

Regulations of Shanghai Municipality on Urban and Rural Planning

(Adopted at the 22nd Session of the Standing Committee of the 13th Shanghai Municipal
People's Congress on November 11, 2010)

Chapter I General Provisions

Article 1

With a view to strengthening the administration on urban and rural planning, arranging the urban and rural spatial distribution in an overall manner, improving the living environment, and promoting an overall, coordinated and sustainable development of urban and rural economy and society, these Regulations are formulated in accordance with the City Planning Law of the People's Republic of China, and relevant laws and administrative regulations, and in the light of the actual circumstances of this Municipality.

Article 2

These Regulations apply to the formulation, implementation, amendment, supervision and inspection of urban and rural planning, and relevant urban and rural construction activities.

Article 3

The formulation and implementation of urban and rural planning shall take the construction of an international metropolis with prosperous economy, civilized society, and beautiful environment, and the construction of an international economic, financial, trade, and shipping center as the goal, bring the function of guidance, regulation and control of urban and rural planning into play, stick to the people-orientation policy, take the urban development factors including economy, society, population, resources, and environment into comprehensive consideration, and balance the urban and rural development, the regional development, the economic and social development, the harmonious development between people and nature, and the domestic development and the opening-up.

The formulation and implementation of the central urban planning shall be integrated with the purposes of easing the population, enhancing the functions, improving the environment, and optimizing the landscapes, so as to increase the public greenery coverage and public spaces, and control the building capacity and the high-rise building construction.

The formulation and implementation of the rural planning shall promote the coordinated development between urban and rural areas, reasonably define the layout and scale of rural

towns, and lay emphasis on developing new cities and new towns, so as to guide the suburban industries to industrial parks, the population to towns, and the land resources to scaled operation.

Article 4

The urban and rural planning shall be established in accordance with the national economic and social development plan, and be linked up with the overall land use planning.

Article 5

The urban and rural planning approved in accordance with the law is the basis for urban and rural construction and the planning management, and can not be amended without going through legal procedures.

All units and individuals shall abide by the urban and rural planning approved and published in accordance with the law.

Article 6

The urban and rural planning shall be carried out under a unified leadership, unified planning, unified standards and decentralized administration.

The Municipal People's Government leads the urban and rural planning work of the whole Municipality. The district/county people's governments are responsible for the urban and rural planning work within their respective administrative areas in accordance with the authorities as provided.

The municipal administrative department of planning is responsible for the urban and rural planning management work of this Municipality. The district/county administrative departments of planning are responsible for the urban and rural planning management work within their respective administrative areas in accordance with the authorities as provided, and shall be, in the performance of technical affairs, under the leadership of the municipal administrative department of planning.

Article 7

The Municipal People's Government shall establish the Municipal Planning Committee. The Municipal Planning Committee is a consultative and coordinating organ which is responsible for deliberating and coordinating the important matters in the formulation and implementation of urban and rural planning, and providing reference opinions for the Municipal People's Government in making decisions.

The draft of the urban comprehensive planning or other urban and rural planning that is examined and approved by the Municipal People's Government and the soliciting and

adoption situation of relevant opinions shall be deliberated by the Municipal Planning Committee before submitting for examination and approval.

Article 8

The municipal and district/county people's governments shall report the situation of formulating, amending, implementing, supervising and inspecting the urban and rural planning to the people's congress at the same level or the corresponding standing committee every year; a timely report is required in case of important situation.

Article 9

The people's governments and the administrative departments of planning at all levels shall establish the public participation system for urban and rural planning affairs. The formulation, implementation and modification of urban and rural planning shall fully solicit the opinions of the experts and general public.

Article 10

The people's governments at all levels shall bring the funds for the establishment and management of urban and rural planning into the financial budget of the same level.

The municipal administrative department of planning shall formulate and improve the technical norms for urban and rural planning management, so as to provide technical support for urban and rural planning management.

Article 11

The municipal and district/county administrative departments of planning shall establish a unified public information platform to disclose the government information on urban and rural planning, except for the information that can not be disclosed by law.

The municipal administrative department of planning shall establish the planning management information system to realize the sharing of information among relevant administrative departments, and raise the efficiency of urban and rural planning management work.

