

# Announcement of the Standing Committee of the 15th People's Congress of Beijing

No. 12

The *Regulations on Urban and Rural Planning of Beijing* were revised and adopted at the 12th Meeting of the Standing Committee of the 15th People's Congress of Beijing on March 29, 2019. The revised *Regulations on Urban and Rural Planning of Beijing* are hereby promulgated and shall come into force as of April 28, 2019.

Standing Committee of the 15th People's Congress of Beijing

March 29, 2019

# Regulations on Urban and Rural Planning of Beijing

(Adopted at the 11th Meeting of the Standing Committee of the 13th People's Congress of Beijing on May 22, 2009, and revised at the 12th Meeting of the Standing Committee of the 15th People's Congress of Beijing on March 29, 2019)

## Contents

Chapter I General Provisions

Chapter II Formulation of Urban and Rural Planning

Chapter III Implementation of Urban and Rural Planning

Chapter IV Revision of Urban and Rural Planning

Chapter V Supervision and Inspection

Chapter VI Legal Liabilities

Chapter VII Supplementary Provisions

## **Chapter I General Provisions**

**Article 1** The *Regulations on Urban and Rural Planning of Beijing* (“Regulations”) are formulated in accordance with the *Law of the People’s Republic of China on Urban and Rural Planning* and in light of the actual situation of Beijing, in order to make good urban and rural planning, coordinate the spatial distribution of urban and rural areas, improve the environment for resident settlement and development, and promote the comprehensive, coordinated and sustainable development of economy, society, population, resources and environment.

**Article 2** The administrative areas of Beijing are all planning areas.

These Regulations shall be applicable to the formulation, implementation, revision, supervision and inspection of Beijing’s urban and rural planning as well as to the related urban and rural construction activities.

Beijing’s urban and rural planning includes overall urban planning, district planning, detailed planning, township/town planning, village planning, specific area planning and special planning.

**Article 3** As the capital of the People’s Republic of China (“China”), Beijing is the country’s center for politics, culture, international exchange, and scientific and technological innovation.

Beijing's urban and rural areas shall be planned and constructed based on the strategic positioning of the city and in line with the goal of facilitating the work of the leading organs of the Party, the central government and the army, the country's international exchanges, the development of science and technology, culture and education, and the higher living standards of the people.

**Article 4** Overall urban planning is viewed as the fundamental basis for urban development, construction and management. Beijing has established a land space planning and control system to coordinate planning at all levels, under the guidance of overall urban planning and the integration of plans.

Major issues concerning the implementation of the overall urban planning shall, in accordance with relevant regulations, be deliberated by the Capital Planning and Construction Commission and reported to the Party Central Committee and the State Council for instructions.

**Article 5** In terms of urban and rural planning and construction, Beijing shall put people first, adhere to its strategic positioning, and implement the Beijing-Tianjin-Hebei coordinated development strategy with focus on dispersion of non-capital functions. The city shall also optimize urban function and spatial layout and strictly control urban size. Additionally, it shall strengthen overall planning between urban and rural areas and promote their integrated

development. It shall improve the urban governance system, strengthen fine governance, co-governance, and rule of law, and address the “urban disease.” All these efforts are expected to achieve sustainable urban development and build a world-class, harmonious and livable city.

**Article 6** The city’s urban and rural planning and construction shall take into account the reality of economic and social development and the carrying capacity of resources and environment, while paying attention to decrement and intensive development. Specific measures include strictly controlling population ceiling, lines for ecological protection, and boundaries for urban development; delimiting areas for centralized construction, restricted construction and ecological control; implementing a region-wide space regulation; enhancing capital functions; optimizing the industrial structure; improving the ecological environment; raising the efficiency of resource utilization; promoting the organic regeneration of cities; and advancing the construction of urban and rural infrastructure, public service facilities and public safety facilities, as well as systems for disaster prevention and reduction.

**Article 7** The urban and rural planning and construction of Beijing shall respect the history and culture of the city in a way that is consistent with the style, charm and legacy of the ancient capital.

Efforts shall be made to improve the mechanism for protecting historical and cultural heritages as well as traditional scenes, and enhance the system for protecting famous historical and cultural cities covering the old city, the central urban area, the municipal area and the Beijing-Tianjin-Hebei Region.

**Article 8** Urban and rural planning is an important mandate of people's governments at all levels. The municipal people's government shall direct the urban and rural planning of Beijing. Each district people's government shall be responsible for urban and rural planning within its administrative region given its limits of authority as prescribed. Each township/town people's government shall be responsible for urban and rural planning within its administrative region given its limits of authority as prescribed. The sub-district offices shall, under the leadership of the district people's government concerned, cooperate with the authorities in charge of planning and natural resources regarding the administration of urban and rural planning, and participate in the formulation, construction and acceptance of the facilities under their jurisdiction.

The municipal planning and natural resources authority shall be responsible for the administration of the city's urban and rural planning. The local offices of the municipal planning and natural resources authority shall be responsible for the administration of urban

and rural planning in accordance with their prescribed functions and duties.

The relevant authorities of the municipal and district people's governments shall carry out relevant urban and rural planning in accordance with their respective functions and duties. The municipal and district people's governments shall establish sound inter-departmental mechanisms to coordinate the administration of urban and rural planning.

**Article 9** Beijing shall create an innovative governance model to improve the efficiency of formulation, implementation and supervision of urban and rural planning by means of guidance, administrative licensing, public service, joint regulation, and evaluation.

The city encourages conducting scientific research in urban and rural planning and adding scientific elements to urban and rural planning with advanced technologies.

