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# 中华人民共和国城乡规划法（2019修订）

# Law of the People's Republic of China on Urban and Rural Planning (Revised in 2019)

中华人民共和国城乡规划法

Urban and Rural Planning Law of the PRC

（2007年10月28日第十届全国人民代表大会常务委员会第三十次会议通过　根据2015年4月24日第十二届全国人民代表大会常务委员会第十四次会议《关于修改〈中华人民共和国港口法〉等七部法律的决定》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 30th Session of the Standing Committee of the 10th National People's Congress of the People's Republic of China on October 28, 2007; revised for the first time according to the Decision on Revising Seven Laws including the Port Law of the People's Republic of China passed at the 14th Session of the Standing Committee of the 12th National People's Congress of the People's Republic of China on April 24, 2015; 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 passed 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   为了加强城乡规划管理，协调城乡空间布局，改善人居环境，促进城乡经济社会全面协调可持续发展，制定本法。

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.

第二条   制定和实施城乡规划，在规划区内进行建设活动，必须遵守本法。

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.

本法所称城乡规划，包括城镇体系规划、城市规划、镇规划、乡规划和村庄规划。城市规划、镇规划分为总体规划和详细规划。详细规划分为控制性详细规划和修建性详细规划。

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. Detailed planning is divided into regulatory detailed planning and constructive detailed planning.

本法所称规划区，是指城市、镇和村庄的建成区以及因城乡建设和发展需要，必须实行规划控制的区域。规划区的具体范围由有关人民政府在组织编制的城市总体规划、镇总体规划、乡规划和村庄规划中，根据城乡经济社会发展水平和统筹城乡发展的需要划定。

For 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.

第三条   城市和镇应当依照本法制定城市规划和镇规划。城市、镇规划区内的建设活动应当符合规划要求。

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.

县级以上地方人民政府根据本地农村经济社会发展水平，按照因地制宜、切实可行的原则，确定应当制定乡规划、村庄规划的区域。在确定区域内的乡、村庄，应当依照本法制定规划，规划区内的乡、村庄建设应当符合规划要求。

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.

县级以上地方人民政府鼓励、指导前款规定以外的区域的乡、村庄制定和实施乡规划、村庄规划。

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 formulate and implement township and village plans.

第四条   制定和实施城乡规划，应当遵循城乡统筹、合理布局、节约土地、集约发展和先规划后建设的原则，改善生态环境，促进资源、能源节约和综合利用，保护耕地等自然资源和历史文化遗产，保持地方特色、民族特色和传统风貌，防止污染和其他公害，并符合区域人口发展、国防建设、防灾减灾和公共卫生、公共安全的需要。

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 geographical distribution, conservation of land, intensive development and planning before construction, to improving the ecological environment, to promoting conservation and comprehensive utilization of resources and energy, to protecting 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, disaster prevention and alleviation, and public health and safety.

在规划区内进行建设活动，应当遵守土地管理、自然资源和环境保护等法律、法规的规定。

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.

县级以上地方人民政府应当根据当地经济社会发展的实际，在城市总体规划、镇总体规划中合理确定城市、镇的发展规模、步骤和建设标准。

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.

第五条   城市总体规划、镇总体规划以及乡规划和村庄规划的编制，应当依据国民经济和社会发展规划，并与土地利用总体规划相衔接。

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.

第六条   各级人民政府应当将城乡规划的编制和管理经费纳入本级财政预算。

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.

第七条   经依法批准的城乡规划，是城乡建设和规划管理的依据，未经法定程序不得修改。

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.

第八条   城乡规划组织编制机关应当及时公布经依法批准的城乡规划。但是，法律、行政法规规定不得公开的内容除外。

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. However, exception shall be made of the contents which shall not be disclosed as stipulated by laws and administrative regulations.

第九条   任何单位和个人都应当遵守经依法批准并公布的城乡规划，服从规划管理，并有权就涉及其利害关系的建设活动是否符合规划的要求向城乡规划主管部门查询。

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.

任何单位和个人都有权向城乡规划主管部门或者其他有关部门举报或者控告违反城乡规划的行为。城乡规划主管部门或者其他有关部门对举报或者控告，应当及时受理并组织核查、处理。

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.

第十条   国家鼓励采用先进的科学技术，增强城乡规划的科学性，提高城乡规划实施及监督管理的效能。

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.