Chapter II Formulation of the Urban and Rural Planning

Article 12

The establishment of urban and rural planning shall be organized in accordance with the following provisions:

1. the urban comprehensive planning shall be established for the administrative area of this Municipality;

2. on the basis of the urban comprehensive planning, the district planning shall be established for the central urban area, and the suburban district/county comprehensive planning shall be established for suburban areas;

3. the unit planning shall be established on the basis of the district planning of the central urban area, and the new city/town comprehensive planning shall be established on the basis of the suburban district/county comprehensive planning; and

4. the regulatory plan shall be established on the basis of the unit planning, and the regulatory plan and village planning shall be established on the basis of the new city/town comprehensive planning; the site plan may be established for the purpose of carrying out the regulatory plan.

The unit planning and the regulatory plan of special regions designated by the Municipal People's Government including the areas along the Huangpu River, the areas along the Suzhou River, the Sheshan National Tourist Resort, and the Dianshan Lake Scenic Area, shall be established on the basis of the relevant urban and rural planning.

Article 13

The establishment of the urban comprehensive planning of Shanghai shall be organized by the Municipal People's Government, and the urban comprehensive planning shall be reported to the State Council for examination and approval. The urban comprehensive planning shall be deliberated by the Standing Committee of the Municipal People's Congress before submitted for examination and approval, and the opinions of the members of the Standing Committee shall be forwarded to the Municipal People's Government for study and handling. The Municipal People's Government shall report to the Standing Committee of the Municipal People's Congress the adoption situation of the deliberation opinions, and shall state the reasons for those not adopted.

The established urban comprehensive planning shall make clear the establishment scope and the corresponding requirements for the district planning of the central urban area and the suburban district/county comprehensive planning.

Article 14

The establishment of the district planning of the central urban area shall be organized by the municipal administrative department of planning jointly with relevant district people's governments, and the district planning shall be reported to the Municipal People's Government for examination and approval.

The establishment of the suburban district/county comprehensive planning shall be organized by the district/county people's government jointly with the municipal

administrative department of planning, and the suburban district/county comprehensive planning shall be reported to the Municipal People's Government for examination and approval. The suburban district/county comprehensive planning shall be deliberated by the standing committee of the district/county people's congress before submitted for examination and approval, and the opinions of the members of the standing committee shall be forwarded to the district/county people's government for investigation and handling. The district/county people's government shall report to the standing committee of the district/county people's congress the adoption situation of the deliberation opinions, and shall state the reasons for those not adopted.

Where the administrative area spans both part of central urban area and part of suburban area, the section that belongs to the central urban area shall be brought into the establishment scope of its district planning of the central urban area, and the corresponding part of the district planning shall be integrated into the local comprehensive planning. The comprehensive planning shall be deliberated by the standing committee of the district people's congress in accordance with the provisions of the preceding clause before submitted for examination and approval.

The district planning of the central urban area shall make clear the establishment scope and the corresponding requirements for unit planning. The suburban district/county comprehensive planning shall define the planning area for towns and villages, make clear the scope of new city/town comprehensive planning, and set the establishment requirements.

Article 15

The establishment of the unit planning of the central urban area and the unit planning of the special regions designated by the Municipal People's Government shall be organized by the municipal administrative department of planning jointly with the relevant district/county people's government, and such unit planning shall be reported to the Municipal People's Government for examination and approval.

The establishment of the new city/town comprehensive planning shall be organized by the district/county people's government jointly with the municipal administrative department of planning, and the opinions of relevant town/township people's congress shall be fully solicited in the process of establishment. The new city/town comprehensive planning shall be deliberated by the standing committee of the district/county people's congress before it is submitted for examination and approval, and the opinions of the members of the standing committee shall be forwarded to the district/county people's government for investigation and handling. The district/county people's government shall report to the standing committee of

the district/county people's congress the adoption situation of the deliberation opinions, and shall state the reasons for those not adopted.

The unit planning of the central urban area, the unit planning of special regions, and the new city/town comprehensive planning shall make clear the establishment scope and the corresponding requirements for the regulatory plan and the village planning.

Article 16

The establishment of the regulatory plan of the central urban area and the new city/town regulatory plan shall be organized by the district/county people's government jointly with the municipal administrative department of planning, and be reported to the Standing Committee of the Municipal People's Congress for the record upon the approval of the Municipal People's Government.

