

Land Administration Law of the People's Republic of China (2019 Amendment)

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(Adopted at the 16th Session of the Standing Committee of the Sixth National People's Congress on June 25, 1986; amended for the first time according to the [Decision on Amending the Land Administration of the People's Republic of China](#) at the Fifth Session of the Standing Committee of the Seventh People's Republic of China; revised at the Fourth Session of the Standing Committee of the Ninth National People's Congress of the People's Republic of China on August 29, 1998; amended for the second time according to the [Decision on Amending the Land Administration of the People's Republic of China](#) at the 11th Session of the Standing Committee of the Tenth National People's Congress on August 28, 2004; and amended for the third time in accordance with the Decision of the Standing Committee of the National People's Congress to Amend the [Land Administration Law of the People's Republic of China](#) and the [Urban Real Estate Administration Law of the People's Republic of China](#) at the 12th Session of the Standing Committee of the Thirteenth National People's Congress of the People's Republic of China on August 26, 2019)

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CHAPTER ONE GENERAL PROVISIONS

Article 1 The law is formulated in compliance with the [Constitution](#) with a view to strengthening the administration of land, safeguarding the socialist public ownership of land, protecting and developing land resources, ensuring a rational use of and giving a real protection to cultivated land to promote sustainable development of the socialist economy.

Article 2 The People's Republic of China resorts to a socialist public ownership i.e. an ownership by the whole people and ownerships by collectives, of land.

In ownership by the whole people, the State Council is empowered to be on behalf of the State to administer the land owned by the State.

No unit or individual is allowed to occupy, trade or illegally transfer land by other means. Land use right may be transferred by law.

The state may make expropriation or requisition on land according to law for public interests, but shall give compensations accordingly.

The State introduces the system of compensated use of land owned by the State except the land has been allocated for use by the State according to law.

Article 3 To cherish and give a rational use to the land as well as to give a true protection to the cultivated land are seen as a basic principle of land use in the country. The people's governments at all levels should manage to make an overall plan for the use of land to strictly administer, protect and develop land resources and stop any illegal occupation of land.

Article 4 The State is to place a strict control on the usages of land.

The State shall compile general plans to set usages of land including those of farm or construction use or unused. A strict control is to place on the turning of land for farm use to that for construction use to control the total amount of land for construction use and exercise a special protection on cultivated land.

"Land for farm use" refers to land directly used for agricultural production, including cultivated land, wooded land, grassland, land for farmland water conservancy and water surfaces for breeding; "land for construction use" refers to land on which buildings and structures are put up, including land for urban and rural housing and public facilities, land for industrial and mining use, land for building communications and water conservancy facilities, land for tourism and land for building military installations. The term "land unused" refers to land other than that for agricultural and construction uses.

Land should be used strictly in line with the purposes of land use defined in the general plan for the utilization of the land whether by units or individuals.

Article 5 The department of natural resources of the State Council shall be unifiedly responsible for the administration and supervision of land in the whole country.

The setup and functions of departments of natural resources of people's governments at and above the county level shall be decided by the people's governments of provinces, autonomous regions and municipalities under the direct jurisdiction of the central government (hereinafter referred to as "municipalities" for short) according to the relevant provisions of the State Council.

Article 6 The land utilization and land administration of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government and the people's governments of cities determined by the State Council shall be subject to the supervision and inspection by the agency empowered by the State Council.

Article 7 Units or individuals shall all be obliged to abide by the laws and regulations concerning land administration and have the right to report or prosecute acts of violating land administration law and regulations.

Article 8 People's governments shall award units or individuals who have made outstanding achievements in protecting and developing land resources, rational utilization of land and in carrying out research in this regard.

CHAPTER TWO OWNERSHIP AND RIGHT OF USE OF LAND

Article 9 Land in urban districts shall be owned by the State.

Land in the rural areas and suburban areas, except otherwise provided for by the State, shall be collectively owned by peasants including house site, land and hills allowed to be retained by peasants.

Article 10 Land owned by the State and land collectively owned by peasants may be allocated to be used by units or individuals according to law. Units or individuals using land shall be responsible for the protection, management and a rational use of the land.

Article 11 In lands collectively owned by peasants those have been allocated to villagers for collective ownership according to law shall be operated and managed by village collective economic organizations or villagers' committee and those have allocated to two or more peasants collective economic organizations of a village, shall be operated and managed jointly by the collective economic organizations of the village or villagers' groups; and those have allocated to township (town) peasant collectives shall be operated and managed by the rural collective economic organizations of the township (town).

Article 12 The registration of land ownership and rights to use land shall be governed by the laws and administrative regulations related to real estate registration.

The legally registered land ownership and rights to use land shall be protected by the law, and no entity or individual shall infringe thereupon.

Article 13 The arable land, woodland, and grassland owned by farmers collectively or owned by the state but legally used by farmers collectively, as well as other land legally used for agriculture, shall be available for family-based contracting within a rural collective economic organization, while barren hills, gullies, mounds, and beaches, among others, that are not fit for family-based contracting may be available for contracting by means such as bidding, auction, and open consultation for planting, forestry, animal husbandry, and fishery production. In the case of family-based contracting, the term of a contract for arable land shall be 30 years, the term of a contract for grassland shall be 30 to 50 years, and the term of a contract for woodland shall be 30 to 70 years; and upon expiry,

a contract shall be renewed for a term of 30 years for arable land or be legally renewed accordingly for grassland or woodland.

