At the 10th meeting of the Standing Committee of the 13th National People's Congress, it was decided that:

    一、对《中华人民共和国建筑法》作出修改

一、Amendments to the Building Law of the People's Republic of China

Article 8 The following conditions shall be satisfied before application for a construction permit:

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

2. The construction project planning permit, if required under the law, has been obtained;

3. The progress of house demolishment and resident resettlement, if necessary, conforms to the requirements of the construction of the project;

4. The enterprise for undertaking the construction has been determined;

5. The arrangement of the funds, construction drawings and the technical data required for construction are available; and

6. Specific measures are taken to ensure project quality and safety;

The competent administrative department for construction shall, within seven days from the date of receipt of the application, issue the construction permit for the application that meets the conditions.

二、Amendments to the Fire Protection Law of the People's Republic of China

Article 10 With respect to construction projects for which fire control design is required according to the national standards of construction technology for fire control, the system for examination, inspection and acceptance of fire control design for construction project shall be implemented.

Article 11 For the special construction projects prescribed by the competent department of housing and urban-rural development of the State Council, the construction owners shall submit the fire control design documents for review to the competent housing and urban-rural development which shall be responsible for the result of the review in accordance with the law.

For the construction projects other than those prescribed in the preceding paragraph, the construction owner shall provide the fire control design drawings and technical materials meeting the construction requirements when applying for the construction permit or applying for approval of the construction commencement report.

Article 12 Where a special construction project fails to go through or fails to pass the fire control review, the project owner or the construction entity shall not carry out the construction; for any other construction project, where the project owner fails to provide the fire control design drawings and technical materials meeting the construction requirements, relevant department shall not issue the construction permit or approve the construction commencement report.

Article 56 The competent departments of housing and urban-rural development, fire control departments and their staff members shall, according to their statutory functions, powers and procedures, conduct examination of fire control design, fire control acceptance check, and fire safety and prevention inspection in an impartial, strict, civilized and efficient manner.

The competent departments of housing and urban-rural development, fire control departments and their staff members shall neither charge any fee in course of examination and verification of fire control design, fire control acceptance check and fire safety and control inspection etc., nor seek any benefit by making use of their duties; they shall not make use of their duties to limit, whether or not in a disguised form, users or project owners to designated brands or sales agencies of products for fire control or designated agencies that provide technical services for fire control or designated fire facility construction organizations.

Article 57 Competent departments of housing and urban-rural developments, fire control and rescue departments and their functionaries shall voluntarily accept supervision of public and citizens in carrying out their duties.

All entities and individuals shall have the right to make a denunciation for, or an accusation against, any violation of law committed by the competent department of housing and urban-rural development, fire control and rescue department or their functionary in law enforcement. Authority that receives such denunciation or accusation shall, in a timely manner, conduct investigation and punishment according to its responsibilities.

Article 71 If a functionary of the competent department of housing and urban-rural development, fire control and rescue department abuses authority, is derelict in duties, practices favoritism or commits irregularities by committing any of the following acts, which does not constitute a crime, it shall be subject to a sanction in accordance with the law:

(1) Granting examination certification, fire control acceptance check certification and fire safety and control certification to fire control design documents, construction projects or places which do not meet requirements for fire safety and control;

(2) Delaying relevant examination processes without justified reasons, including examination of fire control design, fire control acceptance check, and fire safety and control inspection, thereby failing to fulfill his/her responsibility within a statutory time limit;

(3) Failing to promptly notify relevant entities or individuals of rectification measures required to be taken after discovering any potential fire hazard；

(4) Making use of his or her authority to limit, whether or not in a disguised form, users or project owners to brands or sales agencies of products for fire control or agencies that provide technical services for fire control or fire facility construction organizations which are designated;

(5) Using fire engines, fire boats or fire-fighting apparatus, equipment or facilities for purposes that are irrelevant to fire control or emergency rescue activities; or

(6) Other acts of abusing authority, being derelict in duties, practicing favoritism or committing irregularities.

