

Implementation Of city planning and Management Systems

城市规划的实施和管理体系

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CONTENTS

I、 preface

前言

II、 The laws and regulations system of Urban and rural planning

城乡规划法规体系

III、 city planning Implementation

城市规划实施管理

IV、 city planning Inspection

城市规划实施检查

Contents of city planning work



- Importance of **planning implementation**: 规划实施的重要性
 - the aim of plan-making 规划制定的目标
 - The focus of planning in the mid-to-late stage of urbanization
 - 城镇化中后期的规划工作重心
 - Importance of **inspection**: 规划检查的重要性
 - Strengthening the planning authority 强化规划的权威性
-

CONTENTS

I、 preface

前言

II、 The laws and regulations system of Urban and rural planning

城乡规划法规体系

III、 city planning Implementation

城市规划实施管理

IV、 city planning Inspection

城市规划实施检查

中国的城市规划法规体系

- 城市规划领域的基本法
- 城市规划实施性行政法规
- 地方城市规划法规
- 城市规划行政规章
- 城市规划技术标准与技术规范
- 城市规划文本
- 城市规划相关的法律法规

基本原则：下位法服从上位法

The laws and regulations system of planning in China

- The Basic Law of planning
- National Administrative Regulations of planning
- Local Administrative Regulations of planning
- Local Administrative Rules of planning
- Technical Codes and Standards of planning
- Planning Documents
- the relevant laws and regulations, etc.

Basic principle : lower level laws obey the upper level laws

1.城市规划领域的基本法

《中华人民共和国城乡规划法》（2008年1月1日）

- 调节城市规划与经济社会、城市建设及发展过程中的各项关系
 - 确立城市规划法规与其他法律法规之间的相互关系
 - 确立城市规划编制、审批的各类主体，建立城市规划行政的程序和框架
 - 确定对违法行为的处置方式及执行主体
 - 确立政府行政部门执行城市规划的职权范围及相应的运作机制
-

1. The Basic Law of planning

Urban and Rural Planning Law of the P. R. China (2008)

- Regulating the relationship between city planning and plannings of other fields.
 - Establishing the relationship between the city planning laws and other's
 - Establishing the main bodies of plan-making and approvals. Establishing the procedure and framework of city planning administration.
 - Determining the treatment and executor of illegal activities
 - Establishing the authority scope and the operation mechanism of the administrative departments in the implementation of city planning
-

2.城市规划实施性行政法规

根据国家城市规划法建立国家整体的城市规划编制和实施的行政组织机制及相应的行政措施。

- 国家和地方政府的各级城市规划行政主管部门的职责、权力和义务；
 - 中央和地方各级行政部门之间的相互关系以及在城市规划实施过程中的相互分工和协作；
 - 制定城市规划和城市规划实施管理的基本程序和主要原则；
 - 明确政府城市规划管理的操作过程及与运作机制的互动关系。
-

2. National Administrative Regulations of planning

Establishing the administrative organization mechanism and the corresponding administrative measures for planning-making and implementation, according to the basic law.

- Responsibilities, rights and obligations of the administrative department of urban planning, in central and local governments ;
 - The relationship , division of functions and cooperation between the central and local administrative, in the implementation of urban planning.
 - The basic procedures and main principles of the planning-making and implementation
 - Mutual relationship of The operation process and operation mechanism in City Planning Management.
-

2.城市规划实施性行政法规

案例：

- 城市规划编制办法
 - 城市规划编制单位资质管理规定
 - 建设项目选址规划管理办法
 - 城市国有土地使用权出让转让规划管理办法
 - 城镇个人建造住宅管理办法
-

2. National Administrative Regulations of planning

Examples:

- regulations of plan-making
 - regulations on administration of Planning Institution
 - Management measures of location permission for construction project
 - Management measures of transferring state-owned land-use rights
 - Management measures of urban individual residential construction
-

3.地方城市规划法规

由地方立法部门根据国家城市规划法和相关法律法规制定。

- 明确地方城市规划制度的具体框架；
- 划分地方立法、行政、司法等部门之间的分工和相互协作；
- 确定地方城市规划行政管理部门的基本组织和相应职责权限；
- 明确当地城市规划编制、实施的具体程序和原则；
- 建立城市规划法规与地方法规之间的相互协同关系；
- 对违法行为处置的主体和相应的量度原则等。

- **XX市城市规划条例**

- **XX省实施《中华人民共和国城市规划法》办法**

3. Local Administrative Regulations of planning

Establishing by the local legislative department, according to the basic law and upper regulations.

- Establishing the detailed framework of local planning system
- division of functions and cooperation of the local legislative, administrative, justice departments
- Determining the basic organization of local city planning administrative department and the corresponding responsibilities
- Determining the specific procedures and principles of city planning and implementation of local government
- Establishing synergistic relationship between local city planning regulations and other's
- The executor of illegal activities and the measurement principle.

Examples :

- the regulations of planning in XX city
 - the implementation regulations of < Urban and Rural Planning Law of the P. R. China > in XX Province
-

4.城市规划行政规章

包括国家和地方城市规划行政主管部门制定的、有关保证城市规划顺利开展的规章制度。

- **XX市城市规划条例实施细则**
 - **XX市强制性内容实施暂行条例**
-

4. Local Administrative Rules of planning

the rules which ensure the process of city planning by the central and local administrative departments of city planning.

Examples :

- The detailed rules for the implementation of city planning regulations in XX city
 - The implementation of the compulsory content of city planning in XX city
-

5.城市规划技术标准与技术规范

规范城市规划内部的技术行为。

- 建筑设计防火规范
 - 城市用地分类与规划建设用地标准
 - 城市居住区规划设计规范
 - 城市道路交通规划设计规范
 - 城市工程管线综合规划规范
 - 风景名胜区规划规范
-

5. Technical Codes and Standards of planning

Regulating the technical behavior in city planning.

Examples:

- Code of Design on Building Fire Protection and Prevention
 - Code for classification of urban land use and planning standards of development land
 - Code of urban Residential Areas Planning & Design
 - Code for transport planning on urban road
 - Code for Urban Engineering Pipeline Comprehensive Planning
 - Code for Scenic area Planning
-

6.城市规划文本

即城市规划制定中的具有法律效力的条文和图纸。

- **城市规划文本是根据国家和地方的各项法律法规，运用城市规划的理论和技术标准，对特定地域范围内的城市建设和发展内容进行具体规定的法定文件。**
-

6. Planning Documents

the legal provisions and drawings in the City Planning-making.

