Letter of Commitment on Compliance with the Requirements Notified for Granting Planning Permits or Rural Planning Permits (Including Provisional Permits) for Low-Risk Construction Projects with Non-Government Investment

(Sample)

I. Basic Information

(I). Authority in charge of approval

Name: XX branch of Beijing Municipal Commission of Planning and Natural Resources

Consultation hotline: *(The system automatically displays consultation hotlines of all branches at district-level)*

(II). Applicant

Construction Unit Name

Unified Social Credit Code:

Legal Representative:

(III). Authorized agent

Name: Tel.:

Type of Certificate: Certificate No.:

II. Notification by the Authority in Charge of Approval

**(I). Processing matters**

Name: Planning Permits or Rural Planning Permits (Including Provisional Permits) for Low-risk Construction Projects with Non-Government Investment

**(II). Basis for matters**

1. Article 29 of [*Regulations on Urban and Rural Planning of Beijing*](quot;http://www.beijing.gov.cn/zhengce/zhengcefagui/201905/t20190522_61987.html&quot) provides that, the planning permit system shall be implemented in Beijing according to the law, and all construction land and construction projects shall conform to urban and rural planning and obtain planning permits according to the law.

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

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

2. Article 38 (1) of [*Regulations on Urban and Rural Planning of Beijing*](quot;http://www.beijing.gov.cn/zhengce/zhengcefagui/201905/t20190522_61987.html&quot) provides that, a construction unit that carries out any urban construction project shall apply with the competent departments of planning and natural resources for a construction project planning permit. If the requirements of the integrated planning implementation plan are met, the competent authorities of planning and natural resources shall issue the planning permits for construction projects within 7 days.

3. Article 31 (1) of *Beijing* *Regulations on Optimizing the Business Environment* provides that, we will implement a requirement notification and compliance commitment mechanism in delivering government services in industries and fields other than those directly related to national security, public security and people's life and health. If an applicant undertakes that relevant conditions are met, the government department concerned shall directly give consent. An applicant who fails to fulfill the commitment shall be ordered to make rectification within a specified time limit. If the inconsistency still exists after rectification, the consent shall be revoked and the case shall be recorded on the credit information platform. If an applicant makes a false commitment, the consent shall be directly revoked, the said applicant shall be held legally liable for engaging in relevant activities without consent and the case shall be recorded on the credit information platform.

4. *Several Provisions on Streamlining the Review and Approval Service for Newly-Built Simple and Low-Risk Construction Projects with Non-Government Investment* (Jing Zheng Ban Fa [2019] No. 10)

5. *Relevant provisions of the Measures of Beijing Municipal Commission of Planning and Natural Resources on Improving the Examination and Approval Services for Simple and Low-risk Construction Projects* (Jing Gui Zi Fa [2019] No. 439).

6. *Administrative Measures of Beijing Municipality for the Punishment on Dishonesty in the Approval Commitment System in the Construction Field (Trial)* (Shi Gui Hua Guo Tu Fa [2018] No. 350)

**(III). Conditions**

If, for the non-residential projects that fall within the list of low-risk construction projects with non-government investment in Beijing, the applicant undertakes that the application materials it submits conform to the integrated planning implementation plan approved by the authority in charge of the plot where the project is located (including the comprehensive opinions of the multi-planning platform), we will apply the requirement notification and compliance commitment mechanism for granting planning permits or rural planning permits (including provisional permits) (hereinafter referred to as "planning permit") to construction projects.

**(IV). Application materials**

1. *Application Form for Handling of Construction Project* ("One-Form" Acceptance for Simple and Low-Risk Construction Projects with Non-government Investment (upload a scanned copy of the original in the format of PDF);

2. *Power of Attorney of the Legal Representatives of Construction Projects* (upload a scanned copy of the original in the format of PDF) and national ID card of the authorized agent (upload 1 two-sided scanned copy of the original in the format of PDF);

3. *Official Letter of Application for Construction of Simple and Low-Risk Construction Project* (upload a scanned copy of the original in the format of PDF);

4. Design drawings produced by qualified design entities (one set in PDF) and an additional general layout (one set in BDB and PDF);

5. Letter of Commitment with an official seal of the applicant (Annex).

6. Additional documents required for the following projects:

(1). Opinions to be approved by the villagers' meeting with signatures of the villagers' committee (upload a scanned copy of the original in the format of PDF);

(2). For projects which have not obtained approval documents for construction on collectively-owned land, when applying for the rural planning permit, the applicant shall submit the *Construction Project Land Survey Results Report* (upload a scanned copy of the original in the format of PDF).

(3). For projects that synchronously apply for the planning permit, the applicant shall submit the Construction Contract Agreement (for projects subject to tender according to law, the Notification of Award shall be uploaded at the same time) (upload a scanned copy of the original in the format of PDF) and the *Letter of Commitment of Legal Person of Low-risk Construction Projects with Non-government Investment* (upload a scanned copy of the original in the format of PDF).

**(V). Processing time**

After accepting the planning permit, the authority in charge of approval shall review whether the application materials submitted are complete and in a legal form and whether the commitments are complete and clearly stated. For projects passing the review, the authority in charge of approval shall make a decision to grant permits; for projects applying for permits online, the authority in charge of approval shall make a decision to grant permits within 0.5 working days.

