

**【Title】 Urban and Rural Planning Law of the People's Republic of China[现行有效]**  
**【法规标题】 中华人民共和国城乡规划法 [Effective]**

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(No.74)

The Urban and Rural Planning Law of the People's Republic of China, which was adopted at the 30th meeting of the Standing Committee of the Tenth National People's Congress of the People's Republic of China on October 28th, 2007, is hereby promulgated and shall come into force as of January 1st, 2008.

President of the People's Republic of China: Hu Jintao  
October 28th, 2007

Urban and Rural Planning Law of the People's Republic of China  
(Adopted at the 30th meeting of the Standing Committee of the Tenth National People's Congress of the People's Republic of China on October 28th, 2007)

中华人民共和国主席令  
(第七十四号)

#\$(相关资料:[法律 3 篇](#)[行政法规 3 篇](#)[部门规章 40 篇](#)[地方法规 768 篇](#)[裁判文书 17 篇](#)[条文释义](#)[相关论文 27 篇](#))

《中华人民共和国城乡规划法》已由中华人民共和国第十届全国人民代表大会常务委员会第三十次会议于 2007 年 10 月 28 日通过, 现予公布, 自 2008 年 1 月 1 日起施行。

中华人民共和国主席 胡锦涛

2007 年 10 月 28 日

中华人民共和国城乡规划法

(2007 年 10 月 28 日第十届全国人民代表大会常务委员会第三十次会议通过)

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Article 1 This Law is formulated for the purpose of strengthening urban and rural planning administration, harmonizing urban and rural spatial layout, improving people's living environment and promoting the integrated, harmonious and sustainable development of urban and rural society and economy.

Article 2 Making and implementing urban and rural planning as well as conducting construction activities in planning areas shall be governed by this Law.

The term "urban and rural planning" as mentioned in this Law includes urban system planning, city planning, town planning, township planning and village planning. City or town planning includes overall planning and detailed planning. Detailed planning includes regulatory detailed planning and site detailed planning.

The term "planning area" as mentioned in this Law refers to the built-up areas of cities, towns and villages as well as areas that must be under planning control for urban and rural construction and development. The specific scope of a planning area shall be defined by the related people's government, in light of the urban and rural economic and social development level and the needs for the overall development of urban and rural areas, in organizing the establishment of the overall planning of a city or town, a township planning or a village planning.

Article 3 Cities and towns shall work out city planning and town planning in accordance with this Law. Construction activities within a city or town planning area shall be conducted in accordance with the planning requirements.

The local people's government at or above the county level shall, in light of the local rural economic and social development level and in accordance with the principles of adjusting measures to local conditions and feasibility, determine regions required to establish township or village planning. The townships and villages inside the regions shall work out their respective planning in accordance with this Law. The township and village construction within the planning areas shall be in line with the planning requirements.

The local people's government at or above the county level shall encourage and guide the townships and villages outside the regions to work out and implement township and village planning.

Article 4 Urban and rural planning shall be worked out and implemented by following the principles of planning the urban and rural areas as a whole, reasonable layout, saving the land, intensive growth and planning before constructing so as to improve ecological environment, enhance the conservation and comprehensive utilization of resources and energy, protect farmland and other natural resource as well as cultural heritages, maintain local features, ethnic features and traditions, prevent pollution

第一条 为了加强城乡规划管理，协调城乡空间布局，改善人居环境，促进城乡经济社会全面协调可持续发展，制定本法。##（相关资料:[条文释义](#)）

and other public nuisance, and satisfy the needs of regional population development, national defense construction, disaster prevention and alleviation, public health and public safety.

Construction activities in the planning area shall be conducted by observing laws and regulations governing land management, natural resources and environmental protection, etc.

The local people's government at or above the county level shall, in light of the local social and economic development level, reasonably determine the development scale, steps and construction standards of a city or town in the overall planning of the city or town.

Article 5 The establishment of the overall planning of a city or town, a township planning or a village planning shall be based on the national economic and social development planning as well as the overall planning on land use.

Article 6 The people's governments at various levels shall bring the expenses necessary for the establishment and administration of urban and rural planning into the fiscal budget at the corresponding level.

Article 7 An urban and rural planning which has been approved according to law shall be a basis for urban and rural construction as well as planning administration, and may not be altered without going through the legal procedure.

第二条 制定和实施城乡规划，在规划区内进行建设活动，必须遵守本法。

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

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

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

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

县级以上地方人民政府鼓励、指导前款规定以外的区域的乡、村庄制定和实施乡规划、村庄规划。#\$(相关资料:[条文释义](#))

Article 8 Organs organizing the establishment of urban and rural planning shall publicize legally approved urban and rural planning in a timely manner, except for contents which shall not be disclosed as required by laws or administrative regulations.

Article 9 All entities and individuals shall abide by urban and rural planning which have been legally approved and disclosed, be submit to the administration of such planning, and have the right to inquiry of the competent department of urban and rural planning about whether a construction activity affecting their interests is in compliance with the planning requirements.

Any entity or individual shall have the right to report or accuse of any act in violation of any urban and rural planning to the competent department of urban and rural planning or other related department. Such department shall promptly accept the report or accusation and organize manpower to investigate and handle it.

Article 10 The state encourages adopting advanced scientific technologies to make urban and rural planning more scientific and to improve the efficiency of the implementation, supervision and administration of urban and rural planning.

Article 11 The competent department of urban and rural planning under the State Council shall take charge of the urban and rural planning administration of the whole nation.

The local people's governments at or above the county level shall take charge of the urban and rural planning administration work of their respective administrative region.

## Chapter II Establishment of Urban and Rural Planning

Article 12 The competent department of urban and rural planning under the State Council shall, together with other relevant departments under the State Council, organize the establishment of the national urban system planning, which shall be used to guide the establishment of provincial urban system planning and overall planning of cities.

The national urban system planning shall be filed by the competent department of urban and rural planning under the State Council with the State Council for examination and approval.

