

# Land Administration Law of the People's Republic of China

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## Contents

Chapter I General Provisions

Chapter II Ownership of Land and Right to the Use of Land

Chapter III Overall Plans for Land Utilization

Chapter IV Protection of Cultivated Land

Chapter V Land to Be Used for Construction

Chapter VI Supervision and Inspection

Chapter VII Legal Liabilities

Chapter VIII Supplementary Provisions

## Chapter I General Provisions

**Article 1** This Law is enacted in accordance with the Constitution for the purpose of strengthening land administration, maintaining the socialist public ownership of land, protecting and developing land resources, making rational use of land, effectively protecting cultivated land and promoting sustainable development of the society and the economy.

**Article 2** The People's Republic of China practises socialist public ownership of land, namely, ownership by the whole people and collective ownership by the working people.

Ownership by the whole people means that the right of ownership in State-owned land is exercised by the State Council on behalf of the State.

No units or individuals may encroach on land or illegally transfer it through buying, selling or other means. However, the right to the use of land may be transferred in accordance with law.

The State may, in the interest of the public, lawfully expropriate or requisition land and give compensation accordingly.

The State applies, in accordance with law, a system of compensated use of State-owned land, with the exception of land the right to the use of which is allocated by the State within the provisions of laws.

**Article 3** To value land highly, use land rationally and protect cultivated land effectively is China's basic policy. People's governments at all levels shall take measures, draw up overall plans, tighten control, protect and develop land resources, and prevent unlawful occupation and use of land.

**Article 4** The State applies a system of control over the purposes of use of land.

The State formulates overall plans for land utilization in which to define the purposes of use of land and classify land into land for agriculture, land for construction and unused land. It shall rigidly restrict conversion of land for

agriculture to land for construction, keep the total area of the land for construction under control and give special protection to cultivated land.

Land for agriculture as referred to in the preceding paragraph means land that is directly used for agricultural production, including cultivated land, forest land, grassland, land for irrigation and water conservancy, and water surfaces for agriculture; land for construction means land for constructing buildings and other structures, including land for housing in urban and rural areas, for public utilities, for factories and mines, for communications and water conservancy, for tourism and for military installations; and unused land means land other than land for agriculture and construction.

All units and individuals shall use land in strict compliance with the purposes of use defined in the overall plans for land utilization.

**Article 5** The land administration department under the State Council shall be in charge of unified administration of and supervision over the land throughout the country.

The establishment and duties of the land administration departments of local people's governments at or above the county level shall be decided by people's governments of provinces, autonomous regions and municipalities directly under the Central Government in accordance with the relevant regulations of the State Council.

**Article 6** All units and individuals shall have the obligation to observe the laws and regulations governing land administration and shall have the right to report against or accuse any violations of such laws or regulations.

**Article 7** The people's governments shall reward the units or individuals that achieve outstanding successes in protecting and developing land resources, using land rationally and carrying out relevant scientific research.

## Chapter II Ownership of Land and Right to the Use of Land

**Article 8** Land in the urban areas of cities is owned by the State.

Land in rural and suburban areas is owned by peasant collectives, except for those portions of land which belong to the State as provided for by law; house sites and private plots of cropland and hilly land are owned by peasant collectives.

**Article 9** State-owned land and land owned by peasant collectives may be lawfully determined to be used by units or individuals. Units and individuals that use land shall have the obligation to protect and manage the land and make rational use of it.

**Article 10** Land owned by peasant collectives that belongs lawfully to peasant collectives of a village shall be operated and managed by collective economic organizations of the village or by villagers' committees; land already owned by different peasant collectives that belong to two or more different collective economic organizations in the village shall be operated and managed by the rural collective economic organizations in the village or by villagers' groups; land already owned by a peasant collective of a township (town) shall be operated and managed by the rural collective economic organization of the township (town).

**Article 11** Land owned by peasant collectives shall be registered with and recorded by people's governments at the county level, which shall, upon verification, issue certificates to confirm the ownership of such land.

Land owned by peasant collectives to be lawfully used for non-agricultural construction shall be registered with and recorded by people's governments at the county level, which shall, upon verification, issue certificates to confirm the right to the use of the land for such construction.

State-owned land to be lawfully used by units or individuals shall be registered with and recorded by people's governments at or above the county level, which shall, upon verification, issue certificates to confirm their right to the use of such land. The specific organs for registration and issue of certificates for State-owned land to be used by central or State organs shall be determined by the State Council.

Ownership or the right to the use of forest land or grassland and the right to the use of water surfaces or tidal flats for aquaculture shall be confirmed respectively in accordance with the relevant provisions of the Forestry Law, the Grassland Law and the Fisheries Law of the People's Republic of China.

**Article 12** Any change to be lawfully made in land ownership, in the right to the use of land or in the purpose of use of land shall be registered.

**Article 13** The lawfully registered ownership of land and right to the use of land shall be protected by law and may not be infringed upon by any units or individuals.

