

## Westlaw China Delivery Summary

Request made by:	Maria Czarina Lopez
Request made on:	Friday, 17 September, 2021 at 13:48 Beijing Time
Content type:	Laws & Regulations
Title:	Resolution of the Standing Committee of the National People's Congress Approving the Regulations on the Requisition of Land by the State for Construction
Delivery selection:	Current Document
Number of documents delivered:	1

© 2007– 2021, Thomson Reuters, all rights reserved.

## Resolution of the Standing Committee of the National People's Congress Approving the Regulations on the Requisition of Land by the State for Construction

Promulgating Institution: Standing Committee of the National People's Congress  
Promulgating Date: 05/04/1982  
Effective Date: 05/04/1982  
Validity Status: Valid  
Revision History: Abolished pursuant to the [Land Administration Law of the People's Republic of China](#) promulgated by the Standing Committee of the People's Republic of China on June 25, 1986.

(Adopted at the 23rd Meeting of the Standing Committee of the Fifth National People's Congress on May 4, 1982)

The 23rd Meeting of the Standing Committee of the Fifth National People's Congress decides to approve in principle the Regulations on Requisition of Land for State Construction, which shall be promulgated by the State Council for implementation.

Appendix:

### Regulations on the Requisition of Land by the State for Construction

(Approved in principle at the 23rd Meeting of the Standing Committee of the National People's Congress on May 4, 1982 and promulgated for implementation by the State Council on and effective as of May 14, 1982)

Article 1 These Regulations are formulated in accordance with the Constitution of the People's Republic of China for the purpose of making rational use of land resources, ensuring to the state the land it needs for construction and providing proper arrangements for the production and livelihood of the people in the units whose land is requisitioned.

Article 2 When the state needs to requisition land owned by collectives for economic, cultural or national defence construction or for initiating public works, the matter must be handled in accordance with these Regulations. All direct or covert buying or renting of land from rural people's communes and production brigades by any unit shall be forbidden. Rural people's communes and production brigades shall not participate in the business operations of any enterprise or institution by contributing land as shares.

Article 3 It is a state policy of our country to practise economy in the use of land. All construction projects must increase the rate of land utilization in accordance with the principle of achieving economy and rationality. Cultivated land shall not be used when wasteland can serve the purpose of construction, and good land shall not be used when poor land is available; particularly, vegetable and garden plots, fish ponds for intensive culture and any other land yielding high economic returns shall not be used.

Strict control shall be exercised on the use of land for various construction purposes in conformity with the land utilization plans of all areas, especially in the suburbs of large cities and densely populated areas.

Construction projects carried out in areas covered by city planning must meet the requirements of urban planning and be linked with the rebuilding of old cities, with a view to minimizing the use of new land.

Article 4 When the state requisitions land for construction in accordance with the provisions of these Regulations, the cadres and masses of the people's commune and production brigade whose land is requisitioned should subordinate their wishes to the needs of the state and should not hinder or obstruct the requisition.

Article 5 The state shall have title to the land requisitioned while the unit using the land shall have only the right to its use.

**Article 6** The use of land for construction projects must meet the requirements of state laws and regulations governing land administration, environmental protection and water and soil conservation, so as to prevent wind erosion, soil erosion, drying up of water sources, mud-rock flows, salinization of soil, floods and water-logging and environmental pollution. In cases of losses incurred thereby, the units using the land must reclaim the damage or pay the expenses of reclamation and due compensation to the units which suffered the losses. The requirements for such reclamation and the amount of payment for reclamation and compensation shall be decided through consultation between the unit using the land, the unit suffering the losses and other units concerned under the supervision of the local county or municipal land administration department. If they fail to reach an agreement, a decision shall be made by the county or municipal people's government. If the county or municipal government is unable to make a decision, the matter shall be submitted to the government at the next higher level for decision. Land that cannot be rehabilitated for farming shall be regarded as requisitioned land, and the people's governments at or above the county or municipal level can make proper arrangements for its use in accordance with the limits of authority for examination and approval as defined in these Regulations.

Where on the requisitioned land there are water sources, canals, culverts, sluice gates, pipelines, roads and cables and other such facilities closely related to local industrial and agricultural production and the livelihood of the people, the land-using unit and the unit in charge of construction work should, under the sponsorship of the local people's government and together with the departments concerned, work out proper arrangements in handling these facilities and must not block or destroy them without authorization. If they have already been blocked or destroyed, those responsible shall repair them or build corresponding new facilities to replace them.