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

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

县级以上地方人民政府应当根据当地经济社会发展的实际，在城市总体规划、镇总体规划中合理确定城市、镇的发展规模、步骤 and 建设标准。#\$(相关资料: [地方法规 1 篇裁判文书 1 篇条文释义相关论文 1 篇](#))

第五条 城市总体规划、镇总体规划以及乡规划和村庄规划的编制，应当依据国民经济和社会发展规划，并与土地利用总体规划相衔接。#\$(相关资料: [地方法规 1 篇条文释义](#))

第六条 各级人民政府应当将城乡规划的编制和管理经费纳入本级财政预算。#\$(相关资料: [地方法规 2 篇条文释义](#))

Article 13 The people's government of a province or autonomous region shall organize the establishment of its provincial urban system planning and file it with the State Council for examination and approval.

A provincial urban system planning shall include: spatial layout of cities and towns and scale control, layout of significant infrastructures and areas which shall be under strict control for the purpose of protecting ecological environment and resources.

Article 14 The people's government of a city shall organize the establishment of the overall planning of the city.

The overall planning of a municipality directly under the Central Government shall be filed by the people's government of the municipality with the State Council for examination and approval. The overall planning of a city where the provincial or autonomous region people's government is located or which is specified by the State Council shall be filed with the State Council for examination and approval after it is examined and approved by the provincial or autonomous region people's government. The overall planning of any other city shall be filed by the people's government of the city with the provincial or autonomous region people's government for examination and approval.

Article 15 The county people's government shall organize the establishment of the overall planning of the town where the county people's government is located, and shall file the planning with the people's government at the next higher level for examination and approval. The overall planning of any other town shall be established by the people's government of the town and filed with the people's government at the next higher level for examination and approval.

Article 16 The provincial urban system planning established by the people's government of a province or an autonomous region or the overall planning established by the people's government of a municipality or county shall, before it is submitted to the people's government at the next higher level for examination and approval, be deliberated by the standing committee of the people's congress at the same level, and the deliberation opinions of the members of the standing committee shall be submitted to the people's government at the same level for consideration. The overall planning of a town established by the people's government of the town shall, before it is submitted to the people's government at the next higher level for examination and approval, be firstly deliberated by the people's congress of the town, and the deliberation opinions of the deputies shall be submitted to the people's government at the same level for consideration.

When filing a provincial urban system planning, a city overall planning or a town overall planning for examination and approval, the organ establishing the planning shall file the deliberation opinions of the

第七条 经依法批准的城乡规划，是城乡建设和规划管理的依据，未经法定程序不得修改。#\$（相关资料：[条文释义](#)）

第八条 城乡规划组织编制机关应当及时公布经依法批准的城乡规划。但是，法律、行政法规规定不得公开的内容除外。#\$（相关资料：[条文释义](#)）

members of the standing committee of the people's congress at the same level or the deputies to the people's congress of the town as well as the changes in the planning made in accordance with the opinions together.

Article 17 The overall planning of a city or town shall include: the overall arrangement for the development of the city or town, functional zones, land use layout, comprehensive traffic system, regions prohibited, restricted from or appropriate for construction and various kinds of special planning, etc.

The following contents shall be included in the overall planning of a city or town as mandatory contents: coverage of the planning area, scale of the land used for the construction of the planning area, land used for infrastructure and public service facilities, water head sites and water system, basic farmland, and land used for afforestation, environmental protection, protection of natural and historical cultural heritages, and disaster prevention and alleviation, etc.

The planning period of the overall planning of a city or town is usually 20 years. The overall planning of a city shall forecast the long-term development trend of the city and make corresponding arrangements.

Article 18 A township or village planning shall proceed from the actual situation of the rural district, respect the will of the villagers and embody local and rural features.

A township or village planning shall include: the coverage of the planning area, the layout of the land used and the construction requirements for dwelling houses, roads, water supply, drainage, power supply, garbage collection, livestock and poultry feeding plants, service facilities for the production and livelihood in rural areas, and public welfare establishments, and the specific arrangements on protecting farmland as well as other natural resources and historical cultural heritages and preventing and alleviating disasters, etc. A village planning shall also include the overall arrangement for the development of all villages within this administrative region.

Article 19 The competent department of urban and rural planning of a city people's government shall, in accordance with the requirements of the overall planning of the city, organize the establishment of a regulatory detailed planning, and file the planning with the standing committee of the people's congress at the same level and the people's government at the next higher level for archival purpose upon the approval of the people's government at the same level.

Article 20 A town people's government shall, in accordance with the requirements of the overall planning of the town, organize the establishment of a regulatory detailed planning and file the planning with the people's government at the next higher level for examination and

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

任何单位和个人都有权向城乡规划主管部门或者其他有关部门举报或者控告违反城乡规划的行为。城乡规划主管部门或者其他有关部门对举报或者控告，应当及时受理并组织核查、处理。#\$（相关资料:[地方法规 1 篇条文释义](#)）

第十条 国家鼓励采用先进的科学技术，增强城乡规划的科学性，提高城乡规划实施及监督管理的效能。#\$（相关资料:[条文释义](#)）

approval. The regulatory detailed planning of the town where the county people's government is located shall be established by the competent department of urban and rural planning under the county people's government in accordance with the overall planning of the town, and be filed with the standing committee of the people's congress at the same level and the people's government at the next higher level for archival purpose upon the approval of the county people's government.

Article 21 The competent department under the people's government of a city or county or the people's government of a town may organize the establishment of a site detailed planning for important land blocks. The site detained planning shall be in conformity with the regulatory detained planning.

Article 22 The people's government of a township or town shall take charge of establishing the township or village planning, and shall file such planning with the people's government at the next higher level for examination and approval. A village planning shall be consented to by the villagers' meeting or the villagers' representative meeting before it is filed for examination and approval.

Article 23 The overall planning or detailed planning of the capital shall take the layout of land used by central state organs as well as their spatial arrangements into full consideration.

Article 24 Organs organizing the establishment of urban and rural planning shall authorize entities with corresponding qualification grades to undertake the specific establishment work.