Land owned by the state but legally used for agriculture may be available for contracting by entities or individuals for planting, forestry, animal husbandry, and fishery production.

The landowner and a usufructuary shall enter into a contract according to the law to agree on the rights and obligations of both parties. Entities and individuals as usufructuaries shall have the obligations to protect and for the purposes specified in the contract, rationally utilize the land.

Article 14 Disputes arising from the ownership or use right of land shall be settled through consultation among parties concerned; should consultation fails, the disputes should be handled by people's governments.

Disputes among units shall be handled by the people's government at and above the county level; disputes among individuals or between individuals and units shall be handled by township level people's government or people's governments at the county level or above.

Whereas parties concerned refuse to accept the decisions by related people's government the dispute may be brought before the people's court within 30 days after the notification on the decision is received.

No party shall change the status quo of the land before the disputes over ownership and use right are settled.

CHAPTER THREE GENERAL PLANS FOR THE UTILIZATION OF LAND

Article 15 People's governments at all levels shall manage to compile general plans for land uses in accordance with the national economic and social development program, requirements of national land consolidation and resources and environmental protection, land supply capacity and the requirements of various construction projects.

The validity term of the general plans for land use shall be determined by the State Council.

Article 16 General plans for land use at a lower level shall be compiled according to the general plans for the utilization of land at the next higher level.

The total amount of land for construction uses in the general plans of land use compiled by local people's governments at all levels shall not exceed the controlled targets set in the general plans for land use at the next higher level and the total amount of cultivated land should not be lower than the controlled targets set in the general plans for land use at the next higher level.

In mapping out the general plans for land use, the provinces, autonomous regions and municipalities shall ensure that the total amount of cultivated land under their jurisdiction shall not be reduced.

Article 17 The comprehensive plans for land utilization shall be prepared under the following principles

ples:

- (1) Implementing the requirements for territorial spatial development and protection and strictly controlling the purposes of land.
- (2) Strictly protecting permanent basic farmland and strictly controlling the occupation of agricultural land for non-agricultural purposes.
- (3) Improving the conservation and intensive utilization of land.
- (4) Coordinating the land use arrangements for urban and rural production, living, and ecology, meeting the reasonable land use needs of rural industries and infrastructure, and promoting the integrated development urban and rural areas.
- (5) Protecting and improving ecology and environment and ensuring the sustainable utilization of land.
- (6) Maintaining a quantitative balance and a qualitative equivalence between the arable land occupied and the arable land developed and from reclamation.

Article 18 The state shall establish a territorial spatial planning system. Territorial spatial plans shall be prepared by adhering to the prioritization of ecology, the green and sustainable development, the scientific, orderly, and coordinated arrangement of ecological, agricultural, urban, and other functional spaces, the optimization of the territorial spatial structure and layout, and the improvement of quality and efficiency of territorial spatial development and protection.

Territory spatial plans legally approved shall be the primary basis for various activities of development, protection, and construction. Where a territorial spatial plan has been prepared, the comprehensive plan for land utilization and the urban-rural plan shall no longer be prepared.

Article 19 General plans for land use at the county level should define the areas and purposes of land use.

General plans for the land use at the township (town) level should define the areas for the utilization of land and define the purpose of each tract of land according to the actual conditions for the use of land and make an announcement.

Article 20 General plans for land use shall be examined and approved level by level.

General plans for land use of provinces, autonomous regions and municipalities shall be approved by the State Council.

General plans for land of cities where the people's governments of province and autonomous regions and municipalities are seated and cities with a population of over one million and cities designated by the State Council shall be examined by the People's governments of related provinces and autonomous regions and municipalities and submit them to the State Council for approval.

General plans for land use other than those provided for in the second and third paragraphs of this

article shall be submitted for approval step by step to the people's governments of provinces, autonomous regions and municipalities. General plans for land uses of townships (towns) may be approved by the people's governments of cities or autonomous prefectures authorized by the provincial level people's governments.

Once approved, the general plans for the land use shall be implemented strictly.

Article 21 The amount of land used for urban construction shall conform to the standards prescribed by the State so as to make full use of the existing land for construction purposes, not to occupy or occupy as less agricultural land as possible.

Urban general planning and the planning of villages and market towns should be in line with the general plans for land use. The amount of land for construction use in the urban general planning and the planning of villages and market towns shall not exceed the amount of land used for construction purposes in cities, villages and market towns fixed in the general plans for the utilization of land. The land for construction purposes in cities, villages and market towns within the planned areas of cities, villages and market towns shall conform to the city planning and the planning of villages and market towns.

Article 22 The plans for the comprehensive control, development and utilization of rivers and lakes should be in accordance with the general plans for land use. Land uses within the areas of management and protection of rivers, lakes and reservoirs and flood storage and detention areas should be in line with plans for the comprehensive control, development and utilization of rivers and lakes and to the requirements of river channels, flood flows of rivers and lakes, flood storage and water transmission.

Article 23 People's governments at all levels shall strengthen the administration of plans for land use and exercise control of the aggregate land for construction purposes.

An annual plan for land utilization shall be prepared on the basis of the national economic and social development plan, the national industrial policies, the comprehensive plan for land utilization, and the actual condition of land utilization. An annual plan for land utilization shall make reasonable arrangements for the collectively owned for-profit construction land as specified in Article 63 of this Law. The preparation and approval procedures for an annual plan for land utilization shall be the same as those for the comprehensive plan for land utilization, and once approved and issued, the annual plan must be strictly implemented.