**Article 7** Procedures for land requisition:

(1) Request for site selection. The prospective land-using unit shall apply for site selection to the land administration department of the county or city where the land to be requisitioned is located by presenting an approved planning project description or a relevant document of certification from the department in charge at a higher level. After the application has been examined and approved by the county or city government, the land-using unit may proceed to select the site. If the selected site is within an area covered by urban planning, agreement of the department in charge of urban planning must also be obtained.

(2) Determination of the area of land to be requisitioned and the plan for compensation and settlement. After the construction site has been selected, the land administration department of the county or city where the land is located shall arrange for the land-using unit, the unit whose land is to be requisitioned and other units concerned to discuss and determine the estimated area of land to be requisitioned and the plan for compensation and settlement and to sign an initial agreement.

(3) Determination of the area of land to be used. After the preliminary design of the construction project has been approved, the land-using unit shall formally report the area of land needed for construction to the land administration department of the county or city where the land is located, by presenting the document of approval and the general layout or the construction map. After the report has been examined and approved by the people's government at or above the county or city level within the limits of authority as specified in these Regulations, the unit using the land and the unit whose land is requisitioned shall sign an agreement under the supervision of the land administration department.

(4) Reassignment of land. After the request for land requisition has been approved, the land administration department of the county or city where the land is located shall reassign the land, all at once or by stages, according to the plan of construction, and urge the unit whose land is requisitioned to transfer the land on schedule.

**Article 8** Limits of authority for examination and approval of land requisition:

Requisition of more than 1,000 mu\* of cultivated land or garden plots or more than 10,000 mu of other types of land shall be approved by the State Council; requisition of land in the suburbs of a municipality directly under the Central Government shall be approved by the municipal people's government; requisition of land in the suburbs of a city with a population of more than 500,000 shall be examined by the people's government of the city and referred to the people's government of the province or autonomous region for approval; requisition of more than three mu of cultivated land or

garden plots, more than 10 mu of forest land or grassland or more than 20 mu of other types of land shall be examined by the people's government of the county or city where the land is located and referred to the people's government of the province or autonomous region for approval; requisition of an area of land below the above limits shall be approved by a county or city people's government.

The people's government of a province, autonomous region or municipality directly under the Central Government may, in the light of the actual local conditions, appropriately relax or tighten the limits of authority of county or city governments in examining and approving the size of land to be requisitioned.

Application for the land needed in a single construction project shall be submitted according to the overall plan; the application shall not be broken up into parts. Requisition of land for a project which is being constructed in stages shall be conducted stage by stage but not long before the land is used. Application for land needed for the construction of railway lines or trunk roads may be presented for approval section by section and the procedure for land requisition shall be performed accordingly.

**Article 9** Compensation fees shall be paid for land requisition by the units using the land.

The standards of compensation fees are as follows:

(1) Compensation fees for the land. The compensation fee for requisition of cultivated land (including vegetable plots) shall be equal to three to six times the annual output value of the requisitioned land. The annual output value shall be determined on the basis of the average annual output value for the three years prior to the requisition of the land at prices stipulated by the state. Specific standards of compensation for various types of cultivated land shall be worked out by the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government within this framework. Standards of compensation for requisition of garden plots, fish ponds, lotus ponds, reed ponds, house sites, forest land, grazing land and grassland, etc., shall be worked out by the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government. No compensation shall be paid for the requisition of land that yields no income.

(2) Standards of compensation fees for young crops and for houses, wells, trees and other objects on the requisitioned land shall be worked out by the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government. However, no compensation shall be paid for any crops or trees planted and anything installed hurriedly after consultations on the plan for land requisition have begun.

For the requisition of vegetable plots in the suburbs of cities, funds for developing new vegetable plots shall also be paid to the state in accordance with relevant regulations. Specific measures for such funds shall be drawn up separately.

**Article 10** In order properly to arrange for the production and livelihood of the people in the units whose land is requisitioned, the land-using unit shall, in addition to the compensation fees, pay settlement subsidies to such units.

Standards of settlement subsidies shall be as follow:

(1) When cultivated land (including vegetable plots) is requisitioned, the settlement subsidy for each member of the agricultural population shall be equal to two to three times the annual output value per mu of the cultivated land. The number of members of the agricultural population that need settlement shall be calculated according to the number of members of the agricultural population of the unit per total mu of cultivated land before the requisition (calculated in accordance with registered agricultural households and excluding those households which move onto the unit after consultations begin on the land requisition plan), as well as the size of the land requisitioned. The annual output value shall be calculated on the basis of the average annual output for the three years prior to the requisition at prices stipulated by the state. However, the maximum settlement subsidy per mu of cultivated land shall not exceed ten times its annual output value.

