

Urban Planning System in China

-Basic Facts and Reform Progress-

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Overview

1. Basic facts about the urban planning system in China
2. Formulation, approval and implementation of urban planning in China
3. Progress of reform on urban planning system in China

In regard to its establishment and transformation, the urban planning system in China is determined by the national economic structure and government structure. At the stage of planned economy the government played a dominant role in resource allocation, while urban planning was the continuity and detailed implementation of the national economic plan. Regular words such as *spatial*, *urban* and *construction* were used in urban planning at that time. With the adoption of a market economy new problems occur in urban planning. First, under the circumstances that market plays the main role in resource allocation, the prior responsibility for urban planning is to maintain the public interest and fairness. Second, decision on urban planning is leaving more and more affects. Third, how to solve the problem of relationship between public interest administration and protection of private rights should be taken into consideration in urban planning. Fourth, there goes a diversified tendency among citizens in their choice of living places, environment, ways as well as standards of living. Fifth, there is an unprecedented occasion of seeking-for-power that competent administrations of urban planning and their staff have to face. The only way out is to comply with the law of market economy and to take a gradual reform on the existing urban planning system.

1 Basic facts about the urban planning system in China

The urban planning system in China has gone in a winding way, with three historic stages, since the founding of the country. It was paid great attention to at the beginning, but suspended during the 1958-1978 period, restored and promoted since the adoption of reform and open policy. With the speeding up of social and economic construction as well as development of urbanization, the role of urban planning in guiding and regulating the development of urban economy and social construction is widely understood and accepted.

The Chinese government highlights the role of urban planning in guiding and comprehensively regulating urban constructions. The government regards urban planning as an important base and method in guiding the rational development, construction and administration, and asks local governments at various levels to make urban planning, construction and administration as their main responsibility. Due to the attention of the central government and governments at various levels, the legal system on urban planning and administration is achieving continuous progress, and the modernization level of administration is enhancing greatly. A set of working mechanism of urban planning which fits in with the national condition of China is coming to its formation.

With the sustained growth of chinese economy the number of cities and towns in China keeps rising. The number of cities rose form 640 in 1995 to 660 in 2002, while that of organic towns rose from 17,000 to 20,600. The total population in cities and towns reaches 502 million, with an urbanization level of 39.1%. To keep pace with the development, the quality of urban planning in china keeps enhancing. Corresponding plans are made in all cities, most of the organic towns and many villages, which

effectively guide and coordinate the land use activity and construction activity, promote the economic and social development, and improve the living condition in urban and rural areas.