An entity may undertake urban and rural planning establishment work within the scope authorized by its qualification grade after satisfying the following requirements, passing the examination conducted by the competent department of urban and rural planning under the State Council or under the people's government of the concerned province, autonomous region or municipality directly under the Central Government, and obtaining the qualification certificate of the corresponding grade:

1. having the corporate capacity;
2. having the prescribed number of planners who have been legally registered at the competent department of urban and rural planning under the State Council;
3. having the prescribed number of related technical personnel;

第十一条 国务院城乡规划主管部门负责全国的城乡规划管理工作。  
县级以上地方人民政府城乡规划主管部门负责本行政区域内的城乡规划管理工作。#\$（相关资料:[地方法规 3 篇裁判文书 1 篇条文释义](#)）

## 第二章 城乡规划的制定

第十二条 国务院城乡规划主管部门会同国务院有关部门组织编制全国城镇体系规划，用于指导省域城镇体系规划、城市总体规划的编制。  
全国城镇体系规划由国务院城乡规划主管部门报国务院审批。#\$（相关资料:[条文释义](#)）



4. having corresponding technical equipment; and

5. having a sound technique management system, a sound quality management system and a sound financial management system.  
The administrative measures for the practicing qualification of planners shall be formulated by the competent department of urban and rural planning under the State Council together with the personnel administrative department under the State Council.  
The relevant state standards shall be observed when establishing urban and rural planning.

Article 25 When establishing urban and rural planning, the basic materials about prospecting, mapping, weather, seism, hydrology and environment as required by the state must be in hand.  
The local competent departments under the local people's government at or above the county level shall, in light of the needs for urban and rural planning, provide the relevant basic materials in a timely manner.

Article 26 Before filing an urban or rural planning for examination and approval, the organ establishing it shall announce the draft of the planning and collect opinions from experts and the general public by way of argumentation, hearing or other. The draft shall be announced for at least 30 days.  
The organ establishing the planning shall fully consider the opinions of experts and the general public, and attach an explanation on the adoption of the relevant opinions and an explanation to the materials filed for examination and approval.

Article 27 Before approving a provincial urban system planning, a city overall planning or a town overall planning, the examining and approving organ shall organize experts and the related departments to conduct an examination.

第十三条 省、自治区人民政府组织编制省域城镇体系规划，报国务院审批。

省域城镇体系规划的内容应当包括：城镇空间布局和规模控制，重大基础设施的布局，为保护生态环境、资源等需要严格控制的区域。#\$（相关资料：[条文释义](#)）

第十四条 城市人民政府组织编制城市总体规划。

直辖市的城市总体规划由直辖市人民政府报国务院审批。省、自治区人民政府所在地的城市以及国务院确定的城市的总体规划，由省、自治区人民政府审查同意后，报国务院审批。其他城市的总体规划，由城市人民政府报省、自治区人民政府审批。#\$（相关资料：[地方法规1篇条文释义](#)）

第十五条 县人民政府组织编制县人民政府所在地镇的总体规划，报上一级人民政府审批。其他镇的总体规划由镇人民政府组织编制，报上一级人民政府审批。#\$（相关资料：[地方法规3篇条文释义](#)）



### Chapter III Implementation of Urban and Rural Planning

Article 28 The local people's governments at various levels shall, in light of the local economic and social development level, and according to their abilities, respect the willingness of the general public and organize the implementation of urban and rural planning in a planned and step-by-step manner.

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

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

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

Article 29 As for the construction and development of urban areas, priority shall be given to the construction of infrastructure and public service facilities, the relation between the development of new zones and the reconstruction of old zones shall be properly handled, and overall consideration shall be given to the livelihood of persons migrating to urban areas to work, surrounding rural economic and social development and villagers' production and livelihood needs.

The construction and development of towns shall be based on rural economic and social development as well as industrial restructuring, and priority shall be given to the construction of infrastructure of water supply, water drainage, power supply, gas supply, road, telecommunication, broadcasting and TV as well as public service facilities including schools, hospitals, cultural stations, kindergartens and welfare institutions so as to provide services for surrounding rural areas.

As for the construction and development of townships and villages, it is necessary to make adjusts according to local conditions, use land in an effective way, give play to villagers' autonomous organizations and guide villagers to make reasonable constructions so as to improve the production and livelihood conditions in rural areas.

Article 30 As for the development and construction of newly developed zones in urban areas, it is necessary to reasonably determine the construction scale and time sequence, fully use the existing infrastructure and public service facilities, vigorously protect natural resources and ecological environment and materialize local characteristics.

Beyond the scope of land used for construction as determined in a city or

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

规划区范围、规划区内建设用地规模、

town overall planning, no development zone or new urban developed zone may be established.

Article 31 As for the reconstruction of old urban areas, it is necessary to protect historical and cultural heritage and traditional style, reasonably determine the demolition and construction scale, and reconstruct the places where there are many dilapidated houses and the infrastructure is relatively backward.

The protection of famous historical and cultural cities as well as the preservation and use of protected structures shall be conducted in accordance with the related laws, administrative regulations and the provisions of the State Council.

Article 32 As for the construction and development of urban and rural areas, it is necessary to legally protect and reasonably use famous scenery resources, make overall arrangements on the construction of famous scenic sites as well as surrounding townships, towns and villages. The planning, construction and management of famous scenic sites shall be proceeded in accordance with the related laws, administrative regulations and the provisions of the State Council.

Article 33 The development and utilization of urban underground space shall be conducted according to the economic and technical development level, the principles of overall arrangement, comprehensive development and reasonable utilization shall be followed, and the needs for disaster prevention and reduction, civil air defense and communication shall be taken into full consideration. It shall also be in line with the city planning, and the examining and approving formalities must be handled.

Article 34 The people's government of a city, county or town shall, in accordance with the city/town overall planning, overall planning on land use, annual plan as well as the national economic and social development planning, work out a near-term construction planning and submit the planning to the overall planning examining and approving organ for

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

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

#\$(相关资料:[地方法规 1 篇条文释义](#))

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

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

#\$(相关资料:[条文释义](#))

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

archival purpose.

The near-term construction planning shall lay stress on the construction of important infrastructure, public service facilities and residential houses for mid and low income residents as well as the protection of ecological environment, specify the sequence, development direction and spatial layout. The period of a near-term construction planning shall be five years.