**Article 14** Land owned by peasant collectives shall be operated under a contract by members of the economic organizations of the peasant collectives for crop cultivation, forestry, animal husbandry or fishery. The duration of such contract is 30 years. The party that gives out a contract and the party that undertakes it shall sign a contract in which to stipulate the rights and obligations of both parties. A peasant who undertakes to operate a piece of land under a contract shall have the obligation to protect the land and rationally use it in conformity with the purposes of use provided for in the contract. The right of a peasant to operate land under a contract shall be protected by law.

Within the duration of the contract for operation of land, any appropriate readjustment of the land between individual contractors shall be made with the agreement of at least two-thirds of the members of the villagers assembly or of the representatives of villagers and the matter shall be submitted to the township (town) people's government and the agriculture administration department of the people's government at the county level for approval.

**Article 15** State-owned land may be operated under a contract by units or individuals for crop cultivation, forestry, animal husbandry or fishery. Land owned by peasant collectives may be operated under a contract for crop cultivation, forestry, animal husbandry or fishery by units or individuals that do not belong to the economic organizations of the said collectives. The party that gives out the contract and the party that undertakes it shall sign a contract in which to stipulate the rights and obligations of both parties. The duration of such contract shall be provided for by the contract. The units or individuals that contract to operate the land shall have the obligation to protect such land and make rational use of it in conformity with the purposes of use provided for in the contract.

Land owned by peasant collectives shall be operated under a contract by units or individuals that do not belong to the economic organizations of the said collectives, with the agreement of at least two-thirds of the members of the villagers assembly or of the representatives of villagers, and the matter shall be submitted to the township (town) people's government for approval.

**Article 16** Disputes over ownership of land or the right to the use of land shall be solved through consultation between the parties. If such consultation fails, the disputes shall be handled by the people's government.

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

If a party refuses to accept the decision made by the relevant people's government, it may file a suit in a People's Court within 30 days from the date of receiving notification of the decision.

Before a dispute over ownership of land or the right to the use of land is solved, no party may alter the condition in which the land is being used.

### Chapter III Overall Plans for Land Utilization

**Article 17** People's governments at all levels shall draw up overall plans for land utilization on the basis of the requirements of the plans for national economic and social development, the need for improvement of national land and for protection of the natural resources and the environment, the capacity of land supply, and the demand for land by various construction projects.

The duration of an overall plan for land utilization shall be prescribed by the State Council.

**Article 18** The overall plan for land utilization at a lower level shall be drawn up on the basis of such a plan drawn up at the next higher level.

The total area of land for construction in the overall plan for land utilization drawn up by local people's governments at different levels shall not exceed the control norm set in such a plan by the people's government at the next higher level and the area of cultivated land reserved shall not be smaller than the control norm set in the overall plan for land utilization of the people's government at the next higher level.

In drawing up their overall plans for land utilization, the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall see that the total area of the cultivated land within their own administrative regions is not reduced.

**Article 19** Overall plans for land utilization shall be drawn up in accordance with the following principles:

- (1) strictly protecting the capital farmland and keeping land for agriculture under control lest it should be occupied and used for non-agricultural construction;
- (2) increasing the land utilization ratio;
- (3) making overall plans for the use of land for different purposes and in different areas;
- (4) protecting and improving ecological environment and guaranteeing the sustainable use of land; and
- (5) maintaining balance between the area of cultivated land used for other purposes and the area of land developed and reclaimed.

**Article 20** In the overall plans for land utilization at the county level, land shall be zoned and the purposes of its use defined.

In the overall plans for land utilization at the township (town) level, land shall be zoned and the purposes of use of each plot defined in light of the condition of the land to be used, both of which shall be made known to the general public.

**Article 21** The overall plans for land utilization shall be examined for approval at different levels.

The overall plans for land utilization drawn up by provinces, autonomous regions and municipalities directly under the Central Government shall be submitted to the State Council for approval.

The overall plans for land utilization drawn up by cities, where people's governments of provinces or autonomous regions are located or where the population is over one million, and cities earmarked by the State Council shall be examined for consent by people's governments of the provinces or autonomous regions, before they are submitted to the State Council for approval.

The overall plans for land utilization other than the ones mentioned in the second and third paragraph of this Article shall be submitted for approval level by level up to the people's governments of provinces, autonomous regions or municipalities directly under the Central Government. Among these, the ones drawn up by townships (towns) may be submitted for approval to the people's governments of cities, that are divided into districts, or the autonomous prefectures, as are authorized by people's governments at the provincial level.

Once an overall plan for land utilization is approved, it shall be strictly carried out.

**Article 22** The area of land to be used for urban construction shall conform to the norm set by State regulations. Attention shall be paid to making full use of the existing land earmarked for construction and using little or no land earmarked for agriculture.

The overall plans of cities and the plans of villages and towns shall be dovetailed with the overall plan for land utilization, and the area of land to be used for construction fixed in the former shall not exceed the area fixed in the latter for the cities, villages and towns.

In areas covered by the plans of cities, villages and towns, the area of land to be used for construction shall conform to the area as is fixed in such plans.