Statutory documents specified for city construction and development in a specific geographical area, according to the central and local laws and regulations, using the theory and the technical standard of city planning.

7.城市规划相关的法律法规

- **中华人民共和国土地管理法**
 - **中华人民共和国文物保护法**
 - **中华人民共和国城市房地产管理法**
 - **中华人民共和国环境保护法**

 - **风景名胜区管理暂行条例**
 - **中华人民共和国城市绿化管理条例**
 - **城市房屋拆迁管理条例**
 - **中华人民共和国城市道路管理条例**
-

7. the relevant laws and regulations, etc.

Examples:

- The land administration law of the P. R. China
 - Cultural relics protection law of the P. R. China
 - Estate management law of the P. R. China City Housing
 - The environment protection law of the P. R. China

 - Provisional Regulations on the management of scenic areas
 - The P. R. China Regulations on city greening management
 - City Housing Units management regulations
 - The P. R. China Regulations on the management of City Road
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1 . 管理范围

城市规划的实施范围是**城市规划区**。

《城市规划法》规定：“本法所称城市规划区，是指城市市区、近郊区以及城市行政区域内因城市建设和发展需要实施规划控制的区域。城市规划区的具体范围，由城市人民政府在编制的城市总体规划中划定。”

- 城市规划区一般不突破城市行政辖区的范围。
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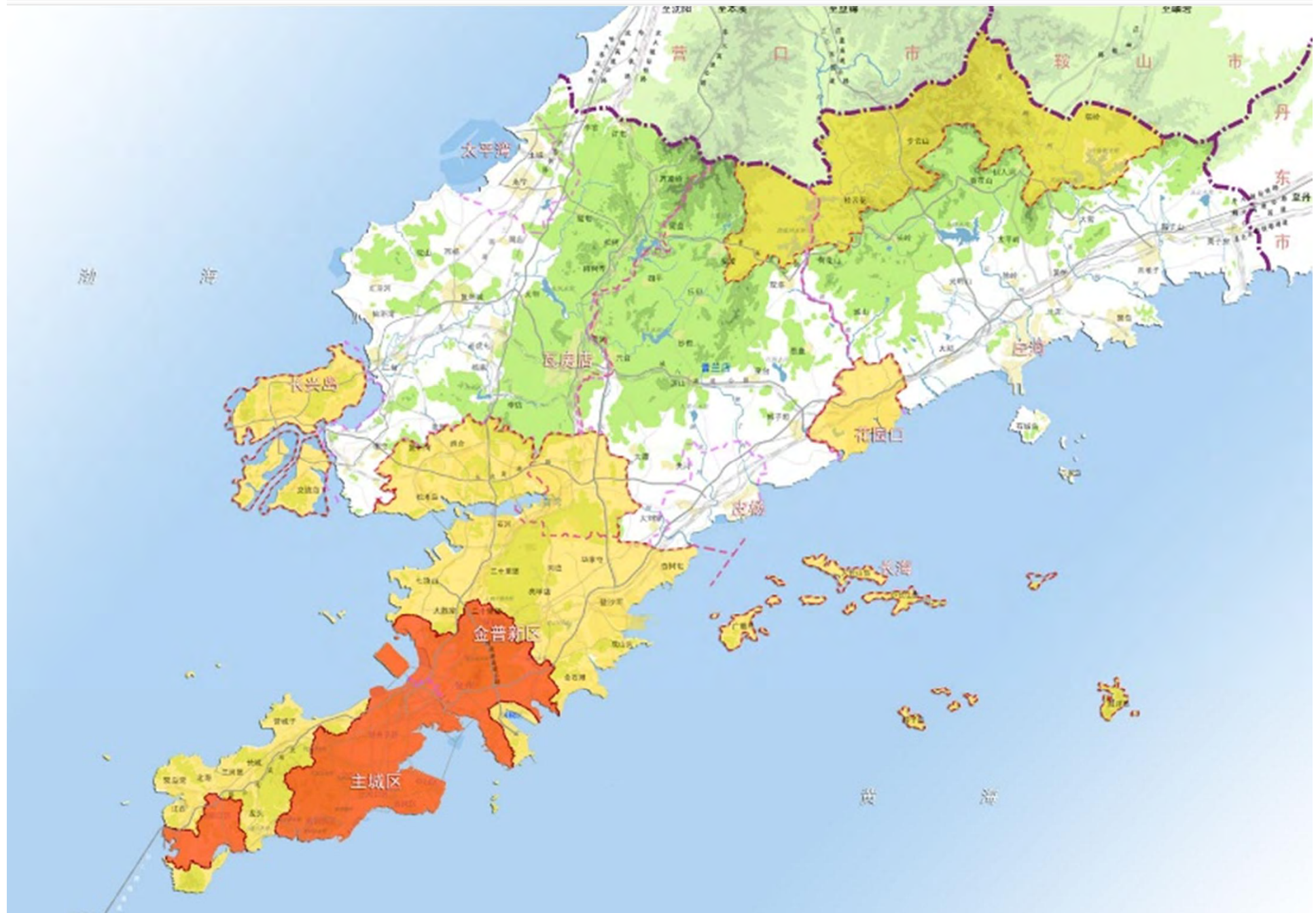
1 . The scope of implementation and Management

The scope of implementation and administration of urban planning :
City Planning Area.

- The term " City Planning Area " used in this law applies to an urban district, an inner suburban district or an area controlled for urban development and construction.
- The scope of " City Planning Area " shall be determined by the people's government of a city, while compiling a comprehensive planning for the city.

——<Urban and Rural Planning Law of the P. R. China>

- Generally the scope of " City Planning Area " do not break through the administrative districts of the city.
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City Planning Area of Dalian City (yellow region)

2 . 管理对象

《城乡规划法》

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。”

建设活动包括：建筑物、构筑物、道路、管线和乡镇企业、乡村公共设施、公益事业建设、村民住宅建设等工程。

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，……。”

2 . The management objects

Article No.2, “The making and implementation of urban planning, construction activities in the City Planning Area, must abide by this law.”

construction activities include: Construction of buildings, structures, roads, pipelines and township enterprises, rural public facilities, public welfare construction, the villagers residential construction projects. Etc.

Article No.9, “Any entity or individual shall comply with the approved planning according to the law.”

