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Land Administration Law of the People's Republic of China

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Order No. 32 of the President of the People's Republic of China

The Decision of the Standing Committee of the National People's Congress on Revising the "Law of the People's Republic of China on Administration of Land" and the "Law of the People's Republic of China on Administration of Urban Real Estate", adopted at the 12th Session of the Standing Committee of the 13th National People's Congress of the People's Republic of China on August 26, 2019, is hereby promulgated and shall come into effect on January 1, 2020.

President of the People's Republic of China Xi Jinping

August 26, 2019

Land Administration Law of the People's Republic of China

(Adopted at the 16th Meeting of the Standing Committee of the Sixth National People's Congress on June 25, 1986, amended for the first time at the 5th Meeting of the Standing Committee of the Seventh National People's Congress on December 29, 1988 in accordance with the Decision on Amending the Land Administration Law of the People's Republic of China, revised at the 4th Meeting of the Standing Committee of the Ninth National People's Congress on August 29, 1998, amended for the second time in accordance with the Decision on Amending the Land Administration Law of the People's Republic of China, adopted at the 11th Meeting of the Standing Committee of the Tenth National People's Congress on August 28, 2004 and amended for the third time in accordance with the Decision of the Standing Committee of the National People's Congress on Revising the "Land Administration Law of the People's Republic of China" and the "Law of the People's Republic of China on Administration of Urban Real Estate" adopted at the 12th Session of the Standing Committee of the 13th National People's Congress of the People's Republic of China on August 26, 2019)

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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 competent departments of natural resources 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 competent departments of natural resources 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 The agencies authorized by the State Council shall supervise the land utilization and land management by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government and the people's governments of the cities determined by the State Council.

Article 7 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 8 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 9 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 10 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 11 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 12 Registration of the ownership and the right to the use of land shall be governed by the laws and administrative regulations relating to real estate registration.

The legally registered ownership and right to the use of land shall be protected by law and may not be infringed upon by any entities or individuals.

Article 13 Contract of the cultivated land, forestlands and grasslands owned collectively by the farmers and owned by the State and used collectively by the farmers according to law, as well as other lands used for agriculture according to law shall take the form of household contract within the rural collective economic organizations, while such land as barren mountains, gullies, hills and beaches, which are not suited to the form of household contract, may be contracted in such forms as bid invitation, auction and public consultation for crop cultivation, forestry, animal husbandry or fishery. The term of household contract is 30 years for cultivated land and ranges from 30 to 50 years for grasslands and from 30 to 70 years for forestlands; the term of contract for farmland shall be extended by 30 years upon expiration and the term of contract for grasslands or forestlands shall be extended upon expiration correspondingly in accordance with the law.

The land owned by the State and legally used for agriculture may be operated under a contract by entities or individuals for crop cultivation, forestry, animal husbandry or fishery.

The party that gives out a contract and the party that undertakes it shall legally enter into a contract specifying the rights and obligations of both parties. The entities and individuals undertake to operate land under 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.

Article 14 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 15 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 16 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 17 The overall plan for land utilization shall be drawn up in accordance with the following

principles:"

- (1) Fulfilling the land space development and protection requirements and tightening the control over uses of land;
- (2) Strictly protecting the permanent prime farmland and strictly controlling the occupation of agricultural land for non-agricultural construction;
- (3) Improving the economical and intensive use of land;
- (4) Making overall plan for land use in production, life and ecology in rural and urban areas, meeting the reasonable demand of land use in industries and infrastructures in rural areas and promoting the urban-rural integrated development;
- (5) Protecting and improving ecological environment and guaranteeing the sustainable use of land; and
- (6) Maintaining balance between the area of cultivated land used for other purposes and the area of land developed and reclaimed in quantity and quality.

Article 18 The State shall set up the land space planning system. Formulation of the land space planning shall stick to the ecological priority and green and sustainable development, make scientific, orderly and coordinated arrangement of the ecological, agricultural, urban and other functional spaces, optimize the land space structure and layout and improve the quality and efficiency of the development and protection of the land space.

