



Notice of the State Council on Relevant Issues Concerning Strengthening Land Control

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The people's governments of provinces, autonomous regions, and municipalities directly under the Central Government, ministries and commissions of the State Council, and institutions directly under the State Council:

the Party Central Committee and the State Council attach great importance to land management and regulation. The "Decision of the State Council on Deepening Reform and Strict Land Management" (Guo Fa [2004] No. 28), issued in 2004, made a number of improvements in terms of strict land law enforcement, strengthening planning management, protecting farmers' rights and interests, promoting intensive land use, and improving the responsibility system. comprehensive system requirements. Various regions and departments have taken measures and actively implemented them, and achieved initial results. However, at present, some new trends and problems have emerged in land management, especially land regulation. The task is still very daunting. In order to further implement the scientific concept of development and ensure sustainable economic and social development, stricter management measures must be adopted to effectively strengthen land regulation. The relevant issues are hereby notified as follows:

1. Further clarification of responsibilities for land management and cultivated land protection The

main persons in charge of the local people's governments at all levels shall be responsible for the amount of cultivated land and the area of basic farmland protection, overall land use planning and implementation of annual plans within their administrative regions. General responsibility. Incorporate the newly-increased construction land control indicators (including occupied agricultural land and unused land) into the annual plan for land use, and use the actual amount of cultivated land and newly-increased construction land area as the annual land use plan assessment, land management and cultivated land protection responsibility target assessment If the actual land use exceeds the plan, the corresponding plan index for the next year will be deducted. The Ministry of Land and Resources should strengthen the inspection of the actual construction land and land acquisition in various places.

According to the principle of consistent power and responsibility, adjust the approval method of urban construction land. Within the scope of urban construction land determined by the overall plan for land use, the conversion of agricultural land and land acquisition approved by the State Council in batches according to the law shall be adjusted to be reported once a year by the provincial people's government, reviewed by the Ministry of Land and Resources, and reported to the State Council. After approval, the provincial people's government will organize the implementation, and the implementation plan will be reported to the Ministry of Land and Resources for record.

Strict accountability. Where land violations of laws and regulations occur within the administrative region and cause serious consequences, if the violations of land laws and regulations are not stopped, if the investigation is not organized, and if the problems of land violations and violations are not reported or investigated, the person in charge of the relevant local people's government shall be held accountable. leadership responsibilities. The Ministry of Supervision and the Ministry of Land and Resources must promptly improve the accountability measures for leaders who violate land laws and regulations.

2. Guaranteeing the long-term livelihood of land-expropriated farmers

The principle of compensation and resettlement for land-expropriated farmers is to ensure that the original living standards of land-expropriated farmers are not reduced and their long-term livelihoods are guaranteed. All localities should conscientiously implement the provisions of Guobanfa [2006] No. 29 document, and do a good job in employment training and social security for land-expropriated farmers. The social security expenses of land-expropriated farmers shall be included in land acquisition compensation and resettlement expenses according to relevant regulations, and the insufficient part shall be settled by the local government from the income from the paid use of state-owned land. Land acquisition shall not be approved if social security fees are not implemented.

3. Standardize the management of land transfer income and expenditure.

The total amount of the transfer price of the state-owned land use right shall be included in the local budget and transferred to the local treasury, and the management of "two lines of income and expenditure" shall be implemented. The total price of land transfer must first be arranged in full amount according to regulations to pay land compensation fees, resettlement subsidies, ground attachments and young crops compensation fees, demolition compensation fees, and subsidies for the lack of funds required for social security of land-expropriated farmers, and the remaining funds should be gradually increased. The proportion used for agricultural land development and rural infrastructure construction, as well as for the construction of low-rent housing and the construction of supporting facilities for improving the use of state-owned land.

4. Adjust tax policy on land for construction use

Increase the payment standard for paid land use fees for newly added construction land. The payment scope of the paid land use fee for newly

added construction land shall be subject to the actual area of newly added construction land in the local area. The newly-added paid land use fee for construction land is specially used for basic farmland construction and protection, land consolidation, and cultivated land development. The paid land use fees for newly added construction land that have been reduced or exempted in violation of regulations and owed must be cleaned up and paid within a time limit. Among them, those who have been reduced or exempted after the issuance of Document No. 28 of Guofa [2004] and owed payment must be paid in full before the end of this year; those who have not paid within the time limit will not be processed for land use approval. The Ministry of Finance, together with the Ministry of Land and Resources, should promptly formulate specific measures for the payment standards and timely adjustments of the paid land use fees for newly added construction land, and further improve and perfect the allocation and use management of the paid land use fees for newly added construction land.

The Ministry of Finance and the State Administration of Taxation, together with the Ministry of Land and Resources and the Legislative Affairs Office, must promptly formulate specific measures to raise the collection standards for urban land use tax and cultivated land occupation tax. Finance and taxation departments should strengthen tax collection and management, and strictly control tax reduction and exemption.

