Master Thesis

Implementing comprehensive planning in the People's Republic of China
proposal of a comprehensive planning system exemplified by Kunming Prefecture, Yunnan Province

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7 Appendix: the PRC’s Laws and Regulations Regarding Spatial Planning

7.1 Concerning Territory Planning and Land Management

7.1.1 The Elaboration Approach of Territory Plans

(This Regulation is enacted by the State Planning Commission in 1987.)

Art. 1 This Approach is established in order to do well territory planning, according to the state resolution on territory exploitation and rectification.

Art. 2 Territory plans are the territory exploitation and rectification schemes for the whole country or a certain regional extent, made through this stipulated procedure and according to general strategic orientations and goals of the state social-economic development, as well as natural, economic, social, scientific and technological conditions of the area addressed.

Art. 3 The territory plans are significant components of the system of planned national economy and social development. They are the guiding schemes for comprehensive exploitation of resources, the general layout of construction, and the comprehensive rectification of the environment. And they are the important basis for making medium-term or long-term programs.

The tasks of territory exploitation and rectification set by the territory plans are to be integrated into five-year and annual programs of national economy and social development by phases and in batches, and be implemented in many ways such as by means of figuring out corresponding policies or laws and regulations as far as by mobilizing the masses.

Art. 4 Basic tasks of territory planning are in general to coordinate the relationship in view of land areas between exploitation/utilization of land & resources and treatment and protection of land/resources, according to advantages and features of the area addressed; to coordinate the relationship between population, resources and the environment; and to promote the economic comprehensive development of the area. The concrete tasks are as follows:

a. Determining exploitation scale of major resources of the area, its layout and steps;

b. Determining reasonable layout of population, production and cities/towns; making clear natures of the main cities or towns, their scales and relationships between them;

c. Arranging reasonably significant infrastructure for the area, such as transportation, communication, energy and water sources;

d. Putting forward objectives and countermeasures concerning environmental treatment and protection.
Art. 6  The territory plans are in general divided into comprehensive territory plans and special territory plans. The comprehensive territory plans are master plans of overall territory exploitation and rectification for the area addressed. The special territory plans are the plans focusing on one facet of territory exploitation/utilization or treatment/protection. The elaboration approach of the special territory plans to be stipulated additionally.

The territory plans are divided into four classes according to the layers of the area, i.e. national level, inter-provincial level, provincial level and intra-provincial level.

Art. 7  The area addressed by a territory plan is to be determined according to following rules:

a. The connection of natural conditions and natural resources (of the area)....

b. The closeness of their economic linkage....

c. The integrity of jurisdiction bounder. While meeting the preceding two preconditions, the integrity of a provincial level or prefecture-level of entity is to be considered. At least, the integrity of the county boundary is to be kept.

Art. 8  The State (Development) Planning Commission organizes relevant authorities, authorities of relevant areas to elaborate the national territory plan. Lead by the planning institution subordinated to the State Council or the State Development Planning Commission, relevant provincial level of entities and their relevant authorities make up a common coordinating committee or a joint conference, which organizes the making of an inter-provincial territory plan.

The provincial planning commission or the provincial commission of planned economy organizes relevant authorities/areas to make a provincial or an intra-provincial territory plan. The prefecture level of planning commission can organize the elaboration of a prefecture level of territory plan. If a planning authority (of planned economy) and a territory authority are separately instituted, both should work together to organize the elaboration.

Art. 10  The task force set for making territory plan ought to put forward a territory planning work scheme which contains:

a. the extent of the area addressed, and illustrated on a map;

b. the general natural, economic and social conditions of the area;

c. the planning aims and tasks;

d. the planning guidelines, principles and main contents;

e. the planning arrangement, methodology, steps and schedule;

f. the expenditure and budgetary source for this planning work.

Art. 11  This territory planning work scheme is to be reported for approval as follows:
Art. 12  After the territory planning work scheme has been approved, the making of the territory plan starts.

The territory plan usually contains the following:

a. natural conditions and comprehensive appraisal of land and resources;

b. analysis of current social and economic situations, and forecast of long-term social and economic situations;

c. goals and tasks of territory exploitation, renovation and treatment,

d. scale of natural resource exploitation, its layout and procedure;

e. population, urbanization and city layout;

f. arrangement of infrastructure such as transportation, communication, power and water sources;

g. territory rectification/treatment and environmental protection;

h. the important areas that are to be comprehensively exploited;

i. evaluation of macro benefit;

j. implementation measures.

The territory plan should fix planning indices, e.g. quantity of cropland that has been conserved, irrigation surface of cropland, surface of which soil erosion problem has been treated, area that is prevented from desertification and surface that is gained from the area with desertification problem, surface of which salinification problem has been treated, forest coverage rate, balance between supply and demand of water resource, exploitation and utilization rate of hydraulic power, flood control standards of big rivers, urbanization and etc.

Special emphasis can be laid on some of the contents mentioned in the preceding sections of this Article.

Art. 14  The term of territory plans is no shorter than 15 years.

Art. 15  A general report should be handed out after the territory planning work has been finished, with necessary plans on special topics, photo or picture items, and collection of basic data.......

Art. 16  The territory plans are to be approved as follows:

A national territory plan, or a territory plan which is inter-provincial or for a catchment area of a big river, is to be approved by the State Council after examination by the State Development Planning Commission together with other relevant authorities.

A territory plan of a provincial level of entity, or of an important area designated by the state within a provincial entity, is to be approved by the State Council after the examination by a corresponding provincial government.
Other intra-provincial territory plans are to be approved by a corresponding provincial government after the examination by a provincial level of (development) planning commission, and are to be reported for records by the State Development Commission....

7.1.2 The PRC Land Management Law

(The last amendment of this Law is passed by the Standing Committee of the PRC National People's Congress in August 29, 1998)

Chapter 1: General Principles

Art. 1 This Law is made according to the PRC constitution, in order to strengthen land management, maintain socialist public ownership of the land, conserve and exploit land resources, reasonably utilize the land, reliably protect cultivated cropland, promote sustainable development of social economy.

Art. 2......

The state institutes a system of paid use of state-owned land according to laws, except the land whose right of use is allocated without payment within a lawful terms of reference (for farmers).

Art. 3 Treasuring and utilizing reasonably the land, and reliably protecting the cultivated cropland is a fundamental state policy of the PRC. Every level of government should take measures, make overall schemes and strictly follow stipulations to conserve and exploit land resources, and prevent the land from being illegally taken and used.

Art. 4 The state institutes a land utilization control system.

The state elaborates land use master plans, stipulates uses for the land, classifies the land into agricultural land-use, construction land-use and the unused. It is strictly constrained to change the agricultural land-use into the construction land-use. The total amount of the construction land-use is put under control. The cultivated cropland is put under special protection.

The agricultural land-use referred to in the preceding section is the land that is directly used for agricultural production, including cultivated cropland, woodland, grassland, waters for aquatic farming. The construction land-use is the land for building architectures and/or structures, including land-use for urban and rural housing and public facilities, industrial and mining land-use, land-use for transportation and water conservancy facilities, tourism land-use, land-use for military facilities. The unused land refers to the rest of land that is not included in the agricultural land-use and the construction land-use.

Any institution or individual must utilize the land strictly following land uses defined by the land utilization master plans.

Art. 5 The land administration of the State Council is responsible for a unified land management and supervision work for the country.
The establishments and duties of the land administration of a county-level government or higher levels of governments are to be defined by the provincial government or the province-level municipal government, according to the relevant regulations set by the State Council.

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Chapter 2: The Ownership and the Right of Use of Land

Art. 8 The land in a city belongs to the state-owned.

The land in the countryside and the suburban areas of a city belongs to the collectively-owned land by villagers, excluding the land that has been defined as the state-owned according to laws;......

Art. 9 The state-owned or collectively-owned land can be assigned for use by an institution or individual through lawful procedures......