Article 24 The people's governments of provinces, autonomous regions and municipalities shall report the implementations of their annual plans for the use of land to the people's congresses at the same level as part of the implementation of their economic and social development plans.

Article 25 Revision of the general plans for land use shall be approved by the original organ of app

roval. Without approval, the usages of land defined in the general plans for the utilization of land shall not be changed.

Whereas the purpose of land use defined in the general plans for the utilization of land needs to be changed due to the construction of large energy, communications, water conservancy and other infrastructure projects approved by the State Council, it shall be changed according to the document of approval issued by the State Council.

If the purpose of land defined in the general plans for the utilization of land needs to be changed due to the construction of large energy, communications, water conservancy and other infrastructure projects approved by provinces, autonomous regions and municipalities, it shall be changed according to the document of approval issued by the provincial level people's governments if it falls into their terms of reference.

Article 26 The State fosters land survey system.

The departments of natural resources of the people's governments at and above the county level shall carry out land surveys together with related departments at the same level. Land owners or users should provide good cooperation and necessary data and materials required.

Article 27 The departments of natural resources of the people's government at and above the county level shall, together with related departments at the same level, grade the land according to the results of the surveys, their planned uses and the unified standards formulated by the State.

Article 28 The State establishes the land statistical system.

The statistics agencies and the departments of natural resources of the people's governments at or above the county level shall conduct land statistical investigation according to the law, and issue land statistics on a regular basis. The owners or users of land shall provide the relevant materials, and shall not refuse or delay reporting or provide untrue or incomplete materials.

The land area statistics jointly issued by the statistics agencies and the departments of natural resources shall be the basis for the comprehensive plans for land utilization prepared by the people's governments at all levels.

Article 29 The State shall establish the national land management information system to conduct dynamic monitoring of the utilization of land.

CHAPTER FOUR PROTECTION OF CULTIVATED LAND

Article 30 The State protects the cultivated land and strictly controls the conversion of cultivated land into non-cultivated land.

The State fosters the system of compensations to cultivated land to be occupied. In the case of occupying cultivated land for non-agricultural construction, the units occupying the cultivated land shall

ould be responsible for reclaiming the same amount of land in the same quality as that occupied according to the principle of "reclaiming the same amount of land occupied. Whereas units which occupy the cultivated land are not available with conditions of reclamation of land or the land reclaimed is not up to requirements, the units concerned should pay land reclamation fees prescribed by provinces, autonomous regions and municipalities for reclaiming land for cultivation the land reclaimed.

The people's governments of all provinces, autonomous regions and municipalities shall formulate plans for reclamation of cultivated land, see to it that units which occupy cultivated land shall reclaim land as planned or organize the land reclamation according to plan and examine and accept the land reclaimed.

Article 31 The local people's governments at and above the county level may demand units which occupy cultivated land to use the topsoil of the land occupied for use in the newly reclaimed land, poor land or other cultivated land for soil amelioration.

Article 32 The people's governments of all provinces, autonomous regions, and municipalities directly under the Central Government shall strictly implement the comprehensive plans for land utilization and the annual plans for land utilization, and adopt measures to ensure that both the total amount and the quality of arable land within their respective administrative regions are not reduced. Where the total amount of arable land is reduced, the State Council shall order them to organize the development of arable land equivalent to the reduction in both amount and quality during a specified period; or where the quality of arable land is reduced, the State Council shall order them to organize consolidation during a specified period. The department of natural resources of the State Council shall, in conjunction with the department of agriculture and rural affairs, conduct final inspection of the arable land newly developed or after consolidation.

Where, in certain provinces and municipalities directly under the Central Government, the arable land newly developed is insufficient to compensate for the arable land occupied in terms of quantity due to the lack of reserves of land resources after an increase in construction land, they must report to the State Council for reduction of the arable land to be developed within their respective administrative regions, and develop arable land elsewhere with equivalent quantity and quality.

Article 33 The state shall implement a permanent basic farmland protection system. The following arable land shall be classified as permanent basic farmland under the comprehensive plans for land utilization, and be strictly protected:

(1) Arable land in the production bases of important agricultural products such as grain, cotton, oil, and sugar determined with the approval of the department of agriculture and rural affairs of the State Council or the local people's governments at or above the county level.

(2) Arable land with adequate water resources and water and soil conservation facilities, medium- and low-yielding farmlands that are under improvement plans being implemented or may be improved, and existing high-standard farmland.

(3) Vegetable production bases.

(4) Experimental fields for agricultural scientific research and teaching.

(5) Other arable land that shall be classified as permanent basic farmland as specified by the State Council.

The permanent basic farmland demarcated by a province, autonomous region or municipality directly under the Central Government shall, generally, account for over 80% of the arable land within its administrative region, and the specific proportions shall be specified by the State Council in light of the actual conditions of provinces, autonomous regions, and municipalities directly under the Central Government.

Article 34 The permanent basic farmland shall be demarcated by township (town), and the department of natural resources of a people's government at the county level shall, in conjunction with the department of agriculture and rural affairs at the same level, organize the implementation. Permanent basic farmland shall be precise to land parcels, and be included in the national permanent basic farmland database for strict management.

The people's governments of townships (towns) shall announce the locations and extents of permanent basic farmland to the public, and post protection signs.