5. Establish a unified announcement system for the minimum price standard of industrial land transfer.

The state shall uniformly formulate and publish the minimum price standard for industrial land transfer in various regions based on land grades and regional land use policies. The minimum price standard for the transfer of industrial land shall not be lower than the sum of the land acquisition cost, the initial land development cost and the relevant fees charged according to regulations. Industrial land must be transferred through bidding, auction and listing, and the transfer price shall not be lower than the announced minimum price standard. The transfer of land below the minimum price, or the subsidy or return in various forms is an illegal transfer of state-owned land use rights at a low price, and the relevant persons shall be investigated for legal responsibility according to law.

6. It is forbidden to convert agricultural land

into construction land without authorization. The conversion of agricultural land into construction land must comply with the overall land use planning, urban overall planning, village and market town planning, be included in the annual land use plan, and go through the approval procedures for the conversion of agricultural land according to law. It is prohibited to use farmers' collectively owned agricultural land for non-agricultural construction by means of "renting instead of expropriation", and to expand the scale of construction land without authorization. The transfer of the use right of collectively owned construction land by farmers must conform to the plan and be strictly limited to the scope of construction land obtained according to law. Failure to go through the approval process for the conversion of

agricultural land in accordance with the law, and the staff of state agencies to approve land occupation and construction by means of "lease instead of expropriation" are illegal land approval; units and individuals use "lease instead of expropriation" to occupy land for construction. If it is an illegal occupation of land, the legal responsibility of the relevant personnel shall be investigated according to law.

7. Strengthen the supervision and inspection of land management behaviors

The national land supervision agencies must conscientiously perform the duties entrusted by the State Council, and strengthen the supervision and inspection of the land management behaviors of local people's governments. For the violations of laws and regulations found in the supervision and inspection, correction or rectification opinions should be put forward in a timely manner. For those who do not do enough to make corrections, they shall be ordered to make corrections within a time limit in accordance with relevant regulations. During the rectification period, the conversion of agricultural land and land acquisition in the area will be suspended.

Land and resources management departments and their staff must strictly implement the laws, regulations and guidelines and policies of the state on land management, administer according to law, and be responsible for the authenticity and legality of land use. Where dereliction of duty, abuse of power, malpractice for personal gain, non-implementation and non-compliance with land management laws and regulations, relevant leaders and personnel shall be held accountable in accordance with relevant laws and regulations.

VIII. Severely punish land violations.

Staff of state organs who illegally approve the expropriation or occupation of land, or illegally transfer the right to use state-owned land at a low price, who violate the criminal law, shall be investigated for criminal responsibility according to law. Requisition of land due to non-implementation of national land control policies, approval of land beyond the plan, failure to pay the land use fees and other prescribed taxes and fees for new construction land on time, failure to pay land requisition compensation and resettlement fees in full on time, and adjustment of land use. If the general plan changes the location of basic farmland without authorization to avoid the occupation of basic farmland by construction and should be reported to the State Council for approval according to law, the administrative responsibility of the relevant personnel shall be investigated.

Improve the coordination mechanism for the investigation and punishment of land violations, and strengthen the investigation and punishment of land violations. The Ministry of Supervision, together with the Ministry of Land and Resources and other relevant departments, will launch a special campaign in the near future focusing on the investigation and punishment of illegal land grants, land use before approval, less grants for more use, and illegal transfer of state-owned land use rights at low prices. Cases of major violations of land laws and regulations must be dealt with openly, and those suspected of committing

crimes shall be transferred to judicial organs for investigation of criminal responsibility according to law.

All regions and departments should take Deng Xiaoping Theory and the important thought of "Three Represents" as guidance, fully implement the scientific outlook on development, fully understand the importance of implementing the strictest land management system, conscientiously implement and resolutely implement the central government's various regulations on strengthening land regulation and control. measures. All regions shall, in conjunction with the implementation of this notice, conduct comprehensive self-examinations of land management and utilization since the implementation of Document Guofa [2004] No. 28, and must seriously deal with land violations found in the inventory. The Development and Reform Commission, the Ministry of Supervision, the Ministry of Finance, the Ministry of Labor and Social Security, the Ministry of Land and Resources, the Ministry of Construction, the Ministry of Agriculture, the People's Bank of China, the State Administration of Taxation, the Statistics Bureau, and the Legislative Affairs Office must perform their duties and cooperate closely to formulate this notice as soon as possible. The implementation of supporting documents, and jointly do a good job in strengthening land regulation and control. The Ministry of Land and Resources shall, together with the Ministry of Supervision and other relevant departments, supervise and inspect the implementation of this Notice. All regions and departments shall report to the State Council the implementation of this Circular before the end of 2006.

State Council

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