(2) The level of settlement subsidies for the requisition of garden plots, fish ponds, lotus ponds, forest land, grazing land and grassland, etc., shall be determined by the people's government of a province, autonomous region or municipality directly under the Central Government in the light of the settlement subsidy standards for cultivated land in general.

(3) No settlement subsidy shall be paid for the requisition of land reserved as house sites.

In a few special cases where compensation and settlement subsidies based on the aforementioned standards are insufficient for maintaining the original production and living standards of the masses, the settlement subsidies may be increased appropriately upon examination and approval by the people's government of a province, autonomous region or municipality directly under the Central Government. However, the sum total of land compensation fees and settlement subsidies shall not exceed 20 times the annual output value of the requisitioned land.

**Article 11** Out of the compensation fees and settlement subsidies paid by the land-using unit, compensation fees for objects attached to the requisitioned land shall be paid to the individuals whose ownership of the said objects is ascertained, and compensation fees for the young crops grown by the collective on the land may be included in the collective's income for the current year for distribution among its members. The rest shall be used by the unit whose land has been requisitioned to develop production and create employment for the surplus labour force resulting from requisition of the land, or pay subsistence subsidies to those for whom no employment can be provided. Such funds shall not be used for other purposes and shall not be appropriated under any pretext by any leading organ concerned or any other unit.

**Article 12** The land administration department of a county or city shall coordinate the unit whose land has been requisitioned, the land-using unit and other units concerned to help resettle the surplus agricultural labour force resulting from the requisition. The surplus labour force may be employed mainly in the following ways:

(1) It may be employed in developing agricultural production; in soil amelioration, water conservancy projects and improvement of the conditions of cultivation; and within feasible and reasonable limits and with the approval of the county or city land administration department, in reclaiming wasteland to increase the area of arable land. The land-using unit may help reclaim land while carrying out the construction work and accordingly deduct the settlement subsidy on the basis of the amount of land reclaimed.

(2) It may be used in developing industrial and subsidiary production by the people's communes and production brigades, by setting up industrial and subsidiary production enterprises and service trades which are beneficial to the national economy and people's livelihood, under conditions permitted by relevant state regulations and taking into consideration the actual situation of each locality.

(3) An affected production brigade may be moved to a new place or merge with another production brigade. The production brigades whose land has been completely or largely requisitioned may move to other areas where conditions permit. They may also merge with production brigades nearby on the principles of voluntariness and mutual benefit.

The surplus labour force which cannot be settled through the abovementioned channels may be employed by units under collective ownership within the scope of the labour plan, provided that they meet the requirements and with the approval of the people's government of a province, autonomous region, or municipality directly under the Central Government. The settlement subsidies for these people shall then be transferred to the units which absorb such a labour force. If the land-using unit has a quota for more workers, it may, with the approval of the people's government of a province, autonomous region, or municipality directly under the Central Government, recruit qualified workers from among the surplus labour force. The settlement subsidies for the unit whose land has been requisitioned shall be duly deducted.

If a production brigade whose land has been completely requisitioned does not have the conditions to move to another area or merge with another production brigade, its members originally registered as agricultural households may change their status into non-agricultural or urban households, after obtaining the approval of the people's government of a province, autonomous region, or municipality directly under the Central Government. The property originally owned by the collective and the compensation fees and settlement subsidies it has received shall be handled through consultation by the people's government at or above the county or city level with the people's commune and production brigade concerned, and used for organizing production and as living subsidy for those who cannot find employment; it shall not be divided up among individuals.

**Article 13** Where people of units whose land has been requisitioned are approved for reemployment and those who are approved to change from agricultural into non-agricultural or urban households, the grain ration quotas for them and the payment of subsistence subsidies for those who cannot find

employment shall be handled respectively by the local departments of labour, public security, grain and civil affairs.

**Article 14** When houses of the collective and commune members are dismantled during land requisition, the production brigade members or owners of the houses shall rebuild their houses under the unified arrangement of the commune or production brigade.

**Article 15** When a unit whose land has been requisitioned uses the compensation fees and settlement subsidies to build production and welfare facilities, the commune or production brigade to which the unit belongs shall acquire by itself the necessary building materials as far as possible; should this prove impracticable, the local government shall help acquire them. For small amount of materials under centralized distribution at the ministry level, which cannot be obtained locally, the land-using unit shall, after the amount of materials has been examined and verified by the county or municipal land administration department, include such materials in its request for materials for its construction project to the relevant departments of the state. Such materials shall be paid for by the unit whose land has been requisitioned.

**Article 16** Measures for the settlement of people relocated due to construction of large or medium-sized water conservancy and hydroelectric projects shall be stipulated separately by the departments of water conservancy and power of the state in junction with state land administration departments, with reference to these Regulations.