Article 35 After permanent basic farmland has been legally demarcated, no entity or individual may occupy it or change its purpose without permission. Where it is indeed difficult for the selection of sites for energy, transportation, water resources, military facility, and other key national construction projects to avoid permanent basic farmland, and it involves the repurposing of agricultural land or land expropriation, it must be subject to the approval of the State Council.

It shall be prohibited to evade the agricultural land repurposing or land expropriation approval for permanent basic farmland by adjusting a comprehensive plan for land utilization at the county level or a comprehensive plan for land utilization of a township (town) without permission.

Article 36 The people's governments at all levels shall adopt measures to guide crop rotation and allow in light of local conditions, improve soil to raise fertility, maintain irrigation and drainage works and facilities, and prevent land desertification, salinization, soil erosion and soil pollution.

Article 37 Land shall be used sparingly for non-agricultural construction purposes. Whereas wasteland can be used, no cultivated land should be occupied; whereas poor land can be used, no good land should be occupied.

It is forbidden to build kilns, graves or houses on cultivated land or to dig sand, collect stones, do

mining and carry soil away from cultivated land.

It is forbidden to occupy permanent basic farmland to develop horticulture or dig ponds to breed fish.

Article 38 No unit or individual is allowed to let the land to lie idle or go wasted. Whereas a cultivated land which has been occupied for non-agricultural construction upon approval and can surely start construction within one year is found cultivable and yieldable, it should be cultivated by the unit or individual that originally cultivates the land or cultivated by units occupying the land. Whereas construction work fails to start for over one year, land idling fees shall be paid according to the provisions by various provinces, autonomous region and municipalities. Whereas construction work fails to start for two successive years, the people's governments at and above the county level shall revoke the use right of the land with the approval of the original organ of approval. Whereas the land used to be owned by peasant collectives, it should be turned over to original rural collective economic organizations for recultivation.

Idle land that is lying within the urban plan areas and whose use right has been assigned for real estate development shall be handled according to the “[Urban Real Estate Administration Law of the People's Republic of China](#)”;

Article 39 The State encourages development of unused land by units or individuals according to the general plans for the utilization of land and under the precondition of protecting and improving the ecological environment, preventing water loss, soil erosion and desertification. Land suitable for agricultural use should have the priority of developing into land for agricultural use.

The State protects the legitimate rights and interests of developers.

Article 40 Reclaiming unused land shall go through scientific argumentation and evaluation and can proceed according to law after approval within the reclaimable areas demarcated in the general plans for the utilization of land. It is forbidden to destroy forests and grassland in the process of land reclamation. It is forbidden to carry out landfill of lakes and occupy beach land of rivers.

Whereas reclamation of a land or rounding up of a land for reclamation would give harm to ecological environment the land concerned should be restored as forests, pasture fields or lakes step by step and in a planned manner according to the general plans for the utilization of land.

Article 41 For developing waste hills, land or beach land whose use rights have not been ascertained for crop cultivation, forestry, animal husbandry or fisheries, the use rights may be given to developers or individuals for long-term use with the approval of the people's government at and above the county level according to law.

Article 42 The State encourages land consolidation. People's governments of counties and townships (towns) shall organize rural collective economic organizations to carry out comprehensive consol

idation of fields, water surface, roads, woods and villages according to the general plans for the utilization of land to raise the quality of cultivated land and increase areas for effective cultivation and improve the agricultural production conditions and ecological environment.

Local people's governments at all levels shall adopt measures to ameliorate medium-and low-yielding land and consolidate idle and scattered and abandoned land.

Article 43 Whereas land is damaged due to digging, cave-in and occupation, the units or individuals occupying the land should be responsible for reclamation according to the relevant provisions of the State; for lack of ability of reclamation or for failure to meet the required reclamation, land reclamation fees shall be paid, for use in land reclamation. Land reclaimed shall be first used for agricultural purposes.

CHAPTER FIVE LAND FOR CONSTRUCTION PURPOSES

Article 44 Whereas occupation of land for construction purposes involves the conversion of agricultural land into land for construction purposes, the examination and approval procedures in this regard shall be required.

The repurposing of permanent basic farmland as construction land shall be subject to the approval of the State Council.

Where, within the extent of the scale of construction land of a city, villages, and market towns determined in a comprehensive plan for land utilization, agricultural land other than permanent basic farmland is repurchased as construction land in order to implement the plan, it shall, in batches, be subject to the approval of the agency originally approving the comprehensive plan for land utilization or the agency authorized by it according to the annual plan for land utilization as specified by the State Council. Within the scope of the approved repurposing of agricultural land as construction land, the use of land for specific construction projects may be approved by the people's government of a city or county.

Where agricultural land other than permanent basic farmland is repurposed as construction land beyond the extent of the scale of construction land of a city, villages, and market towns determined in a comprehensive plan for land utilization, it shall be subject to the approval of the State Council or the people's government of a province, autonomous region, or municipality directly under the Central Government authorized by the State Council.

Article 45 Where, under any of the following circumstances, expropriation of land collectively owned by farmers is indeed required in the interest of the public, expropriation may be implemented according to the law:

- (1) The use of the land is required for military or diplomatic purposes.
- (2) The use of the land is required for the construction of energy, transportation, water resources, c

ommunications, postal service, and other infrastructure as organized by the government.

(3) The use of the land is required for the implementation of science and technology, education, culture, health, sports, ecology, environment, and resource protection, disaster prevention and mitigation, cultural relic protection, comprehensive community services, social welfare, municipal utilities, veteran benefits and placement, protection of heroes and martyrs, and other public causes as organized by the government.