**Article 23** Plans for all-round harnessing of rivers and lakes and for their development and utilization shall be dovetailed with the overall plan for land utilization. Within areas of the rivers, lakes and reservoirs under control and protection and areas for flood storage or detention, land shall be used in conformity with the plan for all-round harnessing of rivers and lakes and for their development and utilization and with the requirements of flood diversion and storage and water transmission from the rivers and lakes.

**Article 24** People's governments at all levels shall exercise close supervision over the plans for land utilization and keep control over the total area of land to be used for construction.

The annual plans for land utilization shall be drawn up in accordance with the plan for national economic and social development, the industrial policies of the State, the overall plan for land utilization and the actual condition of land to be used for construction and land to be utilized. The procedure for examination and approval of annual plans for land utilization is the same as that for overall plans for land utilization. Once the annual plans for land utilization are approved and made known to lower levels, they shall be strictly carried out.

**Article 25** People's governments of provinces, autonomous regions and municipalities directly under the Central Government shall include the implementation of the annual plans for land utilization in their report on the implementation of the plan for national economic and social development to be delivered to the people's congresses at the corresponding level.

**Article 26** Any revision of an approved overall plan for land utilization shall be subject to approval by the organ that originally approved the plan; without such approval, no change may be made in the purposes of land use as defined in the overall plan for land utilization.

Where a change needs to be made in an overall plan for land utilization to meet the demand for land for the construction of such large infrastructure projects as energy, communications or water conservancy projects that have been approved by the State Council, it shall be made in accordance with the document of approval issued by the State Council.

Where a change needs to be made in an overall plan for land utilization to meet the demand for land for the construction of such infrastructure projects as energy, communications or water conservancy projects that have been approved by people's governments of provinces, autonomous regions or municipalities directly under the Central Government and the plan is within the limits of the approval authority of a people's government at the provincial level, the change shall be made in accordance with the document of approval issued by such government.

**Article 27** The State shall establish a land survey system.

Land administration departments of people's governments at or above the county level shall, in conjunction with the departments concerned at the same level, conduct land survey. Land owners and users shall cooperate in the work and provide relevant materials.

**Article 28** Land administration departments of people's governments at or above the county level shall, in conjunction with the departments concerned at the same level, grade land on the basis of the result of land survey, the planned purposes for the use of land and the uniform standards formulated by the State.

**Article 29** The State shall establish a land statistics system.

Land administration departments and statistics departments of people's governments at or above the county level shall work together to draw up plans for statistics and survey, lawfully prepare land statistics, and publish materials of such statistics at regular intervals. Land owners and users shall provide relevant materials; they may not fabricate or conceal such materials, refuse to provide them, or delay providing them.

Statistics of the areas of land published jointly by land administration departments and statistics departments shall provide the basis for people's governments at all levels in drawing up their overall plans for land utilization.

**Article 30** The State shall establish a national land administration information network to monitor developments in land utilization.

#### Chapter IV Protection of Cultivated Land

**Article 31** The State protects cultivated land and strictly restricts conversion of cultivated land to non-cultivated land.

The State applies the system of compensation for use of cultivated land for other purposes. The principle of "reclaiming the same area of land as is used" shall be applied to any unit that, with approval, uses cultivated land for construction of non-agricultural projects, that is, the unit shall be responsible for reclaiming the same area and quality of the cultivated land it uses. If conditions for such reclamation do not exist or if the reclaimed land fails to meet the requirements, the unit shall pay expenses for reclamation in accordance with the regulations set by people's

governments of provinces, autonomous regions and municipalities directly under the Central Government, and the money shall exclusively be used for reclamation.

People's governments of provinces, autonomous regions and municipalities directly under the Central Government shall formulate plans for land reclamation, see that the unit that uses cultivated land reclaims land according to plan or arranges reclamation according to plan, and conduct inspection before acceptance.

**Article 32** Local people's governments at or above the county level may require the units that wish to use cultivated land to move the arable layer of cultivated land to the reclaimed land or to land of inferior quality, or to other cultivated land for improving soil.

**Article 33** People's governments of provinces, autonomous regions and municipalities directly under the Central Government shall strictly implement the overall plans and annual plans for land utilization and take measures to ensure that the total area of cultivated land within their administrative regions remains unreduced. Where the total area of cultivated land is reduced, the State Council shall order the government concerned to reclaim land, within a time limit, of the same quality and area as is reduced, and the land administration department together with the agriculture administration department under the State Council shall inspect the land reclaimed before acceptance. Where individual governments of provinces or municipalities directly under the Central Government, for lack of land reserves, cannot reclaim enough land to make up for the cultivated land they used for additional construction projects, they shall apply to the State Council for approval of their reclaiming less or no land within their own administrative regions and of their reclaiming land in other regions.

**Article 34** The State applies a system of protection for capital farm- land. Cultivated land of the following categories shall be included in the protected capital farmland in accordance with the overall plan for land utilization and be placed under strict control:

- (1) cultivated land within bases of grain, cotton and oil crops production, which are designated as such with the approval of the departments concerned under the State Council or of the people's governments at or above the county level;
- (2) cultivated land with good irrigation and water and soil conservation facilities as well as medium- and low-yield fields that are under improvement according to plan or that can be improved;
- (3) vegetable production bases;
- (4) pilot fields for scientific research or teaching of agriculture; and
- (5) other cultivated land that should be included in the protected capital farmland according to regulations of the State Council.