The establishment of regulatory plan of special regions designated by the Municipal People's Government shall be organized by the municipal administrative department of planning jointly with the district/county people's government, and be reported to the Standing Committee of the Municipal People's Congress for the record upon the approval of the Municipal People's Government.

Article 17

Where it is necessary to make special provisions on the buildings, the form and layout of public spaces or the requirements for landscape control within the planning area, the administrative department of planning shall organize the establishment of urban design at the time of the regulatory plan establishment or modification. The contents of the urban design shall be integrated into the regulatory plan.

Article 18

The administrative department of planning may organize the establishment of the site plan in accordance with the regulatory detailed planning. The site plan shall not violate the compulsory contents defined in the regulatory plan.

Article 19

The establishment of village planning shall be organized by the town/township people's government, and be reported to the municipal administrative department of planning for the record upon the approval of the district/county people's government. The village planning shall be deliberated and approved by the villagers' meeting or the villager representatives' meeting before it is submitted for examination and approval.

Article 20

Such contents as prohibition or restriction of the territorial construction scope, the construction-use land scale, land used for infrastructures and public service facilities, land used for water sources and water system, basic farmlands and afforestation, environmental protection, protection of natural and historical heritage, or the requirements of disaster prevention and mitigation, shall be taken as the compulsory contents of the urban comprehensive planning.

When organizing the establishment of the planning of lower level, relevant departments shall not violate or change the compulsory contents defined in the planning of higher level, and shall itemize the compulsory contents defined in the planning of higher level.

Article 21

The establishment of various kinds of special planning involving the spatial arrangement of urban and rural areas shall be organized by relevant professional management departments at the municipal level jointly with the municipal administrative department of planning, and such special planning shall be integrated into the corresponding urban and rural planning upon approval.

The special planning shall be examined and approved by the approving authority provided by laws, rules and regulations; where the laws, rules and regulations provide that the special planning shall be examined and approved by relevant departments of the State Council, such special planning shall be preliminarily examined and verified by the Municipal People's Government. Where the laws, rules or regulations have no provisions on the approving authority, such special planning shall be examined and approved by the Municipal People's Government.

Article 22

Where the organ organizing the establishment of urban and rural planning entrusts relevant units to undertake the establishment work of urban and rural planning, the units entrusted shall have the corresponding qualifications.

The establishment of urban and rural planning must abide by relevant laws, regulations, technical norms and standards of the State and this Municipality, and take the impact assessment of geological hazards, environmental impact assessment, and traffic impact assessment into consideration in an overall manner.

Article 23

In the process of establishing the urban and rural planning, the organ organizing the establishment shall conduct demonstrations or seminars to solicit the opinions of professional

units and experts, and amend and improve the draft of urban and rural planning in accordance with the opinions.

The organ organizing the establishment shall, before submitting the urban and rural planning for examination and approval, make public the draft of urban and rural planning, and adopt demonstrations, hearings, or other methods to solicit the opinions of experts and the general public. The public notice period of the draft of urban and rural planning shall not be less than 30 days, and the time, place, and the mode of soliciting the opinions shall be announced on relevant official websites of this Municipality or through news media. The organ organizing the establishment shall fully consider the opinions of the experts and the general public, and integrate the report on the adoption situation and corresponding reasons in the materials submitted for examination and approval.

The organ organizing the establishment shall, upon the approval of the urban and rural planning, make a reply on the adoption situation in accordance with the categories on official websites.

Article 24

The organ organizing the establishment shall make public the urban and rural planning through official websites or other channels within 20 days upon the approval of the planning, unless the law provides that such planning shall not be released.

Any unit or individual may look up the approved urban and rural planning in accordance with the law, and the organ organizing the establishment shall provide convenience for the look-up.

Chapter III Implementation of the Urban and Rural Planning

Article 25

The municipal and district/county people's governments shall implement the urban and rural planning in accordance with the local economic and social development level, the real capability, the will of general public, and the principle of "planning first and construction after".

The urban and rural construction and development shall reasonably define the construction scale and order, give priority to the construction of infrastructures and public service facilities, strictly protect the natural resources, bio-environment, urban and rural historical features and cultural relics, embody the local characteristics, and create good urban and rural public spaces and living environment.

