

本译文仅供学习交流，不得用于任何商业用途

**The English translation below is for information only
and may not be reproduced or otherwise used for any
commercial purpose.**

**Decision of the State Council on Amending the Regulations on Administration of
Surveying and Designing of Construction Projects**

(Promulgated by Decree No. 662 of the State Council of the People's Republic of
China on June 12, 2015, and effective as of the date of promulgation)

The State Council decides to amend the Regulations on Administration of Surveying and Designing of Construction Projects as follows:

An article is added as Article 40, which reads: "Where a surveying or designing unit, in violation of the provisions of these Regulations, fails to base the survey or design documents which it formulates for a construction project on the document of approval for the project, the urban and rural planning, the special program or the requirements of the State on the depth of surveying and designing of the project, it shall be ordered to make corrections within a specified time limit; if it fails to comply within the time limit, it shall be fined not less than 100,000 yuan but not more than 300,000 yuan; if an accident occurs due to the inferior quality of the project or environmental pollution or ecological damage arises, it shall be ordered to suspend its operation for rectification and its qualifications shall be downgraded; if the circumstances are serious, its qualification certificate shall be revoked; if losses are caused, it shall assume the responsibility for compensation in accordance with law."

In addition, the first paragraph of Article 25 is amended by striking "the urban planning" and inserting "the urban and rural planning", and the order of articles shall be rearranged correspondingly.

This Decision shall be effective as of the date of promulgation.

The Regulations on Administration of Surveying and Designing of Construction Projects shall be amended in accordance with this Decision and promulgated anew.

**Regulations on Administration of Surveying and Designing of Construction
Projects**

(Promulgated by Decree No. 293 of the State Council of the People's Republic of
China on September 25, 2000, and revised in accordance with the Decision of the

State Council on Amending the Regulations on Administration of Surveying and
Designing of Construction Projects on June 12, 2015)

Chapter I General Provisions

Article 1 These Regulations are formulated for the purpose of strengthening administration of surveying and designing activities of construction projects, safeguarding the surveying and designing quality of construction projects and protecting human life and property safety.

Article 2 Surveying and designing activities of construction projects shall comply with these Regulations.

The surveying of construction projects as referred to in these Regulations means the activities of ascertaining, analyzing and evaluating the geologic and geographical features of construction sites and the rock-earth conditions for engineering as required by construction projects, and working out the survey documents of construction projects.

The designing of construction projects as referred to in these Regulations means the activities of comprehensively analyzing and discussing the conditions such as technology, economy, resources and environment as required by construction projects, and working out the design documents of construction projects.

Article 3 The surveying and designing of construction projects shall be suited to the social and economic development and shall seek the integration of economic, social and environmental benefits.

Article 4 Surveying and designing activities of construction projects shall conform to the principle of surveying first, designing second and construction last.

Article 5 The competent administrative departments for construction and the relevant departments such as for communications and water resources of the people's governments at or above the county level shall strengthen supervision and administration of surveying and designing activities of construction projects in accordance with the provisions of these Regulations.

The surveying or designing units of construction projects shall conduct the surveying or designing of construction projects in accordance with law, strictly implement the compulsory standards for construction projects, and be responsible for the surveying or designing quality of construction projects.

Article 6 The State encourages the use of advanced technologies, process and equipment, new materials and modern management methods in surveying and designing activities of construction projects.

Chapter II Qualification Control

Article 7 The State applies the qualification control system to the units engaging in surveying or designing activities of construction projects. The specific measures therefor shall be formulated by the competent administrative department for construction of the State Council in consultation with the relevant departments of the State Council.

Article 8 The surveying or designing units of construction projects shall contract for the surveying or designing of construction projects within the approved scope of their respective qualifications.

The surveying or designing units of construction projects shall be prohibited from contracting for the surveying or designing of construction projects beyond the approved scope of their respective qualifications or in the name of other surveying or designing units. The surveying or designing units of construction projects shall be prohibited from permitting other units or individuals to contract for the surveying or designing of construction projects in their names.

Article 9 The State applies the business qualification registration and control system to the professionals engaging in surveying or designing activities of construction projects.