Chapter 3: The Land Utilization Master Plans

Art. 17 Organized by each level of governments, land utilization master plans are to be elaborated, based upon national economic and social development plans, requirements set by territory rectification and conservation of resources and the environment, land supply ability as well as land demand by all construction projects.

The planning term of land use master plans are to be regulated by the State Council.

Art. 18 The lower level of land utilization master plans should be elaborated based upon land utilization master plans of one higher level.

The total amount of the construction land-use fixed in a land utilization master plan of a lower level must not exceed the quota stipulated in a land use master plan of one level higher. The amount of the cultivated cropland that must be protected must not be lower than the quota stipulated in a land utilization master plan of one higher level.

The land use master plan elaborated by a provincial government or a municipal government at the provincial level should assure that the total amount of the cultivated cropland be not decreasing in the corresponding territory of the province or the province-level municipality.

Art. 19 The following principles are to be observed in making a land use master plan.

a. The basic cultivated cropland is to be strictly conserved; occupation of the agricultural land-use by any non-agricultural construction is to be controlled.

b. The efficiency rate of utilizing land is to be increased.

c. Each category of land-use and each area of land-use are to be arranged in an overall way.
d. Living environment is to be protected and improved; sustainable use of land is to be assured.

e. The balance between consumption of cultivated cropland and new exploitation and recovery from discarded land is to be maintained.

**Art. 20** A land utilization master plan of the county level should divide the land into areas of different uses, make land uses clear and definite.

A land utilization master plan of a commune or township level should divide the land into areas of different uses, make clear a use of each piece of land according to its specific conditions. All those should be made known to the public.

**Art. 21** The land utilization master plans are to be approved according to different classes.

The land utilization master plans for a province or a municipality at the provincial level are to be reported for examination and approval by the State Council.

The land utilization master plans for the city where the government of provincial level is seated, for the cities with a population of more than 1 million, or for those predetermined by the State Council, need to be examined and agreed by the provincial governments, and then reported for examination and approval by the State Council.

The land utilization master plans which are not included in the preceding two sections of the Article are to be reported from one level to the other for examination and approval by a provincial government, or a municipal government at the provincial level. Among them, the land utilization master plans for a commune or township are to be reported for examination and approval by a prefecture-level government, or a municipal government at the prefecture level.

Once approved, and utilization master plans must be strictly put into execution.

**Art. 22** The scale of the city construction land-use ought to conform with the state norm, take full use of the existing construction land-use, take no agricultural land-use or occupy agricultural land-use as less as possible.

City master plans or village plans should be joined to land utilization master plans. The scale of the construction land-use in a city master plan or a village plan should not exceed those fixed in the corresponding land utilization master plan.

In the planning area of a city or a village master plan, the construction land-use for those settlements ought to go in accordance with the city plans or the village plans.

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**Art. 24** Each level of government should tighten up a planned management of land use, practise a “total quantity” control of the construction land-use.
An annual land use program is to be made according to national economic and social development plan or program, state industrial policies, land utilization master plans as well as actual situation of the construction land-use and land utilization. The approach of elaborating, examining and approving the annual land use program is identical to that of the land utilization master plan. Once approved and made known to the lower levels, the annual programs must be executed stringently.

**Art. 25** The provincial government or the municipal government at the provincial level should report operational situation of annual programs to the people's congress of the same level, as a component of the operational situation of the national economic and social development plans or programs.

**Art. 26** The revision of an approved land utilization master plan must be again approved by the organ that has granted the former authorization. Without ratification, no change should be made to uses of the land fixed in a land utilization master plan.

If the construction land-use for a large scale of energy, transportation or water conservancy project ratified by the State Council makes it necessary to alter a land utilization master plan, this plan should be revised based upon the document of ratification from the State Council.

If the construction land-use for a large scale of energy, transportation or water conservancy project ratified by a provincial level of government makes it necessary to alter a land use master plan, this plan should be revised based upon the document of ratification from the provincial level of government, if it falls into the competence of the provincial government to grant the approval to the amended land utilization master plan.

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**Chapter 4: The Conservation of the Cultivated Cropland**

**Art. 31** The state conserves the cultivated cropland, rigorously controls the conversion of the cultivated cropland into other land-use.

The state institutes a compensation system with regard to occupying the cultivated cropland for other use. According to the principle "how much is to be taken, the same amount should be exploited", any institution or individual who is going for a non-agricultural construction, is compulsory of exploiting the same amount and quality of cropland that is to be taken......

**Art. 34** The state institutes a basic cropland protection system. According to a land utilization master plan, the following cultivated land should be assigned into basic cropland conservation zones:

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The basic cropland in each province or municipality at the provincial level should be more than 80% of cultivated land in the corresponding province or municipality.
The demarcation of basic cropland protection zones is to be conducted with a commune or township as the grass-roots units. The land management authority of the county level government together with the agricultural authority of the same level is in charge of carrying out the work.

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Art. 39 The exploitation of the unused land must be assessed, expounded and proved scientifically. This must be done in an exploitable area defined by a land utilization master plan, after it has been approved through the lawful procedures. It is forbidden to cultivate cropland by deforestation, destroying grassland, filling out lakes or occupying flood land of a river.

According to a land utilization master plan, the land that was cultivated by destroying the ecological environment or filling out waters is to be planwise and stepwise returned to woodland, grassland or waters.

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Chapter 5: The Construction Land-Use

Art. 43 Any institution or individual, who plans to build and thus needs to use the land, must apply for use of the state-owned land through lawful procedures, except use of the land that is collectively owned by the villagers, for setting up Township and Village Enterprises (TVEs) or building villagers’ housing as well as for building public facilities of a commune or a township.

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Art. 45 Requisition of the following land needs to be approved by the State Council:

a. The basic cropland;
b. More than 35 hectares of cropland that is not fixed as the basic cropland;
c. More than 70 hectares of any other land.

The requisition of land which is not included in the preceding section needs to be approved by a provincial level of government and should report for record by the State Council.

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Art. 59 The construction of the TVEs, the commune/township or village public facilities, villagers’ housing etc., should be in conformity with the village plan, lay out rationally, develop comprehensively.....; their construction land-use should accord with the land utilization master plan and the annual land use program of a commune or a township, and the examination and approval formalities are to be carried out according to the procedures set in the Art. 60, Art. 61 and Art. 62.

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Chapter 6: Supervision and Check
Chapter 7: Legal Duties

Chapter 8: Supplementary Articles

Art. 86  This Law is to be enforced in January 1, 1999.

7.1.3 The Approach on Planned Management of Construction Land-Use

(This Approach is enacted jointly by the State Development Planning Commission and the State Land Management Administration in 1996.)

Chapter 1: General Principles

Art. 1  The planned management of each construction land-use is instituted according to the PRC Land Management Law and other relevant state regulations, in order to carry out a fundamental state policy of "treasuring each inch of land and reliably protecting the cultivated cropland".

Art. 2  The construction land-use program is a component of the land utilization plan in the national economic and social development program.... And it is the significant basis to examine a feasibility study report of a construction project, to evaluate its preliminary design as well as to check and approve its construction land-use.

Art. 3  The construction land-use referred to in this Approach includes all non-agricultural construction land-use and agricultural construction land-use.

The agricultural construction land-use is the land-use for a farm, a forest farm, livestock farm or aquatic farm, or the land-use for engineering facilities which serve constantly and directly agricultural production, such as the countryside roads, irrigation works for the fields, permanent sunning ground, built by villagers or agricultural collective economic organizations.

Art. 4  The state every year assigns a cropland-occupying quota by means of an annual construction land-use program,...

Art. 5  The construction land-use program is made unanimously and managed by each level, and its total quality is controlled at the two levels—the central level and at the localities.