**Article 10** Beijing shall strengthen the construction of databases for natural resources, ecological environment, economic and social resources, cultural heritage resources, various facilities and geographic space. The city shall establish a database for planned national land space covering planning formulation results, construction project approval, and project completion acceptance, and

build an information sharing mechanism among authorities and between them and central and state organs, in order to ensure the scientific formulation and effective implementation of urban and rural planning.

**Article 11** Urban and rural planning approved in accordance with the law is the basis for the administration of urban and rural construction and planning. All construction activities shall conform to the urban and rural planning approved according to the law.

**Article 12** All organizations and individuals shall abide by the urban and rural plans approved and promulgated in accordance with the law and obey the planning administration.

Organizations or individuals shall have the right to put forward opinions and suggestions on the formulation, implementation, revision, supervision and inspection of urban and rural planning, and to inquire with the planning and natural resources authorities on the compliance of construction activities involving their interests with planning requirements.

They shall also have the right to report violations of urban and rural planning to the planning and natural resources authorities, the comprehensive administrative law enforcement organs for urban administration, the township/town people's governments (hereinafter referred to as "law enforcement organs") or other relevant authorities.

**Article 13** Beijing shall improve the mechanism for public participation in planning and smooth the channels for multiple players to participate in planning. The formulation, implementation, revision, supervision and inspection of urban and rural plans shall be made available to the public whose opinions shall be fully considered.

The city shall improve the feedback mechanism for the adoption of public opinions, carefully study relevant opinions and suggestions, and report the results to the public in a timely manner.

**Article 14** Beijing shall implement the system of responsible planners who guide the implementation of planning and encourage public participation. Specific measures shall be formulated by the municipal planning and natural resources authority.

## **Chapter II Formulation of Urban and Rural Planning**

**Article 15** Beijing shall establish a sound planning formulation system that features region-wide administration and control, hierarchical classification, and integration of plans, and shall organize the formulation of urban and rural planning in a systematical way.

All kinds of urban and rural planning shall be formulated on the basis of urban and rural planning at higher levels. District planning as well as regulatory planning of core functional areas and sub-centers of

the city shall be worked out on the basis of the overall urban planning. Regulatory planning and township/town planning shall be formulated on the basis of district planning. Village planning shall be prepared on the basis of township/town planning.

On the basis of relevant urban and rural planning, planning for specific areas as well as special planning for water, electricity, gas, heat, transportation, information and communications shall be formulated as necessary to supplement and deepen relevant contents. Specific area planning and special planning shall be incorporated into urban and rural planning at the corresponding level upon approval.

**Article 16** With respect to the utilization of space in the city, underground space shall be used first before aboveground space, while utilization of the two shall be coordinated, with equal emphasis to combination of use for peacetime and wartime and for peacetime and disaster. All kinds of urban and rural infrastructure, public service facilities, and public security facilities shall be coordinated, while consideration shall be given to the needs of protection of military facilities. All these measures aim to promote the comprehensive development and utilization of space resources.

**Article 17** In making urban and rural planning, it is necessary to abide by laws, regulations and rules as well as national and municipal technical standards and specifications, and adhere to government

organization, expert guidance, departmental cooperation, public participation and scientific decision-making.

Experts in relevant fields shall be organized to study major topics in urban and rural planning, such as protection of resources and ecological environment, balance in regional development and urban and rural development, urban development goals and spatial layout, protection of historical and cultural heritage, and transportation.

The planning formulation authority shall solicit opinions from relevant departments, experts and the public according to the law by such forms as feasibility study meeting, hearing, symposium and public announcement, and include the adoption of opinions and reasons in the materials submitted for approval.

Before the urban and rural planning is submitted for approval, the planning formulation authority shall, in accordance with the law, make the draft urban and rural planning public for no less than 30 days.

Relevant departments and organizations shall actively cooperate with the formulation of urban and rural planning, submit relevant materials as required, and explain the current situation and development needs.

**Article 18** Urban and rural planning shall be formulated in accordance with the following provisions:

- (1) Overall urban planning shall be formulated by the municipal

people's government;

(2) Regulatory planning of core functional areas and sub-centers of the city shall be formulated by the municipal people's government;

(3) District planning as well as regulatory planning of central urban areas outside core functional areas of the capital and of new cities shall be formulated by the concerned district people's government together the municipal planning and natural resources authority;

(4) Township/town planning shall be formulated by the people's government of the district where the township/town is located, and the township/town people's governments shall be responsible for specific implementation in accordance with the requirements of the district people's government;

(5) Village planning shall be formulated by the people's government of the township/town where the village is located;

(6) Specific area planning shall be formulated by the people's government of the district where the specific area is located or by the municipal planning and natural resources authority;

(7) Special planning shall be formulated by the relevant authorities or the municipal planning and natural resources authority.

**Article 19** Urban and rural planning shall be approved and put on record in accordance with the following provisions:

(1) Overall urban planning shall be submitted to the Party Central Committee and the State Council for approval;

(2) Regulatory planning of core functional areas and sub-centers of the city shall be submitted to the Party Central Committee and the State Council for approval and, upon approval, to the Standing Committee of the Municipal People' Congress for the record;

(3) District planning as well as regulatory planning of central urban areas outside core functional areas of the capital and of new cities shall be submitted to the municipal people's government for approval and, upon approval, to the Standing Committee of the Municipal People' Congress for the record;

(4) Township/town planning shall be submitted by the district people's government to the municipal planning and natural resources authority for approval by the municipal people's government and, upon approval, to the Standing Committee of the Municipal People' Congress for the record;

(5) Village planning shall be submitted to the district people's government for approval after being examined by the local office of the municipal planning and natural resources authority and, upon approval, to the Standing Committee of the Municipal People' Congress for the record;

(6) Specific area planning, if formulated by the municipal

planning and natural resources authority, shall be submitted to the municipal people's government for approval; if formulated by the district people's government, important specific area planning shall be submitted to the municipal people's government for approval after being examined by the municipal planning and natural resources authority, while general specific area planning shall be approved by the municipal planning and natural resources authority;

(7) Special planning, if formulated by the municipal planning and natural resources authority, shall be submitted to the municipal people's government for approval; if formulated by relevant authorities, shall be submitted to the municipal people's government for approval after being examined by the municipal planning and natural resources authority.