The capital farmland designated as such by provinces, autonomous regions and municipalities directly under the Central Government shall account for at least 80 percent of the total cultivated land in their administrative regions respectively.

The area of protected capital farmland shall be demarcated with the township (town) as a unit and such demarcation shall be arranged by the land administration department together with the agriculture administration department of a people's government at the county level.

**Article 35** People's governments at all levels shall take measures to protect irrigation and drainage facilities, improve soil, increase soil fertility and prevent desertification, salinization, and soil erosion and contamination.

**Article 36** In non-agricultural construction, attention shall be paid to economizing on the use of land. Where wasteland can be used, no cultivated land may be used; where land of inferior quality can be used, no land of superior quality may be used.

It is forbidden to use cultivated land for building kilns and graves and to build houses, dig sand, quarry, mine or collect earth on or from cultivated land without authorization.

It is forbidden to use capital farmland for planting forest or fruit trees or to turn such land into ponds for raising fish.

**Article 37** All units and individuals are forbidden to leave cultivated land unused or let it lie waste. Where a stretch of cultivated land, for which the formalities of examination and approval have been gone through for its use for non-agricultural construction projects but which can still be cultivated and yield crops, is not used for one year, its cultivation shall be resumed by the original collectives or individuals or may be arranged by the land user. If construction is not started for over one year, the land user shall, in accordance with the regulations of provinces, autonomous regions and municipalities directly under the Central Government, pay charges for leaving the land unused. If the land is not used for two years running, the people's government at or above the county level shall, with the approval of the original approving organ, take back the user's right to the use of the land without compensation. If the said land is originally owned by peasant collectives, it shall be returned to the original collective economic organization of the village for resumption of cultivation.

Land in an area covered by city planning, the right to use which is assigned for development of real estate and that is left unused, shall be dealt with in accordance with the relevant provisions in the Law of the People's Republic of China on the Administration of the Urban Estate.

Where a unit or individual that contracts to operate cultivated land but lets the land lie waste for two years running, the original unit that gave out the contract shall terminate the contract and take back the land under contract.

**Article 38** The State encourages units and individuals to develop unused land in accordance with the overall plans for land utilization, on condition that the ecological environment is protected and improved and soil erosion and desertification are prevented. Priority shall be given to the development of such land for agricultural purposes where conditions permit.

The State protects the lawful rights and interests of such developers in accordance with law.

**Article 39** Unused land shall be reclaimed on the basis of scientific confirmation and evaluation, within the reclaimable area designated as such in an overall plan for land utilization and with lawful approval. It is forbidden to reclaim cultivated land by destroying forests or grasslands, to reclaim land from lakes and to encroach on tidal-flat areas of rivers.

Where land is reclaimed from forests, grasslands or lakes at the expense of the ecological environment, it shall gradually be returned to the forests, grasslands and lakes according to plan.

**Article 40** Units or individuals that wish to develop State-owned barren hills, wastelands or waste tidal flats, the land-use right of which is not yet established, for crop cultivation, forestry, animal husbandry or fishery shall be subject to lawful approval by people's governments at or above the county level, which may decide that such land be used by the said units or individuals for a long time.

**Article 41** The State encourages land revitalization. County and township (town) people's governments shall make arrangements for rural collective economic organizations to conduct, in accordance with overall plans for land utilization, all-round improvement of the fields, water conservancy, roads and forests and development of the villages in order to improve the quality of the cultivated land, increase the efficient area of cultivated land and better the conditions of agricultural production and the ecological environment.

Local people's governments at all levels shall take measures to transform the medium- and low-yield fields and improve idle and waste land.

**Article 42** Land users that cause damage to land as a result of digging, subsiding or crumbling under heavy weight shall be responsible for recultivating the land in accordance with the relevant regulations of the State. Where conditions do not permit such recultivation or the land recultivated does not meet the requirements, the user shall pay charges for recultivation, which shall exclusively be used for the purpose. The land recultivated shall first be used for agriculture.

#### Chapter V Land to Be Used for Construction

**Article 43** All units and individuals that need land for construction purposes shall, in accordance with law, apply for the use of State-owned land, with the exception of the collective economic organizations and peasants of such organizations that have lawfully obtained approval of using the land owned by peasant collectives of these organizations to build township or town enterprises or to build houses for villagers and the units and individuals that have lawfully obtained approval of using the land owned by peasant collectives to build public utilities or public welfare undertakings of a township (town) or village.

“The State-owned land” mentioned in the preceding paragraph includes land owned by the State and land originally owned by peasant collectives but expropriated by the State.

**Article 44** Where land for agriculture is to be used for construction purposes, the formalities of examination and approval shall be gone through for the conversion of use.

Where land for agriculture is to be converted to land for the construction of road, pipeline or large infrastructure projects, for which approval has been obtained from people’s governments of provinces, autonomous regions and municipalities directly under the Central Government, or for the construction of projects for which approval has been obtained from the State Council, the conversion shall be subject to approval by the State Council.