Chapter 2: Elaboration and Issue of Land-Use Programs

Art. 6  The land-use program is divided into four levels, i.e. the state, the province, the prefecture and the county. The program is made with the county as the basic unit.

Art. 7  The construction land-use program is elaborated according to the approach of making national economic and social development programs. The concrete approaches are the following. At the provincial level or lower, each level of land management authority proposes a local land-use program according to the state requirement of making year-end programs, and according to local land utilization plans and local actual situations of land utilization, when arranged by the same level of development planning commission. Then the proposal is to be reported to the same level of development planning commission for comprehensive balance. After that, the
planning commission and the land management authority respectively report the program proposal to the planning commission and the land management authority of one level higher.

Art. 9 The national overall land-use program proposal gathered by the state land management authority is to be reported to the state development planning commission for comprehensive balance. Then the state development planning commission makes a proposal of the national land-use program (draft) as a component part of a national economic and social development plan (draft).

Art. 10 After approval of the national land-use program, it must be made known to the lower levels through each level of the development planning commission. The land management authority of each level is to assign an execution program to its lower level according to the land-use program, and meanwhile to report for records to the same level of the development planning commission....

Chapter 3: Management of Land-Use Programs

Art. 12 Each construction land-use must be integrated into the land-use program, and must be reported for approval strictly according to the land-use program approach and the competence. The construction project which is not integrated into the land-use program must not be approved for obtaining any land-use, and must not be allowed to start construction.

Art. 13 In evaluating a feasibility study report and examining preliminary designs of a construction project, the land management authority must be invited to participate in relevant meetings and give out its comments and opinions on the land-use for this project. The construction project which does not go in conformity with the land management regulations and the construction land-use regulations and toward which the land management authority does not agree to supply the land is not about to be approved.

Art. 14 The state construction project which applies for the yearly land-use must have had preliminary designs or other documents approved by the relevant state management authority. The construction project of a collective organization of a commune or a township may apply for land-use when its document of ratification has been issued by a development planning commission.

The land-use for housing construction by an individual villager in the countryside must go in accordance with a local village/township master plan, and be approved by a people's government of a commune/township or higher level.

Chapter 4: Supervision and Examination of Land-Use Programs

Chapter 5: Supplementary Articles

Art. 18 A planned system comprised of land utilization master plan, five-year land-use program and annual land-use program is to be established. A land utilization master plan contains outlines which reflex comprehensive land utilization and cropland conservation. It is an important basis for making five-year land-use program. The five-year program is an intermediate ring in implementing the land use master plan step by step, and a basis of guiding the
elaboration of annual land-use programs. The annual program is a yearly execution program based upon the five-year land-use program.

Art. 19 The period of time when a five-year or annual land-use program is to be made ought to be the same as that of making a national economic and social development program, according to the standardized tables set by the state development planning commission.

Art. 20 Each provincial level of entity may make its own detailed by-laws.

7.1.4 The Approach on Planning Management of Site Selection for Construction Projects

(This Approach is enacted jointly by the Ministry of Construction and the State Development Planning Commission in 1991.)

Art. 1 This Approach is made according to the PRC City Planning Law and the relevant stipulations on capital construction procedures set by the state, in order to make sure site selection and layout of a construction project to be closely connected with city planning, to be scientific and reasonable, and to improve comprehensive benefits.

Art. 2 This Approach is to be followed in the process of compilation, examination and approval of a project proposal and project design task documents for any new construction, extension or reconstruction project in the city planning area.

Art. 3 The city planning authority of the county level or higher is in charge of planning management of site selection and distribution of construction projects in the corresponding jurisdiction boundary.

Art. 4 The city planning authority should be informed about the site selection work in the proposal phase of a construction project. The (economic) development planning commission of each level government ought to acquire opinions of the city planning authority at the same level, on examining and approving a proposal of a construction project which is planned to be arranged in the city planning area.

Art. 5 The city planning authority should take part in the site selection work in a phase when design tasks for a construction project are to be defined, and a site-selecting document should made from the city planning perspective on the concerned construction project which is planned to be arranged in the city planning area. At the time when the design task document is reported for approval, the site-selecting document from the city planning authority should be attached.

Art. 6 The site-selecting document should contain the following items:

a. the basic conditions of a construction project

E.g. the name of a construction project, its nature, its land-use and land-use scale, its water(-supply) and energy demand, its transportation means and
transportation volume as well as the ways in which waste water, waste gas and solid waste are to be discharged and how much is to be discharged.

b. the major basis for site selection of the construction project

1. the document of ratification on the proposal of this construction project;

2. the coordination between the construction project and the city planning layout;

3. the linkage and coordination between the construction project and the city traffic plans, communication plans, energy plans, municipal facilities plans, and hazards control plans;

4. the linkage and coordination between living facilities of the construction project and living/housing plans and public facilities plans of the city;

5. the possible polluting influence of the construction project upon the city environment, as well as the coordination with the city environmental protection plans, the conservation plans for an area of wonderful landscape and scenic spots or for cultural and ancient relics.

c. the range of site selection, the extent of land-use and concrete planning requirements for the construction project.

Art. 7  The site-selection document is to be managed at different levels according to the corresponding competence for the programs’ examination and approval.

As for a construction project that is approved by the planning commission of the county people's government, its site-selection document is to be issued by the construction authority or city planning authority of the county people's government.

As for a construction project that is approved by the planning commission of the municipal people's government at the county level or the prefecture level, its site-selection document is to be issued by the construction authority or city planning authority of the same municipal people's government.

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Art. 9  This Approach is about to be in power on the day when it is made known to the public.

7.2 Concerning Urban and Rural Settlements, Landscape Areas or Heritage Sites

7.2.1 The PRC City Planning Law

(This Law is passed by the Standing Committee of the PRC National People's Congress in December 26, 1989)

Chapter 1: General Principles
Art. 1 This Law is made in order to determine scales and development orientations of cities, realize economic and social development goals of cities, rationally elaborate city plans and conduct urban construction, and adapt to needs of building up socialist modernization.

Art. 2 The Law must be obeyed in elaborating and implementing city plans, and in carrying out any construction in the city planning area.

Art. 3 The cities referred to in this Law are the designated municipalities and townships which are set according to the state civil administration.

The city planning area referred to in this Law is the area where planning control needs to be conducted for the sake of urban construction and development in the city area, in the near-city suburban area as well as in the municipal jurisdiction territory. The concrete range of a city planning area is to be delimited in a city master plan by the municipal people's government.

Art. 4 The state implements a guideline of strictly controlling the scale of any extra-large city, reasonably developing medium-sized and small cities, so as to promote reasonable lay-out of productivity and population.

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Art. 6...... A construction project of city infrastructure determined in the city master plan should be integrated into national economic and social development programs according to the state capital construction approaches, and be implemented stepwise according to those plans.

Art. 7 City master plans should be coordinated with territory plans, regional plans, plans for river catchments and land utilization master plans.

Art. 9 The city planning authority of the State Council is in charge of the national city planning work. The city planning authority of the county government or higher levels is responsible for the city planning work in the corresponding level of jurisdiction territory.

Art. 10 Any institution or individual is compulsory of obeying the city plans, and has the right of reporting an offence to the responsible authorities or filing an accusation.

Chapter 2: The Elaboration of City Plans

Art. 11 The city planning authority of the State Council, the provincial governments and the municipal governments at the provincial level should organize elaboration of plans of urban systems for the country, the provinces and municipalities respectively, in order to guide elaboration of city plans.

Art. 12 The municipal governments are responsible for organizing elaboration of city plans. Organized by the county governments, town plans for the townships which are the seats of the county governments are to be elaborated.

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Art. 18 The elaboration of city plans is in general divided into two phases i.e. one phase of master planning and the other of detailed planning. As of large and medium-sized cities, city district/quarter plans ought to be elaborated on the basis of the master plans.