Unregistered surveyors or designers of construction projects may not engage in surveying or designing activities of construction projects in the name of the registered practitioners.

Article 10 A registered practitioner or any other professional for the surveying or designing of construction projects may be employed only by one surveying or designing unit of construction projects; a practitioner or professional who is not employed by a surveying or designing unit of construction projects may not engage in surveying or designing activities of construction projects.

Article 11 The qualification certificate of the surveying or designing units of construction projects and the registration certificate of the practitioners shall be provided by the competent administrative department for construction of the State

Council in a unified manner.

Chapter III Letting and Undertaking a Contract for Surveying or Designing of a Construction Project

Article 12 A contract for surveying or designing of a construction project shall be let through bidding or in a direct manner in accordance with law.

Article 13 A contract for surveying or designing of a construction project shall be let through bidding in accordance with the provisions of the Law of the People's Republic of China on Bid Invitation and Bidding.

Article 14 A bid for the surveying or designing plan of a construction project shall be assessed comprehensively on the basis of the achievements and reputation of the bidder, the capability of the surveyor or designer and the quality of the surveying or designing plan.

Article 15 The caller for the bid for the surveying or designing of a construction project shall choose the bid winner from the candidates recommended by the bidding assessment committee. If the caller believes that the recommendations of the bidding assessment committee cannot meet the requirements specified by the bidding document to the fullest possible extent, the bid shall be called again in accordance with law.

Article 16 Upon approval of the relevant competent department, a contract for surveying or designing of the following construction projects may be let in a direct manner:

- (1) using the particular patent or exclusive technology;
- (2) requiring a special architectural model; and
- (3) surveying or designing of other construction projects as specified by the State Council.

Article 17 The contract letting party may not let the contract for surveying or designing of a construction project to a surveying or designing unit having no appropriate grade of qualifications for construction projects.

Article 18 The contract letting party may let the contract for surveying or designing of a construction project to one surveying or designing unit, and may also let the contract for surveying or designing of a construction project separately to several surveying or designing units.

Article 19 Except for the surveying or designing of the principal parts of a construction project, the contract undertaking party may, upon approval of the contract letting party in writing, sublet the contract for surveying or designing of other parts of the construction project to other surveying or designing units having the appropriate grade of qualifications.

Article 20 No surveying or designing unit of construction projects may transfer the contract for surveying or designing of a construction project it contracts.

Article 21 The contract undertaking party shall contract for the surveying or designing of construction projects within the grade of qualifications and the scope of business specified in its qualification certificate for surveying or designing of construction projects.

Article 22 The contract letting party and the contract undertaking party for surveying or designing of construction projects shall implement the surveying or designing procedures of construction projects specified by the State.

Article 23 The contract letting party and the contract undertaking party for surveying or designing of a construction project shall conclude the contract for surveying or designing of the construction project.

Article 24 The contract letting party and the contract undertaking party for surveying or designing of construction projects shall implement the provisions of the State on administration of the surveying or designing fee for construction projects.

Chapter IV Formulation and Implementation of Survey or Design Documents of Construction Projects

Article 25 The formulation of the survey or design documents of a construction project shall be based on the following provisions:

- (1) the document of approval for the project;
- (2) the urban and rural planning;
- (3) the compulsory standards for construction of the project; and
- (4) the requirements of the State on the depth of surveying and designing of the construction project.

The formulation of the survey or design documents of a special construction project such as for railways, communications or water resources shall also be based on the requirements of the special program.

Article 26 The formulation of the survey documents of construction projects shall be authentic and accurate, and shall satisfy the needs of planning, site-choosing, designing, rock-earth harnessing and construction of construction projects.

The formulation of the design documents for the plan shall satisfy the needs of the formulation of the initial design documents and the control of budgetary estimates.

The formulation of the initial design documents shall satisfy the needs of the formulation of the construction bidding documents, major equipment and materials ordering and the formulation of the design documents of construction drawings.

The formulation of the design documents of construction drawings shall satisfy the needs of the purchase of equipment and materials, the production of non-standard equipment, and the construction, and shall indicate the reasonable service life of the construction project.