Where land for agriculture is to be converted to land for construction of projects in order to carry out the overall plan for land utilization within the limits of the area of land fixed in the plan for construction projects of cities, villages or towns, the conversion of use of land shall, in accordance with the annual plan for land utilization, be subject to approval in batches by the organ that originally approved the overall plan for land utilization. Land to be used for construction of specific projects within the limits of the area of land for agriculture, conversion of the use of which has been approved, may be subject to approval by people’s governments of cities or counties.

Where land for agriculture is to be converted to land for construction projects other than what is provided for in the second and third paragraphs of this Article, the conversion shall be subject to approval by people’s governments of provinces, autonomous regions and municipalities directly under the Central Government.

**Article 45** Expropriation of the following land shall be subject to approval by the State Council:

- (1) capital farmland;
- (2) cultivated land, not included in capital farmland, that exceeds 35 hectares; and
- (3) other land that exceeds 70 hectares.

Expropriation of land other than that provided for in the preceding paragraph shall be subject to approval by the people’s governments of provinces, autonomous regions and municipalities directly under the Central Government and be submitted to the State Council for the record.

Land for agriculture shall be expropriated after conversion of use of the land is examined and approved in accordance with the provisions in Article 44 of this Law. Where conversion of use of such land is subject to approval by the State Council, requisition of the land shall be examined and approved at the same time, and there is no need to go through the formalities of examination and approval for the requisition separately. Where conversion of use of land is subject to approval by people’s governments of provinces, autonomous regions and municipalities directly under the Central Government within the limits of their approval authority over the requisition of land, expropriation of the land shall be examined and approved at the same time, and there is no need to go through the formalities of examination and approval for the expropriation separately; if the land to be expropriated is beyond the limits of their approval authority, it shall be examined and approved separately in accordance with the provisions of the first paragraph in this Article.

**Article 46** Where land is to be expropriated by the State, the expropriation shall, after approval is obtained through legal procedure, be announced by people’s governments at or above the county level, which shall help execute the requisition.

Units and individuals that own or have the right to the use of the land under expropriation shall, within the time limit fixed in the announcement, register for compensation with the land administration department of the local people’s government by presenting their certificates of land ownership or land-use right.

**Article 47** Land expropriated shall be compensated for on the basis of its original purpose of use.

Compensation for expropriated cultivated land shall include compensation for land, resettlement subsidies and compensation for attachments and young crops on the requisitioned land. Compensation for expropriated cultivated land shall be six to ten times the average annual output value of the expropriated land, calculated on the basis of three years preceding such requisition. Resettlement subsidies for expropriated cultivated land shall be calculated according to the agricultural population needing to be resettled. The agricultural population needing to be resettled shall be calculated by dividing the area of expropriated cultivated land by the average area of the original



cultivated land per person of the unit the land of which is expropriated. The standard resettlement subsidies to be divided among members of the agricultural population needing resettlement shall be four to six times the average annual output value of the expropriated cultivated land calculated on the basis of three years preceding such expropriation. However, the maximum resettlement subsidies for each hectare of the expropriated cultivated land shall not exceed fifteen times its average annual output value calculated on the basis of three years preceding such expropriation.

Rates of land compensation and resettlement subsidies for expropriation of other types of land shall be prescribed by provinces, autonomous regions and municipalities directly under the Central Government with reference to the rates of compensation and resettlement subsidies for expropriation of cultivated land.

Rates of compensation for attachments and young crops on expropriated land shall be prescribed by provinces, autonomous regions and municipalities directly under the Central Government.

For expropriation of vegetable plots in city suburbs, the land users shall pay towards a development and construction fund for new vegetable plots in accordance with the relevant regulations of the State.

If land compensation and resettlement subsidies paid in accordance with the provisions of the second paragraph in this Article are still insufficient to enable the peasants needing resettlement to maintain their original living standards, the resettlement subsidies may be increased upon approval by people's governments of provinces, autonomous regions and municipalities directly under the Central Government. However, the total land compensation and resettlement subsidies shall not exceed 30 times the average annual output value of the expropriated land calculated on the basis of three years preceding such expropriation.

The State Council may, in light of the level of social and economic development and under special circumstances, raise the rates of land compensation and resettlement subsidies for expropriation of cultivated land.

**Article 48** Once a plan for compensation and resettlement subsidies for requisitioned land is decided on, the local people's government concerned shall make it known to the general public and solicit comments and suggestions from the collective economic organizations, the land of which is requisitioned, and the peasants.

**Article 49** The rural collective economic organization, the land of which is expropriated, shall accept supervision by making known to its members the income and expenses of the compensation received for land expropriation.

The compensation and other charges paid to the unit for its land expropriated is forbidden to be embezzled or misappropriated.

**Article 50** Local people's governments at all levels shall support the rural collective economic organizations, the land of which is requisitioned, and the peasants in their efforts to engage in development or business operation or to start enterprises.

**Article 51** The rate of compensation for expropriation of land to build large or medium-sized water conservancy or hydroelectric projects and the measures for resettling relocated people shall be prescribed separately by the State Council.