Art. 19 A city master plan should include the nature of the city, development goals and the development scale, major construction standards and norm indices, lay-out of city construction land-use, functional allocation and overall arrangements of each construction, city comprehensive traffic systems, the system of rivers, lakes and green space as well as sectoral plans and a short-term construction plan.

The master plan for the city in a designated municipality, or for the town of county seat, should include a plan of urban system for the corresponding jurisdiction territory of the municipality or the county.

Art. 20 The city detailed plans should work out concrete plans for each construction in a short-term construction area, based upon the city master plans or the city district/quarter plans.

The city detailed plans should include the concrete range of land-use for each construction in a planning section/area, control indices of architectural density and height etc., general ground plan, municipal facilities plan and the vertical plan of ground elevation.

Art. 21 The city plans are to be approved according to different classes.

The city master plan for a municipality at the provincial level are to be reported by the municipal government for examination and approval by the State Council.

The city master plan for the city where the government of provincial level is seated, or for the city with a population of more than 1 million, or for those predetermined by the State Council, need to be examined and agreed by the provincial governments, and then reported for examination and approval by the State Council.

The city master plans for other cities in the designated municipalities, which are not included in the preceding two sections of the Article, or the master plans for the town of county seat, are to be reported for examination and approval by the provincial governments, or the municipal governments at the provincial level. Among them, the master plans for the town of the county seat in a designated prefecture-level municipality are to be reported for examination and approval by the municipal government.

The master plans for the designated townships which are not mentioned in the preceding section are to be reported for examination and approval by the county governments.

Before the municipal government or the county government reports the city master plans for examination and approval by the governments of higher levels,
those plans must be examined and agreed by the people's congress of the same level, or its standing committee.

The municipal people's government examines and approves the city district/quarter plans.

The municipal people's government examines and approves the city detailed plans. In case the city district plans have been made, the city planning authority of the municipal government examines and approves the city detailed plans, except the important detailed plans which need to be approved by the municipal government.

Art. 22 The municipal government can adjust partially the city master plan according to demands of the municipal economy and social development, and put the adjustments on record by the people's congress of the same level and by the organ that has granted the earlier final approval. However, if certain significant changes would concern with the city nature, scale, development orientation and overall layout, those amended master plans must be first examined and agreed by the people's congress of the same level, and then be reported for examination and approval by the organ that has granted the earlier final approval.

Chapter 3. Development of New City Areas and Reconstruction of Old City Areas

Art. 23 The principles, such as unified planning, reasonable layout, measures fit to local conditions, comprehensive development, and construction in a complete set, must be adhered to, in the development of new city areas and reconstruction of old city areas. The site selection and location positioning of each construction project should not obstruct city development, jeopardize city safety, pollute and destroy the city environment, influence the coordination of city functions.......

Art. 24 The new railway marshalling yards, trunk railway lines for freight transportation, transit highways, airports and important military facilities should evade the city areas.......

Art. 25 New city area development should be provided with construction conditions like water resources, energy, transportation, adversities prevention, and should keep away from underground ore deposits and underground ancient cultural relics.

Art. 26 New city area development should take reasonable use of existing city infrastructure.

Art. 27 Following the principles such as strengthening the maintenance, utilizing reasonably, adjusting the layout and improving gradually, the old city area reconstruction should make unified plans, implement stepwise, and gradually better housing and traffic conditions, strengthen the construction of infrastructure and public facilities, so as to improve the comprehensive functions of the city.

Chapter 4: Implementation of City Plans
Art. 28 The municipal governments should make approved city plans known to the public.

Art. 29 The land-use and each construction in the designated city planning area should conform to city plans and be subordinated to the city planning management.

Art. 30 The construction, site selection and layout of a project in the designated city planning area should conform to city plans. When being reported for approval, the design task document must be supplemented with the site selection document issued by the city planning authority.

Art. 31 To apply for the land-use for construction in the designated city planning area, the documents of the construction project which has been approved by the state should be possessed and shown to the city planning authority for location positioning. The city planning authority checks and ratifies the land-use location and demarcation, produces planning and design requirements and issues the land-use planning permit for the project. Then, the institution or individual who applies for construction can go and apply for a requisition of land in the land management authority of a county government or higher. Before the government of the county or higher level would have examined and approved the application, the land management authority cannot allot land to the construction project.

Art. 32 In the designated city planning area, the new construction, or extension, or reconstruction of any architecture, structure, road, pipeline or other facility must go first to the city planning authority and apply for a planning permit of the construction project......

Art. 38 The city planning authority may take part in examination and acceptance of the important construction projects in the city planning area after the completion of project documents....

Chapter 5: Legal Duties

Chapter 6: Supplementary Articles

Art. 44 The industrial and mining settlements which are not designated as townships may be managed with references to this Law.

Art. 45 Based upon this Law, the city planning authority of the State Council is to make an implementation regulation of the Law, which is to be approved by the State Council and then put into effect.
Art. 46 The Standing Committees of the Provincial People's Congress or the Municipal People's Congress at the provincial level may make implementation approaches on the basis of this Law.

Art. 47 The Law is about to effect in April 1, 1990, and meanwhile the City Planning Regulation issued by the State Council turns invalid.

7.2.2 The Elaboration and Approval Approach on Plans of Urban System

(This Approach is enacted by the Ministry of Construction on August 15, 1994.)

Art. 1 This Approach is made according to the PRC City Planning Law, in order to spur elaboration and approval of plans of urban system.

Art. 2 The urban system referred to in this Approach is a cluster or clusters of cities and townships, which have organic connections in economic, social or spatial development in a certain range of area.

Art. 3 The tasks of urban system planning are comprehensive evaluation of development conditions for cities and townships, formulating strategies of city and town development, forecasting population growth and urbanization level of the area, drawing up development orientations and scales of each concerned city and town, coordinating temporal and spatial relationships between the city/town development and matching industries, arranging overall infrastructure and social facilities of the area, guiding and controlling reasonable development of cities and towns of the area as well as their layout, guiding elaboration of city master plans.

Art. 4 The urban system planning is divided into four classes, i.e. national urban system planning, urban system planning for a province, urban system planning for a municipality (the municipality at the provincial level, the municipality at the prefecture level, or the prefecture which has a central city to rely on), and urban system planning for a county level of entity.

The range of urban system planning is to be defined according to the boundary of a jurisdiction territory in general. The urban system planning can be made for an area which crosses the jurisdiction boundary, when it is demanded due to national and local development.

Art. 5 The plans of urban system should be coordinated with long-term programs of national economic and social development of the same area, territory plans, regional plans as well as urban system plans of one higher level.

Art. 6 The term of urban system plans is generally 20 years.

Art. 7 The city planning authority of the State Council is responsible for organizing the elaboration of a national urban system plan.

The provincial level of government is in charge of organizing the making of a provincial urban system plan.

...
The county level of government is in charge of organizing the making of an urban system plan for the county level of entity.

...

Art. 9  The institution which is to be entrusted with planning task of working out urban system plans should be a planning and design institute which meets qualification requirements set by the state.

Art. 12  The national urban system plan should include cities for which the municipalities have been designated and key towns of the county seats.

The provincial urban system plan should include cities for which the municipalities have been designated, towns of the county seats, other important designated towns and self-reliant industrial or mining settlements.

The urban system plan for a municipality at the provincial or prefecture level should include designated towns, and self-reliant industrial or mining settlements.

The urban system plan for a county level of entity should include designated towns, self-reliant industrial or mining settlements, and major big villages in communes.