The urban and rural construction and development shall pay attention to the development and comprehensive use of underground spaces, follow the principles of “unified planning, layered development, and reasonable use”, take the needs of disaster prevention and mitigation, and the civil air defense into full consideration, and integrate with the construction of surface facilities.

Article 26

The Municipal People’s Government shall formulate the near-term construction planning in accordance with the urban comprehensive planning, the comprehensive planning of land use and its annual planning, and the national economic and social development planning, and submit them to the State Council for the record.

The near-term construction planning shall take the construction of important infrastructures, public service facilities and the low-income housing as the main contents, and make clear the order, development direction and spatial distribution of the near-term construction. The period for near-term construction planning is five years.

The municipal and district/county land reserves, land supply, and related construction activities shall be in compliance with the near-term construction planning.

Article 27

The construction project shall abide by the approved regulatory plan or the village planning, and the requirements for technical norms and standards of planning administration.

The implementation of planning permit shall follow the principle of convenience, and the efficiency shall be improved.

Article 28

The planning permit for the following construction projects shall be conducted by the municipal administrative department of planning:

1. the construction projects that shall be examined and approved by the municipal administrative department of planning as provided by the Regulations of Shanghai Municipality on the Protection of the Areas with Historical Cultural Features and the Excellent Historical Buildings;

2. the construction projects alongside the Huangpu River or Suzhou River (central urban section), or within the Sheshan National Tourist Resort or the Dianshan Lake Scenic Area;

3. city-wide or systematic municipal construction projects;

4. projects of confidentiality or military projects; or

5. construction projects in other areas designated by the Municipal People’s Government.

The planning permit for construction projects outside the scope provided in the preceding clause shall be conducted by the local district/county administrative department of planning.

Article 29

Where the construction projects need to be approved or verified by relevant departments as provided by the State, and the state-owned land use right thereof is provided by mode of allocation, the development unit shall apply for the issuance of permission notes for location, and for the check and ratification of the planning conditions before reporting the case to relevant departments for approval or verification. The administrative department of planning shall make the decision within 30 working days upon the acceptance of the application.

Six months after the issuance of the permission notes for location, the development unit may apply to the administrative department of planning for an extension where it fails to obtain the land use permit, and the administrative department of planning shall make the decision on whether to approve the application for extension. Where the party fails to apply for the extension, the permission notes for location shall be automatically expired.

Article 30

In case the construction-use lands are provided by mode of transfer, relevant departments shall put forward the transfer conditions in accordance with their respective duties, and the administrative department of planning shall put forward the planning conditions of the land transferred in accordance with the regulatory plan as the integral part of the grant contract.

Article 31

As for the construction projects not provided in Article 29 or Article 30 of these Regulations, the development unit or individual shall apply to the administrative department of planning for the check and ratification of planning conditions, and the administrative department of planning shall check and ratify the planning conditions within 30 working days.

Six months after the check and ratification of planning conditions, the development unit or individual may apply to the administrative department of planning for an extension where it fails to obtain the building permit or the village construction planning permit, and the administrative department of planning shall make the decision on whether to approve the application for extension. Where the party fails to apply for the extension, the planning conditions checked and ratified shall be automatically expired.

Article 32

The development unit of the construction project where the state-owned land use right is obtained by allocation shall, after the approval, check and ratification, or file of relevant

departments, apply for the land use permit. The administrative department of planning shall make the decision within 30 working days upon the acceptance of the application.

The development unit may simultaneously apply for the approval of construction-use land in accordance with the provisions when applying for the land use permit provided in the preceding clause.

Article 33

The development unit of the construction project where the state-owned land use right is obtained by the mode of transfer shall, after signing the grant contract of state-owned land use right, apply to the administrative department of planning for the land use permit. The administrative department of planning shall make the decision within 5 working days upon the acceptance of application.

Article 34

The development unit or individual shall apply for the building permit or the village construction planning permit for the following construction projects:

1. buildings, structures, roads or pipeline projects to be newly-built, reconstructed or extended;
2. capital repair projects of buildings or structures where the main load-bearing structure needs to be changed; or
3. housing facade renovation projects within the regions defined by the Municipal People's Government.