**Article 17** Units whose land is requisitioned shall not make additional demands or present other conditions beyond the scope of compensation and subsidies stipulated in these Regulations.

**Article 18** Building-materials storage sites, transportation routes and other temporary facilities needed during the construction of a project shall be built within the limits of the requisitioned land as far as possible. When additional land for temporary use is truly necessary, the construction unit shall apply to the agency authorizing the use of land for the construction project, specifying the area of land required and the duration of its use. After the application has been approved, the construction unit shall sign an agreement with the production brigade on the temporary use of land and pay yearly compensation based on the average annual output value of the brigade's land for the previous three years. No permanent structures shall be erected on the land allocated for temporary use. When the term for the temporary use expires, the unit using the land shall restore the land to its original farming conditions and return it to the production brigade without delay, or pay the brigade for the labour required for the restoration.

The above principles are applicable to cases where a temporary use of land is required for erecting power transmission or communication lines, laying underground pipelines, constructing other underground projects and conducting field surveys by geological prospecting departments. If the period of use does not exceed one year, the request may be approved by the relevant county or municipal people's government.

The construction unit shall obtain prior approval from the people's government of a county or city if it finds it necessary to carry out land survey in order to select a construction site. It shall pay compensation for any damage resulting from the survey, taking into consideration the actual circumstances.

**Article 19** When the use of land is urgently needed under extraordinary circumstances, such as a natural disaster or a military emergency, the land may be used first if it is to be used temporarily, and the matter shall be reported immediately to the relevant county or municipal people's government. If the land is to be used permanently, it may be used with the approval of a people's government at or above the county or city level, and the formalities for land requisition shall be gone through afterwards in accordance with the limits of authority of examination and approval.

**Article 20** If there are young crops growing on the requisitioned land, so long as normal construction work is not affected, the crops shall not be destroyed and the peasants shall be given time to harvest them. If the land is not needed in construction work until after the next harvesting season, the construction unit shall sign an agreement with the production brigade allowing the peasants to use the land for farming.

**Article 21** The people's government of a county or city shall have the right to take back the land which has been requisitioned but which remains unused for two years, and shall report the matter for

the record to the department which originally approved the requisition unless this department has agreed to a delayed use of the land. The original land-using unit shall not dispose of the unused land without authorization, nor shall other units or individuals occupy it. The land thus taken back may be disposed of in the following ways: (1) Subject to the approval of the competent authority as stipulated in these Regulations, the land may be transferred, with remuneration, to another unit that is qualified to requisition land. The payment shall be the actual sum of various kinds of compensation fees and settlement subsidies paid by the original land-using unit. This payment shall be made to the original land-using unit to be handled according to the relevant state regulations. (2) The land may be lent to the production brigade for cultivation. While farming the land, the production brigade shall not erect any structures or grow perennial plants on it. When the land is needed by the state for construction, the production brigade must return it immediately and shall not make additional demands for compensation and settlement. If there are young crops growing on the land, the unit using the land shall appropriately compensate the production brigade.

Land retained in accordance with state regulations along railway lines or retained to meet special safety and precaution needs shall not be regarded as unused requisitioned land.

**Article 22** With regard to tombs on the requisitioned land, the land-using unit shall request the local people's government to post a public notice asking the owners of the tombs to remove them, and the land-using unit shall pay the expenses for the removal. Unclaimed tombs shall be moved or deep buried by the land-using unit.

The land-using unit and the unit in charge of construction shall be responsible for the protection of cultural relics and historical sites or ownerless property found within the bounds of the requisitioned land, and report the discovery to a people's government at or above the county or city level for disposition.

**Article 23** Land requisition for projects extending beyond the borders of one county shall be handled under the unified direction of the land administration department of the people's government of the relevant province, autonomous region, or municipality directly under the Central Government.

**Article 24** The land administration departments of the people's governments at various levels and the higher authorities in charge of the land-using units shall exercise timely supervision over and inspection of the use of the requisitioned land and the execution of the settlement plans.

**Article 25** Violators of these Regulations shall be given economic or administrative sanctions, or even investigated for criminal responsibility in the light of the circumstances.

(1) An agreement on land requisition shall be null and void if the approval for the requisition has been obtained by illegal and deceptive means or if the department that has approved the land requisition has overstepped its authority in doing so. In serious cases, the personnel in charge and those directly responsible shall be given administrative sanctions and may be fined concurrently.