Art. 13  The urban system plans contain the following items:

a. comprehensive evaluation of development, exploitation and construction conditions of the area, and cities/towns;

b. forecasting population growth of the area, defining urbanization objectives;

c. determining city and town development strategies, delimiting economic zoning of cities;

d. putting forward a functional structure of the urban system, and functional division of the cities and towns:

e. defining classes and structure according to the scales of the urban system;

f. defining spatial layout of the urban system;

g. an overall arrangement of infrastructure and social facilities for the area;

h. defining principles and measures which are in favor of conserving ecological environment, natural and cultural scenic spots, and historical and cultural heritage in the area;

i. defining the cities and towns which are to be developed in priority, giving out planning proposals for the cities and towns which are to be developed in priority in a short-term;

j. presenting policies and measures for implementing this plan.

Art. 15  The urban system planning produces following results, in the form of texts and maps.
7. Appendix: the PRC’s Laws and Regulations Regarding Spatial Planning

a. The urban system planning texts include planning texts and supplementary texts.

The planning texts are the documents which define regulatory and guiding requirements on objectives, principles and contents of the plan.

The supplementary texts are the documents which explain in detail the planning texts, including a comprehensive planning report, a special planning report and a collection of basic data.

b. The main maps of the urban system plan are:

1) a map showing the existing built-up situation and the comprehensive assessment of development conditions for the cities and towns in the area;

2) a planning map of the urban system;

3) a map showing social and engineering infrastructure in the area or region;

4) a sketch map of the city and town development plan for the key area.

The scale of the map: 1: 2,500,000 for the whole country; 1: 1,000,000 - 1: 500,000 for a province; 1: 500,000 - 1: 100,000 for a municipality or a county. 1: 50,000 - 1: 10,000 for the sketch map of the city and town development plan for the key area.

Art. 17 This Approach is about to be in power on September 1, 1994.

7.2.3 The Planning, Construction and Management Approach in Designated Townships

(This Approach is enacted by the Ministry of Construction on June 29, 1995.)

Chapter 1: General Principles

Art. 2 This Approach must be followed in making and implementing town plans, in conducting construction in the town planning area...

Art. 3 This Approach applies to the designated township that is set according to the state system of civil administration, excluding the township which is just outside the town gate of the county seat.

The town planning area referred to in this Approach, is the area which is the built-up area of the township government seat, and the area in which planning control needs to be conducted for the sake of construction and development. The concrete range of the town planning area is to be delimited in a town master plan.

Art. 4 The planning and construction of the town should meet the needs of rural economic and social development, serve the objectives of constructing Township and Village Enterprises in a way of proper concentration, promoting transfer of the rural surplus labor force to non-agricultural sectors and speeding up urbanization progress of the countryside.

Art. 7... The township construction authority is in charge of the planning, construction and management of the town.
Chapter 2: Planning Management

Art. 9 Under the guidance of the city planning authority of the government of the county level or higher, the township government is responsible for the elaboration of town plans. If the town is located within the planning area of a city, the town plans are subordinate to the city master plans. The Village Planning Norm is to be followed in making those town plans.

Art. 10 The town master plans are to be reported for examination and approval by the county level of government. The detailed plans are to be examined and approved by the township government.

Art. 13 The site selection document issued by the construction authority of the county level or higher must have been obtained, when a construction project in the town planning area is being reported for approval by the (economic) development planning authority.

Art. 14 The application for the land-use in the town planning area, with the approval document of this construction project issued by the development planning authority, must be made to the township construction authority for the site positioning, then be reported for examination and approval by the construction authority of the county level.

Art. 16 The new construction, extension or reconstruction of any architecture or structure, road, pipeline etc. must present an application to the township construction authority for examination and approval by the construction authority of the county level.

Chapter 3: Design Management and Building Management

Chapter 4: Housing Property Management

Chapter 5: Management of Public/Municipal Facilities and Environmental Sanitation Management

Chapter 6: The Punishment Articles

Chapter 7: Supplementary Articles

Art. 49 The construction authority of the provincial level may make detailed regulations according to this Approach.

Art. 51 This Approach is about to effect on July 1, 1995.

7.2.4 The PRC Regulation on Village Planning, Construction and Management

(This Regulation is enacted by the State Council on June 29, 1993.)

Chapter 1: General Principles

Art. 2 This Regulation must be abided by in making and implementing village plans, in constructing housing, Township & Village Enterprises, public facilities/municipal utilities of the commune or the village in the planning area of a
village or a big village, except the land that is requisitioned for construction by
the state.

The making and implementation of the village or big village plans which are
situated in the planning area of a city, should go in accordance with the city
planning law and its by-laws.

**Art. 3** The village referred to in this Regulation is the settlement where the
villagers in the countryside live and are engaged with each agricultural
production activity.

The big village (*jizhen, means a bazaar town in Chinese*) referred to in this
Regulation is the settlement that is the seat of a communal government but not
yet designated as a town, and is derived from a bazaar place and functions as
the economic, cultural and living service center for a certain area in the
countryside.

The planning area of the village or the big village referred to in this Approach is
the area which is the built-up area of the village or the big village, and the area
in which planning control needs to be conducted for the sake of construction
and development of the village. The concrete range of the village planning area
is to be delimited in the master plans of the village.

**Art. 6** The construction authority of the State Council is in charge of planning,
construction and management work of the village.

The construction authority of the government of the county level or higher is in
charge of planning, construction and management work of the village in the
corresponding jurisdiction boundary.

The communal level of government is in charge of planning, construction and
management work of the village in the corresponding communal boundary.

**Chapter 2: The Making of Village and Rural Market Township Plans**

**Art. 8** The communal level of government is responsible for arranging the
making of the village and big village plans, and supervises the implementation
of those plans.

**Art. 10** The elaboration of the village plans ought to be based upon the county
territory plans, agricultural zoning, land utilization master plans, in coordination
with other relevant sectoral plans.

The county territory plans, of which the county government is responsible for
arranging the elaboration, should contain a system plan of the village and big
village construction.

**Art. 11** The elaboration of the village and big village plans is divided into two
steps. The first is the phase of village and big village master plans. The second is
the phase of construction plans of the village and big village.

**Art. 12** The village or big village master plan is a points-deploying plan of the
villages and big villages, and a general arrangement of the corresponding
construction within the boundary of a commune or township.
The major contents of the master plan are the points-deploying of the villages and big villages in the boundary of the communal level, the positions, the natures, the extents and development orientations of the villages and townships, the disposition of production and service facilities such as transportation, water-supply, electricity-supply, telecommunication and the post, the commerce, and planting trees in and around the village and big village.

Art. 13...

The construction plans of a big village contain mainly the land-use layout and scale for housing, TVEs, public facilities or utilities of the village and the big village, the relevant technological & economic indices, the short-term construction projects as well as the concrete construction arrangement for the key section of an area addressed.

The construction plans of the village... contain mainly the concrete arrangement of housing, water-supply, electricity-supply, roads, planting trees in and around the village, environmental sanitation as well as the matching facilities for production.

Art. 16  The terms of the village and big village are to be regulated by the provincial level of governments according to local actual situations.

Chapter 3: Implementation of Village and Big Village Plans

Art. 18  The villagers in the countryside who plan to build housing in the planning area of the village and big village, ought to apply to the committee of villagers for housing construction, after the discussion by the meeting of the villagers,....

Art. 19  To set up the Township & Village Enterprises, the site positioning application must be made to the construction authority of the county level, after the design task document or other documents issued by the county level government or higher,....

Chapter 4: Design and Building Management of Village and Big Village Construction

Chapter 5: Management of Housing, Public Facilities, Village/Township Appearance and Environmental Sanitation

Chapter 6: Punishment Articles

Chapter 7: Supplementary Articles

Art. 45  The planning and construction of the headquarters of the state-owned farms, forest-farms and other lower level of settlements, which are not designated as townships, are to be taken by the management authorities of the state-owned farms or forest-farms, according to this Regulation.

Art. 46  The provincial level government may make the implementation approach on the basis of this Regulation.
Art. 47  The construction authority of the State Council is responsible for explaining this Regulation.

Art. 48  This Regulation is about to be in power on November 1, 1993.