Article 27 The technical indices such as specifications, models and functions for materials, components, fittings and equipment specified in the design documents shall be indicated, and their quality requirements shall conform to the standards specified by the State.

No designing unit may designate the producer or supplier, unless building materials, special equipment or process production lines have special requirements.

Article 28 A construction project owner or a construction or supervision unit may not change the survey or design documents of a construction project; if necessary, the change of the survey or design documents of a construction project shall be made by the original surveying or designing unit of the construction project. Upon approval of the original surveying or designing unit of a construction project in writing, the construction project owner may also engage other qualified surveying or designing units having the appropriate grade of qualifications to make such change. A unit making such change shall assume the corresponding responsibility for the changed survey or design documents.

A construction or supervision unit shall, if it discovers that the survey or design documents of a construction project do not conform to the compulsory standards for construction of the project or to the quality stipulated in the contract, inform the construction project owner, and the construction project owner shall have the right to demand the surveying or designing unit of the construction project to make the supplement or modification of the survey or design documents of the construction project.

The major modification of the survey or design documents of a construction project, if necessary, can be made only after the construction project owner shall report it to and obtain approval from the original examination and approval authority.

Article 29 New technology or materials specified in the survey or design documents of construction projects which possibly affect the quality and safety of construction projects and are in possession of no national technical standards can be used only after they are tested, proved and issued the inspection report by the inspection organization approved by the State and they are examined and approved by the technical expert committee for construction projects organized by the relevant department of the State Council or the relevant department of the people's government of the province, autonomous region, or municipality directly under the Central Government.

Article 30 The surveying or designing units of construction projects shall, before the construction of the projects, give explanations about the intention of surveying or designing of construction projects and the survey or design documents of construction projects to the construction and supervision units.

The surveying or designing units of construction projects shall solve the problems of surveying or designing arising in the course of construction without delay.

Chapter V Supervision and Administration

Article 31 The competent administrative department for construction of the State Council shall conduct unified supervision and administration of surveying and designing activities of construction projects throughout the country. The relevant departments such as for railways, communications and water resources of the State Council shall be responsible for supervision and administration of surveying and designing activities of relevant special construction projects throughout the country according to their respective duties and functions as prescribed by the State Council.

The competent administrative departments for construction of the local people's governments at or above the county level shall conduct supervision and administration of surveying and designing activities of construction projects within their respective administrative areas. The relevant departments such as for communications and water resources of the local people's governments at or above the county level shall be

responsible for supervision and administration of surveying and designing activities of relevant special construction projects within their respective administrative areas according to their respective duties and functions.

Article 32 When a surveying or designing unit of construction projects contracts for an interdepartmental or interregional surveying or designing within the scope of business specified in its qualification certificate, the local people's government concerned and its subordinate departments may not lay any obstacle or may not collect any fees in violation of the provisions of the State.

Article 33 The competent administrative departments for construction and the relevant departments such as for communications and water resources of the people's governments at or above the county level shall examine the contents of the design documents of construction drawings which are related to public interests, public security or the compulsory standards for construction projects.

No design document of construction drawings may be employed without examination and approval.

Article 34 All units and individuals have the right to report, accuse or complain about the illegal acts in surveying or designing activities of construction projects.

Chapter VI Penalty Provisions

Article 35 A surveying or designing unit which violates the provisions of Article 8 of these Regulations shall be ordered to stop the violation, and shall be fined not less than one time but not more than two times the surveying or designing fee as contracted, and its illegal gains, if any, shall be confiscated; it may be ordered to suspend its operation for rectification and its qualifications may be downgraded; if the circumstances are serious, its qualification certificate shall be revoked.

A unit which contracts for a construction project without the appropriate qualification certificate shall be banned and shall be fined in accordance with the provisions of the preceding paragraph; its illegal gains, if any, shall be confiscated.

Where a unit contracts for a construction project with a qualification certificate obtained in a deceitful manner, its qualification certificate shall be revoked and it shall be fined in accordance with the provisions of the first paragraph of this Article; its illegal gains, if any, shall be confiscated.