第十一条   国务院城乡规划主管部门负责全国的城乡规划管理工作。

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.

县级以上地方人民政府城乡规划主管部门负责本行政区域内的城乡规划管理工作。

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

第二章 城乡规划的制定

Chapter 2 Formulation of an Urban and Rural Plan

第十二条   国务院城乡规划主管部门会同国务院有关部门组织编制全国城镇体系规划，用于指导省域城镇体系规划、城市总体规划的编制。

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.

全国城镇体系规划由国务院城乡规划主管部门报国务院审批。

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.

第十三条   省、自治区人民政府组织编制省域城镇体系规划，报国务院审批。

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.

省域城镇体系规划的内容应当包括：城镇空间布局和规模控制，重大基础设施的布局，为保护生态环境、资源等需要严格控制的区域。

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 protecting the ecological environment and resources.

第十四条   城市人民政府组织编制城市总体规划。

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

直辖市的城市总体规划由直辖市人民政府报国务院审批。省、自治区人民政府所在地的城市以及国务院确定的城市的总体规划，由省、自治区人民政府审查同意后，报国务院审批。其他城市的总体规划，由城市人民政府报省、自治区人民政府审批。

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.

第十五条   县人民政府组织编制县人民政府所在地镇的总体规划，报上一级人民政府审批。其他镇的总体规划由镇人民政府组织编制，报上一级人民政府审批。

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.

第十六条   省、自治区人民政府组织编制的省域城镇体系规划，城市、县人民政府组织编制的总体规划，在报上一级人民政府审批前，应当先经本级人民代表大会常务委员会审议，常务委员会组成人员的审议意见交由本级人民政府研究处理。

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.

镇人民政府组织编制的镇总体规划，在报上一级人民政府审批前，应当先经镇人民代表大会审议，代表的审议意见交由本级人民政府研究处理。

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.

规划的组织编制机关报送审批省域城镇体系规划、城市总体规划或者镇总体规划，应当将本级人民代表大会常务委员会组成人员或者镇人民代表大会代表的审议意见和根据审议意见修改规划的情况一并报送。

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.

第十七条   城市总体规划、镇总体规划的内容应当包括：城市、镇的发展布局，功能分区，用地布局，综合交通体系，禁止、限制和适宜建设的地域范围，各类专项规划等。

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.

规划区范围、规划区内建设用地规模、基础设施和公共服务设施用地、水源地和水系、基本农田和绿化用地、环境保护、自然与历史文化遗产保护以及防灾减灾等内容，应当作为城市总体规划、镇总体规划的强制性内容。

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.

城市总体规划、镇总体规划的规划期限一般为二十年。城市总体规划还应当对城市更长远的发展作出预测性安排。

The period covered by the overall plan of a city or town is generally 20 years. In the overall planning of a city, arrangements predicting the city's longer-term development shall be made.

第十八条   乡规划、村庄规划应当从农村实际出发，尊重村民意愿，体现地方和农村特色。

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.

乡规划、村庄规划的内容应当包括：规划区范围，住宅、道路、供水、排水、供电、垃圾收集、畜禽养殖场所等农村生产、生活服务设施、公益事业等各项建设的用地布局、建设要求，以及对耕地等自然资源和历史文化遗产保护、防灾减灾等的具体安排。乡规划还应当包括本行政区域内的村庄发展布局。

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.

第十九条   城市人民政府城乡规划主管部门根据城市总体规划的要求，组织编制城市的控制性详细规划，经本级人民政府批准后，报本级人民代表大会常务委员会和上一级人民政府备案。

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.

第二十条   镇人民政府根据镇总体规划的要求，组织编制镇的控制性详细规划，报上一级人民政府审批。县人民政府所在地镇的控制性详细规划，由县人民政府城乡规划主管部门根据镇总体规划的要求组织编制，经县人民政府批准后，报本级人民代表大会常务委员会和上一级人民政府备案。

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.

第二十一条   城市、县人民政府城乡规划主管部门和镇人民政府可以组织编制重要地块的修建性详细规划。修建性详细规划应当符合控制性详细规划。

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. The site plan shall be in compliance with the regulatory plan.