7.2.5 The Tentative Regulation on Management of the Area of Wonderful Sceneries

(This regulation is enacted by the State Council on June 7, 1985.)

Art. 2  An area, which possesses cultural or scientific value, or is worth of viewing and appreciating, on which natural sceneries, cultural sceneries are located with considerable concentration, where the environment is beautiful, which reaches certain scale and extent, and which may be made for visiting by the people, or for scientific or cultural activities, should be defined as the Area of Wonderful Sceneries (AWS).

Art. 3  The AWS is classified into three degrees:

a. the county level of AWS, ....;

b. the provincial level of AWS, ....;

c. the national level of key AWS, ....

Art. 4... The urban and rural construction authority of the government of the county level or higher is responsible for the AWS management within the corresponding jurisdiction boundary.

Art. 5  The people's government should be set up at the AWS, to be in charge of the overall protection, utilization, planning and construction of the AWS.

At the AWS where the people's government has not been established, the specific authority should be set up, to preside over the management work of the AWS under the leadership of its upper level of people's government....

Art. 6  The plans ought to be made for the AWS of each level, including the following items:

a. definition of the nature of the AWS;

b. demarcation of the range of the AWS and the outlying safeguarding area;

c. definition of the scenery area and other functional areas;

d. definition of measures of protecting, developing and using the scenery resources;

e. definition of the AWS's reception capacity and the arrangement/management measures in view of visitors' activities,

f. overall arrangement of public facilities, services and other facilities;

g. estimation of the investment and the benefit;

h. other items that need to be planned.

Art. 9...
The woods or trees in the AWS or in the safeguarding area of the AWS should be fostered regardless of ownership, and should not be cut. The renewal or fostering felling of trees must be approved by the responsible authority.

It is forbidden to cut famous or ancient trees.

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**Art. 16** The urban and rural construction authority of the State Council is in charge of explaining this Regulation, and is to make detailed stipulations.

**Art. 17** This Regulation is about to be effective on the day when it is made known to the public.

### 7.2.6 The PRC Historical Relics Protection Law

(This Law is passed by the Standing Committee of the PRC National People's Congree in November 19, 1982)

**Chapter 1: General Principles**

**Art. 2** In the PRC, following relics with historical, artistic, and scientific value are to be protected by the state:

a. ancient cultural ruins, ancient graves, ancient architectures, ancient grotto temples and stone inscriptions;

b. relics, architectures, monuments related with important historical events or figures;

c. historical precious artifacts and hand-made handcrafts;

d. significant revolutionary literatures and historical, artistic and scientific manuscripts or ancient books;

e. typical material objects reflecting historic chronicles, ethnic societal systems, social production and social life.

......

Fossils of ancient animals with backbone or mankind fossils are to be protected by the state, as those mentioned in the preceding sections.

**Chapter 2: Units of Relics Protection**

**Art. 7** The revolutionary relics site, the monument, the ancient cultural relics site, the ancient architecture, the ancient grotto temple and the stone inscription etc. are to be classified into different level of protection units.

The relics protection units at the county level are to be identified by this level of government and be reported for records by the provincial level of government, and then made known to the public.

The relics protection units at the provincial level are to be identified by this level of government and be reported for records by the State Council, and then made known to the public.
Out of all those identified relics protection units of lower levels, the state cultural authority selects and defines, or directly designates the units of the national importance with great historical, artistic or scientific values, which should be reported to and declared by the State Council.

Art. 8 Checked and approved by the cultural authority and the authority of urban and rural construction, cities which are rich of relics or matters with great historic value and revolutionary implication, are to be named as cities of historical and cultural significance, and then announced by the State Council.

Art. 9 The protection extents, archives, symbol indications are to be made as the relics protection units at each level by the corresponding level of government.

Art. 10 Discussed and determined by the cultural authority and the authority of urban and rural planning, the protection measures for the units of relics protection within the territory boundary of this jurisdiction entity are to be integrated into the urban and rural construction plans.

Art. 12..... Certain range outside the relics protection unit can be set up as construction control area. Within this range, any new architecture or structure must not disrupt the style and features of the relics protection unit.

Art. 13.....

The demolition and relocation of a relics unit, when specifically demanded by certain construction projects, are to be approved by the government of that level of relics and the cultural authority of one level higher... as far as by the State Council.

Chapter 3: Archeological Excavation
Chapter 4: Relics Kept in Museum
Chapter 5: Relics as Private Collection
Chapter 6: Relics Going out of the Country
Chapter 7: Rewards and Punishments
Chapter 8: Supplementary Articles

Art. 32 The implementation by-law is to be made by the national cultural authority according to this Law, and be put into effect after approval by the State Council.

Art. 33 This Law is valid in the day when it is made known to the public.

7.2.7 The PRC Building Law

(This Law is passed by the Standing Committee of the PRC National People's Congress on November 1, 1997.)
This Law is not related with planning at all. But one point is very clear, that is, even though the planning permits are issued for construction within the planning area only, the building permit may be given for construction outside the planning area by the building management authority. Art. 8 implies that, the planning permit is not a precondition for issuing a building permit when the construction site is not located in the city planning area.

Chapter 2: Building Permit and Qualification of Engagement for Contracting

Art. 8 When applying for a building permit for construction, following documents should have been obtained:

a. the land-use permit of the construction project;

b. the planning permit of the construction project when it is located in the city planning area;

7.3 Concerning Environmental Protection

7.3.1 The PRC Environmental Protection Law

(This Law is passed by the Standing Committee of the PRC National People's Congress in December 26, 1989)

Chapter 1: General Principles

Art. 1 This Law is made in order to protect and improve living environment and ecological environment, prevent and treat pollutions and other public hazards, safeguard human health, and promote development of constructing socialist modernization.

Art. 2 The environment referred to in the Law is the whole of natural and man-made factors which influence existence and development of the mankind, including air, water, sea, land, ore, forest, prairie, wild living things, natural relics, cultural relics, natural protection zones, areas of wonderful sceneries, cities, the countryside, etc.

Art. 3 This Law applies to all the PRC territory and oceanic areas under the jurisdiction of the PRC.
Art. 4  The environmental protection plans that are elaborated by the state must be integrated into national economic and social development programs.

......

Art. 7  The environmental protection authority of the State Council is in charge of unified management and supervision over national environmental protection work.

The environmental protection authorities of the county level or higher are set up to take duties of unified management and supervision over the environmental protection work of the corresponding jurisdiction territory.

Chapter 2: Environmental Monitoring and Management

Art. 12  In cooperation with other related authorities, the environmental protection authorities of the county level or higher should conduct the investigation and evaluation of the environmental situation in the corresponding jurisdiction territory, and elaborate environmental protection plans. Those plans are to be integrated and balanced by the (economic) development planning authority, and then be implemented after approval by the government of the same level.

Art. 13  The environmental impact assessment report of a construction project must evaluate pollution which may bring about by this project and its influence upon the environment, determine pollution preventive and treatment measures.

......

Chapter 3: The Conservation and Improvement of the Environment

Art. 17  The measures are to be taken by each level of government, in order to protect typical zones of natural ecological systems, water source conservation areas, zones where scientifically or culturally significant natural remnants such as geological structures, caves, fossils, glaciers, volcanoes, or thermal springs, and historic cultural relics, famous ancient trees. Any destruction is forbidden.

Art. 19  The measures are to be taken to protect ecological environment when natural resources are to be exploited and utilized.

Art. 10  Each level of government should enhance protection of agricultural environment; prevent and treat soil pollution, land sandification, land salinization, land infiltilization, land surface sinking; prevent and treat plantation destruction, soil erosion, drying-up of water resources, distinction of certain species as well as emergence and extension of abnormal ecological phenomena; disseminate comprehensive prevention and treatment by means of plant insects, rationally utilize chemical fertilizers, pesticides and plant growth hormones.