Article 35

Where the construction is conducted on state-owned land, the development unit or individual shall apply to the administrative department of planning for the building permit.

The party that applies for the building permit shall submit the documents certifying the use of land, the design plan of the construction projects, and other required materials; the administrative department of planning shall put forward the opinions of examination and verification on the design plan of the construction project within 30 working days. The administrative department of planning shall make public the approved site-plan of the design plan of the construction project.

The development unit or individual shall draw up the construction design documents of the construction project in accordance with the approved design plan of the construction project, and submit the planning part of the construction design documents to the administrative department of planning within six months after the approval of the design plan of the construction project. Where the planning part of the construction design documents is

in compliance with the approved design plan of the construction project, the administrative department of planning shall issue the building permit within 20 working days upon the receipt of the planning part of the construction design documents.

Six months after the issuance of the building permit, the development unit or individual may apply to the administrative department of planning for an extension where the construction has not yet started, and the administrative department of planning shall make the decision on whether to approve the application for extension. Where the party fails to apply for the extension, the building permit shall be automatically expired. Where the grant contract of the state-owned land use right stipulates otherwise on the start time, such stipulations shall prevail.

Article 36

In case of individual housing construction by villagers on collectively-owned lands, the villagers concerned shall apply to the villages' committee for individual housing construction. Upon the acceptance of the application, the villagers' committee shall make public the application for 30 days in its own village. Where the villages' committee approves the application, such application shall be reported to the town/township people's government, and the district/county administrative departments of planning shall authorize the town/township people's government to issue the village construction permit.

In case of conducting construction other than that provided in the preceding clause on the collectively-owned lands, the development unit or individual shall apply to the town/township people's government, and the town/township people's government shall report the case to the district/county administrative department of planning for the ratification and issuance of the village construction permit.

The procedures of implementing the village construction permit shall be conducted in accordance with the provisions of Article 35 of these Regulations.

Article 37

Where the construction project may impact the nearby living environment or the public interest, the administrative department of planning shall, jointly with the sub-districts or the town/township people's government where the construction project is to be located, make public the design plan of the construction project in accordance with the provisions, unless the law provides that the design plan shall not be released. The period of publicizing the design plan of the construction project shall not be less than 10 days. The administrative department of planning shall take the opinions of the general public into full consideration, and make a reply on the adoption situation according to their types. The period of publicity and feedback

shall not be counted in the time limit for examining and verifying the design plan of the construction project.

The publicity of the design plan of the construction project shall include the scope of construction-use land, the acreage of used land, the nature of planned land, the construction acreage, the plot ratio, and other planning design specifications, the publicity period, and the time limit and channels for feedback.

Article 38

The design plans of the following construction projects are exempt from the examination and verification:

1. the construction project with an construction acreage of not more than 500 square meters, except for those that will seriously impact the residents' livelihood;
2. standard plants and ordinary warehouses within the industrial parks;
3. capital repair projects of buildings or structures where the main load-bearing structure needs to be changed, except the protection unit of cultural relics and excellent historical buildings; or
4. other construction projects that can be exempted from the examination and verification of the design plan as provided by laws, rules and regulations.

As for those construction projects that can be exempted from the examination and verification of the design plan, the administrative department of planning shall notify the development unit or individual when issuing the permission notes for location or checking and ratifying the planning conditions.

Article 39

Where the state-owned construction-use land needs to be temporarily used for construction, the development unit shall apply for temporary land use permit. The administrative department of planning shall make the decision within 20 working days upon the acceptance of the application. After examination and verification, where the use of applied land will not impact the implementation of the regulatory plan, the near-term construction planning, public health, public security, public transportation, or city appearance and scenic spots, the temporary land use permit shall be issued.

At the time of applying for the land use permit temporarily, the development unit may simultaneously apply for the approval of temporary construction-use land in accordance with the provisions.

The validity of the temporary land use permit shall be the same as the validity of the approval document of temporary construction-use land.

Article 40

The development unit or individual shall apply for temporary building permit for the construction of temporary buildings, structures, roads or pipelines. The administrative department of planning shall make the decision within 20 working days upon the acceptance of the application. Where it is found in examination and verification that the temporary construction will not impact the implementation of the regulatory plan, the near-term construction planning, public health, public security, public transportation, or city appearance and scenic spots, the temporary building permit shall be issued.