——<Urban and Rural Planning Law of the P. R. China>

3 . 管理原则

- **法制原则：有法必依，违法必究**
 - **程序原则：按照规定程序执行**
 - **公开原则：信息公开，公众参与，知情权**
 - **协调原则：多方沟通，利益博弈**
 - **科学原则：理论与技术科学合理**
-

3 . The management principles

- **principle of legality** : The laws must be observed and strictly enforced, and law-breakers must be prosecuted.
 - **principle of procedure** : In accordance with the prescribed procedures of execution.
 - **principle of openness** : Information publicity, public participation, The right to know.
 - **principle of coordination** : The multi communication , the game of the interests.
 - **principle of rationality** : The theories and technologies are rational and reasonable.
-

4 . 管理方法

- (1) 行政管理方法**
 - (2) 法制管理方法**
 - (3) 经济管理方法**
 - (4) 社会管理方法**
 - (5) 科学管理方法**
-

4 . The management methods

- (1) Administrative management methods**
 - (2) Legal management methods**
 - (3) Economic management methods**
 - (4) Social management methods**
 - (5) Technical management methods**
-

(1) 行政管理方法的内容

运用行政手段对规划和建设行为进行管理。

- **设定权利和设定义务**

批准项目，发放建设项目选址意见书、建设用地规划许可证、建设工程规划许可证，违法处罚

- **撤消权利与免除义务**

吊销规划许可证，责令停工

- **变更法律地位**

调整规划，变更土地性质，升降设计资质

- **确认法律事实**

审批图纸，确认违法事实

- **赋予特定物以某种法律性质**

划定规划控制区

(1) Administrative management methods

Manage urban planning and construction activities **by administrative behavior.**

- **Set the rights and obligations**

Project approval, the issuance of construction project location permission note, development permit, building permit

- **Revoke rights and exempt obligations**

Revoke development permit, instruct project suspension

- **Change of legal status**

Adjust planning, change the land use classification, change design qualification

- **Confirm the legal facts**

Approve planning and construction documents, confirm illegal facts

- **Endue legal characters to Specific objects**

Delimit the City Planning Area

(2) Legal management methods 法制管理方法

Manage urban planning and construction activities **by law**.

通过法律这种社会规范来对城市规划建设活动进行管理。

Example:

Legal punishment to illegal land-use and illegal construction.

例如，城市规划行政主管部门有权对违法用地和违法建设依法进行处理等。

(3) Economic management methods 经济管理方法

Manage urban planning and construction activities **by Economic means**, such as Price, taxes, bonuses, fine, etc.
运用经济手段实施管理。包括运用价格、税收、奖金、罚款等经济杠杆来进行管理。

Example:

City land-use fee collection, economic penalties on land-use and illegal construction, etc.

例如，征收城市土地使用费、对违法用地和违法建设的经济处罚等。

(4) Social management methods 社会管理方法

Manage urban planning and construction activities **by social participation.**

运用社会手段实施管理。

Example:

- Making the city planning management system more public, including approval policy, planning condition, approval procedures, approval authority, approval result, etc.
实行城市规划实施管理的公开化制度，即审批政策公开、规划要求公开、审批程序公开、审批权限公开、审批结果公开等。
 - Establishing the public report system for public supervision.
设立群众举报制度，便于广大人民群众监督。
-

(5) Technical management methods 科学管理方法

Manage urban planning and construction activities **by advanced technical methods, advanced technology, advanced technical equipment.**

采用当代的先进科学方法、先进技术、先进设备等对城市规划的实施进行管理。

Example:

- Technical Codes and Standards of planning.
城市规划的技术标准和规范
 - Foreign advanced planning theories, methods, experiences.
国外先进的城市科学管理理论、方法、经验
 - Remote sensing technology, Aerial survey technology, GIS, etc.
应用遥感技术、航测成果、建立地理信息系统等来进行管理
-

5 . 城市规划管理权

(1) 法律依据

《城乡规划法》

例如：第三十六条、第三十七条、第三十八条、第四十条、第四十一条规定了城乡规划实施管理中，由城乡规划主管部门核发选址意见书、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法律制度，也就是规划行政审批许可证制度。

5 . The right of city planning management

(1) The legal basis

<Urban and Rural Planning Law of the P. R. China>

Article No.36, No.37, No.38, No.40, No.41, provides the legal system, that “location permission note, development permit, building permit, development permit in rural area” are issued by the planning administrative department, so called “administrative examination and approval permission system for planning”.

5 . 城市规划管理权

(2) 权力内容

- 规划编制权
 - 规划审批权
 - 规划调整权
 - 规划修改权
 - 建设项目立项参与权
 - 用地调整权
 - 建设用地审批权
 - 建设工程审批
 - 监督检查权
 - 行政处罚权
 - 复议裁定权
-

5 . The right of city planning management

(2) The content of rights

- Plan-making
 - Planning approval
 - Planning adjustment
 - Planning modification
 - Participating the set-up of construction projects
 - Land-use approval
 - Land-use adjustment
 - Construction projects approval
 - Supervision and inspection
 - Administrative penalty
 - Reconsideration decision
-

5 . 城市规划管理权

(3) 权力集中在城市政府

- **城市规划管理权，尤其是建设用地和建设工程审批权，是城市规划权的直接体现和延续，是城市规划实施的根本保证。**
 - **只有把城市规划管理权集中在城市政府；才能保证城市发展建设过程中全局利益、整体利益、长远利益不受干扰和侵害，从而保证城市规划顺利实施。**
-

5 . The right of city planning management

(3) concentrate the power in the city government

Only the city planning administrative power is concentrated in the city government, the overall, integral, long-term interests can be protected from interference or damage, so as to ensure the implementation of city planning.