Major issues concerning the preceding paragraph shall, in accordance with relevant regulations, be submitted to the Party Central Committee and the State Council for instructions.

**Article 20** Overall urban planning shall first be deliberated by the Standing Committee of the Municipal People's Congress before being submitted for approval; district planning shall first be deliberated by the Standing Committee of the District People's Congress before being submitted for approval; township/town planning shall be deliberated by the People's Congress of the

township/town before being submitted for approval. The deliberation opinions of members or representatives of the standing committee shall be submitted to the people's government at the corresponding level for analysis and handling.

The planning formulation authority shall submit overall urban planning, district planning and township/town planning, together with the deliberation opinions and revisions made accordingly for approval.

Before being submitted for approval, village planning shall be discussed and approved by the villagers' meeting or the villagers' representative meeting according to the law.

**Article 21** Urban and rural planning approved in accordance with the law shall be announced to the public through fixed sites or public media, except those that are prohibited by laws and administrative regulations.

Any organization or individual may consult the approved urban and rural planning according to the law, and the planning formulation authority shall provide convenience for such consultation.

### **Chapter III Implementation of Urban and Rural Planning**

**Article 22** The municipal people's government shall, in accordance with the city's economic and social development,

formulate immediate construction planning, and organize and implement urban and rural planning in a systematical and step-by-step manner, in order to guide the sound and orderly development of the city.

Immediate construction planning shall be based on overall urban planning. Considering the assessment of the implementation of the five-year plan and the actual situation of urban and rural development, the principles and measures for controlling and guiding urban development in the near future, as well as the development priorities and construction schedules for implementing the overall urban planning shall be determined.

**Article 23** The municipal planning and natural resources authority shall, on the basis of the immediate construction planning and in conjunction with the annual urban physical examination, organize the preparation of the annual implementation plan and submit it to the municipal people's government for approval.

The annual implementation plan shall be consistent with the annual investment plan and the annual land supply plan. It shall specify the main tasks for the planning year, and make overall arrangements for the construction of key urban and rural infrastructure, public service facilities, public safety facilities, ecological and environmental protection projects, and various types of

affordable housing.

**Article 24** To implement Beijing's urban and rural planning, the city shall, in accordance with the requirements of reducing the quantity and improving the quality, establish an implementation mechanism for reduction, increase-decrease linkage, and overall balance of urban and rural construction land, optimize the utilization of the space vacated by dispersion, and encourage the renewal and renovation of existing construction land and existing buildings.

**Article 25** This city shall implement the overall urban planning through the mode of land resource consolidation, and coordinate land development and non-land development projects within the planning implementation units. Specific measures shall be formulated by the municipal people's government.

**Article 26** The municipal planning and natural resources authority shall guide the implementation of the city's urban design as a whole, and each district people's government shall be responsible for the implementation and administration of urban design within its administrative region.

**Article 27** The city shall establish an urban design management system throughout the whole process of urban planning, construction and administration. The urban design hierarchy includes overall urban design at municipal and district levels, block urban design, plot urban

design and special urban design. Plot urban design shall be formulated in key areas, which present control requirements for architectural form, public space, ecological landscape, cultural inheritance and other elements. Other areas shall be governed by the general rules of urban design.

In organizing the compilation of urban design, the feasibility study meeting, hearing meeting, symposium and other forms shall be adopted to extensively solicit opinions from experts and the public. Before approval, urban design shall be announced to the public through fixed sites or public media for no less than 30 days. Urban design at each level shall be incorporated into the urban and rural planning at the corresponding level upon approval.

Specific measures for the administration of urban design shall be formulated by the municipal planning and natural resources authority.

**Article 28** This city shall establish a block regeneration implementation mechanism featuring district-level overall planning, sub-district players, department cooperation, support from professional forces, and wide participation of the public, and implement the urban regeneration model with a block as a unit. Specific measures shall be formulated by the municipal people's government.

**Article 29** The planning permission system shall be implemented

in the city according to the law, and all construction land and construction projects shall conform to the urban and rural planning and obtain planning permits according to the law.

Planning permits include site selection opinions, construction project planning permits, rural construction planning permits, and corresponding temporary planning permits.

An urban construction project shall be constructed in accordance with the construction project planning permit or the temporary construction project planning permit; a rural construction project shall be constructed in accordance with the rural construction planning permit or the temporary rural construction planning permit.

**Article 30** The city shall establish an engineering construction project approval and management system that features full-process coverage, full-cycle service, total factor openness, and all-round supervision, and implement the integration of plans, joint review of multiple drawings, joint acceptance, and syncretic multiple tests, so as to realize the scientific, convenient and standardized approval and management system.

The competent authorities concerned shall publish the list of items for approval, and formulate the unified standards for the items for approval of engineering construction projects in the city, practical guidelines for handling matters, and standards for the materials for

declaration of items.

**Article 31** The municipal planning and natural resources authority shall, in conjunction with relevant departments, establish a collaborative platform for integration of plans which is open to the society, and formulate and publish the comprehensive implementation plan for construction projects in accordance with regulatory planning or village planning.