Article 35 As for the land used for railway, highway, port, airport, road, greenbelt, electricity transmission and distribution facilities, electricity transmission lines, communication facilities, broadcasting & TV facilities, pipeline facilities, water courses, reservoirs, water head sites, natural reserves, flood prevention passages, fire fighting accesses, nuclear power plants, garbage landfills and incineration sites, sewage disposal plants and public service facilities, as well as other land whose use is under the protection of law as specified in urban and rural planning, it is forbidden to change their purpose without approval.

Article 36 As for a construction project which is subject to the approval or verification of the related department as required by the state provisions, if the right to use state-owned land is appropriated, the construction entity shall, before filing the project with the related department for approval, apply to the competent department of urban and rural planning for issuing a written proposal of location.

Written proposal of location is not required for other construction projects.

Article 37 If the right to use state-owned land for a construction project within a city or town planning area is appropriated, upon the approval or verification of the related department, or putting-on-archive of the project, the construction entity shall apply to the competent department of urban and rural planning under the people's government of the city or town for permitting the land use for construction, and the department shall issue a construction land use permit after checking and verifying the location and area of the land used for construction as well as the scope of areas where construction is permitted in accordance with the regulatory detailed planning.

The construction entity may only apply to the competent department of land under the local people's government at or above the county level for land use after obtaining the land use permit. The competent department of land may appropriate land to it upon the approval of the people's government at or above the county level.

Article 38 If the right to use state-owned land within a city or town planning area is assigned, the competent department of urban and rural

#\$ (相关资料:[地方法规 2 篇条文释义](#))

第二十条 镇人民政府根据镇总体规划的要求,组织编制镇的控制性详细规划,报上一级人民政府审批。县人民政府所在地镇的控制性详细规划,由县人民政府城乡规划主管部门根据镇总体规划的要求组织编制,经县人民政府批准后,报本级人民代表大会常务委员会和上一级人民政府备案。#\$ (相关资料:[地方法规 2 篇条文释义](#))

第二十一条 城市、县人民政府城乡规划主管部门和镇人民政府可以组织

planning under the people's government of the city or county shall, before the assignment, raise such planning requirements as the location of the land to be assigned, nature of its use and development intensity as a component of the contract for assignment of the right to use start-owned land on the basis of regulatory detailed planning. As for any state-owned land, if the planning requirements are not specified yet, the right to use it may not be assigned.

If the right to use state-owned land for a construction project is obtained by assignment, the construction entity shall, after concluding the contract for assignment of the right to use start-owned land, obtain the land use permit from the competent department of urban and rural planning of the people's government of the city or county upon the strength of the approval, or verification or archive-filing documents of the project as well as the contract for assignment of the right to use start-owned land.

The competent department of urban and rural planning of the people's government of the city or county may not change the planning requirements which constitute a component of the contract for assignment of the right to use start-owned land in the land use permit without approval.

Article 39 If the planning requirements are not incorporated into a contract for assignment of the right to use start-owned land, this contract is invalid. Where a construction entity without the land use permit is approved to use land, the people's government at or above the county level shall cancel the approval document, if any land has been occupied, such land shall be returned promptly, and if any damage has been caused to a party concerned, compensations shall be made according to law.

Article 40 To build any structure, fixture, road, pipeline or other engineering project within a city or town planning area, the construction entity or individual shall apply to the competent department of urban and rural planning under the people's government of the city or county or the town people's government specified by the people's government of the province, autonomous region or municipality directly under the Central Government for a planning permit on construction project.

To apply for a planning permit on construction project, the relevant documentary evidence on land use, the engineering design plan of the project as well as other related documents shall be submitted. If the project requires a site detailed planning, such planning shall also be submitted. If the project satisfies the regulatory detailed planning and the planning requirements, the competent department of urban and rural planning under the people's government of the city or county or the town people's government specified by the people's government of the province, autonomous region or municipality directly under the Central Government shall issue a planning permit on construction project.

The competent department of urban and rural planning under the people's

编制重要地块的修建性详细规划。修建性详细规划应当符合控制性详细规划。

#\$（相关资料:[条文释义](#)）

第二十二条 乡、镇人民政府组织编制乡规划、村庄规划，报上一级人民政府审批。村庄规划在报送审批前，应当经村民会议或者村民代表会议讨论同意。#\$（相关资料:[条文释义](#)）

government of the city or county or the town people's government specified by the people's government of the province, autonomous region or municipality directly under the Central Government shall publicize the general site layout of the site detailed planning and the engineering design plan which have been deliberated and adopted according to law.

Article 41 To build facilities needed by township and village enterprises, village public utilities or public welfare establishments within a township or village planning area, the construction entity or individual shall file an application with the people's government of the township or town, which shall submit the application to the competent department of urban and rural planning of the people's government of the city or county for issuing a planning permit for rural construction.

The planning administrative measures for building villagers' residential houses in the original house sites within a township or village planning area shall be formulated by each province, autonomous region or municipality directly under the Central Government on its own.

When building premises needed by township and village enterprises, rural common facilities or public welfare establishments within a township or village planning area, no farm land may be used therefor. Where it is really necessary to use farm land, the competent department of urban and rural planning under the people's government of the city or county may issue the planning permit for rural construction after the construction entity or individual handles the examining and approving formalities for changing the purpose of farm land in accordance with the relevant provisions of [the Land Administration Law of the People's Republic of China](#).

The construction entity or individual may not handle the examining and approving formalities for land use until he obtains the planning permit for rural construction.

Article 42 The competent departments of urban and rural planning may not grant any planning permit beyond the scope of land used for building as specified in urban and rural planning.

Article 43 A construction entity shall proceed the construction in accordance with the planning requirements; in the case of any change, it must file an application therefor with the competent department of urban and rural planning under the people's government of the city or county. If the change violates the regulatory detailed planning, the competent department may not approve the change. The competent department of urban and rural planning under the people's government of the city or county shall notify the competent department of land at the same level of the changed planning requirements and publicize them.

The construction entity shall file the changed planning requirements with

第二十三条 首都的总体规划、详细规划应当统筹考虑中央国家机关用地布局 and 空间安排的需要。#\$（相关资料：[条文释义](#)）

the competent department of land of the related people's government for archival purpose.