**(VI). Spot check after approval**

The authority in charge of approval shall, within 20 working days after the planning permit is issued, carry out spot check on 100% of the materials submitted by the applicant. The spot check shall verify whether the project is consistent with the commitment and whether application materials comply with the requirements of the integrated planning implementation plan as well as applicable laws and regulations.

**(VII). Classification of dishonesty**

1. General dishonesty:

The applicant shall be liable for general dishonesty if the application materials are not completely consistent with the requirements of the integrated planning implementation plan in terms of matters other than building usage, scale, height, location and outer size, and the construction has not yet commenced.

2. Major dishonesty:

(1). The applicant shall be liable for major dishonesty if the application materials are inconsistent with the requirements of the integrated planning implementation plan in terms of building usage, scale, height, location and outer size, and the construction has not yet commenced.

(2). If the applicant fails to make rectifications for general dishonesty in time.

3. Serious dishonesty:

(1). The applicant shall be liable for serious dishonesty if the application materials are inconsistent with the requirements of the integrated planning implementation plan in terms of building usage, scale, height, location and outer size, and the construction has started.

(2). If the application materials are in violation of applicable laws and regulations.

(3). If the applicant has provided fake materials or has obtained the permit in other fraudulent ways.

(4). If the applicant has committed major dishonesty and fails to make rectifications in time.

**(VIII). Corresponding penalties on dishonesty**

The following measures shall be taken respectively by the authority in charge of approval as corresponding penalties against the applicants with dishonesty according to the severity of inconsistency.

1. General dishonesty:

(1). The authority in charge of approval shall notify the applicant in writing within 20 working days after the permit is issued and require the applicant to make rectifications within 10 working days. If the applicant fails to make rectifications in time or the dishonesty still exists after rectification, the applicant shall be deemed liable for major dishonesty.

(2). In such case, the applicant and the designer shall be listed as priority subjects for inspection, and the application materials submitted by them shall be subject to rigorous review.

2. Major dishonesty:

(1). The authority in charge of approval shall notify the applicant in writing within 20 working days after the permit is issued and require the applicant to make rectifications within 10 working days. If the applicant fails to make rectifications in time or the dishonesty still exists after rectification, the applicant shall be deemed liable for serious inconsistency.

(2). This misconduct of the applicant and the designer will be recorded on the credit information platform and posted for public review for six months.

(3). The applicant will not be eligible to this mechanism for obtaining rural planning permits or to enjoy the approval services for low-risk construction projects in the following six months.

3. Serious dishonesty

(1). In such cases, the planning permit granted to the project will be revoked, and the case will be reported to the corresponding housing and urban-rural development authority. The projects involved in the case will be subject to investigation and punishment measures against illegal construction projects taken by the law enforcement authority.

(2). This misconduct of the applicant and the designer will be recorded on the public credit information platform and posted for public review for one year.

(3). The applicant will not be eligible to this mechanism for obtaining rural planning permits or to enjoy the approval services for low-risk construction projects in the following year.

(4). In case of serious dishonesty due to designing, the misconduct of the designer will be recorded on the public credit information platform and posted for public review for one year; and the designer shall be held liable by the administrative department of survey, design and mapping as per relevant regulations.

4. Where the planning permit is revoked due to matters attributable to the applicant, the legal liabilities arising therefrom shall be borne by the applicant. The applicant shall also assume corresponding legal liabilities for any adverse impacts or losses caused to a third party.

**(IX). Complaints and objections**

In case of objections to penalties, the applicant shall, within 5 working days after the penalties are introduced, lodge a complaint and objection via the consultation hotline published by district branches under the Commission. Relevant authorities shall process the objection within 5 days and give reply to the applicant, unless the involvement of a third-party professional service agency is necessary. During the objection processing period, the applicant may suspend construction to reduce unnecessary losses.

III. Commitments Made by the Applicant

The applicant makes the following commitments on a voluntary basis:

(I). The basic information filled in and the application materials submitted are true, legal, valid and complete;

(II). The applicant has known all the contents notified by the authority in charge of approval;

(III). The corresponding conditions, standards and technical requirements have been met, specifically:

1. The projects under application are non-residential projects that fall within the list of low-risk construction projects with non-government investment in Beijing, and the application materials conform to the requirements of the integrated planning implementation plan approved by the authority in charge of the plot where the project is located (including the comprehensive opinions of the multi-planning platform).

2. The application drawings meet the requirements of relevant laws, regulations and rules, the design standards and design codes of the state and Beijing, as well as the requirements of *Guidelines for Application of Technical Documents for Planning and Design of Construction Projects* (Shi Gui Hua Guo Tu Fa [2018] No.87).

(IV). The applicant agrees to bear the legal liability for failing to fulfill the commitments or making false commitments, as well as the disciplinary measures notified by the authority in charge of approval;

(V). The commitments made are an expression of the authentic intention of the applicant.

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| Signature (Seal) of the Applicant: | Authority in charge of approval (Seal): |
|  |  |
| Date: (MM) \_\_\_ (DD) \_\_\_\_ (YYYY) | Date: (MM) \_\_\_ (DD) \_\_\_\_ (YYYY) |

(This document is made in duplicate, with the authority in charge of approval and the applicant holding one copy each.)