The validity of the temporary building permit shall be not more than two years, and may be extended for one time with the extension validity of not more than one year. Where the temporary construction-use land is involved, the validity of the temporary building permit shall be same as the validity of the approval document of temporary construction-use land.

The development unit or individual shall automatically dismantle the temporary buildings before the expiry of the temporary building permit.

Article 41

The design unit must conduct the design of construction projects in accordance with the urban and rural planning, the technical norms and standards of planning administration, and the planning conditions put forward by the administrative department of planning.

The construction unit must conduct the construction in accordance with the building permit, village construction permit and the attached drawings and appendixes.

Article 42

After the on-spot lofting for those newly-built, reconstructed, or extended construction projects, the development unit or individual shall, in accordance with the provisions, notify the administrative department of planning to conduct the review, and make clear the starting date of the project.

The administrative department of planning shall conduct on-spot inspection, and permit the start of construction in case the review is passed. The administrative department of planning shall accomplish the review within 5 working days upon the receipt of the notice.

Article 43

After the completion of buildings, roads, green spaces, and public facilities within the base area, the development unit or individual shall submit the as-built drawings and the completion mapping report to the administrative department of planning to apply for planning acceptance.

Upon the acceptance of the application, the administrative department of planning shall accomplish the acceptance check within 15 working days. Where it is approved that the construction project is completely finished in accordance with the planning permit, and the temporary buildings and those old buildings that are not allowed to be reserved within the base area have been dismantled, the planning acceptance certificate shall be issued. Where the completion acceptance conditions are not met, the acceptance shall not be passed, and a written rectification order shall be issued.

Article 44

Six months after the completion acceptance of the construction project, the development unit or individual shall submit free of charge the relevant completion materials of the construction projects to the municipal or district/county administrative department of planning in accordance with the provisions.

The establishment of completion materials of the construction projects shall comply with relevant provisions of the State and this Municipality on the management of urban construction archives.

Article 45

The development unit or individual shall carry out the construction in accordance with the planning permit; where it is necessary to have the planning modified, an application shall be made to the administrative department of planning. Upon the acceptance of the application, the administrative department of planning shall conduct examination and verification jointly with relevant departments. Where the contents intended to be modified are not in compliance with the regulatory plan or village planning, the administrative department of planning shall not approve the modification.

Where the contents applied to be modified involve the interests of the interested parties, the administrative department of planning shall solicit the opinions of the interested parties through hearings or other modes.

Where the construction-use land is provided by transfer, the development unit that intends to alter the planning conditions stipulated in the grant contract shall obtain the consent of the transferor in advance.

Article 46

The use of buildings shall be in compliance with the scope of use specified in the building permit, the village construction permit, or the certificate of ownership of real estates, and shall not be arbitrarily changed.

Where the utilization nature of certain buildings in the scope of built-up area needs to be changed because of the social and economic development, the adjustment of industrial layout, or the adjustment of regional functions of the city, such change must be in compliance with the provisions on the appropriate construction range of construction-use land provided in the regulatory plan; where the regulatory plan needs to be modified, the modification procedures shall be followed.

Chapter IV Modification of Urban and Rural Planning

Article 47

The organ organizing the establishment of urban comprehensive planning or suburban district/county comprehensive planning shall organize relevant departments and experts to assess the implementation situation of the comprehensive planning. Such assessment shall be conducted at least once every five years, and shall conduct demonstration, hearing or other methods to solicit the opinions of the general public. The organ organizing the establishment shall submit the assessment report to the standing committee of the people's congress at the same level and the original organ of examination and approval, and shall attach the description on opinion-soliciting situation.

Article 48

In case of one of the following situations, the organ organizing the establishment is entitled to amend the urban comprehensive planning, the district planning and unit planning of the central urban area, the suburban district/county comprehensive planning, the new city/town comprehensive planning, or the unit planning of special regions in accordance with the provided authority and procedures:

1. changes of the urban and rural planning require modifying the planning;
2. adjustment of the administrative division requires modifying the planning;
3. a significant construction project approved by the State Council requires modifying the planning;
4. the modification of planning is necessary upon evaluation; or
5. other situations under which the modification is necessary as deemed by the organ examining and approving the urban and rural planning.