Article 44 Any temporary construction within a city or town planning area must be subject to the approval of the competent department of urban and rural planning under the people's government of the city or town. If the temporary construction impedes the implementation of the near-term construction planning, the regulatory detailed planning, traffic, townscape or safety, it shall be disapproved.

A temporary construction must be dismantled before the expiration of the approved time limit.

The specific measures for the administration of temporary construction and land use planning shall be formulated by the people's government of each province, each autonomous region and each municipality directly under the Central Government.

Article 45 The competent department of urban and rural planning under the local people's government at or above the county level shall check and verify whether a construction project satisfies the planning requirements in accordance with the provisions of the State Council. Without such check or without passing the check, the construction entity may not organize the completion check and acceptance of the project. A construction entity shall, within 6 months after the completion check and acceptance, file the relevant materials about the completion check and acceptance with the competent department of urban and rural planning.

#### Chapter IV Modification of Urban and Rural Planning

Article 46 The organ establishing a provincial urban system planning, a city overall planning or a town overall planning shall organize the related departments and experts to evaluate the implementation of the planning on a regular basis and collect public opinions by argumentation, hearing or other ways. The organ shall submit an evaluation report attached with the collected opinions to the standing committee of the people's congress at the same level, the people's congress of the town and the organ examining and approving the planning.

Article 47 Under any of the following circumstances, the organ establishing the planning may modify the provincial urban system planning, the city overall planning or the town overall planning within its power limits and in accordance with the prescribed procedure:

1. changes in the urban and rural planning established by the people's government at a higher level require to modify the planning;

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

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

（一）有法人资格；

（二）有规定数量的经国务院城乡规划主管部门注册的规划师；

（三）有规定数量的相关专业技术人员；

（四）有相应的技术装备；

（五）有健全的技术、质量、财务管理制度。  
规划师执业资格管理办法，由国务院城

乡规划主管部门会同国务院人事行政部门制定。

编制城乡规划必须遵守国家有关标准。

#\$（相关资料:[地方法规 2 篇条文释义](#)）

2. adjustment of administrative divisions requires to modify the planning;

3. a significant construction project approved by the State Council requires to modify the planning;

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

县级以上地方人民政府有关主管部门应当根据编制城乡规划的需要，及时提供有关基础资料。#\$（相关资料:[条文释义](#)）

4. the modification is necessary upon evaluation; and

5. other circumstances under which the modification is necessary as deemed by the organ examining and approving the urban and rural planning.

Before modifying the provincial urban system planning, the city overall planning or the town overall planning, the organ establishing it shall summarize the implementation of the planning and report the situation to the organ examining and approving the planning. If the modification involves the mandatory content of the city or town overall planning, the organ establishing it shall submit a special report to the organ examining and approving the planning, and shall set about to prepare the modification plan after obtaining the consent of the organ examining and approving the planning.

The modified provincial urban system planning, city overall planning or town overall planning shall be filed for approval in accordance with the examining and approving procedures prescribed in Articles 13 through 16 of this Law.

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

组织编制机关应当充分考虑专家和公众的意见，并在报送审批的材料中附具意见采纳情况及理由。#\$（相关资料:[条文释义](#)[相关论文 1 篇](#)）

Article 48 To modify a regulatory detailed planning, the organ establishing it shall demonstrate the necessity of the modification, take counsel with the interested persons within the planning area, submit a special report to the organ examining and approving it, and set about to prepare the modification plan after obtaining the consent of the organ examining and approving the planning. The modified regulatory detailed planning shall be filed for approval in accordance with the examining and approving procedures as prescribed in Article 19 and Article 20 of this Law. If the modification involves the mandatory content of the city or town overall planning, the overall planning shall be modified first.

The modification of a township or village planning shall be filed for approval in accordance with the examining and approving procedure



prescribed in Article 22 of this Law.

Article 49 The modified version of the near-term construction planning modified by the people's government of a city, county or town shall be filed with the organ examining and approving overall planning for archival purpose.

Article 50 Where, after the written proposal of location, the land use permit, the planning permit on construction project or the planning permit for rural construction is issued to a licensee, the licensee's legitimate rights and interests are damaged as a result of the legal modification of urban and rural planning, compensations shall be made according to law. The general site layout of a site detailed planning or an engineering design plan approved according to law may not be modified without approval. If it is really necessary to modify it, the competent department of urban and rural planning shall hear the opinions of the interested parties in the form of hearing, etc. If the legitimate rights and interests of any interested party are damaged because of such modification, compensations shall be made according to law.

## Chapter V Supervision and Inspection

Article 51 The people's governments at or above the county level and the competent departments of urban and rural planning under them shall make more efforts in supervising and inspecting the establishment, examination and approval, implementation and modification of urban and rural planning.

Article 52 A local people's government shall report the implementation situation of urban and rural planning to the standing committee of the people's congress at the same level or the people's congress of the township or town, and shall be subject to the latter's supervision.

Article 53 The competent department of urban and rural planning of the people's government at or above the county level shall supervise and inspect the implementation situation of urban and rural planning, and has the right to take the following measures:

1. requesting the related entity or personnel to provide documents and materials related to issues under supervision, and copying them;

第二十七条 省域城镇体系规划、城市总体规划、镇总体规划批准前，审批机关应当组织专家和有关部门进行审查。#\$(相关资料:[地方法规 2 篇条文释义](#))

## 第三章 城乡规划的实施

第二十八条 地方各级人民政府应当根据当地经济社会发展水平，量力而行，尊重群众意愿，有计划、分步骤地组织实施城乡规划。#\$(相关资料:[条文释义](#))

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

生活的需要。

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

乡、村庄的建设和发展，应当因地制宜、节约用地，发挥村民自治组织的作用，引导村民合理进行建设，改善农村生产、生活条件。#\$(相关资料:[条文释义](#))

2. requesting the related entity or personnel to make explanations on issues under supervision, and entering the field to carry on an investigation when necessary; and

3. ordering the related entity or personnel to stop the act violating the relevant laws and regulations on urban and rural planning.

The working personnel of the competent department of urban and rural planning shall produce their certificates when performing the aforesaid supervision and inspection duties. Entities and personnel under supervision shall cooperate with them, and may not impede or obstruct the supervision and inspection activities conducted according to law.