**Article 52** During the feasibility study of a construction project, land administration department may, in accordance with the overall plan for land utilization, the annual plan for land utilization and the standard area of land for the use of construction, examine the matters related to land for construction and offer its comments and suggestions.

**Article 53** Where a construction unit needs to use State-owned land for construction of an approved project, it shall apply to the land administration department of the people's government at or above the county level that has the approval authority by presenting the relevant documents as required by laws and regulations. The said department shall examine the application before submitting it to the said people's government for approval.

**Article 54** A construction unit that wishes to use State-owned land shall get it by such means of compensation as assignment. However, land to be used for the following purposes may be allocated with the lawful approval of a people's government at or above the county level:

- (1) for State organs or military purposes;
- (2) for urban infrastructure projects or public welfare undertakings;

(3) for major energy, communications, water conservancy and other infrastructure projects supported by the State; and

(4) other purposes as provided for by laws or administrative regulations.

**Article 55** A construction unit that obtains right to the use of State-owned land by such means of compensation as assignment shall, in accordance with the rates and measures prescribed by the State Council, pay, among other charges, compensation for use of land such as charges for the assignment of land-use right, before it can use the land.

Beginning from the date of implementation of this Law, 30 percent of the compensation paid for the use of additional land for construction shall go to the Central Government and 70 percent to the local people's governments concerned, both of which shall exclusively be used for developing cultivated land.

**Article 56** A construction unit that uses State-owned land shall do so in agreement with the stipulations of the contract governing compensation for the use of land such as the assignment of the land-use right or with the provisions in the documents of approval for allocation of the land-use right. Where it is definitely necessary to change the purposes of construction on this land, the matter shall be subject to agreement by the land administration department of the people's government concerned and be submitted for approval to the people's government that originally approved the use of land. Where the land the purposes of use of which need to be changed is located in the area under city planning, the matter shall be subject to agreement by the city planning administration department concerned before it is submitted for approval.

**Article 57** Where land owned by the State or by peasant collectives needs to be used temporarily for construction of projects or for geologic prospecting, the matter shall be subject to approval by the land administration department of a people's government at or above the county level. However, if the land to be temporarily used is located in the area covered by city planning, the matter shall be subject to agreement by the city planning administration department concerned before it is submitted for approval. The land user shall, depending on who owns the land and who has the land-use right, enter into a contract for the temporary use of the land with the land administration department concerned, or the rural collective economic organization, or the villagers committee, and pay compensation for it in accordance with the provisions of the contract.

The temporary land user shall use the land for purposes stipulated in the contract for temporary use of the land and may not build permanent structures on it.

Generally, the period for temporary use of land shall not exceed two years.

**Article 58** Under any of the following circumstances, the land administration department of the people's government concerned may, with the approval of the people's government that has originally approved the use of land or that possesses the approval authority, take back the right to the use of the State-owned land:

- (1) The land is needed for the benefits of the public;
- (2) The use of the land needs to be readjusted for renovating the old urban area according to city planning;
- (3) At the expiration of the period stipulated in the contract for use of the land by such means of compensation as land assignment, the land user has not applied for extending the period or, if he has, the application is not approved;
- (4) The use of the originally allocated State-owned land is terminated because, among other things, the unit that uses the land is dissolved or moved away; or
- (5) The highways, railways, airports or ore fields are abandoned with approval.

The user granted with the land-use right shall be compensated appropriately when its right to the use of State-owned land is taken back according to the provisions of sub-paragraphs (1) and (2) in the preceding paragraph.

**Article 59** Township and town enterprises, public utilities and public welfare undertakings of townships (towns) and villages, villagers' residences, etc. shall be built in accordance with the planning of the villages and towns and the principles of rational geographical distribution, comprehensive development and completeness. Land to be used for such construction shall be in keeping with the overall plan and annual plan for land utilization of the townships

(towns) and shall be subject to examination and approval in accordance with the provisions in Articles 44, 60, 61 and 62 of this Law.

**Article 60** A rural collective economic organization that wishes to set up enterprises by using land for construction, designated as such in the township (town) overall plan for land utilization, or does so with other units or individuals by investing its land-use right as shares or through joint operation shall, by presenting the relevant documents of approval, submit an application to the land administration department of the local people's government at or above the county level, and the matter shall be subject to approval by the said people's government within the limits of its approval authority as defined by the province, autonomous region or municipality directly under the Central Government. However, if land for agriculture is to be used for the purpose, the matter shall be subject to examination and approval in accordance with the provisions in Article 44 of this Law.

Land for construction to be used for setting up enterprises in accordance with the provisions in the preceding paragraph shall be kept under strict control. Provinces, autonomous regions and municipalities directly under the Central Government may, in light of the different industries pursued by township or town enterprises and their scale of operation, fix different limits for the area of land to be used.

**Article 61** Where land is to be used for the construction of township (town) or village public utilities or public welfare undertakings, the matter shall be subject to examination and verification by the township (town) people's government, which shall submit an application to the land administration department of the local people's government at or above the county level for approval by the said people's government within the limits of its approval authority as defined by the province, autonomous region or municipality directly under the Central Government. However, if land for agriculture is to be used for the purpose, the matter shall be subject to examination and approval in accordance with the provisions in Article 44 of this Law.