1.1 Legal system of urban planning in China

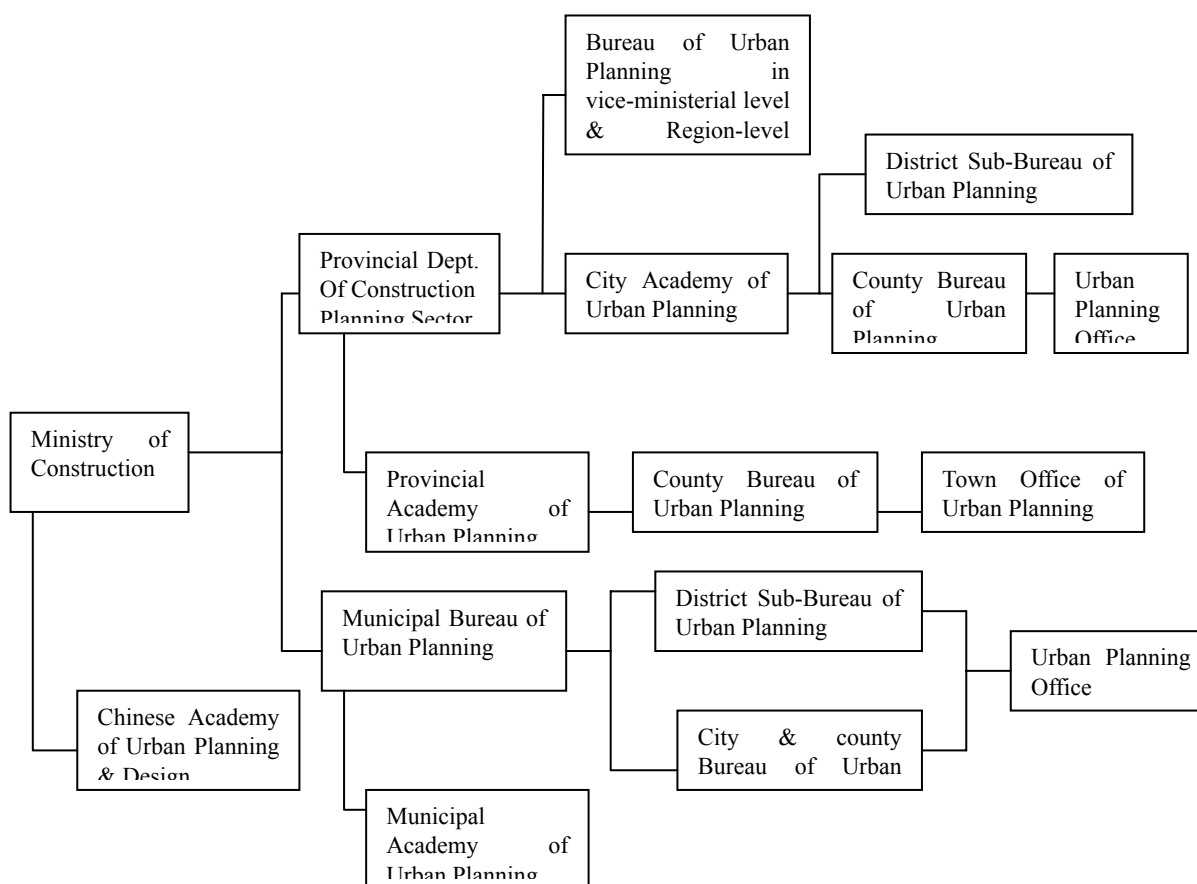
Since the execution of the *Urban Planning Law*, which was issued by the National People's Congress in 1990, the central government of China has sped up the building of legal system on urban planning. By now 18 laws and regulations relative to urban and rural planning at national levels have been issued. Meanwhile People's Congress at provincial level has issued local regulations on urban planning, local government at different levels and authorities responsible for urban planning have made great number of standardized and policy-oriented documents. On this basis, we have gradually come up with a system of urban planning administration and technical regulation, with the *Urban Planning Law* as a framework and relevant laws, regulations, rules and norms included.

1.2 Working organization of urban planning in China

Administrative organizations have now widely set up within governments at national, provincial (autonomous region or municipal), city and county levels, with the administration staff of about 30,000. The number of organizations that are responsible for the formulation and scientific study of urban planning reaches 2000, and working staff more than 60,000. The Urban Planning Society has more than 2000 members. With the development and growth of the sector, various urban planning societies and associations are established, and a network of societies and associations in this sector has been set up.

1.3 Legal system of urban planning in China

As stipulated in the *Urban Planning Law*, the legal system of urban planning consists of planning of national cities and towns system, provincial (autonomous regional) cities and towns system, overall urban planning, urban district planning (large and medium cities formulate necessary planning based on the overall planning), detailed urban planning. It also consists of cities and towns system in cities and counties that are listed in the overall planning and where the government is located. Generally speaking, the framework of the present urban planning administration is roughly as follows:



1.4 Sector administration of urban planning in China

Sector administration of urban planning and design as well as market administration of planning and design include formulation of relevant regulations and policies, qualification check, approval and annual check, qualification recognition of registered planner and administration of the registration, etc. China has gained a qualification certificate of urban planning and design. There are nearly 2000 institutions accessing the urban planning and design market, among them 119 have A-class qualification, 300 of them have B-class qualification, and more than 1,000 of them have C-class qualification, and there are more than 40,000 people working in the urban planning and design sector. Since the implementation of qualification recognition of registered planner, altogether 9,124 people have obtained the qualification of registered planner according to latest statistics; most of them are designing personnel engaged in urban planning.

