordinate departments who, in violation of the provisions of this Law, restricts the contract issuing unit in issuing the contract of a project open to invitation to tender for contracting to the designated contracting unit shall be ordered by the organ at the next higher level to make a rectification; where a crime has been constituted, criminal liability shall be investigated according to law.

第七十九条   负责颁发建筑工程施工许可证的部门及其工作人员对不符合施工条件的建筑工程颁发施工许可证的，负责工程质量监督检查或者竣工验收的部门及其工作人员对不合格的建筑工程出具质量合格文件或者按合格工程验收的，由上级机关责令改正，对责任人员给予行政处分；构成犯罪的，依法追究刑事责任；造成损失的，由该部门承担相应的赔偿责任。

Article 79 In the event of issuance of a construction permit by the authorities and their personnel responsible for issuance of construction permit for construction project to a construction project which does not satisfy construction criteria and issuance of quality conformance document or acceptance inspection conformance document by the authorities and their personnel responsible for project quality supervision and inspection or acceptance inspection for completed projects to substandard construction projects, the higher-level authorities shall order that correction be made and impose administrative punishment on accountable personnel; where the case constitutes a criminal offence, criminal liability shall be pursued in accordance with the law. The authorities shall bear the corresponding compensation liability for losses caused.

第八十条   在建筑物的合理使用寿命内，因建筑工程质量不合格受到损害的，有权向责任者要求赔偿。

Article 80 Any party that suffers from damage due to substandard quality of a construction project within the life expectancy of rational use of the construction project has the right to claim compensation from the person held responsible.

第八章 附 则

Chapter 8 Supplementary Provisions

第八十一条   本法关于施工许可、建筑施工企业资质审查和建筑工程发包、承包、禁止转包，以及建筑工程监理、建筑工程安全和质量管理的规定，适用于其他专业建筑工程的建筑活动，具体办法由国务院规定。

Article 81 The provisions of this Law relating to the building permit, building construction enterprise human quality examination and construction project contract issuance and contracting and prohibition of subcontracting as well as construction project supervision and control and construction project safety and quality control apply to construction activities of other specialized construction projects. The specific measures shall be formulated by the State Council.

第八十二条   建设行政主管部门和其他有关部门在对建筑活动实施监督管理中，除按照国务院有关规定收取费用外，不得收取其他费用。

Article 82 The departments of construction administration and other departments concerned shall not collect fees other than those to be collected pursuant to the relevant provisions of the State Council in the exercise of supervision and control over construction activities.

第八十三条   省、自治区、直辖市人民政府确定的小型房屋建筑工程的建筑活动，参照本法执行。

Article 83 Construction activities of construction projects of small houses determined by People's Governments of provinces, autonomous regions and centrally-administered municipalities may be carried out with reference to this Law.

依法核定作为文物保护的纪念建筑物和古建筑等的修缮，依照文物保护的有关法律规定执行。

Renovation of memorial buildings and ancient buildings etc which are approved as heritage conservation pursuant to the law shall be implemented pursuant to the provisions of the relevant laws on heritage conservation.

抢险救灾及其他临时性房屋建筑和农民自建低层住宅的建筑活动，不适用本法。

This Law shall not apply to construction activities of rescue and disaster relief and other temporary housing construction and peasants' self-built low-rise residential buildings.

第八十四条   军用房屋建筑工程建筑活动的具体管理办法，由国务院、中央军事委员会依据本法制定。

Article 84 Specific control measures for construction activities of military housing construction projects shall be formulated by the State Council and the Central Military Commission pursuant to this Law.

第八十五条   本法自1998年3月1日起施行。

Article 85 This Law shall go into effect as of March 1, 1998.