The comprehensive implementation plan shall include the design requirements, land ownership, planning indexes, urban design requirements, municipal and traffic conditions, land supply method, construction schedule and other contents.

**Article 32** A construction unit of major urban and rural infrastructure shall, on the basis of the design scheme of the construction project, organize the compilation of the preliminary design scheme for the expansion of the construction project.

The municipal planning and natural resources authority and the municipal development and reform authority shall organize the relevant departments to jointly review the preliminary design scheme.

**Article 33** A design unit shall undertake the design task in accordance with the prescribed qualification level and business scope.

Design schemes for construction projects shall be formulated in accordance with laws, regulations, rules, and national and municipal

design specifications and standards. Construction drawing design documents shall conform to the contents approved by the construction project planning permit or the rural construction planning permit.

**Article 34** A construction unit shall not undertake any construction project for which the planning permit has not been obtained according to the law. In undertaking a construction project for which the planning permit has been obtained, the construction unit shall carry out construction in accordance with the construction drawings and design documents conforming to the relevant standards.

**Article 35** Where a construction project is to be constructed along roads, railways, rail transit, rivers, green belts or other public land, a construction unit shall, in accordance with the relevant regulations of the city, expropriate the above public land on behalf of the government. The expropriation shall be completed before the planned acceptance of the construction project and the handover shall be handled simultaneously.

**Article 36** Where a construction project needs to be approved by the relevant departments in accordance with the provisions of the state, and the use right of the state-owned land is provided by means of allocation, a construction unit shall, before submitting the application for approval to the relevant departments, apply with the planning and natural resources authority for site selection opinions

with the following materials:

(1) An application for site selection which contains a description of the nature of the project, the scale of the construction, and the site selection intention;

(2) A defined-scale topographic map which plots the land scope for the proposed project.

Construction projects other than those specified in the preceding paragraph do not need to apply for site selection opinions.

**Article 37** The site selection of a construction project shall be cost-effective, intensive in land use, and rationally and centrally distributed. If it is necessary to keep a certain distance from other construction projects due to safety, confidentiality, environmental protection, sanitation and other reasons, the site may be selected independently.

The site selection within the planned land for urban construction shall conform to the relevant provisions on the supply of state-owned land.

Urban and rural infrastructure and public safety facilities may be arranged in combination with planned roads, rivers, afforestation and other public land for reasons of land saving and functional needs.

If urban and rural public service facilities actually need to be arranged in combination with planned roads, rivers, afforestation and

other public land, the planning and natural resources authority shall report to the municipal people's government for approval.

**Article 38** A construction unit that carries out any urban construction project shall apply with the planning and natural resources authority for a construction project planning permit. The planning and natural resources authority shall, within seven days, issue a planning permit for a construction project that meets the requirements of the comprehensive implementation plan.

With respect to any major urban and rural infrastructure project, the construction unit shall submit the approved preliminary design scheme for the expansion of the construction project.

Where an individual urban resident applies for construction, the relevant provisions of the city shall apply.

**Article 39** A construction unit shall obtain the construction project construction permit within two years after obtaining the construction project planning permit. If it is necessary to extend the term, an application shall be submitted to the planning and natural resources authority 30 days prior to the expiration of the term. Upon approval, the term may be extended for a period of no more than two years each time. The construction project planning permit shall be invalidated if no term extension has been approved or the construction project construction permit has not been obtained within the

prescribed time limit.

**Article 40** In the planned rural areas, construction units or individuals shall apply with the township/town people's government for the construction of township enterprises, rural public facilities, public welfare undertakings and villagers' concentrated houses. The township/town people's government shall then apply with the planning and natural resources authority for rural construction planning permits.

In the planned rural areas, villagers shall consult the holders of the right of using neighboring land on the use of homestead for the construction of villagers' houses, and after deliberation by the villagers committee, the construction shall be reported to the township/town people's government for approval.

The township/town people's government shall approve the use of homestead by villagers for residential construction in accordance with village planning. Specific measures shall be formulated by the people's governments of various districts in the light of the actual conditions.

Construction of township enterprises, rural public facilities, public welfare undertakings and villagers' houses shall not occupy agricultural land. If it is really necessary to occupy agricultural land, a construction unit or individual shall go through the approval

procedures for the conversion of agricultural land in accordance with the *Land Administration Law of the People's Republic of China*, and the planning and natural resources authority shall issue the rural construction planning permit.

The construction unit or individual may not go through the approval procedures for the use of land until it has obtained the rural construction planning permit.

**Article 41** In the case of existing villages outside the scope of planned villages where construction is really necessary before the planning implementation, the planning and natural resources authority shall issue a temporary rural construction planning permit according to the urban development process and the needs of the planning implementation.

**Article 42** Where an urban construction project requires the temporary occupation of land or the construction of temporary projects for the purpose of construction of urban and rural infrastructure, public service facilities and public safety facilities, a construction unit shall apply with the planning and natural resources authority for the approval document for the temporary construction land or the temporary construction project planning permit.

The term of validity of the approval document for the temporary construction land or the temporary construction project planning

permit shall not exceed two years. If it is necessary to extend the term, an application shall be submitted to the planning and natural resources authority prior to the expiration of the term. Upon approval, the term may be extended for a period of no more than one year each time.

Due to urban and rural construction needs or the failure to extend the term of the temporary use period, the construction unit shall unconditionally dismantle the temporary construction projects and facilities. The temporary construction projects applied for regarding the construction body project shall be dismantled before the construction body project applies for planning verification.

**Article 43** Upon completion of a construction project, a construction unit may apply with the relevant authorities for joint completion acceptance of the construction project.