Article 54 Supervision and inspection situation as well as handling results shall be opened according to law for the general public to refer to and supervise.

Article 55 Where a competent department of urban and rural planning finds out, when investigating acts violating this Law, that a state functionary deserves an administrative penalty, it shall propose a penalty suggestion to the organ with the right to appoint and dismiss him or the supervisory body.

Article 56 Where a competent department of urban and rural planning must give an administrative penalty as required by this Law but fails to do so, the competent department of urban and rural planning of the people's government at a higher level has the right to order it to make a decision on giving the administrative penalty or suggest the related people's government to impose an administrative penalty upon it.

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

在城市总体规划、镇总体规划确定的建设用地范围以外，不得设立各类开发区和城市新区。#\$(相关资料:[地方法规 1 篇条文释义](#))

第三十一条 旧城区的改建，应当保护文化遗产和传统风貌，合理确定拆迁和建设规模，有计划地对危房集中、基础设施落后等地段进行改建。历史文化名城、名镇、名村的保护以及受保护建筑物的维护和使用，应当遵守有关法律、行政法规和国务院的规定。#\$(相关资料:[条文释义](#))

Article 57 Where a competent department of urban and rural planning grants an administrative license by violating this Law, the competent department of urban and rural planning of the people's government at a higher level has the right to either order it to cancel or directly cancel the administrative license. If the cancellation damages the legitimate rights and interests of the party concerned, compensations shall be made according to law.

## Chapter VI Legal Liability

Article 58 If any organ is required by law to establish urban and rural planning but fails to do so, or fails to establish, examine and approve or modify urban and rural planning in accordance with the prescribed procedure, the higher level people's government shall order it to correct, circulate a notice of criticism and impose punishments on the principal of the related people's government as well as other directly liable personnel.

Article 59 If an organ establishing urban and rural planning entrusts an unqualified entity to establish urban and rural planning, the higher level people's government shall order it to correct, circulate a notice of criticism and impose punishments on the principal of the related people's government as well as other directly liable personnel.

Article 60 Where the people's government of a town or the competent department of urban and rural planning of the people's government at or above the county level commits any of the following behaviors, the people's government at the same level, the competent department of urban and rural planning of the higher level people's government or the supervisory organ shall, within the authorized power limits, order it to correct, circulate a notice of criticism and impose punishments on the directly liable person in charge and other directly liable persons according to law:

1. failing to organize the establishment of the regulatory detailed planning of the city or the town where the county people's government is located;
2. issuing the written proposal of location, the land use permit, the planning permit on construction project or the planning permit for rural construction to an applicant by exceeding its power limits, or to an applicant not satisfying the prescribed requirements;

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

风景名胜区的规划、建设和管理，应当遵守有关法律、行政法规和国务院的规定。#\$（相关资料:[地方法规 1 篇条文释义](#)）

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

第三十四条 城市、县、镇人民政府应当根据城市总体规划、镇总体规划、土地利用总体规划和年度计划以及国民经济和社会发展规划，制定近期建设规划，报总体规划审批机关备案。近期建设规划应当以重要基础设施、公共服务设施和中低收入居民住房建设以及生态环境保护为重点内容，明确近期建设的时序、发展方向和空间布局。近期建设规划的规划期限为五年。#\$（相关资料:[地方法规 1 篇条文释义](#)）

第三十五条 城乡规划确定的铁路、公路、港口、机场、道路、绿地、输配电设施及输电线路走廊、通信设施、广播电视设施、管道设施、河道、水库、水源地、自然保护区、防汛通道、消防通道、核电站、垃圾填埋场及

焚烧厂、污水处理厂和公共服务设施的用地以及其他需要依法保护的用地，禁止擅自改变用途。#\$（相关资料:[地方法规 2 篇条文释义](#)）

3. failing to issue within the legal time limit the written proposal of location, the land use permit, planning permit on construction project or the planning permit for rural construction to an applicant satisfying the prescribed requirements;

4. failing to publicize the general site layout of an approved site detailed planning or engineering design plan;

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

前款规定以外的建设项目不需要申请选址意见书。#\$（相关资料:[地方法规 10 篇条文释义](#)）

5. failing to hear the opinions of the interested parties in the form of hearing or other form before approving the modification of the general site layout of a site detailed planning or engineering design plan; or

6. failing to investigate and punish a behavior of constructing within a planning area without obtaining the planning permit or by going beyond the planning permit after finding out the behavior, or failing to handle it according to law after being informed of the behavior.

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

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

#\$（相关资料:[地方法规 8 篇条文释义](#)）

Article 61 If the related department of the people's government at or above the county level commits any of the following acts, the people's government at the same level or the related department of the higher level people's government shall order it to correct, circulate a notice of criticism, and impose punishments upon the directly liable person in charge and other directly liable persons:

1. issuing an approval document to a construction project for which the written proposal of location hasn't been obtained according to law;

2. failing to specify the planning requirements in the contract for the assignment of the right to use state-owned land, or changing the planning requirements legally determined in the contract for the assignment of the right to use state-owned land; or

3. appropriating the right to use state-owned land to a construction entity which fails to obtain the land use permit according to law.

Article 62 If an organ establishing urban and rural planning commits any of the following acts, the competent department of urban and rural planning of the people's government of the city or county where it is located shall order it to correct within a certain time limit and impose a fine of not less than the planned planning expenses as stipulated in the contract but not more than double that amount. If the circumstances are serious, it shall be ordered to stop business for rectification, and the license-issuing organ shall degrade its qualification or revoke its qualification certificate. In the case of losses, it shall make compensation according to law:

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

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

城市、县人民政府城乡规划主管部门不得在建设用地规划许可证中，擅自改变作为国有土地使用权出让合同组成部分的规划条件。#\$（相关资料:[地方法规 7 篇条文释义](#)）

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

#\$（相关资料:[地方法规 1 篇条文释义](#)）

1. undertaking urban and rural planning establishing work beyond the scope authorized by its qualification grade; or

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

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

城市、县人民政府城乡规划主管部门或者省、自治区、直辖市人民政府确定的镇人民政府应当依法将经审定的修建性详细规划、建设工程设计方案的总平面图予以公布。#\$（相关资料:[地方法规 14 篇裁判文书 4 篇条文释义](#)）

2. establishing urban and rural planning by going against the relevant state standards.