6 . Procedure of city planning Implementation

6. 城市规划实施程序

(1) Establishing the basis

(1) 建立依据

(2) Planning & construction approval

(2) 报建审批

(3) management after planning approval

(3) 批后管理

(1) 建立依据

建立科学的合法的依据是城市规划能够顺利实施的第一道程序。城市规划实施管理的依据，主要有四个方面：

- 计划依据**，包括建设项目可行性研究报告、批准的计划投资文件等；
 - 规划依据**，包括经过批准的城市总体规划、近期建设规划、分区规划、控制性详细规划、修建性详细规划的文件与图纸，以及已经城市规划行政主管部门审核批准的用地红线图、总平面布置图、道路设计图、建筑设计图、工程管线设计图等；
 - 法规依据**，包括有关法律、行政法规、部门规章、地方法规、地方规章、行政措施，以及城市规划部门依法制定的行政制度，工作程序的规定和核发的“一书两证”等；
 - 经济技术依据**，包括国家和地区性的各项技术规范、经济技术指标，以及城市规划行政主管部门提出的经济技术要求。
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(1) Establishing the basis

Establishing the legal basis, including 4 aspects :

- ☐ **Programme basis** : the feasibility study report of the construction project, the approved file of invest plan, etc.
 - ☐ **Plan basis** : the documents and drawings in approved comprehensive planning, detailed planning, the land-use boundary line, site-plan, road design, building design, Pipeline engineering design, etc.
 - ☐ **Legal basis**: Including law, regulation, local regulation, local rule, administrative system, approved "one note, two permits" , etc.
 - ☐ **Economic basis**: Including national and local economic and technical Standards, and economic and technical requirements proposed by planning administrative department.
-

(2) Planning & construction approval 报建审批

Receiving applications of land-use plan and construction project, surveying the site, consulting the opinions of the relevant departments, submitting the documents to the city government, issuing "one note, two permits" .

受理审查，现场踏勘，征询有关部门的意见，上报市政府和有关领导审批，核发“一书两证”等。

(3) management after planning approval 批后管理

supervising and inspecting the land-use plan and construction project after issuing, including the land-use review, construction project line inspection and completion acceptance, prohibit and punish illegal land-use and illegal construction.

在签发一书两证之后，城市规划行政主管部门还必须负责对建设项目规划审批后的检验和监督检查工作，包括对建设用地的复核、建设工程的放线验线、竣工验收等，以及对违法用地和违法建设的查禁、行政处罚工作。