The housing and urban-rural development authority shall, in conjunction with the planning and natural resources, fire protection, civil defense, urban administration, market supervision and administration, water, archives, and transportation authorities, set up a mechanism for joint completion acceptance of construction projects. For a construction project that applies for joint completion acceptance, they shall issue joint acceptance opinions through one-time application, centralized acceptance and unified confirmation. Specific measures shall be formulated by the municipal housing and

urban-rural development authority in conjunction with other relevant authorities.

With respect to construction projects which have not applied for joint completion acceptance, the relevant authorities shall independently carry out acceptance of the construction projects in accordance with the law.

The planning and natural resources authority shall not go through the formalities for real estate registration for construction projects that have not been accepted or that have failed the acceptance. Those involving illegal construction shall be dealt with in accordance with laws, administrative regulations and these Regulations.

**Article 44** After a construction project passes the completion acceptance, a construction unit shall, in accordance with relevant provisions, hand over the complete and accurate completion files of the construction project to the urban construction archives agency. The completion files shall be attached with the survey reports of the surveying and mapping unit. Electronic completion files are getting popular.

**Article 45** Where the documents on the examination, approval and filing of a construction project on the basis of which the planning permit is issued by the planning and natural resources authority are cancelled, withdrawn or revoked, or the land-use right is recovered,

the planning and natural resources authority shall cancel the corresponding planning permit.

**Article 46** The purpose of a construction project as determined by the planning permit shall not be changed without authorization. The purpose recorded in the real estate register shall conform to the purpose specified in the construction project planning permit or the rural construction planning permit. The administrative permit related to the purpose of the premises issued by the relevant authority shall be consistent with the purpose recorded in the real estate register. Where the purpose of the premises involved in the application for administrative permit is inconsistent with that recorded in the real estate register, the relevant authority shall not issue the administrative permit.

If the purpose of a construction project really needs to be changed, such change shall conform to the relevant provisions on the city's planned purpose control. The authority concerned may go through the relevant approval procedures for the changed purpose according to the law. Specific measures shall be formulated by the municipal people's government.

**Article 47** The disposal of houses and land involved in illegal construction shall not impede the investigation and punishment of illegal construction by law enforcement organs.

Before disposing houses and land according to the law, law enforcement organs shall learn about the relevant planning situation from the planning and natural resources authority which shall render cooperation. Where illegal construction is involved, the planning and natural resources authority shall notify law enforcement organs in writing of the disposal of the illegal construction before disposal can be started.

#### **Chapter IV Revision of Urban and Rural Planning**

**Article 48** Urban and rural planning approved according to the law shall not be revised without authorization.

Necessary revision to overall urban planning, district planning, or township/town planning shall be carried out in accordance with legal procedures and limits of authority, while necessary revision to specific area planning, special planning or village planning shall be submitted for approval in accordance with the original approval procedures.

**Article 49** The city shall establish a regular physical examination and evaluation mechanism for urban and rural planning, and revise the implementation of overall urban planning with reference to the results of physical examination and evaluation, in order to ensure scientific implementation of planning.

The formulation authority of overall urban planning shall entrust

relevant departments and experts to make annual physical examinations on the implementation of overall urban planning, and to conduct a comprehensive evaluation of the implementation of overall urban planning every five years. The feasibility study meeting, hearing or other means shall be adopted to solicit public opinions. Physical examination and evaluation reports shall be then produced, and shall, together with solicited public opinions, be submitted to the standing committee of the people's congress at the corresponding level and the original approval authority.

**Article 50** In the case of revision to regulatory planning, the formulation authority shall demonstrate the necessity of the revision, solicit opinions from the relevant departments and stakeholders within the planned area, and submit special reports to the original approval authority. If the original approval authority approves the revision, the formulation authority may revise regulatory planning and submit it to the original approval authority for approval in accordance with legal procedures. If the revision to regulatory planning involves compulsory contents of the overall planning, the overall planning shall be revised first.

**Article 51** After the site selection opinions, the construction project planning permit or the rural construction project permit is issued, the licensee shall be compensated according to the law for losses caused to the lawful rights and interests of the licensee due to

the revision of the urban and rural planning according to the law.

The attached drawings to the construction project planning permit approved according to the law shall not be revised at will. If the revision is necessary, the urban and rural planning authority shall heed the opinions of the stakeholders. Where the said revision causes losses to the lawful rights and interests of a stakeholder, compensation shall be made according to the law.

**Article 52** During the revision to regulatory planning or attached drawings to the construction project planning permit, the opinions shall be solicited from stakeholders in accordance with the law when necessary.

**Article 53** All kinds of urban and rural planning of the city, after being revised, shall be re-announced to the public through fixed places or public media, with the exception of those which shall not be made public according to the provisions of laws and administrative regulations.

## **Chapter V Supervision and Inspection**

**Article 54** The people's governments of Beijing at all levels shall report their implementation of urban and rural planning to, and subject themselves to the supervision of, the standing committee of the

people's congress at the same level or township people's congress, as the case may be. Standing committees of the people's congresses at all levels or the township people's congresses may, according to their needs, make corresponding resolutions and decisions on the urban and rural planning efforts of the people's governments at the corresponding levels.

**Article 55** Key construction projects in the implementation of urban and rural planning shall be subject to the deliberation of the standing committee of the people's congress at the corresponding level.

**Article 56** The municipal competent natural resources and planning department shall formulate and improve relevant standards, procedures and requirements for the preparation and management of urban and rural planning of Beijing, and strengthen the business guidance on the planning preparation and management of the township people's government.