第二十二条   乡、镇人民政府组织编制乡规划、村庄规划，报上一级人民政府审批。村庄规划在报送审批前，应当经村民会议或者村民代表会议讨论同意。

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.

第二十三条   首都的总体规划、详细规划应当统筹考虑中央国家机关用地布局和空间安排的需要。

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.

第二十四条   城乡规划组织编制机关应当委托具有相应资质等级的单位承担城乡规划的具体编制工作。

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.

从事城乡规划编制工作应当具备下列条件，并经国务院城乡规划主管部门或者省、自治区、直辖市人民政府城乡规划主管部门依法审查合格，取得相应等级的资质证书后，方可在资质等级许可的范围内从事城乡规划编制工作：

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:

（一）有法人资格；

1. Having the status as a legal person;

（二）有规定数量的经相关行业协会注册的规划师；

2. Having the prescribed number of planners who have been registered at the relevant industrial association;

（三）有规定数量的相关专业技术人员；

3. Having the prescribed number of technicians of the relevant professions;

（四）有相应的技术装备；

(IV) Having the corresponding technical equipment; and

（五）有健全的技术、质量、财务管理制度。

(V) having a sound management system for technologies, quality and financial affairs.

编制城乡规划必须遵守国家有关标准。

Urban and rural planning shall comply with the relevant standards of the State.

第二十五条   编制城乡规划，应当具备国家规定的勘察、测绘、气象、地震、水文、环境等基础资料。

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.

县级以上地方人民政府有关主管部门应当根据编制城乡规划的需要，及时提供有关基础资料。

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.

第二十六条   城乡规划报送审批前，组织编制机关应当依法将城乡规划草案予以公告，并采取论证会、听证会或者其他方式征求专家和公众的意见。公告的时间不得少于三十日。

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. The duration of the public announcement shall not be less than 30 days.

组织编制机关应当充分考虑专家和公众的意见，并在报送审批的材料中附具意见采纳情况及理由。

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.

第二十七条   省域城镇体系规划、城市总体规划、镇总体规划批准前，审批机关应当组织专家和有关部门进行审查。

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.

第三章 城乡规划的实施

Chapter 3 Implementation of an Urban and Rural Plan

第二十八条   地方各级人民政府应当根据当地经济社会发展水平，量力而行，尊重群众意愿，有计划、分步骤地组织实施城乡规划。

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.

第二十九条   城市的建设和发展，应当优先安排基础设施以及公共服务设施的建设，妥善处理新区开发与旧区改建的关系，统筹兼顾进城务工人员生活和周边农村经济社会发展、村民生产与生活的需要。

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.

镇的建设和发展，应当结合农村经济社会发展和产业结构调整，优先安排供水、排水、供电、供气、道路、通信、广播电视等基础设施和学校、卫生院、文化站、幼儿园、福利院等公共服务设施的建设，为周边农村提供服务。

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.

乡、村庄的建设和发展，应当因地制宜、节约用地，发挥村民自治组织的作用，引导村民合理进行建设，改善农村生产、生活条件。

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.

第三十条   城市新区的开发和建设，应当合理确定建设规模和时序，充分利用现有市政基础设施和公共服务设施，严格保护自然资源和生态环境，体现地方特色。

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.

在城市总体规划、镇总体规划确定的建设用地范围以外，不得设立各类开发区和城市新区。

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.

第三十一条   旧城区的改建，应当保护历史文化遗产和传统风貌，合理确定拆迁和建设规模，有计划地对危房集中、基础设施落后等地段进行改建。

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.

历史文化名城、名镇、名村的保护以及受保护建筑物的维护和使用，应当遵守有关法律、行政法规和国务院的规定。

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.

第三十二条   城乡建设和发展，应当依法保护和合理利用风景名胜资源，统筹安排风景名胜区及周边乡、镇、村庄的建设。

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.

风景名胜区的规划、建设和管理，应当遵守有关法律、行政法规和国务院的规定。

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.

第三十三条   城市地下空间的开发和利用，应当与经济和技术发展水平相适应，遵循统筹安排、综合开发、合理利用的原则，充分考虑防灾减灾、人民防空和通信等需要，并符合城市规划，履行规划审批手续。

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.

第三十四条   城市、县、镇人民政府应当根据城市总体规划、镇总体规划、土地利用总体规划和年度计划以及国民经济和社会发展规划，制定近期建设规划，报总体规划审批机关备案。

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.