**Article 62** For villagers, one household shall only have one house site, the area of which may not exceed the limits fixed by provinces, autonomous regions and municipalities directly under the Central Government.

Villagers shall build residences in keeping with the township (town) overall plan for land utilization and shall be encouraged to use their original house sites or idle lots in the village as much as possible.

Land to be used by villagers to build residences shall be subject to examination and verification by the township (town) people's government and approval by the county people's government. However, if land for agriculture is to be used for the purpose, the matter shall be subject to examination and approval in accordance with the provisions in Article 44 of this Law.

Applications for other house sites made by villagers who have sold or leased their houses shall not be approved.

**Article 63** No right to the use of land owned by peasant collectives may be assigned, transferred or leased for non-agricultural construction, with the exception of enterprises that have lawfully obtained land for construction in conformity with the overall plan for land utilization but have to transfer, according to law, their land-use right because of bankruptcy or merging or for other reasons.

**Article 64** No buildings or structures built before the overall plan for land utilization is drawn up and at variance with the purposes defined in such a plan may be rebuilt or expanded.

**Article 65** Under any of the following circumstances, a rural collective economic organization may, with the approval of the people's government that originally approved the use of land, take back the land-use right:

- (1) The land is needed for constructing township (town) or village public utilities or public welfare undertakings;
- (2) The land is used at variance with the approved purposes; or
- (3) The use of land is terminated because, among other things, the unit concerned is dissolved or moved away.

The user granted with the land-use right shall be compensated appropriately when the land owned by the peasant collective is taken back according to the provisions of sub-paragraph (1) of the preceding paragraph in this Article.

## Chapter VI Supervision and Inspection

**Article 66** Land administration department of the people's government at or above the county level shall supervise and inspect violations of the laws and regulations governing land administration.

Supervisors and inspectors for land administration shall be familiar with the laws and regulations governing land administration and they shall be devoted to their duties and impartial in enforcing laws.

**Article 67** In performing their duties of supervision and inspection, members of the land administration departments of the people's governments at or above the county level shall have the right to take the following measures:

- (1) to require the unit or individual under inspection to provide documents and materials related to land ownership or land-use right in order to examine them or have them duplicated;
- (2) to require the unit or individual under inspection to make explanations on questions concerning land ownership or land-use right;
- (3) to enter the very plot of land illegally used by the unit or individual under inspection to conduct survey; and
- (4) to order the unit or individual that illegally uses land to stop violating the laws and regulations governing land administration.

**Article 68** Where supervisors and inspectors for land administration, in order to perform their duties, need to enter the very plot of land to conduct survey, or to require the unit or individual concerned to provide documents and materials or make explanations, they shall produce their papers for supervision and inspection for land administration.

**Article 69** The units and individuals concerned shall assist in, cooperate with and provide convenience to the work of the land administration departments of the people's governments at or above the county level when the latter conduct supervision over and inspection of violations of the laws and regulations governing land administration; they may not refuse to accept or obstruct supervision and inspection for land administration when the supervisors and inspectors perform their duties in accordance with law.

**Article 70** Where, in the course of supervision and inspection, land administration departments of the people's government at or above the county level find any violations by State functionaries and believe that administrative sanctions need be given to such functionaries, they shall deal with such violations in accordance with law; if they have no right to do so, they shall propose in writing to the administrative supervision departments of the people's governments at the corresponding or a higher level that administrative sanctions be given to the functionaries, and the administrative supervision departments concerned shall deal with the violations in accordance with law.

**Article 71** Where land administration departments of the people's governments at or above the county level, in the course of supervision and inspection, find that violations of the laws and regulations governing land administration constitute crimes, they shall transfer the cases to the departments concerned, which shall conduct investigation for criminal responsibility in accordance with law; if the violations are not serious enough to constitute crimes, the said departments shall impose administrative penalties in accordance with law.

**Article 72** Where a land administration department fails to impose administrative penalties on violators as is required by the provisions of this Law, the land administration department of the people's government at a higher level shall have the right to order the former to decide on imposition of administrative penalties or directly impose the penalties itself and give administrative sanctions to the persons in charge of the former.

## Chapter VII Legal Liabilities

**Article 73** If units or individuals illegally transfer land through buying, selling or other means, their unlawful gains shall be confiscated by the land administration departments of the people's governments at or above the county level, or if afterwards they, in violation of the overall plan for land utilization, convert land for agriculture to land for construction, they shall demolish, within a time limit, the structures and installations built on the illegally transferred land and put the land back to its original state, if the conversion happens to conform to the overall plan for land utilization, the structures and installations built on the land shall be confiscated, and the units or individuals in each case may also be fined; the persons directly in charge and the other persons directly responsible shall be given

administrative sanctions in accordance with law. If the violations constitute crimes, criminal responsibility shall be investigated in accordance with law.