Article 36 Where a person, in violation of the provisions of these Regulations and without registration or approval, engages in surveying or designing activities of construction projects in the name of a registered surveyor or designer of construction projects, he shall be ordered to stop the violation, his illegal gains shall be confiscated, and he shall be fined not less than two times but not more than five times his illegal gains; if a loss is caused to other persons, he shall assume the responsibility for compensation in accordance with law.

Article 37 Where a registered practitioner or professional for surveying or designing of construction projects, in violation of the provisions of these Regulations, engages in surveying or designing activities of construction projects if he fails to be employed by a surveying or designing unit of construction projects or is employed concurrently by two or more surveying or designing units of construction projects, he shall be ordered to stop the violation, his illegal gains shall be confiscated, and he shall be fined not less than two times but not more than five times his illegal gains; if the circumstances are serious, he may be ordered to stop his practice or his qualification certificate may be revoked; if a loss is caused to other persons, he shall assume the responsibility for compensation in accordance with law.

Article 38 The contract letting party that, in violation of the provisions of these Regulations, lets the contract for the surveying or designing of a construction project to a surveying or designing unit having no appropriate grade of qualifications, shall be ordered to make corrections and shall be fined not less than 500,000 yuan but not more than one million yuan.

Article 39 Where a surveying or designing unit of construction projects, in violation of the provisions of these Regulations, transfers the contract for the surveying or designing of a construction project it contracts, it shall be ordered to make corrections, its illegal gains shall be confiscated, and it shall be fined not less than 25 per cent but not more than 50 per cent of the surveying or designing fee as contracted; it may be ordered to suspend its operation for rectification and its qualifications may be downgraded; if the circumstances are serious, its qualification certificate shall be revoked.

Article 40 Where a surveying or designing unit, in violation of the provisions of these Regulations, fails to base the survey or design documents which it formulates for a construction project on the document of approval for the project, the urban and rural planning, the special program or the requirements of the State on the depth of

surveying and designing of the project, it shall be ordered to make corrections within a specified time limit; if it fails to comply within the time limit, it shall be fined not less than 100,000 yuan but not more than 300,000 yuan; if an accident occurs due to the inferior quality of the project or environmental pollution or ecological damage arises, it shall be ordered to suspend its operation for rectification and its qualifications shall be downgraded; if the circumstances are serious, its qualification certificate shall be revoked; if losses are caused, it shall assume the responsibility for compensation in accordance with law.

Article 41 A unit which, in violation of the provisions of these Regulations, commits any of the following acts, shall be punished in accordance with the provisions of Article 63 of the Regulations on Administration of the Quality of Construction Projects:

(1) a surveying unit fails to conduct the surveying according to the compulsory standards for construction of the project;

(2) a designing unit fails to conduct the designing of the project according to the documents of surveying results;

(3) a designing unit designates the producer or supplier for building materials or building components and fittings; or

(4) a designing unit fails to conduct the designing according to the compulsory standards for construction of the project.

Article 42 Administrative punishments specified in these Regulations such as an order to suspend the operation for rectification, downgrading of the qualifications and revocation of a qualification certificate shall be decided by the certificate-issuing authorities; other administrative punishments shall be decided by the competent administrative departments for construction or other relevant departments according to their respective statutory functions and powers.

If the qualification certificate of a unit is revoked in accordance with the provisions of these Regulations, the administrative department for industry and commerce shall revoke its business license.

Article 43 Where a staff member of a State organ neglects his duty, abuses his power or commits illegalities for personal gain in the work of supervision and administration of surveying or designing activities of construction projects and thereby a crime is constituted, he shall be investigated for criminal liability in accordance with law; if no crime is constituted, an administrative sanction shall be

imposed on him in accordance with law.

Chapter VII Supplementary Provisions

Article 44 These Regulations shall not be applicable to surveying or designing activities for dealing with emergencies and providing disaster relief or constructing temporary houses as well as houses of not more than two floors constructed by farmers for themselves.

Article 45 The administration of surveying or designing of construction projects for the military purposes shall be governed by the relevant provisions of the Central Military Commission.

Article 46 These Regulations shall be effective as of the date of promulgation.

本译本仅供参考，若有歧义，请以中文版本为准。

The English version is for reference only. In case of any discrepancy or ambiguity of meaning between this English translation and the Chinese version, the latter shall prevail.