(4) The use of the land is required for the implementation of poverty alleviation relocation and construction of affordable housing projects as organized by the government.

(5) The use of land is required for the tract development construction as organized by a local people's government at or above the county level with the approval of the people's government at or above the provincial level within the extent of urban construction land determined in the comprehensive plan for land utilization.

(6) Other circumstances under which land collectively owned by farmers may be expropriated in the interest of the public as specified in laws.

The construction activities as mentioned in the preceding paragraph shall comply with the national economic and social development plans, the comprehensive plans for land utilization, the urban-rural plans, and the special plans; the construction activities in subparagraphs (4) and (5) shall also be included in the annual plans for national economic and social development; and the tract development in subparagraph (5) shall also meet the standards specified by the department of natural resources of the State Council.

Article 46 The expropriation of the following land shall be approved by the State Council:

1. Permanent basic farmland;
2. Land exceeding 35 hectares outside the permanent basic farmland;
3. Other land exceeding 70 hectares.

Expropriation of land other than prescribed in the preceding paragraph shall be approved by the people's governments of provinces, autonomous regions and municipalities.

Expropriation of agricultural land should, first of all, go through the examination and approval procedure for converting agricultural land into land for construction purposes according to the provisions of Article 44 of this law. Whereas conversion of land is approved by the State Council, the land expropriation examination and approval procedures should be completed concurrently with the procedures for converting agricultural land to construction uses and no separate procedures are required. Whereas the conversion of land is approved by people's governments of provinces, autonomous regions and municipalities within their terms of reference, land expropriation examination and approval procedures should be completed at the same time and no separate procedures are required.

Whereas the terms of reference has been exceeded, separate land expropriation examination and approval procedures should be completed according to the provisions of the first paragraph of this article.

Article 47 After approval under the statutory procedures of any land expropriation by the state, a local people's government at or above the county level shall announce it to the public, and organize the implementation.

A local people's government at or above the county level intending to apply for expropriation of land shall conduct investigation on the current status of the land to be expropriated and assessment on social stability risks, announce the scope of expropriation, current status of land, purpose of expropriation, compensation standards, resettlement methods, and social security, among others, within the limits of the township (town) and villages where the land to be expropriated is located and the villager groups for 30 days at a minimum, and hear the opinions of the rural collective economic organizations whose land is to be expropriated and their members, villagers' committees, and other stakeholders.

Where the majority of the members of a rural collective economic organization whose land is to be expropriated believe that the compensation and resettlement plan for land expropriation does not comply with the provisions of laws and regulations, the local people's government at or above the county level shall organize a hearing, and amend the plan according to the provisions of laws and regulations and the results of the hearing.

The owners and users of the land to be expropriated shall, during the period specified in the announcement, undergo the compensation registration based on the real estate ownership certificates. The people's government at or above the county level shall arrange for relevant departments to estimate and ascertain the relevant funding to ensure full payments, and enter into agreements with the owners and users of the land to be expropriated on compensation and resettlement, among others; and if it is indeed difficult to reach agreements with some of them, an honest explanation shall be provided when it applies for land expropriation.

Only after the relevant preliminary work is completed may the local people's government at or above the county level apply for land expropriation.

Article 48 Fair and reasonable compensation shall be made for the land expropriated to ensure that the current standard of living of farmers whose land has been expropriated is not lowered and their long-term livelihood is guaranteed.

For the land expropriated, the land compensation, resettlement subsidies, and compensation for rural villagers' houses, other fixtures on land, and young crops, among others, shall be paid in full in a timely manner according to the law, and social security expenses for farmers on the land expropriated.

iated shall be arranged for.

The standards of land compensation and resettlement subsidies for the expropriation of agricultural land shall be determined by provinces, autonomous regions, and municipalities directly under the Central Government by setting and publishing composite land parcel prices. In the setting of composite land parcel prices, the original purpose of land, land resource conditions, land output value, and location, relationship between land supply and demand, population, level of economic and social development, and other factors shall be comprehensively taken into account, and composite land parcel prices shall be adjusted or published anew every three years at a minimum.

The compensation standards for the expropriated land other than agricultural land, fixtures on land, and young crops shall be set by provinces, autonomous regions, and municipalities directly under the Central Government. For rural villagers' houses on such land, fair and reasonable compensation shall be made by respecting the will of rural villagers in a manner such as arranging for new house sites for building houses or providing resettlement houses or monetary compensation under the principle of making compensation before relocation and improving living conditions, compensation shall also be made for relocation, temporary resettlement, and other expenses caused by the land expropriation, to protect rural villagers' right to reside and lawful rights and interests in housing property.

The local people's governments at or above the county level shall include farmers on the land expropriated in the corresponding pension and other social security systems. The social security expenses for farmers on the land expropriated shall be mainly used for the subsidization of pension and other social insurance contributions from eligible farmers on the land expropriated. The measures for raising, managing, and using social security expenses for farmers on the land expropriated shall be developed by provinces, autonomous regions, and municipalities directly under the Central Government.

Article 49 Rural collective economic organizations shall make public to its members the receipts and expenditures of the land compensation fees for land expropriated and accept their supervision. It is forbidden to embezzle or divert the land compensation fees and other related expenses.

Article 50 Local people's governments at all levels shall support rural collective economic organizations and peasants in their efforts toward development and operations or in starting up enterprises.

Article 51 The standards for land compensation and method of resettlement for land expropriated for building large and medium-sized water conservancy projects and hydroelectric power projects shall be determined separately by the State Council.