(2) Those who have seized collective land or who have failed to return the land for their temporary use after expiration of the stipulated time limit shall be ordered to return the land and to compensate for the economic losses incurred thereby. In serious cases, the personnel in charge and those directly responsible shall be given administrative sanctions and may be fined concurrently.

(3) The illegitimate income derived from direct or covert buying, selling or renting of land, and from illegal transfer of land, shall be confiscated, and the structures built on the illegally seized land shall be confiscated or pulled down. In serious cases, the personnel in charge and those directly responsible shall be fined and may also be given administrative sanctions.

(4) If one party persists in its unreasonable demands and refuses to sign the land requisition agreement after the requisition of such land has already been approved, the land administration department shall make a ruling. The party which fails to carry out the land requisition agreement and thus causes economic losses to the other party shall be ordered to compensate for the losses. In serious cases, the personnel in charge and those directly responsible shall be fined.

(5) Those who encroach upon compensation fees and settlement subsidies or divert them to purposes other than specified shall be ordered to pay them back. In serious cases, the personnel in charge and those directly responsible shall be given administrative sanctions and may be fined concurrently. Illegally commandeered worker-recruitment and domicile-transfer quotas shall be null and void. In serious cases, the personnel in charge and those directly responsible shall be given administrative

sanctions and may be fined concurrently.

In carrying out the above measures, the administrative sanctions shall be proposed by the land administration department and then referred to a people's government at or above the county level for approval, and the unit concerned or the competent authorities at a higher level shall be instructed to make the decision and execute the punishment. The economic sanctions shall be determined by the land administration department, and shall be executed within a specified time. If the party concerned refuses to accept the sanctions, it may bring a suit in a people's court within the time limit. If the party neither brings a suit, nor executes the sanctions within the time limit, the land administration department shall make a request to the people's court for compulsory execution in accordance with the Civil Procedure Law.

In the course of land requisition, those who incite the masses to disorderly conduct and obstruct construction by the state, who embezzle or steal state or collective property, who give or accept bribes, who extort money from others or who commit other criminal acts shall be investigated for criminal responsibility by judicial organs in accordance with the law. Those whose cases are minor and whose acts do not constitute a crime shall be punished for violations against the administration of public security, or shall be given economic or administrative sanctions.

**Article 26** The minimum fine for an individual shall be 30 yuan (RMB), and the maximum fine shall not exceed his income for six months.

Economic compensation to be made by enterprises under ownership by the whole people, institutions and administrative organs shall be paid from their enterprise funds, retained profits or the surplus of their budgeted administrative outlay, and it shall not be included in their production costs or capital construction investment.

**Article 27** Agreements already reached on land requisition in accordance with relevant state regulations prior to the promulgation of these Regulations shall be carried out as they were originally agreed upon.

**Article 28** When a unit owned by the whole people and a rural people's commune or production brigade jointly invest in building a project and need to use land collectively owned by the commune or production brigade for this purpose, the matter shall be regarded as requisition of land for state construction and handled in accordance with the provisions of these Regulations.

**Article 29** When a collectively owned unit in a town or city needs to use land collectively owned by a rural people's commune or production brigade to build a project, or when such a unit and a rural people's commune or production brigade jointly invest in building a project and need to use such land for this purpose, the matter shall be handled in accordance with the provisions of these Regulations.

**Article 30** When a rural people's commune or production brigade needs to use land owned by a production brigade to build a project, it shall also pay compensation to the production brigade and make proper settlements for the peasants concerned. Specific measures and standards for settlement subsidies shall be laid down by the people's government of a province, autonomous region, or municipality directly under the Central Government with reference to these Regulations.

**Article 31** If, for construction purpose, the state needs to use state-owned barren hills, wasteland, beaches or other state-owned lands being used by other units, they shall be allocated gratis in accordance with the procedures and limits of authority for examination and approval as specified in these Regulations. When state-owned land which has been farmed by a people's commune or production brigade for a long time is taken back, an appropriate subsidy shall be given to the commune or production brigade according to actual conditions. The use of floodland must also be approved by departments of water conservancy, aquatic products and communications.

**Article 32** The people's governments of the provinces, autonomous regions, and municipalities directly under the Central Government may formulate measures for the implementation of these Regulations in the light of their specific local conditions.

**Article 33** These Regulations shall go into effect on the day they are promulgated. On the same day, the Measures for Land Requisition for State Construction promulgated by the State Council on January 6, 1958 shall be invalidated.

ENGLISH TRANSLATION BY THE GENERAL OFFICE OF THE LEGISLATIVE AFFAIRS COMMISSION, THE STANDING COMMITTEE OF THE NATIONAL PEOPLE'S CONGRESS.

LICENSED FOR USE AS OF MARCH 2009.