近期建设规划应当以重要基础设施、公共服务设施和中低收入居民住房建设以及生态环境保护为重点内容，明确近期建设的时序、发展方向和空间布局。近期建设规划的规划期限为五年。

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.

第三十五条   城乡规划确定的铁路、公路、港口、机场、道路、绿地、输配电设施及输电线路走廊、通信设施、广播电视设施、管道设施、河道、水库、水源地、自然保护区、防汛通道、消防通道、核电站、垃圾填埋场及焚烧厂、污水处理厂和公共服务设施的用地以及其他需要依法保护的用地，禁止擅自改变用途。

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.

第三十六条   按照国家规定需要有关部门批准或者核准的建设项目，以划拨方式提供国有土地使用权的，建设单位在报送有关部门批准或者核准前，应当向城乡规划主管部门申请核发选址意见书。

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.

前款规定以外的建设项目不需要申请选址意见书。

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

第三十七条   在城市、镇规划区内以划拨方式提供国有土地使用权的建设项目，经有关部门批准、核准、备案后，建设单位应当向城市、县人民政府城乡规划主管部门提出建设用地规划许可申请，由城市、县人民政府城乡规划主管部门依据控制性详细规划核定建设用地的位置、面积、允许建设的范围，核发建设用地规划许可证。

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.

建设单位在取得建设用地规划许可证后，方可向县级以上地方人民政府土地主管部门申请用地，经县级以上人民政府审批后，由土地主管部门划拨土地。

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.

第三十八条   在城市、镇规划区内以出让方式提供国有土地使用权的，在国有土地使用权出让前，城市、县人民政府城乡规划主管部门应当依据控制性详细规划，提出出让地块的位置、使用性质、开发强度等规划条件，作为国有土地使用权出让合同的组成部分。未确定规划条件的地块，不得出让国有土地使用权。

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.

以出让方式取得国有土地使用权的建设项目，建设单位在取得建设项目的批准、核准、备案文件和签订国有土地使用权出让合同后，向城市、县人民政府城乡规划主管部门领取建设用地规划许可证。

For a construction project for which the right to use of State-owned land is extended through transfer, the developing unit shall, after obtaining the approval, verification and the recorded documents and signing the contract for 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.

城市、县人民政府城乡规划主管部门不得在建设用地规划许可证中，擅自改变作为国有土地使用权出让合同组成部分的规划条件。

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.

第三十九条   规划条件未纳入国有土地使用权出让合同的，该国有土地使用权出让合同无效；对未取得建设用地规划许可证的建设单位批准用地的，由县级以上人民政府撤销有关批准文件；占用土地的，应当及时退回；给当事人造成损失的，应当依法给予赔偿。

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 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 the party concerned, compensation shall be made according to law.

第四十条   在城市、镇规划区内进行建筑物、构筑物、道路、管线和其他工程建设的，建设单位或者个人应当向城市、县人民政府城乡规划主管部门或者省、自治区、直辖市人民政府确定的镇人民政府申请办理建设工程规划许可证。

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.

申请办理建设工程规划许可证，应当提交使用土地的有关证明文件、建设工程设计方案等材料。需要建设单位编制修建性详细规划的建设项目，还应当提交修建性详细规划。对符合控制性详细规划和规划条件的，由城市、县人民政府城乡规划主管部门或者省、自治区、直辖市人民政府确定的镇人民政府核发建设工程规划许可证。

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.

城市、县人民政府城乡规划主管部门或者省、自治区、直辖市人民政府确定的镇人民政府应当依法将经审定的修建性详细规划、建设工程设计方案的总平面图予以公布。

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 centrally-administered municipality 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.

第四十一条   在乡、村庄规划区内进行乡镇企业、乡村公共设施和公益事业建设的，建设单位或者个人应当向乡、镇人民政府提出申请，由乡、镇人民政府报城市、县人民政府城乡规划主管部门核发乡村建设规划许可证。

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.

在乡、村庄规划区内使用原有宅基地进行农村村民住宅建设的规划管理办法，由省、自治区、直辖市制定。

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.