Since the structural reform of the State Council in 1998, detailed work such as qualification check of planning-formulating units, annual check, and appraisal of good performance has been shifted to the Chinese Society of Urban Planning. The work of qualification recognition of registered planner and registration administration has been shifted to non-governmental institutions specific in registration.

2 Formulation, approval and implementation of urban planning in China

The organization for formulation and approval of urban planning is stipulated in the *Urban Planning Law*.

2.1 Formulation organizing of urban planning in China

As stipulated by the *Urban Planning Law*, the competent administration (presently the Ministry of Construction) under the State Council is responsible for the organization of formulating planning for national cities and towns system; provincial government or government of an autonomous region is responsible for the organization of formulating planning for local cities and towns system; and a city government is responsible for the organization of formulating planning for the overall planning of the city.

2.2 Approval of urban planning in China

Planning of the national cities and towns system is submitted to the State Council for approval by the competent administration responsible for urban planning. The competent administration under the State Council responsible for urban planning organizes checks of the planning of cities and towns system in provinces and autonomous regions; it then submits the planning to the State Council for approval. Getting consent from the State Council, the competent administration then approves the implementation of the planning. Government at different levels approves overall urban planning that have different degrees of importance. The overall planning of municipalities, provincial capitals and cities assigned by the State Council is checked and agreed by the municipal and provincial government and then submitted to the State Council for approval (there are 86 such cities). The overall planning in other cities is checked and agreed by the People's Congress of the city and then submitted to the provincial government, municipal government and government of autonomous regions. The overall planning of the town where the government of the county (under city administration) is located is checked and agreed by the People's Congress of the county and submitted to the city government for approval. A city government approves district planning and detailed planning of the city.

It is stipulated that a city government may make partial adjustment of the overall urban planning, but must report simultaneously to the Standing Committee of the People's Congress at equivalent level for deliberation, and submit to the original approving administration so that it will be put in a record. In regard to important adjustment of the overall urban planning that is concerned with the nature, scale, development direction and overall lay-out of the city, the city government must obtain consent from the People's Congress at equivalent level or its Standing Committee, and then obtain approval from the original approving administration.

2.3 Implementation of urban planning in China

As stipulated by law, administration procedure and system are implemented, with legal urban planning zones (defined in the overall urban planning) as its core urban planning. “*Proposal for site-choosing*”, “*License for Land Construction Planning*” and “*License for Project Construction Planning*” are needed for legal urban planning zones. Specifically speaking, the following procedures are included in the implementation of urban planning in China.

- a) Urban planning that is approved in legal procedures must be announced and open to the public.
- b) Land use and land construction within legal urban planning zones must be in line with urban planning and be subordinated to planning administration.
- c) A Proposal for site-selection, which is checked and granted by competent administration responsible for urban planning, must be presented for construction project within the legal urban planning zone.
- d) If land is needed for construction within legal urban planning zones, legal documents about the construction project must be presented when an application is submitted to the competent administration responsible for urban planning. The competent administration will define the location and border of the land that is needed, put forward terms for design, then check and grant the license of planning of the land for construction.
- e) Legal documents are needed for the building, expansion and change of buildings, roads, pipelines and other engineering facilities within legal urban planning zones. An application will be submitted to the competent administration, which will put forward terms for design, then check and grant the license of planning for the construction project.
- f) The competent administration supervises and checks the construction activity and land use of the city by checking and accepting the start operation, process tracing, completion check and acceptance, and examining illegal activities. It relies on the law to examine and settle the illegal activities in land use and project construction process.
- g) The competent administration is authorized to participate in the completion check and acceptance of important construction projects within legal urban planning zones; it will check whether the construction is in line with the urban planning.