If a functionary of product quality supervision departments, administrative department for industry and commerce or any other relevant administrative department abuses authority, is derelict in duties, practices favoritism or commits irregularities in the work of fire control, which does not constitute a crime, it shall be subject to a sanction.

Article 58 In case of violation of this Law, which falls under any of the following circumstances, the competent department of housing and urban-rural development and fire control and rescue department shall, according to their respective functions and powers, order the violator to cease construction, use, production or business operations and concurrently impose a fine ranging from RMB 30,000 to RMB 300,000 on the violator:

 (1) Carrying out a construction project without going through or passing the examination of the fire control design for the construction project in accordance with the law while such examination is required under the law;

 (2) Putting a construction project into use without going through or passing the fire control acceptance check for the construction project in accordance with the law while such acceptance check is required under the law;

 (3) Failing to cease the use of any other construction project prescribed in Article 13 hereof when fire control design of such project fails to pass random examination legally conducted after the acceptance check thereof;

 (4) Putting a public gathering place into use when such place fails to go through fire safety and control check or fails to satisfy fire safety and control requirements upon check.

Where a project owner fails to go through record-filing with the competent department of housing and urban-rural development in accordance with this Law after check and acceptance, the competent department of housing and urban-rural development shall order the project owner to make correction and impose on the project owner a fine less than RMB 5,000.

Article 59 In case any of the following acts results in a violation of the provisions of this Law, the violator shall be ordered to make corrections or to suspend construction by the competent department of housing and urban-rural development, and shall be imposed with a fine ranging from RMB 10,000 to RMB 100,000:

(1) Project owner requires project design organization or construction enterprise to design or construct project below technical standards for fire control;

(2) Project design organization fails to conduct fire control design according to compulsory requirements in technical standards for fire control;

(3) Construction enterprise fails to carry out construction according to documents for fire control design and technical standards for fire protection, thereby lowering quality in construction for fire control; or

(4) Project supervision entity colludes with project owner or construction enterprise in practicing fraud, thereby lowering quality in construction for fire control.

Article 70 The administrative penalties as prescribed in this Law shall be determined by the competent department of housing and urban-rural development and the fire control and rescue department according to their respective functions and duties, except for those that shall be determined by the public security organ in accordance with the relevant provisions of the Law of the People's Republic of China on Public Security Administration and Penalties.

The party that is ordered to cease construction, use, production or business operation shall, after completion of rectifications, report the same to the department or authority making the decision and shall not resume construction, use, production or business before passing inspection.

If the concerned parties fail to cease production, business operation, use or construction as decided within a specified time limit, the department or organ making the decision shall enforce the same.

If an order to cease production or business operation causes a relatively significant impact on economy and social life, the competent department of housing and urban-rural development or the emergency management department shall submit the same to the people's government at the same level for decision in accordance with the law.

In Article 4, Article 17, Article 24 and Article 55, the phrase "fire control department of the public security organ" is changed into "fire control and rescue department", the phrase "public security departments, public security organs and fire control department of the public security organ" is changed into "emergency administration department"; the phrase "public security organs and fire control departments" in Paragraph 3 of Article 6 is changed into "emergency administration departments and fire control and rescue departments", the phrase "public security organs" in Paragraph 7 is changed in "public security organs, emergency administration"; the phrase "fire control department of the public security organ" in Article 15, Article 25, Article 29, Article 40, Article 42, Article 45, Article 51, Article 53, Article 54, Article 60, Article 62, Article 64, and Article 65 is changed into "fire control and rescue departments"; the phrase "public security fire brigades" in Article 36, Article 37, Article 38, Article 39, Article 46 and Article 49 is changed into "comprehensive fire control and rescue brigades of the State".

1. Amendments to the Law of the People's Republic of China on Urban and Rural Planning

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.

Where the State-owned land use right for a construction project is obtained by way of grant, the project owner shall collect the construction land use planning permit from the competent urban-rural planning department of the city or county people's government after receiving the documents of approval, ratification or record-filing of the construction project and entering into the contract on grant of the State-owned land use right.

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.