Before modifying the urban and rural planning provided in the preceding clause, the organ organizing the establishment shall sum up the implementation situation of the original planning, and report to the standing committee of the municipal or district/county people's

congress and the original examination and approval organ. Where the modification involves the compulsory contents of the urban and rural planning, a special report shall be made to the original examination and approval organ in advance, and the modification scheme can only be established upon the approval of the original examination and approval organ.

Where the regulatory plan is intended to be modified, the organ organizing the establishment shall conduct a demonstration on the necessity of the modification, conduct a hearing or adopt other modes to solicit the opinions of the interested parties within the planning regions, and submit a special report to the original examination and approval organ. The modification scheme can only be established upon the approval of the original examination and approval organ.

Article 49

Where the urban and rural planning is intended to be modified, the procedures of opinion-soliciting, deliberation, report-for-approval, file-for-record, and information disclosure shall be followed in accordance with relevant provisions of Chapter II of these Regulations.

Chapter V Supervision and Inspection

Article 50

The administrative department of planning shall conduct supervision and inspection on the following:

1. construction-use land or construction projects without planning permit;
2. performance of planning permit;
3. regulatory situation of the areas constructed or reserved in accordance with the planning;
4. review on the lofting of the construction project;
5. completion acceptance of the construction project planning;
6. utilization nature of buildings; and
7. others that shall be supervised and inspected.

Article 51

The development unit or individual shall carry out the construction in accordance with the planning permit, and conscientiously accept the supervision and inspection of the administrative department of planning. The inspected unit or individual shall truthfully

provide the information and necessary materials, and shall not refuse or obstruct the inspection.

The supervisors or inspectors of the planning management shall present the law-enforcement credentials when performing the supervision and inspection duties.

Article 52

The Municipal People's Government shall supervise and inspect the urban and rural planning work of the municipal administrative department of planning or the district/county people's governments.

The municipal administrative department of planning or the district/county people's governments shall supervise and inspect the urban and rural planning work of the district/county administrative departments of planning or the town/township people's governments.

The municipal administrative department of planning may conduct the supervision and inspection through information system monitoring, regular inspection and special inspection.

Where the district/county administrative department of planning illegally examines and approves the construction projects, the municipal administrative department of planning shall cancel the decision of such examination and approval, and shall order a correction. The district/county administrative department of planning shall be suspended to examine and approve the new construction projects before its correction of the illegal examination and approval. During such period, the construction project that is necessary to be examined and approved shall be reported to the municipal administrative department of planning for examination and approval.

Article 53

Any unit or individual is entitled to report or accuse the act of violating the urban and rural planning to the administrative departments of planning or other relevant departments.

The administrative departments of planning or other relevant departments shall accept the tip-offs or complaints in accordance with the provisions, and shall conduct the inspection and handling; the reporter or the accuser shall be informed of the results of the inspection and handling.

Article 54

Where the administrative department of planning finds, in investigating the acts of violating these Regulations, that the disciplinary sanctions shall be given to state personnel, it shall put forward the suggestions on sanctions to the appointment and removal organ of such personnel or the supervisory organs.

Chapter VI Legal Liabilities

Article 55

Where laws and regulations have provisions of punishment on the acts in violation of these Regulations, such provisions shall prevail.

Article 56

Where the district/county people's governments, the town/township people's governments, or the administrative departments of planning has one of the following acts, the people's government at higher level, the administrative department of planning at higher level, or the supervisory organs shall order the wrongdoer to make corrections within the prescribed time limit, and circulate a notice of criticism; disciplinary sanctions shall be given to the directly liable person-in-charge and other directly-liable persons:

1. organizing the establishment of urban and rural planning in violation of the provisions of laws and regulations;
2. implementing the urban and rural planning in violation of the provisions of laws and regulations; or
3. failing to investigate and handle the illegal constructions according to the authority, or failing to handle the case in accordance with the law after receiving the tip-off or complaints.

Where the administrative personnel of planning neglect the duties, abuse the powers, or play favoritism for personal gains, and such act constitutes a crime, the criminal liability shall be prosecuted in accordance with the law.