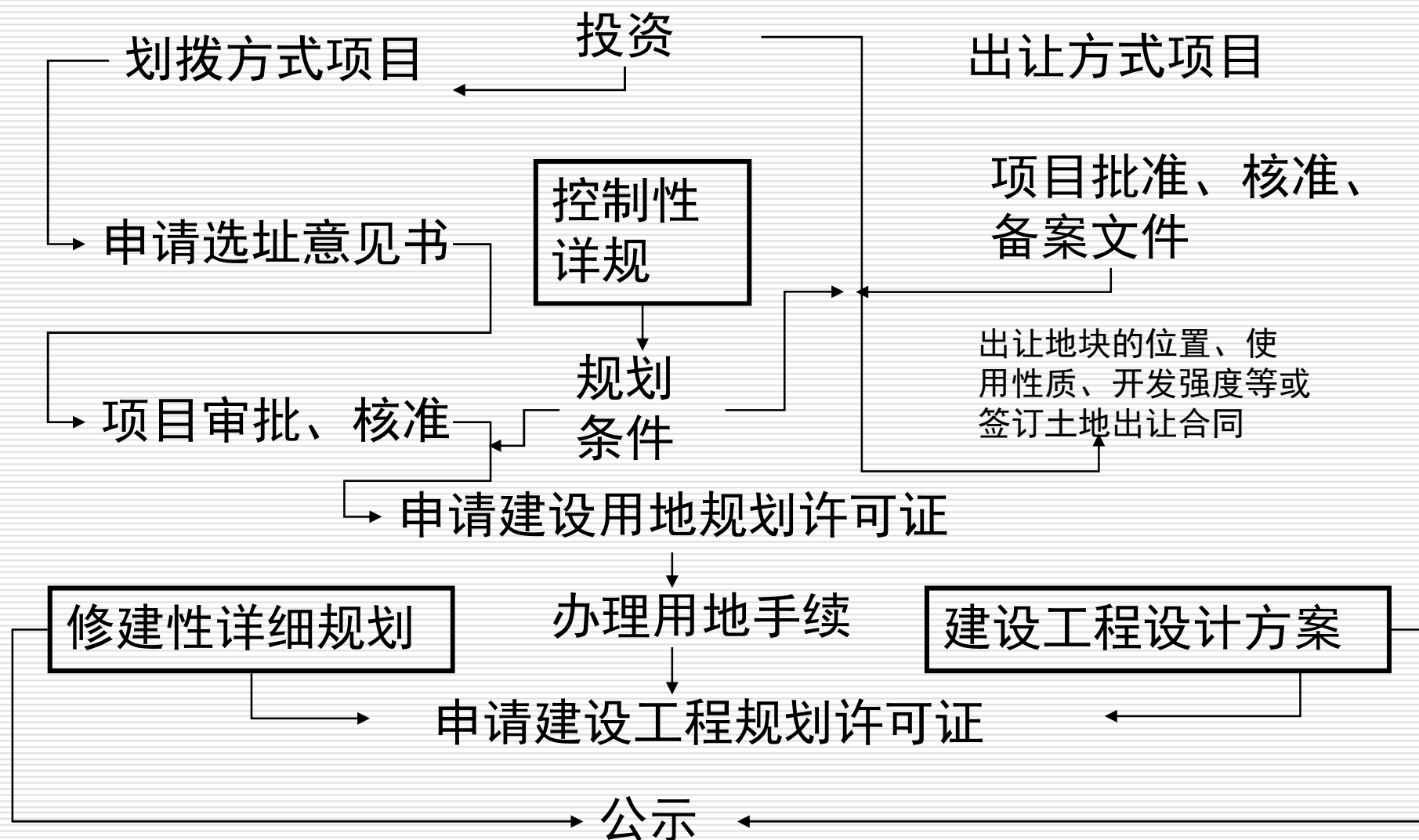
■ 规划管理的“一书两证”制度

- **选址意见书**是城乡规划主管部门依法核发的有关以划拨方式提供国有土地使用权的建设项目选址和布局的法律凭证。
。
 - **建设用地规划许可证**是经城乡规划主管部门依法确认其建设的项目位置、面积、允许建设的范围等的法律凭证。
 - **建设工程规划许可证**是经城乡规划主管部门依法确认其建设工程项目符合控制性详细规划和规划条件的法律凭证。
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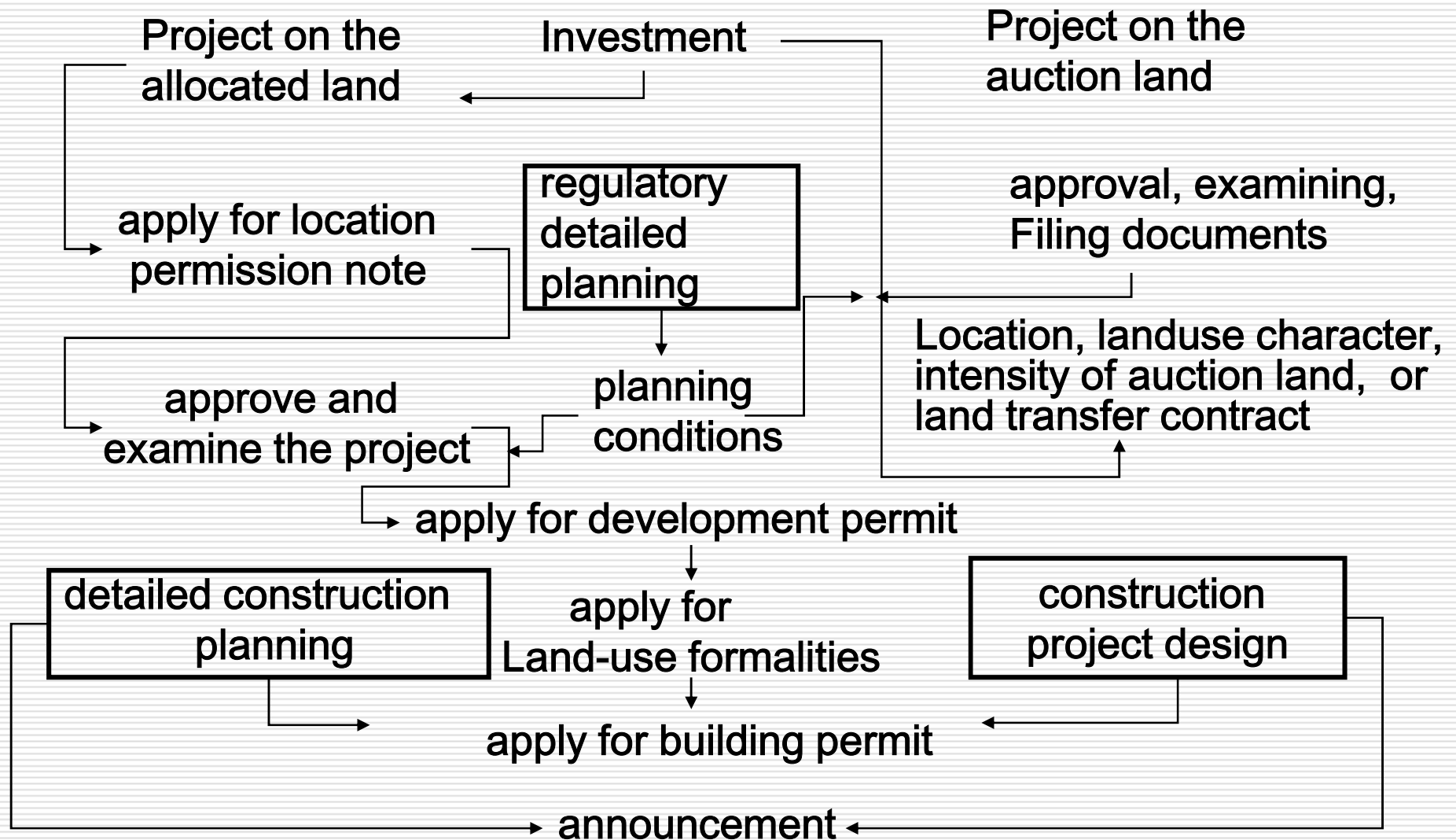
■ “one note, two permits” of planning management

- **location permission note:** Administrative opinions issued by planning administrative department, to the location and layout of construction project, which obtains the land use right on the allocated state-owned land.
 - **development permit:** Legal documents issued by planning administrative department, which confirm the location, area, range of land-use consistent with the planning.
 - **building permit:** Legal documents issued by planning administrative department, which confirm the construction project consistent with the detailed planning and planning condition.
-

■ 颁发“一书两证”的一般程序



■ Procedure of issuing “one note, two permits”



7.Land-use Management 建设用地规划管理

(1) 建设项目选址意见书

提交内容：

- **建设项目的基本情况**
- **建设项目选址的主要依据**
- **城市规划行政主管部门对建设项目选址提出的具体地址、用地范围和在此地进行建设时的具体规划要求，以及必要的调整意见等。**

建设项目可行性研究报告报批时；必须附有城市规划主管部门核发的建设项目选址意见书，否则就应当依法视为是不合法的。

(1) location permission note

Contents to be submitted:

- The basic situation of the construction project
- The main basis of selection for construction project location
- The detailed location, region, planning requirements and the necessary adjustment, proposed by the planning administrative department

The feasibility study report of the construction project must include the location permission note, or, it's not legal.

(1) 建设项目选址意见书

审核内容：

- **建设项目的基本情况：名称、性质、规模、设施需求等**
 - **建设项目与城乡规划的协调**
 - **建设项目与自然、人文及其他重大资源保护不发生冲突**
 - **建设项目与相关设施的衔接与配合**
 - **建设项目与周围环境的和谐**
-

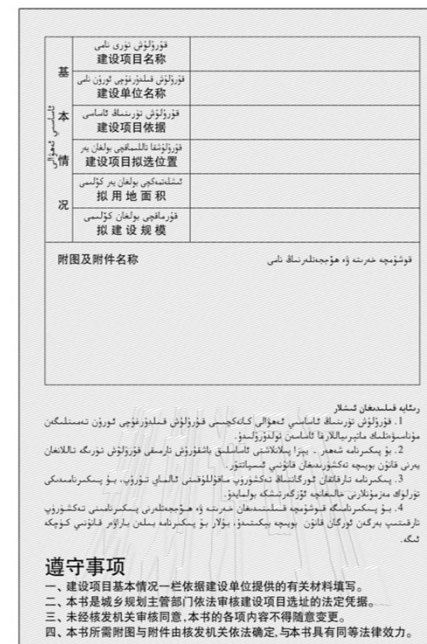
(1) location permission note

Contents to be audited :

- Basic situation : name, character, size, Infrastructure requirements etc.
 - Coordination between construction project and planning.
 - Coordination between construction project and nature, culture, and other substantial resources.
 - Coordination between construction project and the surrounding environment.
-

Sample of location permission note

建设项目选址意见书样本



(2) 建设用地规划许可证

提交内容：

- **建设用地规划许可证应当包括标有建设用地具体界限的附图和明确具体规划要求的附件。**
- **附图和附件是建设用地规划许可证的配套证件，具有同等法律效力。**

任何建设用地，如果没有城市规划行政主管部门核发的建设用地规划许可证，就依法视为是违法用地。

(2) development permit

Contents to be submitted:

- Attached drawings of land-use boundary line.
- Attached provisions of detailed requirements in planning.
- Attached provisions and drawings are Supporting documents of development permit, which have the same legal validity.