在乡、村庄规划区内进行乡镇企业、乡村公共设施和公益事业建设以及农村村民住宅建设，不得占用农用地；确需占用农用地的，应当依照《中华人民共和国土地管理法》有关规定办理农用地转用审批手续后，由城市、县人民政府城乡规划主管部门核发乡村建设规划许可证。

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 examination and approval formalities for the change of land use shall be completed in accordance with 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.

建设单位或者个人在取得乡村建设规划许可证后，方可办理用地审批手续。

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.

第四十二条   城乡规划主管部门不得在城乡规划确定的建设用地范围以外作出规划许可。

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.

第四十三条   建设单位应当按照规划条件进行建设；确需变更的，必须向城市、县人民政府城乡规划主管部门提出申请。变更内容不符合控制性详细规划的，城乡规划主管部门不得批准。城市、县人民政府城乡规划主管部门应当及时将依法变更后的规划条件通报同级土地主管部门并公示。

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 in charge of urban and rural planning under the people's government of the city or county 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.

建设单位应当及时将依法变更后的规划条件报有关人民政府土地主管部门备案。

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

第四十四条   在城市、镇规划区内进行临时建设的，应当经城市、县人民政府城乡规划主管部门批准。临时建设影响近期建设规划或者控制性详细规划的实施以及交通、市容、安全等的，不得批准。

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.

临时建设应当在批准的使用期限内自行拆除。

Temporary buildings shall be demolished by the building unit itself within the approved period of use.

临时建设和临时用地规划管理的具体办法，由省、自治区、直辖市人民政府制定。

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.

第四十五条   县级以上地方人民政府城乡规划主管部门按照国务院规定对建设工程是否符合规划条件予以核实。未经核实或者经核实不符合规划条件的，建设单位不得组织竣工验收。

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.

建设单位应当在竣工验收后六个月内向城乡规划主管部门报送有关竣工验收资料。

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.

第四章 城乡规划的修改

Chapter IV Modification of an Urban and Rural Plan

第四十六条   省域城镇体系规划、城市总体规划、镇总体规划的组织编制机关，应当组织有关部门和专家定期对规划实施情况进行评估，并采取论证会、听证会或者其他方式征求公众意见。组织编制机关应当向本级人民代表大会常务委员会、镇人民代表大会和原审批机关提出评估报告并附具征求意见的情况。

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 organ organizing the establishment shall submit the assessment report 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 organ, and shall attach the description on opinion-soliciting situation.

第四十七条   有下列情形之一的，组织编制机关方可按照规定的权限和程序修改省域城镇体系规划、城市总体规划、镇总体规划：

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:

（一）上级人民政府制定的城乡规划发生变更，提出修改规划要求的；

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;

（二）行政区划调整确需修改规划的；

(II) adjustment of the administrative division requires modifying the planning;

（三）因国务院批准重大建设工程确需修改规划的；

(III) Where it is really necessary to revise the planning of a major construction project as approved by the State Council;

（四）经评估确需修改规划的；

(IV) the modification of the planning is necessary upon evaluation; or

（五）城乡规划的审批机关认为应当修改规划的其他情形。

(V) other situations under which the modification is necessary as deemed by the authority examining and approving urban and rural planning.

修改省域城镇体系规划、城市总体规划、镇总体规划前，组织编制机关应当对原规划的实施情况进行总结，并向原审批机关报告；修改涉及城市总体规划、镇总体规划强制性内容的，应当先向原审批机关提出专题报告，经同意后，方可编制修改方案。

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.

修改后的省域城镇体系规划、城市总体规划、镇总体规划，应当依照本法第十三条、第十四条、第十五条和第十六条规定的审批程序报批。

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.

第四十八条   修改控制性详细规划的，组织编制机关应当对修改的必要性进行论证，征求规划地段内利害关系人的意见，并向原审批机关提出专题报告，经原审批机关同意后，方可编制修改方案。修改后的控制性详细规划，应当依照本法第十九条、第二十条规定的审批程序报批。控制性详细规划修改涉及城市总体规划、镇总体规划的强制性内容的，应当先修改总体规划。

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.

修改乡规划、村庄规划的，应当依照本法第二十二条规定的审批程序报批。

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.

第四十九条   城市、县、镇人民政府修改近期建设规划的，应当将修改后的近期建设规划报总体规划审批机关备案。

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.

第五十条   在选址意见书、建设用地规划许可证、建设工程规划许可证或者乡村建设规划许可证发放后，因依法修改城乡规划给被许可人合法权益造成损失的，应当依法给予补偿。

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.