The legally approved land space planning shall be the fundamental basis for various development, protection and construction activities. If the land space planning has been formulated, the overall plan for land utilization and urban and rural planning shall not be formulated.

Article 19 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 20 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 21 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 22 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 23 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.

Annual plan for land utilization shall be formulated according to the national economic and social development plan, the national industrial policy, the overall plan for land utilization and actual situation of construction land and land utilization. The annual plan for land utilization shall make reasonable arrangement of the collective land for for-profit construction prescribed in Article 63 hereof. The annual plan for land utilization shall be the same as the overall plan for land utilization in the procedures for formulation and approval and shall be strictly implemented once it is approved and distributed.

Article 24 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 25 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 26 The State shall establish a land survey system.

Competent departments of natural resources 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 27 Competent departments of natural resources 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 28 The State shall establish a land statistics system.

The departments of statistics and the competent departments of natural resources of the people's governments at or above the county level shall conduct land statistics and survey in accordance with law and release the data on land statistics on regular basis. Land owners or users shall provide relevant data and shall neither refuse to submit or delay the submission of the data nor provide unauthentic or incomplete data.

Statistics of the area of land published jointly by the departments of statistics and the competent departments of natural resources shall be the basis for the people's governments at all levels to formulate the overall plan for land utilization.

Article 29 The State shall establish a national land administration information network to monitor developments in land utilization.

Chapter IV Protection of Cultivated Land

Article 30 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 31 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 32 The people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall strictly implement the overall plans for land utilization and annual plans for land utilization and take measures to ensure that the cultivated land within their respective administrative regions remains unreduced in total area and quality. Where the total area of cultivated land is reduced, the State Council shall order the government concerned to organize reclaiming of land, within a prescribed time limit, of the equivalent quality and area as is reduced; where the quality of cultivated land is reduced, the State Council shall order the government concerned to organize rectification within a prescribed time limit. The land as reclaimed shall be subject to the inspection and acceptance by the competent department of natural resources, in conjunction with the competent department of agriculture and rural affairs, under the State Council.

Where, in some provinces or municipalities directly under the Central Government, for lack of land reserves, the reclaimed land is not enough to make up for the cultivated land they have used for additional construction projects, application shall be submitted to the State Council for approval of reduction of the quantity of the reclaimed land within their respective administrative regions and of reclaiming land of equivalent quantity and quality in other regions.

Article 33 The State shall implement the system for protection of permanent prime farmland. Cultivated land of the following categories shall be included in the permanent prime farmland in accordance with the overall plan for land utilization and be placed under strict protection:

- (1) Cultivated land within production bases of grain, cotton, oil and other important agricultural products production, which are designated as such with the approval of the competent departments of agriculture and rural affairs 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 and the high-standard farmland of which the construction has been completed;
- (3) Vegetable production bases;
- (4) Pilot fields for scientific research or teaching on agriculture; and
- (5) Other cultivated land that should be designated as permanent prime farmland according to provisions of the State Council.

The permanent prime farmland designated as such by provinces, autonomous regions and municipalities directly under the Central Government shall in general account for at least 80 percent of the total cultivated land in their administrative regions respectively and specific percentage shall be provided for by the State Council based on the actual situation of provinces, autonomous regions and municipalities directly under the Central Government respectively.

Article 34 The area of permanent prime farmland shall be demarcated with the township (town) as

a unit and such demarcation shall be implemented under organization by the competent department of natural resources of the people's government at the county level in conjunction with the competent department of agriculture and rural affairs at the same level. Permanent prime farmland shall be demarcated by block and included in the national database of permanent prime farmland for strict management.

People's governments of townships (towns) shall announce to the public the locations and scope of permanent prime farmland and maintain protection sign.