Additionally, as stipulated by law, any unit or person must be subordinated to the decisions made by the government in term of the adjustment of urban planning of the city.

3 Progress of reform on urban planning system in China

The system transformation from a planned economy to a market economy has brought profound changes. We have come to the stage of rapid development in urbanization, and have to face great challenges in the field of urban planning system.

Reform on urban planning system is the natural requirement of building socialist market economy. It is also a premise for urban planning system to keep track with the existing international mechanism after China's entry into the WTO. Reform on urban planning system has become a composing part of the reform on administration system of the Chinese government.

In my view, we are under new situations; three aspects of characteristics should be emphasized in regard to urban planning.

First, the Chinese government makes urban planning in legal procedures, it executes its administration power which is authorized by law and pushes the planning into implementation, the fundamental purpose is to play its regulating and guiding function so as to promote reasonable use of resources, to protect nature and environment, and to unify and coordinate spatial lay-out for urban and rural construction. Urban planning has, in fact become a very important public policy.

Second, under market economy, diversification of investment subjects must lead to the diversification of interest groups. So it is required that not only public interest, but also private right should be guaranteed in the process of the formulation and implementation of urban planning. It is a process that openness, fairness, just, legalization, rationalization and sensibility must be maintained from the beginning to the end, it needs wide-range participation of the public. Urban planning has in fact become a kind of social activity that is widely concerned.

Three, either as an important public policy or a kind of highly concerned social activity, urban planning has in fact become a comprehensive subject involving fields such as natural science, social science, culture and art.

Inspired by the spirit of keeping pace with the time, the urban planning administration in China is active in exploring directions and channels in deepening reforms on urban planning system. It aims at gradual establishment of urban planning and implementation administration system in the process of gradual improvement of socialist market economy. The envisaged urban planning and administration system has definite responsibility within it, distinct gradation, complete set of regulations, scientific formulation and decision, and forceful execution and supervision. Democratization, science and legalization in the process of planning formulation, decision, administration and supervision will then be attained on this basis.

The direction that is conceived for deepening reform is as follows:

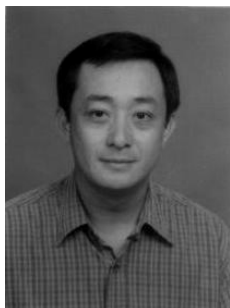
- a) Supervision in multiple ways and public participation is going through the whole process of the formulation of urban planning and implementation administration so that it becomes more open and democratic.
- b) Coordination is emphasized on the formulation, implementation administration and supervision system of urban planning so that mutual reaction and cooperation is enhanced, and an overall effect is brought into play.
- c) Establish a concentrated and uniform administration system of urban planning, combined with conditional decentralization of power, definite responsibility and limits of authority at different levels, so that initiative at various levels is brought into play.
- d) Reduce administrative approval, put more emphasis on studies on policies and

regulations, and strengthen supervision of the system.

- e) Expand medium organizations in line with the principle of separating politics from institutions, separating politics from enterprises, and separating institutions from enterprises; transfer part of administrative functions gradually, and make adjustment or take reforms on units that are responsible for urban planning and design.

The following is key work that is carried out:

- a) In consideration of the actual situation that great changes have taken place in the dual-structure of urban and rural system in China, an *Urban and Rural Planning Law* should be drafted earnestly so that the security system in urban and rural areas will be planned and developed as a whole.
- b) Relative regulations will be made in regard to the protection of legacy of history and culture in urban areas, and relationship between the normalization of urban construction and protection of the legacy of history and culture.
- c) In line with the principle of paying attention to protective utilization of resources and spatial control, and of defining the authority of government at different levels, a new urban planning system will be established which is more in conformity with the market economy system.
- d) In order to achieve a better supervision on the implementation of urban planning, a normal supervision system will be adopted and a dynamic information system on urban and rural planning administration will be established.
- e) On the basis of enhancing participation of the public in the whole process of the urban planning, procedures on formulation and check of planning at various levels as well as public participation in the whole process will be established.



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