If any organ undertakes urban and rural planning establishing work without obtaining the required qualification certificate according to law, the competent department of urban and rural planning of the local people's government at or above the county level shall order it to stop the illegal act, and impose a fine in accordance with the preceding paragraphs. In the case of losses, it shall make compensation according to law.

If any organ undertakes urban and rural planning establishing work with a defrauded qualification certificate, the license-issuing organ shall revoke its certificate, and impose a fine in accordance with the preceding paragraphs. In the case of losses, it shall make compensation according to law.

Article 63 If, after obtaining the qualification certificate, an organ establishing urban and rural planning no longer satisfies the corresponding requirements, the license-issuing organ shall order it to correct within a certain time limit, and, if it fails to do so, degrade its qualification or revoke its certificate.

第四十一条 在乡、村庄规划区内进行乡镇企业、乡村公共设施和公益事业建设的，建设单位或者个人应当向乡、镇人民政府提出申请，由乡、镇人民政府报城市、县人民政府城乡规划主管部门核发乡村建设规划许可证。在乡、村庄规划区内使用原有宅基地进行农村村民住宅建设的规划管理办法，由省、自治区、直辖市制定。

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

建设单位或者个人在取得乡村建设规划许可证后，方可办理用地审批手续。

#\$(相关资料:[地方法规 4 篇条文释义](#))

Article 64 If a construction project is proceeded without obtaining the planning permit on construction project or by violating the provisions of the planning permit on construction project, the competent department of urban and rural planning of the local people's government at or above the county level shall order it to stop construction. If it is still possible for the construction entity or individual to take measures to eliminate the impact on the implementation of urban and rural planning, the department shall order it or him to correct within a certain time limit and impose a fine of not less than 5% the construction cost but not more than 10% the cost; if it is impossible to take measures to eliminate the impact, the department shall order the construction entity or individual to dismantle the building or structure within a certain time limit and confiscate the real objects or the illegal gain, and may also impose a fine not more than 10% the construction cost.

Article 65 Where a construction project is proceeded within a township or village planning area without obtaining the planning permit for rural construction or by violating the provisions of the planning permit for rural construction, the people's government of the township or town shall order the construction entity or individual to stop construction, make correction within a certain time limit, and, if the entity or individual fails to do so within the time limit, dismantle the building or structure.

Article 66 Where a construction entity or individual commits any of the following behaviors, the competent department of urban and rural planning of the people's government of the city or county where it is located shall order it to dismantle the building within a certain time limit, and may impose a fine not more than the cost of the temporary construction project:

1. making temporary construction without approval;

第四十二条 城乡规划主管部门不得在城乡规划确定的建设用地范围以外作出规划许可。#\$(相关资料:[条文释义](#))

第四十三条 建设单位应当按照规划条件进行建设；确需变更的，必须向城市、县人民政府城乡规划主管部门提出申请。变更内容不符合控制性详细规



划的，城乡规划主管部门不得批准。城市、县人民政府城乡规划主管部门应当及时将依法变更后的规划条件通报同级土地主管部门并公示。

建设单位应当及时将依法变更后的规划条件报有关人民政府土地主管部门备案。#\$（相关资料:[地方法规 2 篇条文释义](#)）

2. making temporary construction beyond the approved content; or

3. failing to dismantle the temporary building or structure after the approved time limit expires.

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

临时建设应当在批准的使用期限内自行拆除。

临时建设和临时用地规划管理的具体办法，由省、自治区、直辖市人民政府制定。#\$（相关资料:[地方法规 6 篇条文释义](#)）

Article 67 If a construction entity fails to file the materials about the completion check and acceptance of the project with the competent department of urban and rural planning within 6 months after the completion check and acceptance of the project, the competent department of urban and rural planning of the people's government of the city or county where it is located shall order it to make a supplementary report within a certain time limit, and impose a fine of not less than 10,000 yuan but not more than 50,000 yuan if it fails to do so.

Article 68 If, after the competent department of urban and rural planning orders to stop building or dismantle the building or structure within a certain time limit, the party concerned refuses to stop building or fails to dismantle within the time limit, the local people's government at or above the county level of the place where the construction project is located may order the related department to take measures such as closing down the construction site and mandatory dismantling.

第四十五条 县级以上地方人民政府城乡规划主管部门按照国务院规定对建设工程是否符合规划条件予以核实。未经核实或者经核实不符合规划条件的，建设单位不得组织竣工验收。建设单位应当在竣工验收后六个月内向城乡规划主管部门报送有关竣工验收资料。#\$（相关资料:[地方法规 7 篇条文释义](#)）

Article 69 Where any entity or individual violates this Law and constitutes a crime, it/he shall be subject to criminal liability.

Article 70 This Law shall come into force as of January 1st, 2008. [The City Planning Law of the People's Republic of China](#) shall be abolished simultaneously.

第四十六条 省域城镇体系规划、城市总体规划、镇总体规划的组织编制机关，应当组织有关部门和专家定期对规划实施情况进行评估，并采取论证会、听证会或者其他方式征求公众意见。组织编制机关应当向本级人民代表大会常务委员会、镇人民代表大会和原审批机关提出评估报告并附具征求意见的情况。#\$(相关资料:[地方法规 1 篇条文释义 1 篇](#))

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

（一）上级人民政府制定的城乡规划发生变更，提出修改规划要求的；

（二）行政区划调整确需修改规划的；

（三）因国务院批准重大建设工程确需修改规划的；

（四）经评估确需修改规划的；

（五）城乡规划的审批机关认为应当修改规划的其他情形。

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

修改后的省域城镇体系规划、城市总体规划、镇总体规划，应当依照本法第十

三条、第十四条、第十五条和第十六条规定的审批程序报批。#\$（相关资料:[地方法规 3 篇条文释义](#)）

第四十八条 修改控制性详细规划的，组织编制机关应当对修改的必要性进行论证，征求规划地段内利害关系人的意见，并向原审批机关提出专题报告，经原审批机关同意后，方可编制修改方案。修改后的控制性详细规划，应当依照本法第十九条、第二十条规定的审批程序报批。控制性详细规划修改涉及城市总体规划、镇总体规划的强制性内容的，应当先修改总体规划。修改乡规划、村庄规划的，应当依照本法第二十二条规定的审批程序报批。#\$（相关资料:[地方法规 5 篇条文释义](#)）