Any construction land-use without approved development permit, is illegal.

(2) development permit

审核内容：

1. 划拨用地审核内容

(1)审核建设用地申请条件。

(2)提供规划条件。

(3)审核建设工程总平面。

2. 出让地块审核内容

(1)提供规划条件。

(2)审核建设用地申请条件。

(3)审核建设工程总平面。

(2) development permit

Contents to be audited :

1. For the allocated land

- (1) Auditing application of construction land-use
- (2) proposing Planning conditions
- (3) Auditing the general layout of construction project

2. For the auction land

- (1) proposing Planning conditions
 - (2) Auditing application of construction land-use
 - (3) Auditing the general layout of construction project
-

Sample of development permit

建设用地规划许可证样本

جۇڭخۇا خەلق جۇمھۇرىيىتىنىڭ
中华人民共和国

جۇڭخۇا خەلق جۇمھۇرىيىتىنىڭ شەھەر - يېزا پىلانلاش قانۇنى، نىكا 37 -
38 - ماددىسىدىكى بەلگىلىمىگە ئاساسەن، بۇ يەر ئىشلىتىلىش تۈرىنىڭ
شەھەر - يېزا بىرلىك پىلانى تەلىپىگە ئۇيغۇنلۇقى تەكشۈرۈلۈپ، بۇ ئىجازەتنامە
بېرىلدى.

根据《中华人民共和国城乡规划法》第
三十七条、第三十八条规定，经审查，本用
地项目符合城乡规划要求，颁发此证。

نۇسخا تۈزۈش
发证机关
日期

جۇڭخۇا خەلق جۇمھۇرىيىتىنىڭ ئىززەتلىك مىنىستىرلىقىنىڭ تەرىپىدىن تەييارلانغان
中华人民共和国建设部监制

جۇڭخۇا خەلق جۇمھۇرىيىتىنىڭ
中华人民共和国
قۇرۇلۇشقا ئىشلىتىلىدىغان يەرنى پىلانلاش ئىجازەتنامىسى
建设用地规划许可证

نۇسخا تۈزۈش
发证机关
日期

| | |
|-------------------------------------|--|
| بىر ئىشلىتىش ئورنى 用地单位 | |
| بىر ئىشلىتىش ئورنى نامى 用地项目名称 | |
| ئىشلىتىش ئورنى 用地位置 | |
| ئىشلىتىش ئورنى تۈرى 用地性质 | |
| ئىشلىتىش ئورنى يەر دائىرىسى 用地面积 | |
| قۇرۇلۇش تۈرى 建设规模 | |

قوشۇمچە خەرىتە ۋە مۆلچەرلەرنىڭ نامى
附图及附件名称

رىئەلەت قىلىدىغان ئىشلار
1. بۇ ئىجازەتنامە شەھەر - يېزا پىلانلاش ئاساسىدا بېرىلىدىغان بولۇپ، ئۇنىڭ ئىچىدە
تەكشۈرۈش ئارقىلىق، قۇرۇلۇشقا ئىشلىتىلىدىغان يەر شەھەر - يېزا بىرلىك پىلانى تەلىپىگە ئۇيغۇن
دەپ تونۇلغان قانۇنىي ئىسپاتتۇر.
2. بۇ ئىجازەتنامىسى ئالماي تۇرۇپ، قۇرۇلۇشقا ئىشلىتىلىدىغان يەرنى تەستىقلىغان مۆلچەتكە ئىگە
بولۇپ، بۇ يەرنى ئىشلىتىش بىرەك قانۇنغا خىلاپ ھەرىكەت قىلىنمىگەن.
3. ئىجازەتنامە تارقاتقان ئورگاننىڭ تەكشۈرۈپ باققانلىقىنى ئاساس قىلىپ، بۇ ئىجازەتنامىنى
تۈزۈش بەلگىلىمىسىنىڭ خاسلىقىغا ئۇيغۇن بولۇپ، بۇ ئىجازەتنامىنى تارقاتقان ئورگان
قۇرۇلۇش بويىچە بېكىتىدۇ، بۇ ئىجازەتنامە بىلەن باراۋەر قانۇنىي كۈچكە ئىگە.

遵守事项
一、本证是经城乡规划主管部门依法审核，建设用地图符合城乡规划要求
的法律凭证。
二、未取得本证，而取得建设用地批准文件、占用土地的，均属违法行为。
三、未经发证机关审核同意，本证的各项规定不得随意变更。
四、本证所需附图与附件由发证机关依法确定，与本证具有同等法律效力。

(3) 规划条件

内容：

规定性(限制性)条件，如地块位置、用地性质、开发强度(建筑密度、建筑控制高度、容积率、绿地率等)、主要交通出入口方位、停车场泊位及其他需要配置的基础设施和公共设施控制指标等；

指导性条件，如人口容量、建筑形式与风格、历史文化保护和环境保护要求等。

规划条件是依据控制性详细规划提出的。

(3) Planning conditions

Contents:

Restrictive conditions: location, land-use character, development intensity (building density, building height, FAR(Floor area ratio), green space ratio, etc.), main entrance of vehicles, parking lots, other control index of infrastructure and public facilities, requirement of environmental and culture protection, etc.

Guidance conditions: population capacity, architectural form and style, etc.

Planning conditions are issued according to regulatory detailed planning.

■ 建设工程总平面图

一般包括城乡规划主管部门提供的用地红线，用地边界折点坐标，相邻道路红线和道路名称、宽度、主要出入口位置，本建设工程与周边现状建筑、规划建设的相对关系和间距，本建设工程与周边现状建筑、规划建设层数、性质及高度，拆迁范围和应拆除的建筑设施，需要标注的紫线、绿线、蓝线、黄线界限等。同时，应列出用地平衡表、配套设施明细表、建筑面积明细表和其他技术指标。并应标注指北针和比例尺。

■ general layout of construction project

Contents:

Land-use boundary line, node coordinates, boundary line and name of Adjacent road, main entrance, distance between the surrounding buildings, building storey, character, height, demolition buildings, purple, green, blue and yellow lines, land use balance sheet, facilities list, construction area list, and the compass and scale should be marked.