**Article 57** The competent natural resources and planning department shall establish and improve the service and supervision mechanism for the whole process of the implementation of construction projects, actively follow up the service, understand the construction situation, and coordinate and solve relevant problems. In addition, it shall strengthen supervision over the review of

construction drawings and design documents, compliance of construction projects with planning, and performance of land transfer contracts. Moreover, it shall promptly inform relevant competent departments of relevant information so as to share supervision information.

**Article 58** The Municipal People's Government shall clearly define the terms of reference of such agencies and authorities as the competent natural resources and planning department, the urban management and law enforcement administration, township people's governments, and sub-district offices to investigate into and deal with illegal construction.

When investigating into and deal with illegal construction, sub-district offices may carry out comprehensive law enforcement in accordance with relevant provisions of the State and Beijing, and exercise relatively centralized administrative punishment power in accordance with relevant laws and regulations.

**Article 59** The Municipal People's Government shall clarify the specific assignments and objectives of its subordinate district people's governments and its relevant departments in the planning supervision and inspection, and strengthen the overall coordination of the supervision and inspection of urban and rural planning.

**Article 60** The Municipal People's Government shall establish

mechanisms for joint law enforcement and for sharing information on investigation and dealing of illegal construction between law enforcement agencies and relevant competent departments, so as to strengthen the supervision and inspection on urban and rural planning and strengthen the investigation and punishment of illegal construction.

**Article 61** Beijing has set up an accountability system for controlling illegal construction and an assessment and evaluation system. District people's governments and township people's governments are responsible for controlling illegal construction within their respective administrative areas. Superior people's governments shall strengthen the supervision, inspection and assessment of their subordinate people's governments in controlling illegal construction.

**Article 62** Township people's governments and sub-district offices shall inspect construction within their respective jurisdictions, and shall order to cease, and deal with, any illegal construction under the law.

Residents' committees, owners' committees, villagers' committees and property service enterprises shall dissuade those who conduct any illegal construction within their jurisdictions and report the same to the sub-district offices, township people's governments or other law enforcement agencies.

**Article 63** Law enforcement agencies have the right to request relevant units and individuals to provide relevant information, explain relevant situations, access or seal up the site, seize tools, and order them to cease illegal acts.

When law enforcement agencies perform their duties of supervision and inspection, relevant units and personnel shall actively cooperate, truthfully report relevant situation, provide necessary information, and not obstruct or impede such supervision and inspection by whatsoever means.

**Article 64** The construction unit shall place the construction project planning permit, temporary construction project planning permit, rural construction planning permit, temporary rural construction planning permit, accessories and drawings on the construction site for public review and social supervision, except for those not allowed to be disclosed by laws and administrative regulations.

**Article 65** Municipal public service units shall check the planning permit or real estate registration certificate for construction projects when going through service procedures such as water supply, power supply, gas supply, heat supply and communication, and may not provide corresponding services if there is no planning permit or real estate registration certificate. Without obtaining the planning

permission for the construction of construction projects, municipal public service units and other units shall not provide water and electricity for construction.

If there is no planning permit or real estate registration certificate, and relevant service procedures or services have been completed, the municipal public service unit shall take reasonable measures to correct it.

**Article 66** Where illegal construction is used as a business premise, relevant competent department shall not issue relevant certificates.

If the law enforcement agency orders to correct non-compliance or dismantle such construction within a time limit, it shall notify the competent natural resources and planning department to suspend the registration of real estate; if the party concerned makes corrections, it shall promptly notify the competent natural resources and planning department.

**Article 67** In the process of investigating and dealing with illegal construction, the law enforcement agency shall notify the parties involved in the illegal construction to clean up the items in the illegal construction; if such parties refuse to do so, the law enforcement agency shall make a list of items, which shall be signed and confirmed by the party of such illegal construction or, if such party refuses to

sign and confirm, the residents' committee or villagers' committee in the place of such illegal construction. In the case of sealing up, all items in the illegal construction shall be sealed up together; in the case of enforced demolition, the law enforcement agency shall transport such items to designated place and return the same to the party of such illegal construction; if such party refuses to receive the same, the law enforcement agency may properly dispose of the same after reserving evidence, as the case may be.

If the law enforcement agency orders to dismantle the same, it shall inform the party of the illegal construction; if such party claims the residual value of the illegal construction after the demolition, it shall make a written statement before the enforced demolition and dispose of the same within a limited period of time. If such party fails to make a written statement in advance or fails to complete the disposal within a limited period of time after making such statement, the law enforcement agency may clean it up at its own.

**Article 68** Law enforcement agencies shall share the cases of administrative punishment or enforcement of the parties involved in illegal construction to the public credit information platform of Beijing. Administrative authorities may take disciplinary measures against such party in accordance with the administrative measures of Beijing for the public credit information.

**Article 69** When law enforcement agencies carry out supervision and inspection and investigate and deal with illegal construction, they shall implement the publicity system of administrative law enforcement, the system of recording the whole process of law enforcement, and the system of legal review of major law enforcement decisions.

Law enforcement agencies shall, through government websites, new government media, bulletin boards in service halls, service windows and other platforms, make public the basic information and results of administrative law enforcement; when carrying out supervision and inspection, they shall voluntarily show their law enforcement certificates and show their identities to the parties and relevant personnel.

Law enforcement agencies shall keep records of the whole process of administrative law enforcement, including initiation of law enforcement, investigation and evidence collection, examination and decision, delivery and execution; make audio and video recording of the whole process of seizure or enforced demolition; improve the management system of law enforcement dossiers, and file and keep records of the whole process of law enforcement in accordance with relevant laws, regulations, and archives management regulations.