**Article 74** Units or individuals that, in violation of the provisions of this Law, build kilns or graves on cultivated land or, without authorization, build houses, dig sand, quarry, mine or collect earth on or from the cultivated land, thus damaging the conditions for crop cultivation, or develop land, thus causing desertification or salinization, shall be ordered by the land administration departments of the people's governments at or above the county level to set it right or bring desertification or salinization under control within a time limit, and they may also be fined. If the violations constitute crimes, criminal responsibility shall be investigated in accordance with law.

**Article 75** Units or individuals that, in violation of the provisions of this Law, refuse to fulfill their obligation of land recultivation shall be ordered by the land administration departments of the people's governments at or above the county level to do it within a time limit. If they fail to do so, they shall be ordered to pay charges for recultivation, which shall exclusively be used for the purpose, and they may be fined.

**Article 76** Units or individuals that illegally occupy and use land without approval or with approval obtained by fraudulent means shall be ordered by the land administration departments of the people's governments at or above the county level to return such land; the ones that, in violation of the overall plan for land utilization, convert land for agriculture to land for construction shall be ordered to demolish the structures and installations built on the illegally occupied land within a time limit and put the land back to its original state; with regard to the ones that convert land for agriculture to land for construction, which happens to conform to the overall plan for land utilization, the structures and installations built on such land shall be confiscated, and they may also be fined; and the persons directly in charge of the said units and other persons directly responsible for the violations shall be given administrative sanctions in accordance with law; if the violations constitute crimes, criminal responsibility shall be investigated in accordance with law.

Where the land used exceeds the area approved, the excessive portion shall be treated as land illegally used and punishment shall be meted out accordingly.

**Article 77** Villagers who illegally occupy and use land to build residences thereon without approval or with approval obtained by fraudulent means shall be ordered by the land administration departments of the people's governments at or above the county level to return such land and demolish, within a time limit, the houses built on the land.

Where the land used exceeds the limits fixed by provinces, autonomous regions and municipalities directly under the Central Government, it shall be treated as land illegally used and punishment shall be meted out accordingly.

**Article 78** Where units or individuals that have no authority to approve expropriation or use of land unlawfully approve the use of land, or they do so by overstepping their authority of approval, or they approve the use of land at variance with the purposes defined in the overall plan for land utilization, or they approve the expropriation or use of land in violation of the procedure prescribed by law, the documents of such approval shall be void and the persons directly in charge of such units and the other persons directly responsible for illegally approving such expropriation and use of land shall be given administrative sanctions in accordance with law. If the violations constitute crimes, criminal responsibility shall be investigated in accordance with law. The land illegally approved for use shall be taken back. If the parties concerned refuse to return the land, they shall be regarded as illegal land users and punished as such.

Units or individuals that cause losses to the parties by illegally approving expropriation or use of land shall bear the liability to pay compensation in accordance with law.

**Article 79** Whoever embezzles or misappropriates the compensation or other relevant charges paid to a unit whose land is expropriated, if the violation constitutes a crime, shall be investigated for criminal responsibility in accordance with law; if the violation is not serious enough to constitute a crime, he shall be given administrative sanctions in accordance with law.

**Article 80** If the parties that have the right to the use of State-owned land refuse to surrender the land when it is to be taken back in accordance with law, or refuse to return the land at the expiration of the period for its temporary use, or fail to use the land in keeping with the purposes approved, the land administration departments of the people's governments at or above the county level shall order them to return the land and impose a fine on them.

**Article 81** Where units or individuals, without authorization, assign, transfer or lease the right to the use of land owned by peasant collectives for construction of non-agricultural projects, the land administration departments of the

people's governments at or above the county level shall order them to set it right within a time limit, confiscate their illegal gains and impose a fine on them.

**Article 82** Units or individuals that, in violation of the provisions of this Law, fail to register changes in land ownership, land-use right or the purpose of use of land shall be ordered by the land administration departments of the people's governments at or above the county level to register the changes within a time limit.

**Article 83** Construction units or individuals that are ordered, in accordance with the provisions of this Law, to demolish within a time limit the structures or installations built on illegally used land shall stop construction immediately and do the demolishing themselves. With regard to the ones that continue to construct, the organ that decides to impose the penalty on them shall have the right to stop them. Where construction units or individuals refuse to accept the administrative penalty decision of demolishing the structures or installations within a time limit, they may file a suit in a People's Court within 15 days from the date of receiving the decision. If they neither file a suit nor do the demolishing at the expiration of the time limit, the organ that makes the penalty decision shall, in accordance with law, apply to the People's Court for compulsory enforcement, and the expenses entailed shall be borne by the violators.

**Article 84** Members of land administration departments who neglect their duty, abuse their power or conduct malpractice for personal gain, if the violations constitute crimes, shall be investigated for criminal responsibility in accordance with law; if the violations are not serious enough to constitute crimes, they shall be given administrative sanctions in accordance with law.

#### Chapter VIII Supplementary Provisions

**Article 85** This Law shall be applicable to land used by Chinese-foreign equity joint ventures, Chinese-foreign contractual joint ventures and foreign-capital enterprises. Where laws provide otherwise, the provisions in such laws shall prevail.

**Article 86** This Law shall go into effect on January 1, 1999.