第四十九条 城市、县、镇人民政府修改近期建设规划的，应当将修改后的近期建设规划报总体规划审批机关备案。#\$（相关资料:[条文释义](#)）

第五十条 在选址意见书、建设用地规划许可证、建设工程规划许可证或者乡村建设规划许可证发放后，因依法修改城乡规划给被许可人合法权益造成损失的，应当依法给予补偿。经依法审定的修建性详细规划、建设工程设计方案的总平面图不得随意修改；确需修改的，城乡规划主管部门应当采取听证会等形式，听取利害关系人的意见；因修改给利害关系人合法权益造成损失的，应当依法给予补偿。#\$（相关资料:[裁判文书 1 篇条文释义](#)）

## 第五章 监督检查

第五十一条 县级以上人民政府及其城乡规划主管部门应当加强对城乡规划编制、审批、实施、修改的监督检查。#\$（相关资料:[地方法规 1 篇条文释义](#)）

第五十二条 地方各级人民政府应当向本级人民代表大会常务委员会或者乡、镇人民代表大会报告城乡规划的实施情况，并接受监督。#\$（相关资料:[条文释义](#)）

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

（一）要求有关单位和人员提供与监督事项有关的文件、资料，并进行复制；

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

（三）责令有关单位和人员停止违反有关城乡规划的法律、法规的行为。城乡规划主管部门的工作人员履行前款规定的监督检查职责，应当出示执法证件。被监督检查的单位和人员应当予以配合，不得妨碍和阻挠依法进行的监督检查活动。#\$（相关资料:[地方法规 1 篇条文释义](#)）

第五十四条 监督检查情况和处理结果应当依法公开，供公众查阅和监督。#\$（相关资料:[条文释义](#)）

第五十五条 城乡规划主管部门在查处违反本法规定的行为时，发现国家

机关工作人员依法应当给予行政处分的，应当向其任免机关或者监察机关提出处分建议。#\$(相关资料:[条文释义](#))

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

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

## 第六章 法律责任

第五十八条 对依法应当编制城乡规划而未组织编制，或者未按法定程序编制、审批、修改城乡规划的，由上级人民政府责令改正，通报批评；对有关人民政府负责人和其他直接责任人员依法给予处分。#\$(相关资料:[地方法规 1 篇条文释义](#))

第五十九条 城乡规划组织编制机关委托不具有相应资质等级的单位编制城乡规划的，由上级人民政府责令改正，通报批评；对有关人民政府负责人和其他直接责任人员依法给予处分。#\$(相关资料:[地方法规 1 篇条文释义](#))

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

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

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

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

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

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

（六）发现未依法取得规划许可或者违反规划许可的规定在规划区内进行建设的行为，而不予查处或者接到举报后不依法处理的。#\$（相关资料:[地方法规 2 篇条文释义](#)）

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

（一）对未依法取得选址意见书的建设

项目核发建设项目批准文件的；

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

（三）对未依法取得建设用地规划许可证的建设单位划拨国有土地使用权的。

#\$(相关资料:[地方法规 2 篇条文释义](#))

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

（一）超越资质等级许可的范围承揽城乡规划编制工作的；

（二）违反国家有关标准编制城乡规划的。

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

以欺骗手段取得资质证书承揽城乡规划编制工作的，由原发证机关吊销资质证书，依照本条第一款规定处以罚款；造成损失的，依法承担赔偿责任。#\$(相关资料:[地方法规 3 篇条文释义](#))

第六十三条 城乡规划编制单位取得资质证书后，不再符合相应的资质条件的，由原发证机关责令限期改正；逾期不改正的，降低资质等级或者吊销资质证书。#\$(相关资料:[条文释义](#))



第六十四条 未取得建设工程规划许可证或者未按照建设工程规划许可证的规定进行建设的，由县级以上地方人民政府城乡规划主管部门责令停止建设；尚可采取改正措施消除对规划实施的影响的，限期改正，处建设工程造价百分之五以上百分之十以下的罚款；无法采取改正措施消除影响的，限期拆除，不能拆除的，没收实物或者违法收入，可以并处建设工程造价百分之十以下的罚款。#\$（相关资料:[地方法规 24 篇裁判文书 3 篇条文释义 相关论文 2 篇](#)）

第六十五条 在乡、村庄规划区内未依法取得乡村建设规划许可证或者未按照乡村建设规划许可证的规定进行建设的，由乡、镇人民政府责令停止建设、限期改正；逾期不改正的，可以拆除。#\$（相关资料:[地方法规 3 篇裁判文书 1 篇条文释义](#)）

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

（一）未经批准进行临时建设的；

（二）未按照批准内容进行临时建设的；

（三）临时建筑物、构筑物超过批准期限不拆除的。#\$（相关资料:[地方法规 12 篇条文释义](#)）

第六十七条 建设单位未在建设工程竣工验收后六个月内向城乡规划主管部门报送有关竣工验收资料的，由所在地城市、县人民政府城乡规划主管部门

责令限期补报；逾期不补报的，处一万元以上五万元以下的罚款。#\$（相关资料:[地方法规 6 篇条文释义](#)）

第六十八条 城乡规划主管部门作出责令停止建设或者限期拆除的决定后，当事人不停止建设或者逾期不拆除的，建设工程所在地县级以上地方人民政府可以责成有关部门采取查封施工现场、强制拆除等措施。#\$（相关资料:[地方法规 11 篇裁判文书 1 篇条文释义](#)）

第六十九条 违反本法规定，构成犯罪的，依法追究刑事责任。#\$（相关资料:[条文释义](#)）

## 第七章 附则

第七十条 本法自 2008 年 1 月 1 日起施行。《[中华人民共和国城市规划法](#)》同时废止。  
#\$（相关资料:[条文释义](#)）