Sample of general
layout of construction
project
(Residential area)

建设工程设计方案总平
面图案例（居住区）

8. Construction Project Management

建设工程规划管理

(1) Building Construction Project Management

建筑项目管理

(2) Utilities Pipeline Project Management

工程管线项目管理

(1) 建筑管理

- 建筑设计管理，包括建筑性质、功能、建筑标准的审查，提出红线与间距要求，体量与层数的控制，设计图纸的审查，建筑造型、风格、色彩和建筑环境的审查等。**
 - 建筑审批管理，包括建设申请，现场踏勘，征询有关部门的意见，规划审查，上报审批，核发建设工程规划许可证，放线验线，工程验收，竣工资料的报送和归档等项工作。**
-

(1) Building Construction Project Management

- **Management of architectural design**: auditing building character, function, standard; issuing conditions of boundary line, building interval, volume, storeys; auditing design layout, architectural image, color and environment.
 - **Management of project** : Receiving application, surveying the site, consulting the opinions of the relevant departments, auditing the planning, approving application, issuing building permit, drawing and checkout the construction line, accepting the project, submitting and filling the completion document, etc.
-

(2) 工程管线管理

工程管线管理中最常见的工作是道路管理、管线管理和堤防管理。

- **道路管理**，主要包括道路规划方案的地面定线，道路设计与施工的红线控制要求，道路标高、走向的核定，设计图纸审查，核发建设工程规划许可证，以及因管线工程需要对道路开挖的审批与管理。
 - **管线管理**，包括对各种管线工程类别、截面、线型、坐标、标高、水平距离、架设高度、埋置深度、立体交叉关系的审查，避免与地面建筑物、构筑物、行道树以及地下空间、地铁、人防设施等的影响和各种管线之间的相互干扰，同时要符合国家和有关部门颁发的规范、标准、技术、卫生、安全等方面的要求。
-

(2) Utilities Pipeline Project Management

- **Management of Road:** delimiting the line according to the planning, approving the elevation and direction of road, auditing design layout, issuing construction permit, approving and managing the road excavation needed for pipeline project .
 - **Management of Pipeline:** auditing the type, section, linetype, coordinate, elevation, distance, height, depth of the pipeline, avoiding the interference with architecture, structure, tree, underground space, subway, defense facilities.
-

(3) 建设工程规划许可证

提交内容：

- **必须具备建设工程计划投资批准文件**
 - **具有城市规划行政主管部门关于审定设计方案的通知书和主管部门审定初步设计方案的文件**
 - **规定报送的有关施工设计图纸和资料。**
-
- **建设工程规划许可证所包括的附图和附件，按照建筑物、构筑物、道路、管线以及个人建房等不同要求，由城市规划行政主管部门根据法律法规和实际情况具体制定。附图和附件是建设工程规划许可证的配套证件，具有同等法律效力。**
-

(3) building permit

Contents to be submitted:

- The approval documents of construction project investment
 - The design validation notice and approval documents of preliminary design issued by the administrative planning department
 - The drawings and documents of construction design required to submit

 - The attached drawings and documents, are stipulated by the administrative planning department, according to different types of projects. The attached drawings and documents have the same legal effect.
-

(3) 建设工程规划许可证

审核内容：

1 . 审核建设工程申请条件

2 . 审核修建性详细规划

(1)居住区规划设计基本原则。

(2)居住区用地平衡指标。

(3)居住区规划布局。

(4)居住区空间环境。

(5)住宅、公建、道路、绿地。

3 . 审定建设工程设计方案

建筑工程、道路交通工程、管线路程

4 . 审查工程设计图纸文件

(3) building permit

Contents to be audited:

- Application conditions of construction project
 - Detailed construction planning
 - Design principles
 - Balance index of land-use
 - Land-use planning
 - Public space environment
 - Construction project design (buildings, roads, pipelines)
 - drawings and documents of engineering design
-

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(4) 建设工程规划管理程序

- 1) 认定建设工程申请**
 - 2) 提出规划设计要求**
 - 3) 设计方案审查**
 - 4) 审查施工图 , 核发建设工程规划许可证**
 - 5) 批后管理**
-

(4) Construction Project Management Procedure

- 1) affirming construction project application
 - 2) proposing planning and design requirements
 - 3) reviewing the planning design
 - 4) reviewing the construction drawings
 - 5) issuing building permit
 - 6) management after approval
-

1) 认定建设工程申请

- **建设单位或个人应持批准的计划投资文件、上级主管部门的批准文件和城市规划行政主管部门核发的建设用地规划许可证，以及建设工程申请书，向城市规划行政主管部门申请建设。**
 - **必要时，城市规划行政主管部门会同有关部门现场踏勘，并征求环保、消防、文物、园林、防疫等部门的意见，确定建设工程地址。**
-

1) affirming construction project application

- The applicant should submit the approved file of invest plan, development permit issued by administrative planning department, construction project application.
 - The administrative planning department should survey the site, consult the opinions of the relevant departments, if necessary, and confirm the construction project site.
-

2) 提出规划设计要求

- 认定建设工程申请后，城市规划行政主管部门可提供地形图，该地段规划道路红线图，并对该建设工程提出规划设计要求建议，征询有关部门意见后，确定规划设计要求，核发规划设计要求通知书。
 - 建设单位或个人按城市规划行政主管部门提出的规划设计要求，可委托设计部门进行建设工程方案设计工作。
-

2) proposing planning and design requirements

- The administrative planning department should provide the topographic map, the planning road line, propose the suggestion of planning and design requirements, after consulting the relevant departments, issuing the final planning and design requirements notice.
 - The applicant could entrust design institute to do the planning and design work, according to the requirements proposed by the administrative planning department.
-

3) 设计方案审查

建设单位或个人提出建设工程设计方案文件、图纸(包括模型)后，城市规划行政主管部门对多个方案进行审查比较，审查其总平面布置与交通组织情况、建设工程周围环境关系、个体设计体量、层次、造型、色彩等，进行方案选择和技术经济指标的分析，确定设计方案和提出规划设计修改意见，核发审定设计方案通知书。建设单位据此可委托设计部门进行施工图设计。

3) reviewing the planning design

After the applicant submit the design documents, drawings and models, the administrative planning department should compare and review different schemes, review the general layout, traffic organization, relation with the environment, the volume, shape, color of the building, choose the final scheme, analyse the technical and economic indexes, propose design modifications, issuing the design validation notice.