**Article 70** Beijing encourages the public to report illegal

construction activities. Law enforcement agencies shall publicize the telephone number and other reporting methods, and shall promptly and completely record and properly keep the reports of illegal construction activities reported by units and individuals. If the reported issues fall within the scope of the department's responsibilities, it shall be accepted in a timely manner, verified and handled in accordance with laws, regulations and relevant provisions of the State and Beijing, and the informant shall be informed of the managing results. If it does not fall within the scope of the department's responsibilities, it shall transfer relevant clues to the department responsible for investigating and managing the case, and the informant shall be informed of such referral.

Law enforcement agencies and their staff shall keep the informants in confidence.

**Article 71** The supervision and inspection of the implementation of urban and rural planning shall be made public in accordance with the law for public inspection and supervision.

When investigating into and dealing with illegal construction, law enforcement agencies shall within 20 working days from the date of making the law enforcement decision, announce to the public such information as law enforcement agencies, law enforcement objects, law enforcement categories, and law enforcement conclusions, for

public supervision.

## **Chapter VI Legal Liabilities**

**Article 72** If any acts in violation of these Regulations are set out in relevant laws and administrative regulations, such acts shall be dealt with in accordance with such laws and regulations.

**Article 73** If the people's governments at all levels of Beijing, competent planning and natural resources department, and other competent departments have committed any of the following acts, the superior administrative authorities shall order them to correct, circulate a criticism, and give punishment to directly responsible head and other directly responsible persons:

(1) failing to prepare urban and rural planning which shall be prepared under the law, or failing to prepare, examine and approve, or amend the same in accordance with the statutory procedures;

(2) issuing opinion on site selection, temporary construction land approval documents, construction planning permits, temporary construction planning permits, rural construction planning permits, temporary rural construction planning permits beyond terms of reference or to applicants who do not meet the statutory requirements;

(3) failing to issue opinion on site selection, temporary

construction land approval documents, construction planning permits, temporary construction planning permits, rural construction planning permits, temporary rural construction planning permits to applicants who meet the statutory requirements within statutory time limit;

(4) issuing construction project approval documents to construction projects that have not obtained opinion on site selection under the law;

(5) agreeing to modify drawings attached to the construction planning permit before listening to the opinions of the stakeholders under the law;

(6) failing to investigate into and deal with any construction that has not obtained planning permit or is in violation of the planning permit not to obtain planning permission under the law or construction in violation of the provisions of the planning permission, or failing to deal with such violations under the law after receiving any report; or

(7) issuing administrative licenses and/or certificates for applications involving the use of houses that are inconsistent with the use recorded in the real estate register.

If any municipal public service unit provides public service for illegal construction in violation of provisions and refuses to correct such practice, relevant competent authority shall order it to correct and circulate criticism, or refer clues of suspected duty-related violations

or crimes to supervision authority under the law.

**Article 74** For ongoing illegal construction, law enforcement agencies shall order the parties involved in illegal construction to immediately cease construction, dismantle or backfill the construction by themselves. In addition, law enforcement agencies may seal up illegal construction sites and seize illegal construction tools and materials. If the party concerned refuses to cease the construction or refuses to dismantle and backfill, the law enforcement agency shall do it forcibly and immediately under the law.

**Article 75** For construction that has not obtained planning permits and/or certificates or fails to comply with the contents set out in such permits and/or certificates, if obtained, the law enforcement agency may order to correct within specified time limit and impose a fine of 5% to 10% of the construction cost if corrective measures can be taken to eliminate the adverse impact on the implementation of such planning; or order to dismantle the same, if no corrective measures cannot be taken to eliminate the adverse impact; or confiscate physical items or illegal gains and/or impose a fine of less than 10% of the construction cost, if such construction cannot be dismantled.

Measures for the disposal of confiscated illegal construction materials shall be formulated by the competent natural resources and

planning department in conjunction with the municipal finance department.

The illegal gains referred to in the preceding paragraph hereof shall be calculated according to the proceeds from the sale of illegal construction. If the illegal construction is not sold or the price obtained from the sale is obviously lower than the market price of the same type of real estate in the surrounding area, the law enforcement agency shall entrust an evaluation institution to make an evaluation and determination with reference to the market price of the same type of real estate in the surrounding area at the time of entrustment.

**Article 76** If a temporary urban construction project fails to obtain a temporary construction planning permit or fails to carry out construction in accordance with the contents of the temporary construction planning permit or fails to dismantle it within the time limit, the competent natural resources and planning department shall order it to dismantle it within a time limit and may also impose a fine of less than twice the construction cost.

**Article 77** For residential construction with homestead for villagers without approval, the township people's government may order the construction unit to go through the examination and approval procedure, if it complies with the village planning; or order the construction unit to dismantle the same, confiscate rental income, if

any, and impose a fine of less than twice the rental income, if it does not comply with the village planning.

**Article 78** Law enforcement agencies shall order the parties involved in illegal construction to dismantle or backfill within a time limit. If the parties involved in illegal construction fail to dismantle or backfill within the time limit, law enforcement agencies shall urge the parties concerned to perform their obligations under the law. If such parties still fail to perform their obligation within the time limit after being so urged, the law enforcement agencies shall take such measures as enforced demolition and backfilling under the law. The demolition or backfilling of illegal construction shall be subject to safety appraisal.

If law enforcement agencies cannot determine the parties involved in illegal construction, they may issue an announcement on the public media or the place where the construction project is located, urging the parties involved in illegal construction to be managed under the law, ordering them to dismantle the illegal construction within a time limit, and informing them that the law enforcement agencies will implement enforced demolition under the law, if they fail to dismantle the illegal construction within the time limit. The announcement period shall not be less than 10 days. If no one lodges an administrative reconsideration or administrative lawsuit within 6

months after the expiration of the announcement period, the illegal construction shall be forcibly dismantled or confiscated under the law.