Article 52 In the process of the feasibility study for construction projects, departments of natural re

sources may examine the related matters concerning the land for construction purposes and put forward their proposals according to the general plans for the utilization of land, the annual plan for the use of land and standards for land used for construction purposes.

Article 53 Whereas a construction project approved needs land owned by the State for construction purposes, the construction unit should file an application with the departments of natural resources of the people's government at and above the county level with the power of approval on the strength of related documents required by law and administrative decrees. The department of natural resources shall examine the application and submit it to the people's government at the same level for approval.

Article 54 A paid assignment should be go through in use of land owned by the State by a construction unit. But the following land may be obtained through government allocation with the approval of the people's governments at and above the county level according to law:

1. Land for use by government organs and for military use;
2. Land for building urban infrastructure and for public welfare undertakings;
3. Land for building energy, communications and water conservancy and other infrastructure projects supported by the State.
4. Other land as provided for by the law and administrative decrees.

Article 55 Construction units that have obtained State-owned land by paid assignment can use the land only after paying the land use right assignment fees and other fees and expenses according to the standards and ways prescribed by the State Council.

Beginning on the date when this Law comes into force, of the land use fees for newly added construction land, 30% shall be turned over to the central finance, and 70% shall be retained by the relevant local people's government. The specific administrative measures for the use shall be developed by the finance department of the State Council in conjunction with the relevant departments, and be reported to the State Council for approval.

Article 56 In using State-owned land, construction units should use the land according to the provisions of the contract for compensated use of assigned land use right or according to the provisions of the documents of approval concerning the allocation of land use right. The change of the land to construction purposes should get the consent from the departments of natural resources of the related people's governments and be submitted to the people's governments that originally give the approval for the use of land. In changing the purpose of land within the urban planned areas, the consent should be obtained from the related urban planning administrative departments before submission for approval.

Article 57 In the case of temporary using State-owned land or land owned by peasant collectives b

y construction projects or geological survey teams, approval should be obtained from the departments of natural resources of local people's governments at and above the county level. Whereas the land to be temporarily used is within the urban planned areas, the consent of the urban planning departments should be obtained before being submitted for approval. Land users should sign contracts for temporary use of land with related departments of natural resources or rural collective organizations or villagers committees depending on the ownership of the land and pay land compensation fees for the temporary use of the land according to the standard specified in the contracts.

Users who use the land temporarily should use the land according to the purposes agreed upon in the contract for the temporary use of land and should not build permanent structures.

The term for the temporary use of land shall not usually exceed two years.

Article 58 Under any of the following circumstances, the department of natural resources of the relevant people's government may, after reporting to and obtaining the approval from the people's government originally approving the land use or the people's government with the power to approve, recover the right to use state-owned land:

(1) The use of the land is indeed required for the reconstruction of old urban areas in the implementation of an urban plan or otherwise in the interest of the public.

(2) Upon expiry of the period of use as agreed on in the contract on land assignment or other paid use, the land user fails to apply for renewal or has applied for renewal but the renewal is denied.

(3) The use of the originally allocated state-owned land has ceased for reasons such as abolition or relocation of the entity.

(4) Highways, railways, airports, and mines, among others, are decommissioned with approval.

Where the right to use state-owned land is recovered under subparagraph (1) of the preceding paragraph, the holder of the right to use the land shall be appropriately compensated.

Article 59 Construction of township enterprises, public facilities and public welfare undertakings of townships (towns) and rural villagers' houses should be rationally laid out according to the village or market town plans according to a comprehensive development plan, with good supporting facilities. Land used for construction purposes shall conform to the general plans for the utilization of land of townships (towns) and their annual plan for the use of land and the examination and approval procedures should be completed according to the provisions of Article 44, Article 60, Article 61 and Article 62 of this law.

Article 60 In using the land for construction purposes defined in the general plan for the utilization of land of townships (towns) to start up enterprises or joint ventures together with other units or individuals by way of using land use right as shares, the rural collective economic organization shall file an application with departments of natural resources of the local people's governments at and a

bove the county level on the strength of documents of approval. The applications shall be approved by the local people's governments at and above the county level according to the terms of reference provided for by various provinces, autonomous regions and municipalities whereas the use of land involving the occupation of agricultural land, the examination and approval procedures provided for in Article 44 of this law shall be followed.

Land for construction purposes in starting enterprises provided for in the preceding paragraph shall be put under strict control. Provinces, autonomous regions and municipalities shall determine the standards for land use according to different trades and scale of operation of township enterprises.

Article 61 In using land for building public facilities and public welfare facilities, townships (towns) shall file an application with departments of natural resources of local people's governments at and above the county level after being examined by the township (town) people's governments at and above the county level. The application shall be approved by the local people's governments at and above the county level according to the term of reference provided for by provinces, autonomous regions and municipalities. Where occupation of agricultural land is involved, the examination and approval procedures provided for in Article 44 of this law are required.

Article 62 One rural household can own one piece of house site, with the area not exceeding the standards provided for by provinces, autonomous regions and municipalities.

In areas where the land per capita is low and one house site for one family cannot be guaranteed, the people's governments at the county level may, on the basis of fully respecting the will of rural villagers, take measures to guarantee residence for each family of rural villagers according to the standards specified by the provinces, autonomous regions, and municipalities directly under the Central Government.