Art. 22  The environmental protection and improvement objectives and tasks should be included in the city plan.
Art. 23 Urban and rural construction should be associated with and adapted
to features of local natural environment; plantations, areas of waters, and areas
of wonderful natural sceneries should be protected; construction of city
gardens and parks, green space and areas of scenic spots should be reinforced.

Chapter 4: Prevention and Treatment of Environmental Pollution
and Other Public Harzards

Art. 24 The institution which produces environmental pollution and other
public harzards must integrate the environmental protection work into its work
programs, set up protection duty system; effective measures must be taken to
prevent and treat environmental pollution and harms such as emissions,
sewerage, solid waste, powder dust, stinking gas, radio-active matter as well as
noise, quack, electro-magnetic radiation, which come from production,
construction and other activities.

Art. 26 The facilities and equipment for pollution prevention and treatment in
a construction project must be designed, constructed and put into operation at
the same time as the main parts of the project.

Art. 28 The enterprises or other institutions whose discharge of pollutants
exceeds national or local standards of pollutant discharge should pay for that
discharging, and should be responsible for the treatment of pollutants of its
own accord.

Chapter 5: Legal Duties

Chapter 6: Supplementary Articles

7.4 Concerning Water Resources and Soil Erosion

7.4.1 The PRC Water Law

(This Law is passed by the Standing Committee of the PRC National People's
Congree in January 21, 1988)

Chapter 1: General Principles

Art. 1 This Law is made in order to develop, utilize and conserve water
resources reasonably, prevent and treat floods, give full play to comprehensive
benefit of water resources, adapt to the needs of national economic
development and people's lives.

Art. 2 The water resources referred to in this Law are meant to be surface
water and groundwater.

Art. 9 The state institutes a unified system of water resource management
together with the management by other departments, in each level of
administration.

The water conservancy authority of the State Council is in charge of the unified
management of water resources of the whole country.
In association with the water conservancy authority of the State Council, other relevant authorities of the State Council are responsible for relevant management work of water resources according to division of duties among authorities determined by the State Council.

The water conservancy authority and other relevant authorities of the county level or higher are responsible for relevant management work of water resources according to division of duties among authorities determined by the same level of government.

Chapter 2: Exploitation and Utilization

Art. 11 According to a river catchment or a region, a unified plan should be made to exploit and utilize water resources, prevent and cure floods. Those plans are divided into comprehensive plans and sector plans.

The comprehensive plans for the catchments of the important rivers set by the state are to be elaborated by the water conservancy authority of the State Council, in cooperation with other authorities as well as provincial level of governments.

The comprehensive plans for the catchment of other rivers or regions are to be elaborated by the water conservancy authority of the county level or higher, in cooperation with other authorities as well as the relevant regions. The comprehensive plans are to be coordinated with territory plans, and take account of the needs of each region and each sector.

The sectoral plans for flood control, irrigation, navigation, water supply for cities and industries, hydraulic power station, groundwater, are to be made by water management authorities, and to be approved by the corresponding level of government.

Art. 25 Groundwater is to be extracted on the basis of water resource investigation and appraisal. The unified plans are to be carried out.

Chapter 3: Protection of Water, Waters and Water Conservancy Projects

Art. 29 The management and conservation extent for a state-owned water works can be set up based upon the approved documents, by the government of the county level or higher according to the state regulations.

Chapter 4: Use Management of Water

Art. 30 The long-term programs of water supply and demand for the whole country and the provincial level entity are to be elaborated by the water conservancy authority of the State Council, in cooperation with other authorities, and be reported for approval by the (economic) development planning authority of the State Council. According to long-term programs of water supply and demand of a higher level and local actual conditions, local long-term programs of water supply and demand are to be made by the water...
conservancy authority in cooperation with other relevant authorities, and to be approved by the corresponding level of development planning authorities.

Chapter 5: Flood Prevention and Flood Combat

Art. 41 Land use and any construction in the flood control watercourses, flood detention basins or flood storage basins should meet flood control requirements.

Chapter 6: Legal Duties

Chapter 7: Supplementary Articles

7.4.2 The PRC Water and Soil Conservation Law
(This Law is passed by the Standing Committee of the PRC National People's Congree in June 29, 1991)

Chapter 1: General Principles

Art. 2 The water and soil conservation referred in this Law is meant to take prevention or treatment measures to deal with soil erosion owing to natural causes or human activities.

Art. 3 Any institution or individual is obligatory of conserving water and soil resource, preventing and treating soil erosion,...

Art. 4 The state adopts guidelines such as prevention as the main measure, all-around planning, comprehensive prevention and treatment, strengthened management, paying attention to benefit,..., in the water and soil conservation work.

Art. 6... The water conservancy authority of the county level or higher is in charge of the water and soil conservation work in the corresponding territory boundary.

Art. 7... The water and soil conservation plans should be made along with investigation and evaluation of the water and soil resources by the water conservancy authorities of the county level or higher, in association with other relevant authorities....

The tasks determined by the water and soil conservation plans are to be integrated into national economic and social development programs, and exclusive funds are to be arranged for the implementation of them.

According to soil erosion conditions, the governments of the county level or higher should define major prevention and treatment zones of soil erosion which are to be dealt with in priority.

Art. 8 Any institution or individual going for any production or construction activity which may bring about soil erosion must take measures of conserving water and soil resources, and be responsible for the treatment of soil erosion invoked by his production or construction activity.

Chapter 2: Prevention
Art. 12 Each level of government ought to organize tree-planting and afforestation by all people, encourage grass-growing, so as to increase forest coverage rate and extend plantation.

Art. 13 Each level of government should organize rural collective economic organizations and state-owned farms, forest-farms and livestock farms to plant firewood trees, bushes and grasses, close hillsides (to livestock grazing and fuel gathering) to facilitate afforestation according to plans, carry out rotation grazing and rotation closure,... It is forbidden to reclaim wasteland by destroying forest or by lighting fire on hills or mountains, root out turfs or sods and dig tree-roots on steep mountain slopes or in areas of dry climate.

Art. 14 It is forbidden to cultivate cropland on mountain slopes of more than 25 grad. How the mountain slopes of less than 25 grad could be cultivated are subject to regulations made by each province.

The exact range, in which cultivation of land on steep slopes is forbidden, is to be delimited by the county government, and made known to the public.

Those fields, which were obtained for growing crops before implementation of this Law but against this Article, should be returned for growing trees or grasses, or made as terrace fields according to local conditions.

Art. 15 The barren slopes of more than 5 grad but less than the cultivation-forbidden gradient of 25 grad may be reclaimed but only after approval by the water conservancy authority of the county level.

Art. 18 The construction of railway, highway or water conservancy works,... must build slop-protection or take other measure of earth treatment within the boundary lines of the infrastructure; after fulfillment of construction, trees and grasses must be planted on the ground where the earth is drawn or dug as well as where the waste sand, stone, or earth is put in a heap, so as to prevent soil erosion.

......

Art. 19 In mountainous or hilly areas, or areas where shifting of sand dunes prevails, an environmental impact assessment report of a construction project, such as railway, highway, water conservancy works, mine, power plant and other large or medium-sized projects, must include water and soil conservation schemes which have been agreed by the water conservancy authority. The schemes ought to be made according to the stipulations in the Art. 18.

......

Chapter 3: The Treatment
Chapter 4: Supervision
Chapter 5: Legal Duties
Chapter 6: Supplementary Articles
7.5 Concerning Agriculture and Cultivated Land

7.5.1 The PRC Agricultural Law

(This Law is passed by the Standing Committee of the PRC National People's Congree in July 2, 1993)

Chapter 1: General Principles

Art. 2......

The agriculture referred to in this Law is meant to be crop-planting/growing, forestry, husbandry and aquatic farming.

......