The applicant could entrust design institute to design the construction drawing, according to the notice proposed by the administrative planning department.

4) 审查施工图

- 建设单位或个人持注明勘察设计证号的总平面图，个体建筑设计平、立、剖面、基础图，地下室平、剖面图等施工图纸，提交城市规划行政主管部门进行审查。
-

4) reviewing the construction drawings

- The applicant submit the general layout, the floor-ground and basement layout, elevation and sectional Drawing, to the administrative planning department.

5) 核发建设工程规划许可证

- **审查批准后，发给建设工程规划许可证。**
 - **建设单位或个人取得建设工程规划许可证后，方可申请办理建设工程开工手续。**
-

5) issuing building permit

- Issuing the building permit after reviewing.
 - The applicant submit could apply for starting formalities of the project, after getting the building permit.
-

6) 批后管理

- 包括放线、验线和施工过程中的随时监督以及定期和不定期的检查，直到竣工验收和图纸资料的归档。
 - 城市规划行政主管部门参加建设工程的竣工验收，主要检查该工程的平面布置、空间布局、立面造型、使用功能等是否符合规划设计要求。
-

6) management after approval

- Including supervision and inspection during setting out & checking the construction line, and the whole work progress, till completion acceptance and filing the drawings and documents.
 - The administrative planning department should check whether the layout, spatial arrangement, facade and shape, function of the project, meet the planning and design requirements, during completion acceptance.
-

9.其他管理内容

- **乡和村庄建设规划管理**
 - **临时建设和临时用地规划管理**
 - **历史文化遗产保护规划管理**
 - **风景名胜区规划管理**
-

9. Other managements

- The country and village construction planning managements
 - Temporary construction and land-use planning managements
 - historical and cultural heritage protection planning managements
 - scenic area planning managements
-

CONTENTS

I、 preface

前言

II、 The laws and regulations system of Urban and rural planning

城乡规划法规体系

III、 city planning Implementation

城市规划实施管理

IV、 city planning Inspection

城市规划实施检查

1.城市规划行政检查

(1) 依据申请检查

- 1) 建设工程开工复验灰线**
- 2) 建设工程竣工规划验收**

(2) 依据职能检查

- 1) 组织普查**
 - 2) 随机检查**
-

1. Administrative inspection

(1) reviewing according to application

- 1) inspecting the construction line
- 2) checking during completion acceptance

(2) reviewing according to duty

- 1) general investigation
 - 2) random checking
-

2.城市规划行政处罚

(1) 违法建设的种类

- ①侵占集体土地、非法买卖土地；
 - ②占压规划红线，占用消防通道、地下工程、防洪设施、高压供电走廊的，影响输配电安全的，占压供水、排水、污水、电力、通讯、燃气、热力、有线电视等地下管线的；
 - ③侵占城市道路、公共绿地、公共场所、广场、停车场、城区河道及两岸水利设施的；
 - ④在旧城区范围内见缝插针进行扩建、搭建住宅及附属房的，在居住小区（组团）内进行零星搭建的
 - ⑤侵占城市水源绝对保护区、风景名胜区、自然保护区、文物保护单位范围的；
 - ⑥不符合城市容貌和环境卫生标准，严重影响市容观瞻的；
 - ⑦已责令其停止建设而继续强行建设的；
 - ⑧其他违反法律规范规定建设的；
-

2. Administrative punishment

(1) types of illegal construction

- ① Occupation of collective land, illegal land transaction ;
 - ② Occupation of the land-use boundary line, occupation of corridors for fire protection, flood control, high-voltage lines, occupation of corridors Underground pipeline for water supply, drainage, electric power, communication equipment, Gas and Cable TV.
 - ③ Occupation of roads, Public green spaces, squares, parking lots, rivers and facilities.
 - ④ expansion and erection of buildings and outbuildings.
 - ⑤ Occupation of water source protection area, scenic area, nature reserve and historic reservation zone.
 - ⑥ Not conform to the hygiene standards of city appearance and environment.
 - ⑦ Have been ordered to stop construction, but continue to construction.
 - ⑧ other types of illegal construction.
-

2. Administrative punishment

(2) characteristics of illegal construction 违法建设的特点

- ①Rapid construction 突击施工
 - ②Repeated torn down & rebuilt 屡拆屡建
 - ③Collective illegal construction 集体违建
 - ④small, rapid, dispersed, concealed 小、快、分散、隐蔽
-

(3) 城市规划行政处罚措施

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。

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。

(3) planning administrative punishment measures

Article No.64, “Those construction projects do not obtain the building permit, or violate the building permit, shall be ordered to stop construction by the city planning administrative department. Those construction projects can be taken corrective measures to eliminate the negative impact, shall be corrected within a prescribed time limit, and be fined 5%~50% of the construction project cost. Those projects can not be corrected, shall be demolished, or, be confiscated, and be fined <10% of the construction project cost.

Article No.65, “Those construction projects do not obtain the building permit, or violate the building permit in rural area, shall be ordered to stop construction by the government, and be corrected within a prescribed time limit, and shall be demolished after time limit. ”

——<Urban and Rural Planning Law of the P. R. China>

(3) 城市规划行政处罚措施

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。

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。

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。

(3) planning administrative punishment measures

Article No.66, “Those temporary construction projects shall be demolished within a prescribed time limit, and be fined <100% of the construction project cost, by the city planning administrative department, if:

- (1) construct without permit;
- (2) violate the building permit;
- (3) not be demolished after time limit.

Article No.67, “Those construction projects do not submit the documents for completion acceptance later than 6 months of acceptance, shall submit it within a prescribed time limit, or, be fined 10~50 thousands yuan.

Article No.68, “After the city planning administrative department makes the decision to stop construction or demolish the building within a prescribed time limit, if the construction projects do not obey the limit, they shall be taken measures such as sealed construction site or forced to demolish.”

——<Urban and Rural Planning Law of the P. R. China>

THANK YOU!
汇报完毕，谢谢！