Rural villagers shall build houses in line with the comprehensive plan for land utilization of the township (town) and village plans, without occupying any permanent basic farmland, and shall use the original house sites and idle land in villages as much as possible. In the preparation of the comprehensive plan for land utilization of a township (town) and village plans, land used for house sites shall be arranged for in a coordinated and reasonable manner to improve the living environment and conditions of rural villagers.

The land used for housing of rural villagers shall be subject to the approval of the people's governments of townships (towns); and if occupation of agricultural land is involved, approval formalities shall be undergone under Article 44 of this Law.

After rural villagers sell, lease, or gift their houses, their applications for house sites shall not be approved.

The state shall allow rural villagers who have permanently settled down in cities to voluntarily surr

ender their rural house sites according to the law, and encourage rural collective economic organizations and their members to revitalize idle house sites and idle houses.

The department of agriculture and rural affairs of the State Council shall be responsible for the reform and management of rural house sites across the country.

Article 63 For-profit construction land in collective ownership as determined in the comprehensive plan for land utilization and urban-rural plan for industrial, commercial, and other for-profit purposes and legally registered may be delivered by the land owner in a manner such as assignment or lease to an entity or individual for use, but they shall enter into a written contract to specify the land boundary, area, time limit for commencement of construction, period of use, land purpose, planning conditions, and other rights and obligations of both parties.

The assignment and lease, among others, of for-profit construction land in collective ownership as mentioned in the preceding paragraph shall be subject to the consent of over two-thirds of the members or over two-thirds of villagers' representatives at the village council of the members of the collective economic organization.

The right to use for-profit construction land in collective ownership obtained in a manner such as assignment may be reassigned, exchanged, contributed as capital, gifted, or mortgaged, except as otherwise provided for by laws and administrative regulations or otherwise agreed in a written contract entered into by the land owner and the holder of the right to use the land.

The lease of for-profit construction land in collective ownership and the assignment of the right to use construction land in collective ownership, as well as the maximum years, reassignment, exchange, contribution as capital, gift, and mortgage, among others, of the right to use construction land in collective ownership, shall be governed mutatis mutandis by the provisions on state-owned construction land of the same type of purpose. The specific measures shall be developed by the State Council.

Article 64 A user of construction land in collective ownership shall use the land in strict accordance with the purposes determined in the comprehensive plan for land utilization and the urban-rural plan.

Article 65 Buildings or structures put up before the general plan for the utilization of land and unconfirmable to the general plans are not allowed to be rebuilt or expanded.

Article 66 In one of the following cases, the rural collective economic organizations may recover the land use right with the approval of the people's government that gives the approval for the use of land:

1. Land needed for building public facilities and public welfare undertakings of townships (towns) and villages;

2. Land not used according to the purposes approved;
3. Land not used any more due to cancellation or removal of the original units.

Proper compensation shall be given to land users in the case of recovering the land owned by peasant collectives provided for in item 1 of the preceding paragraph.

The recovery of the right to use for-profit construction land in collective ownership shall be conducted according to the written contract entered into by both parties, except as otherwise provided for by laws and administrative regulations.

CHAPTER SIX SUPERVISION AND EXAMINATION

Article 67 The departments of natural resources of the people's governments at and above the county level shall exercise supervision and examination on violations to the land administrative law and administrative decrees.

The supervisory inspection conducted by the departments of agriculture and rural affairs of the people's governments at or above the county level on violations of the laws and regulations related to the administration of rural house sites shall be governed by the provisions of this Law on the supervisory inspection conducted by the departments of natural resources.

Supervising personnel in such a regard should be well acknowledged with the land administrative law and decrees, loyal to their duties and justice in enforcement of the law.

Article 68 In performing their supervising and examination duties, the departments of natural resources of the people's governments at and above the county level have the right to adopt the following measures:

1. Demand for documents and materials concerning land-use rights from units or individuals for examination, review or copying.
2. Demand explanations from units or individuals concerned in regard to land-use rights;
3. Enter into land illegally occupied by units or individuals under examination to carry out on-the-spot surveys, and
4. Command units or individuals that have occupied land illegally to stop their acts of violating the law and administrative law and decrees.

Article 69 In performing their duties, whereas there is the need to carry out on-the-spot survey or demand units or individuals concerned to present documents and materials or explanations, supervising personnel should present certificates of land supervision and examination.

Article 70 Units or individuals concerned should provide active support and cooperation to the departments of natural resources of the people's governments at and above the county level in their supervision and examination of violations to land administration and provide all the conveniences to facilitate but not in any way refuse or obstruct their work in such a regard.

Article 71 Where the department of natural resources of a people's government at or above the county level discovers in the course of supervisory inspection any illegal acts of state employees, and disciplinary action shall be taken against them according to the law, it shall handle the cases according to the law; or if it has no authority to handle the cases, shall, according to the law, transfer the cases to the oversight authorities or relevant authorities for handling.

Article 72 Whereas the departments of natural resources of the people's governments at and above the county level have found violations to have constitute a crime in their supervision and examination, they shall hand over the case to related government organs to affix criminal responsibilities. Whereas the case cannot constitute a crime, disciplinary actions shall be meted out.

Article 73 Whereas related the department of natural resources have failed to give disciplinary actions due, the departments of natural resources of the people's governments at a higher level have the right to command the departments of natural resources to take punishment decisions or give disciplinary actions directly and give disciplinary actions to the person responsible of the related departments of natural resources.