Chapter 2: The System of Agricultural Production and Operation

Chapter 3: The Agricultural Production

Art. 25 Each level of government and the unit of agricultural production and operation should make plans and take measures to organize construction of the cropland, irrigation works and shelter-forest,......

Chapter 4: Circulation of Agricultural Products

Chapter 5: Investment for Agriculture

Chapter 6: Agricultural Science and Technology, Agricultural Education

Chapter 7: Agricultural Resources and Protection of Agricultural Environment

Art. 54 Development of Agriculture must utilize rationally resources, protect and better ecological environment.

Each level of government should make zoning of agricultural resources, agricultural environmental protection plans and energy development programs for the countryside, should organize treatment of agricultural ecological environment.

Art. 55 Each level of government at the county level or higher ought to delimit the protection zones of essential cropland. The concrete approach, how to give particular protection to the cropland in the protection zones of essential cropland, is to be stipulated by the State Council.

......

Chapter 8: Legal Duties

Chapter 9: Supplementary Articles

Art. 66 This Law is valid in the day when it is made known to the public.

7.5.2 The PRC Regulation on the Essential Cropland Protection

(This Regulation is enacted by the State Council on December 27, 1998.)
Art. 2 The state institutes a system of the essential cropland protection.

The essential cropland referred to in this Regulation is the cropland that must not be taken for other use and defined in a land utilization master plan according to the demands of agricultural products by the population and social economic development in a certain period of time.

The protection zones of essential cropland referred to in this Regulation is the specific protection zones defined according to the land utilization master plan and the lawful procedure for the purpose of giving special protection to the essential cropland.

Art. 8 When making the land utilization master plans, each level of government should take essential cropland protection as one part of the plan, make clear layout arrangement, quantity quota and quality requirements of the essential cropland.

The county level of or the commune/township land utilization master plans should define the protection zones of essential cropland.

Art. 9 The province or the municipality at the provincial level should define more than 80% of total cropland in the corresponding jurisdiction boundary as the essential cropland. The concrete quantity is to be made known by the national land utilization master plan.

Art. 10...

According to the land utilization master plan, the cropland along transportation lines like railways or highways, and the cropland around the construction land-use of the city, town and village, should be defined in priority as the protection zones of essential cropland. The cropland that needs to be returned to woods land, grassland or lakes should not be defined as the protection zones of essential cropland.

Art. 36 This Regulation is about to be in power on January 1, 1999.

7.6 Concerning Forest and Natural Conservation Zones

7.6.1 The PRC Forest Law

(The last amendment of this Law is passed by the Standing Committee of the PRC National People's Congree in April 29, 1998)

Chapter 1: General Principles

Art. 4 The forest is divided into following five sorts:

a. Shelter-forest: the forest, the woods and bushes mainly for the shelter purpose, including the forest for water conservation, the forest for water and soil conservation, the forest against wind and sand, the forest of livestock farm conservation, the woods for coastal protection or road protection;

b. Timber forest......
c. Cash forest......
d. Firewood forest......
e. Forest of special purpose: the forest or woods mainly for national defense, environmental protection, scientific experiments, etc., including national defense forest, forest for experiments, forest of maternal trees, forest of environmental protection, forest for scenic spots, woods near the historic and cultural relics as well as the revolutionary monuments, forest of natural protection zones.

Art. 10 The forest management authority of the State Council is responsible for the national forestry work. The forestry authorities of the county or higher level of government are in charge of the forest work in the corresponding boundary. The communal government is required to assign full-time or part-time worker exclusively for the forestry work.

Chapter 2: Operation and Management of Forest
Chapter 3: Forest Protection

Art. 24 To enhance protection and management, the forest management authority of the State Council and the provincial level of governments ought to delimit natural protection zones for typical forest ecological zones in different climate belts, forest zones where rare animals and plants grow, primitive rain forest zones and other natural forest zones with special values.

The management approach of the natural protection zones is to be made by the national forest management authority, put into effect after approval by the State Council.

Precious trees outside the natural protection zones and the plant resources of special value in the forest zones should be conscientiously protected. It is forbidden to cut or collect trees without obtaining approval from the provincial level of forest management authority.

Chapter 4: Planting Trees and Afforestation
Chapter 5: Fell of Forest
Chapter 6: Legal Duties
Chapter 7: Supplementary Articles

Art. 49 This Law is to be effective on January 1, 1985.

7.6.2 The PRC Regulation on Natural Conservation Zones

Chapter 1: General Principles

Art. 2 The Natural Conservation Zone (NCZ) referred to in this Regulation is an area of land or waters, on the land or in the sea, where there is a typical natural ecological system, where rare and endangered species of wild animals or plants are naturally distributed in a great mass, and where there is natural relics of
special importance, of which a certain surface is to be delimited for special protection and management.

**Art. 4**... and development plans of the NCZs are to be integrated into the national economic and social development programs.

**Chapter 2: The Establishment of the NCZs**

**Art. 10** The NCZ is to be set up when one of following conditions would be met:

- a typical region of natural geography, a representative region of natural ecological system, or a region of an identical natural ecological system which has been damaged but can be recovered through protection;
- an area where rare and endangered species of wild animals or plants are naturally distributed in a great mass;
- a part or certain parts of the sea, its coast, its island, the wetland, inland waters, the forest, the grassland, or the desert of special protection values;
- a geological structure of great scientific or cultural values, a well-known cave, an area where fossils are distributed, an area where there are natural remains of glaciers, volcanoes, or thermal springs;
- other natural areas which need to be in particular protected, approved by the Stated Council or by the provincial level of government.

**Art. 11** The NCZs are divided into the national NCZ and the local NCZ.

The national NCZs are those which possess typical implications domestically and internationally, possess significant international influence in science, or possess special values for scientific research.

The other NCZs, which are not classified as the national NCZs but possess typical implications or important values for scientific research, are listed as the local NCZs.

**Art. 14**...

In demarcating the extent and boundary of a NCZ, the integrity and moderateness of the protection objects as well as the economic construction of the locality and the needs of the production and life of local people ought to be taken into consideration.

**Art. 18** The NCZ is divided into three circles: core area, buffer area and experiment area.

The core area... is not allowed for entry by any institution or individual except... those (approved by the competent authority) stipulated in Art. 27...

The buffer area is a certain area outside the core, where scientific research and observation is allowed.
The experiment area is the area where the following activities are allowed: the scientific experiment, teaching and learning, visiting and inspecting, tourism, the reproduction of the rare and endangered species of wild animals and plants. ... when necessary, a certain area outside the NCZ can be defined as the outlying protection range.

Chapter 3: The Management of the NCZ

Chapter 4: Legal Duties

Chapter 5: Supplementary Articles

Art. 44 This Regulation is about to be in power on December 1, 1994.

7.7 Concerning Grassland

7.7.1 The PRC Grassland Law

(This Law is passed by the Standing Committee of the PRC National People's Congree in June 28, 1985)

Art. 2 This Law applies to all the grasslands in the PRC, including prairie, and grass-covered mountains or hills.

Art. 3 ... The agricultural and husbandry authorities of the county level or higher are responsible for the grassland management work.

Art. 7 The requisition of grassland for the state construction is to follow the formularies defined by the Regulation on Requisition of Land for the State Construction....

... Art. 8 The governments of the province, the prefecture and the county levels are required to conduct investigations of grassland resources, to make husbandry development plans of the grasslands, which are to be integrated into national economic and social development programs.

Art. 10 The plantation on grassland is to be rigorously protected. The exploitation or destruction of grasslands is forbidden, or certain small amount of exploitation needs to be approved by the government of the county level or higher.

Art. 11 Cutting bushes or digging herbs on grasslands... must be approved by the governments of the communal or the county level, must be confined in a specific range, and be refilled properly with some maternal plants left. It is forbidden to cut or dig any plants or bushes on the barren land, half barren grassland and sandification areas.

... Art. 23 This Law is about to effect on October 1, 1985.