Article 57

The design unit that violates Clause 1 of Article 41 of these Regulations and causes illegal constructions shall be imposed a fine of not less than 20% but not more than 100% of the design fee by the administrative department of planning.

The construction unit that violates Clause 2 of Article 41 of these Regulations and causes illegal constructions shall be imposed a fine of not less than 20% but not more than 100% of the construction management fee by the administrative department of planning.

As for the design units, construction units, or directly-liable persons that violate Article 41 of these Regulations and cause illegal constructions, the administrative department of planning shall notify the administrative department of construction to handle the case, and the administrative department of construction shall record these illegal acts in the wrongdoer's credit archives.

Article 58

The one who conducts construction without obtaining the building permit or not in conformity with the building permit shall be ordered to stop the construction by the administrative department of planning; as for the project where the impact on the implementation of planning may be eliminated through rectifications, the order for rectification within the prescribed time limit shall be made, and a fine of not less than 5% but not more than 10% of the construction costs shall be imposed; as for the one where the impact can not be eliminated through rectifications, the construction shall be dismantled within a prescribed time limit; where such construction can not be dismantled, the subject or illegal gains shall be confiscated, and a fine of not more than 70% of the construction costs may be cumulatively imposed.

Article 59

The one who violates the provisions of Item 1 of Article 42 of these Regulations and arbitrarily starts the construction without notifying the administrative department of planning for the review shall be imposed a fine of not more than 2,000 yuan by the administrative department of planning.

The one who arbitrarily starts the construction without passing the review or conducts construction without following the review requirements on lofting, and causes consequences shall be punished in accordance with Article 58.

Article 60

The one who violates the provisions of Item 1 of Article 44 of these Regulations and fails to submit relevant materials on the completion of project to the municipal or district/county administrative department of planning within six months from the completion acceptance of the construction projects shall be ordered by the administrative department of planning to submit the materials within a prescribed time limit; the one who fails to submit the materials within the prescribed time limit shall be imposed a fine of not less than 10,000 yuan but not more than 50,000 yuan.

Article 61

Where the party concerned fails to stop the construction or fails to dismantle the buildings/structures within the prescribed time limit after the order of the administrative department of planning to stop the construction or dismantle the buildings/structures within the prescribed time limit, the local district/county people's government shall order relevant departments to take such measures as closing down the construction site or compulsory removal.

Chapter VII Supplementary Provisions

Article 62

Meaning of the following items in these Regulations:

1. Central urban area refers to this Municipality's political, economic and cultural center, where the scope is defined by the urban comprehensive planning.

2. Suburban area refers to the region outside the central urban area.

3. New cities refer to those important centralized urbanized regions within certain suburban areas, which mainly are the location of suburban district/county people's governments and the political, economic and cultural centers of the suburban districts and county. The scope of new cities is defined by the suburban district/county comprehensive planning.

4. New towns refer to those centralized urbanized regions within certain suburban areas other than new cities, and the rural areas they serve, which, by taking the suburban town/township's historical and development advantages, bear the functions of public support and social service. The scope of new towns is defined by the suburban district/county comprehensive planning.

5. District planning of the central urban area refers to the planning of each district of the central urban area defined by the urban comprehensive planning, the purpose of which is to fulfill the requirements put forward by the urban comprehensive planning on the land-use, population distribution, industrial layout, infrastructures and public service facilities of the central urban area.

6. Unit planning of the central urban area refers to the planning of each entity defined by the district planning, the purpose of which is to fulfill the requirements put forward by the district planning on the nature of land-use, total construction volume, infrastructures and public service facilities that shall be defined in the establishment of regulatory plan.

7. Regulatory plan refers to the planning which, on the basis of the unit planning or the new city/town comprehensive planning, defines the requirements on the nature of land-use within the construction area, the control index of use intensity, the controlling positions for roads and engineering pipes and lines, and the control of space and environment.

8. Site plan refers to the planning design which is established on the basis of the regulatory plan, and be used to guide the design and construction of the buildings and the engineering facilities.

Article 63

These Regulations shall be effective as of January 1, 2010. The Regulations of Shanghai Municipality on Urban Planning adopted at the 19th Session of the Standing Committee of the 10th Shanghai Municipal People's Congress on June 16, 1995, amended for the first time in 1997 and amended for the second time in 2003 shall be repealed simultaneously.