经依法审定的修建性详细规划、建设工程设计方案的总平面图不得随意修改；确需修改的，城乡规划主管部门应当采取听证会等形式，听取利害关系人的意见；因修改给利害关系人合法权益造成损失的，应当依法给予补偿。

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.

第五章 监督检查

Chapter 5 Supervision and Inspection

第五十一条   县级以上人民政府及其城乡规划主管部门应当加强对城乡规划编制、审批、实施、修改的监督检查。

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.

第五十二条   地方各级人民政府应当向本级人民代表大会常务委员会或者乡、镇人民代表大会报告城乡规划的实施情况，并接受监督。

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.

第五十三条   县级以上人民政府城乡规划主管部门对城乡规划的实施情况进行监督检查，有权采取以下措施：

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:

（一）要求有关单位和人员提供与监督事项有关的文件、资料，并进行复制；

1. Requiring the relevant entities and personnel to provide the documents and materials relating to the matters under supervision and making duplicates thereof;

（二）要求有关单位和人员就监督事项涉及的问题作出解释和说明，并根据需要进入现场进行勘测；

(II) requiring the relevant entities and personnel to explain the issues related to the matters under supervision and, where necessary, entering the site to make a survey;

（三）责令有关单位和人员停止违反有关城乡规划的法律、法规的行为。

(III) ordering the relevant units and persons to discontinue the violation of the laws or regulations governing urban and rural planning.

城乡规划主管部门的工作人员履行前款规定的监督检查职责，应当出示执法证件。被监督检查的单位和人员应当予以配合，不得妨碍和阻挠依法进行的监督检查活动。

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.

第五十四条   监督检查情况和处理结果应当依法公开，供公众查阅和监督。

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

第五十五条   城乡规划主管部门在查处违反本法规定的行为时，发现国家机关工作人员依法应当给予行政处分的，应当向其任免机关或者监察机关提出处分建议。

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.

第五十六条   依照本法规定应当给予行政处罚，而有关城乡规划主管部门不给予行政处罚的，上级人民政府城乡规划主管部门有权责令其作出行政处罚决定或者建议有关人民政府责令其给予行政处罚。

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.

第五十七条   城乡规划主管部门违反本法规定作出行政许可的，上级人民政府城乡规划主管部门有权责令其撤销或者直接撤销该行政许可。因撤销行政许可给当事人合法权益造成损失的，应当依法给予赔偿。

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.

第六章 法律责任

Chapter 6 Legal Liabilities

第五十八条   对依法应当编制城乡规划而未组织编制，或者未按法定程序编制、审批、修改城乡规划的，由上级人民政府责令改正，通报批评；对有关人民政府负责人和其他直接责任人员依法给予处分。

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.

第五十九条   城乡规划组织编制机关委托不具有相应资质等级的单位编制城乡规划的，由上级人民政府责令改正，通报批评；对有关人民政府负责人和其他直接责任人员依法给予处分。

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.

第六十条   镇人民政府或者县级以上人民政府城乡规划主管部门有下列行为之一的，由本级人民政府、上级人民政府城乡规划主管部门或者监察机关依据职权责令改正，通报批评；对直接负责的主管人员和其他直接责任人员依法给予处分：

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:

（一）未依法组织编制城市的控制性详细规划、县人民政府所在地镇的控制性详细规划的；

1. failure to legally organize the formulation of the regulatory plan of a city or of the town where the county people's government is located;

（二）超越职权或者对不符合法定条件的申请人核发选址意见书、建设用地规划许可证、建设工程规划许可证、乡村建设规划许可证的；

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;

（三）对符合法定条件的申请人未在法定期限内核发选址意见书、建设用地规划许可证、建设工程规划许可证、乡村建设规划许可证的；

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;

（四）未依法对经审定的修建性详细规划、建设工程设计方案的总平面图予以公布的；

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; or

（五）同意修改修建性详细规划、建设工程设计方案的总平面图前未采取听证会等形式听取利害关系人的意见的；

(V) Failing to listen to the opinions of the interested parties through 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;

（六）发现未依法取得规划许可或者违反规划许可的规定在规划区内进行建设的行为，而不予查处或者接到举报后不依法处理的。

(VI) 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.