**Article 79** If the law enforcement agency meets the requirements for statutory subrogate execution in investigating into and dealing with illegal construction, the provisions of the *Law of the People's Republic of China on Administrative Enforcement* shall apply.

**Article 80** The cost for forcibly dismantling or backfilling illegal construction and expenses for safety appraisal, the expenses for cleaning up, transporting, and disposing of construction wastes, and expenses for preserving relevant items shall rest with the parties involved in the illegal construction. If the party concerned fails to pay such costs and/or expenses within the time limit, the law enforcement agency may impose a late fee under the law.

The administrative authority shall apply to the people's court for enforcement under the law if the party concerned still fails to pay the late fee imposed by the authority for more than 30 days.

**Article 81** The competent natural resources and planning department shall give a warning and impose a fine of not less than RMB100,000 but not more than RMB200,000, if the design unit provides design drawings for construction projects without obtaining planning permission or fails to provide design drawings for construction according to the requirements of planning permission. If

the circumstances are serious, a fine of RMB200,000 to RMB500,000 shall be imposed, and the party concerned may be ordered to suspend business for rectification and reduce its qualification level. The person directly responsible shall be given a warning and a fine of RMB5,000 to RMB50,000 shall be imposed. For registered architects and other professional and technical personnel, their qualification certificates may be revoked and they shall not be registered for 5 years.

**Article 82** If the construction unit fails to construct in accordance with the standard construction drawing design documents or undertakes construction projects without obtaining planning permission, the competent department of housing and urban and rural construction shall impose a fine of not less than 2% but not more than 4% of the project contract price; if the circumstances are serious, it shall be ordered to suspend business for rectification, reduce the level of qualification or revoke the qualification certificate.

**Article 83** If the construction unit of the urban residential construction project fails to construct infrastructure and public service facilities in accordance with the regulations, the competent natural resources and planning department shall order it to make corrections within a time limit and impose a fine of not less than 5% but not more than 10% of the construction cost. If no correction is made within the time limit, a fine of more than twice the cost of the part of the project

to be built shall be imposed.

If the supporting infrastructure and/or public service facilities of urban residential construction projects which shall be handed over under the law has not handed over, the competent department shall order the same to be handed over within specified time limit; otherwise, the same shall be taken back and a fine of 5% to 10% of the construction cost for the portion that has not been handed over.

**Article 84** If the construction unit or the owner changes the use of the project in violation of the regulations of Beijing on the planned use without permission after the construction project is put into operation, the competent natural resources and planning department shall order the party concerned to make corrections within a time limit and impose a fine of twice the amount of the land use right price that should be paid according to the actual use type. If the circumstances are serious, the land use right shall be recovered free of charge according to law.

**Article 85** If the construction unit of an urban construction project fails to place the construction project planning permit, temporary construction project planning permit, rural construction planning permit, temporary rural construction planning permit, accessories and drawings on the construction site in accordance with the regulations, relevant law enforcement agency determined by the

Municipal People's Government shall order it to make corrections within a time limit and may impose a fine of not less than RMB5,000 but not more than RMB10,000.

**Article 86** Any individual who impedes law enforcement agency from supervising and/or inspecting the construction, or conceals, transfers, sells, or damages seized or attached properties shall be punished in accordance with the *Law of the People's Republic of China on the Public Security Administration and Punishment*.

**Article 87** If the party involved in the illegal construction fails to pay the fine within the time limit after being fined, the law enforcement agency may impose a fine of 3% of the amount of the fine on a daily basis.

If the party involved in the illegal construction fails to apply for administrative reconsideration or lodge an administrative lawsuit within the statutory time limit, and fails to pay the fine, the law enforcement agency may apply to the people's court for enforcement under the law.

**Article 88** If the law enforcement agency applies to the people's court for enforcement, the people's court shall make a ruling in accordance with the law, and may issue a consumption restriction order and include such party in the list of discredited person subject to enforcement.

**Article 89** If the construction unit causes damage to the legitimate rights and interests of citizens, juridical persons and other organizations, it shall assume corresponding civil liabilities under law. If the illegal construction undermines the public interests, such as damaging ecological environment or resources protection, the authorities and relevant organizations prescribed by law may bring a civil public interest lawsuit against the parties concerned in accordance with the law and investigate their liability for damages.

**Article 90** The people's governments of districts and Beijing and relevant competent departments shall refer those public officials who are found to be suspected of violating the law or committing duty-related crimes to the supervisory authority for punishment under the law.

The law enforcement agency shall refer those who violate these Regulations and are suspected of committing other crimes to the public security authority for criminal liability under the law.

## **Chapter VII Supplementary Provisions**

**Article 91** The construction projects referred to in these Regulations means buildings, structures, and urban and rural municipal and transport projects that are newly constructed,

reconstructed, expanded, or renovated.

External decoration of existing buildings in key streets, historical and cultural blocks and specific areas specified by the Municipal People's Government shall be managed with reference to construction projects.

**Article 92** Illegal construction referred to in these Regulations includes illegal construction in cities, towns, and villages. Illegal urban construction refers to urban construction projects that have not obtained construction planning permit or temporary construction planning permit or have not been constructed in accordance with the contents of the permits, as well as temporary urban construction projects that have not been dismantled within the time limit. Illegal rural construction refers to rural construction projects that have not obtained village construction planning permit or temporary village construction planning permit or have not been constructed in accordance with the contents of the permits.

The parties involved in illegal construction referred to in these Regulations include the construction units, owners or managers of illegal construction.

**Article 93** These Regulations shall come into force as of April 28, 2019.