CHAPTER SEVEN LEGAL RESPONSIBILITIES

Article 74 For illegal transfer of land through trade or other forms, the departments of natural resources of the people's governments at and above the county level shall confiscate the proceeds from the transfer. For converting agricultural land into land for construction uses in violations to the provisions of the general plans for the utilization of land, an order shall be given to dismantle the new buildings or other facilities illegally built on the land illegally transferred for restoration of the land to the original state, and whereas in such cases no violation to the general plan for the utilization of land, the new building and other facilities on the land illegally transferred shall be confiscated and a fine may be imposed. Disciplinary action shall be given to persons in charge and persons directly responsible and whereas the case constitutes a crime, criminal responsibilities shall be affixed.

Article 75 Occupying cultivated land to build kilns or graves or build houses, dig sand, collect stones, do mining or collect soil from the cultivated land without authorization, thus damaging the conditions for growing crops or causing desertification and salinization due to land development in violation of this law, the departments of natural resources, departments of agriculture and rural affairs, and other departments shall, according to their respective duties of the people's governments at and above the county level shall order correction or improvement within a prescribed time limit and concurrently impose a fine. Whereas the case constitutes a crime, criminal responsibility shall be affixed.

Article 76 Refusing to perform land reclamation obligations in violation of this law, the department

s of natural resources of the people's governments at and above the county level shall order correction within a prescribed time limit. Whereas no correction is made within the time limit, a payment of land reclamation fees specially used for land reclamation by the violator shall be ordered and a fine may be imposed concurrently.

Article 77 Occupying land without approval or by deception, the departments of natural resources of the people's governments at and above the county level shall order to return the land illegally occupied; turning to agricultural land into land for construction uses without authorization in violation of the general plans for the utilization of land, dismantling of the new buildings and other structures on the land illegally occupied within a prescribed time limit shall be ordered and whereas the act has not violated the general plans for the utilization of land, the new buildings and structure concerned shall be confiscated and a fine may be imposed concurrently. Persons in charge of the unit that occupies land illegally and the people directly responsible shall be given disciplinary actions and whereas the case constitutes a crime, criminal responsibility shall be affixed.

For an occupation of land in excess of the approved amount, part in excess shall be regarded as land illegally occupied.

Article 78 Occupying land by rural villagers for building houses without approval or by deception shall be ordered a return of the land illegally occupied and dismantle the new houses built on the land illegally occupied by departments of agriculture and rural affairs of the people's governments at and above the county level.

For occupation of land in excess of the standards prescribed by the provinces, autonomous regions and municipalities, the land in excess of the standards shall be regarded as having been illegally occupied.

Article 79 Approving the occupation of land without the power of approval, beyond the term of reference, or not according to the purposes defined in the general plans for the utilization of land or approving the occupation or expropriating of land in violation of the legal procedures, the documents of approval shall be invalid and the persons in charge and personnel directly responsible for illegal expropriation or use of land shall be given disciplinary actions. Whereas the case constitutes a crime, criminal responsibilities shall be affixed. The land illegally approved and used shall be recovered. Whereas parties concerned refuse to return, the case shall be regarded as illegal occupation of land.

Whereas illegal expropriation and use of land have caused damages to parties concerned, the party responsible shall bear the responsibilities of compensation according to law.

Article 80 Embezzling or diverting the use of land compensation fees and other related expenses of the units whose land is expropriated, criminal responsibilities shall be affixed whereas the case co

institutes the crime and disciplinary actions shall be meted out whereas the case is not serious enough to constitute a crime.

Article 81 A refusal to return of land use right upon a legal recovering of the land or an expiration of temporary land use term or State-owned land is used not according to the purposes approved, the departments of natural resources of the people's governments at and above the county level shall order the return of the land and impose a fine.

Article 82 Where any land collectively owned by farmers is used for non-agricultural construction without permission in a manner such as assignment or reassignment of the right to use or lease, or any for-profit construction land in collective ownership is delivered to an entity or individual for use in a manner such as assignment or lease in violation of this Law, the department of natural resources of the people's government at or above the county level shall order the violator to take corrective action during a specified period, confiscate illegal income, and impose a fine on the violator.

Article 83 Whereas orders have been issued to dismantle the new buildings and other facilities on the land illegally occupied within a prescribed time limit according to the provisions of this law, the construction unit or individual shall stop operation immediately and dismantle them by themselves. Whereas the operation continues, the organ which decided for the punishment decisions has the right to stop it. Whereas a construction unit or individual refuse to accept the administrative punishment decisions on dismantling the buildings and other facilities, it may bring the case before the people's court within 15 days starting from the day when the decision is received. Whereas a unit or individual fails to put the case in proceeding when the time limit expires and yet refuse to do the dismantling, the organ making the punishment decision shall apply for compulsory exercise with the people's court and the cost arising therefrom shall be borne by the law violator.

Article 84 Dereliction of duty, abuse of power for personal gains and practice favouritism by personnel of the departments of natural resources and department of agriculture and rural affairs shall be affixed of criminal punishments according to criminal law whereas the case is serious enough to constitute a crime or imposed of disciplinary actions whereas the case is not serious enough to constitute a crime.

CHAPTER EIGHT SUPPLEMENTARY PROVISIONS

Article 85 The use of land by foreign-funded enterprises shall be governed by this Law; except as otherwise provided for by laws.

Article 86 Before a territorial spatial plan is prepared under Article 18 of this Law, the comprehensive plan for land utilization and urban-rural plan legally approved shall continue to be implemented.

Article 87 The law shall come into force starting from January 1, 1999.

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