第六十一条   县级以上人民政府有关部门有下列行为之一的，由本级人民政府或者上级人民政府有关部门责令改正，通报批评；对直接负责的主管人员和其他直接责任人员依法给予处分：

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:

（一）对未依法取得选址意见书的建设项目核发建设项目批准文件的；

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

（二）未依法在国有土地使用权出让合同中确定规划条件或者改变国有土地使用权出让合同中依法确定的规划条件的；

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;

（三）对未依法取得建设用地规划许可证的建设单位划拨国有土地使用权的。

(III) 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.

第六十二条   城乡规划编制单位有下列行为之一的，由所在地城市、县人民政府城乡规划主管部门责令限期改正，处合同约定的规划编制费一倍以上二倍以下的罚款；情节严重的，责令停业整顿，由原发证机关降低资质等级或者吊销资质证书；造成损失的，依法承担赔偿责任：

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:

（一）超越资质等级许可的范围承揽城乡规划编制工作的；

1. undertaking the formulation of an urban and rural plan by exceeding the scope allowed for its grade of qualification;

（二）违反国家有关标准编制城乡规划的。

(II) formulating an urban and rural plan in violation of the relevant national standards.

未依法取得资质证书承揽城乡规划编制工作的，由县级以上地方人民政府城乡规划主管部门责令停止违法行为，依照前款规定处以罚款；造成损失的，依法承担赔偿责任。

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.

以欺骗手段取得资质证书承揽城乡规划编制工作的，由原发证机关吊销资质证书，依照本条第一款规定处以罚款；造成损失的，依法承担赔偿责任。

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.

第六十三条   城乡规划编制单位取得资质证书后，不再符合相应的资质条件的，由原发证机关责令限期改正；逾期不改正的，降低资质等级或者吊销资质证书。

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.

第六十四条   未取得建设工程规划许可证或者未按照建设工程规划许可证的规定进行建设的，由县级以上地方人民政府城乡规划主管部门责令停止建设；尚可采取改正措施消除对规划实施的影响的，限期改正，处建设工程造价百分之五以上百分之十以下的罚款；无法采取改正措施消除影响的，限期拆除，不能拆除的，没收实物或者违法收入，可以并处建设工程造价百分之十以下的罚款。

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 shall be fined not less than five percent but not more than ten percent the cost of the construction project; if the impact can not be eliminated by such measures, it shall be demolished within a time limit; if the construction project cannot be demolished, the material objects or the illegal income shall be confiscated, and a fine of not more than ten percent of the cost of the construction project may also be imposed.

第六十五条   在乡、村庄规划区内未依法取得乡村建设规划许可证或者未按照乡村建设规划许可证的规定进行建设的，由乡、镇人民政府责令停止建设、限期改正；逾期不改正的，可以拆除。

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.

第六十六条   建设单位或者个人有下列行为之一的，由所在地城市、县人民政府城乡规划主管部门责令限期拆除，可以并处临时建设工程造价一倍以下的罚款：

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:

（一）未经批准进行临时建设的；

1. engaging in temporary construction without approval;

（二）未按照批准内容进行临时建设的；

2. engaging in temporary construction without complying with what is approved of; and

（三）临时建筑物、构筑物超过批准期限不拆除的。

(III) failing to demolish the temporary building or structure at the expiration of the approved time limit.

第六十七条   建设单位未在建设工程竣工验收后六个月内向城乡规划主管部门报送有关竣工验收资料的，由所在地城市、县人民政府城乡规划主管部门责令限期补报；逾期不补报的，处一万元以上五万元以下的罚款。

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 10,000 yuan but not more than 50,000 yuan.

第六十八条   城乡规划主管部门作出责令停止建设或者限期拆除的决定后，当事人不停止建设或者逾期不拆除的，建设工程所在地县级以上地方人民政府可以责成有关部门采取查封施工现场、强制拆除等措施。

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.

第六十九条   违反本法规定，构成犯罪的，依法追究刑事责任。

Article 69 Where a violation of the provisions of this Law constitutes a criminal offence, criminal liability shall be pursued in accordance with the law.

第七章 附 则

Chapter 7 Supplementary Provisions

第七十条   本法自2008年1月1日起施行。《中华人民共和国城市规划法》同时废止。

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 simultaneously.