Article 35 No entity or individual may, without approval, occupy or change the purpose of the legally demarcated permanent prime farmland. Where it is truly difficult to avoid the permanent prime farmland in site selection of the national major construction projects in energy, transport, water conservancy and military facilities, etc., the change of purpose of agricultural land or land expropriation as involved shall be subject to approval by the State Council"

It is prohibited to evade the examination and approval required for the change of purpose of agricultural land or land expropriation of permanent prime farmland through the methods such as arbitrary adjustment to the county-level overall plan for land utilization or township (town) overall plan for land utilization.

Article 36 People's governments at all levels shall take measures to guide crop rotation protect in light of local conditions, improve soil, increase soil fertility, maintain irrigation and drainage facilities and prevent land desertification, salinization, and soil erosion and contamination.

Article 37 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 for planting forest or fruit trees or to turn such land into ponds for raising fish.

Article 38 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.

Article 39 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 40 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 41 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 42 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 43 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 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.

Conversion of permanent prime farmland into land for construction shall be subject to approval by the State Council.

Where land for agriculture other than permanent prime farmland 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 or the organ authorized thereby. Land to be used for construction of specific projects within the limits of the area of land for agriculture as approved, 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 other than permanent prime farmland is to be converted to land for construction of projects beyond the limits of the area of land fixed in the overall plan for land utilization for construction of projects of cities, villages or towns, the conversion shall be subject to approval by the State Council or the people's governments of provinces, autonomous regions and municipalities directly under the Central Government as authorized by the State Council.

Article 45 Under any of the following circumstances, the land collectively owned by farmers may be legally expropriated if such expropriation is truly necessary for the purpose of the need of public interests:

- (1) Where the land is to be used for military or diplomatic need;
- (2) Where the land is to be used for the need of energy, transport, water conservancy, telecommunication, postal service and other infrastructures implemented under organization by government;
- (3) Where the land is to be used for the need of public undertakings implemented under organization by the government such as science and technology, education, culture, public health, sports, ecological environment and resources protection, disaster prevention and alleviation, preservation of cultural relics, community comprehensive services, municipal utilities, veteran benefit and placement and martyr protection;
- (4) Where the land is to be used for the need of relocation for poverty alleviation and the construction of government-subsidized houses implemented under organization by government;
- (5) Where the land is to be used for the need of the large-scale development and construction as approved by the people's government at or above the provincial level and implemented under organization by the local people's governments at or above the county level within the limits of the

use of land for urban construction fixed in the overall plan for land utilization; and

(6) Other circumstances where the land collectively owned by farmers can be expropriated for the need of public interests as prescribed by the law.

The construction activities stated in the preceding paragraph shall conform to the national economic and social development plan, the overall plan for land utilization, urban and rural planning and special plan; the construction activities stated in Item (4) and Item (5) shall also be included in the annual plan for national economic and social development; the large-scale development stated in Item (5) shall comply with the standards prescribed by the competent department of natural resources under the State Council.

Article 46 Expropriation of the following land shall be subject to approval by the State Council:

(1) permanent prime farmland;

(2) cultivated land, not included in permanent prime 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.

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 expropriation 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 47 Where land is to be expropriated by the State, the expropriation shall, after approval is obtained through statutory procedure, be announced and implemented under organization by people's governments at or above the county level.

Where a local people's government at or above the county level intends to apply for expropriation of land, it shall conduct survey of the current status of the land proposed for expropriation and evaluation of social stability risk, make announcement of the scope of expropriation, current status of the land, purpose of expropriation, compensation standards, resettlement method and social security, etc. for at least 30 days within the scope of the township (town) and village where the land proposed for expropriation is located and villagers' group and listen to the opinions of the rural collective economic organization and members thereof, villagers' committee and other stakeholders.

If majority of the members of the rural collective economic organization of which the land is to be expropriated believes that the land expropriation compensation and resettlement plan does not conform to the provisions of laws and regulations, the local people's government at or above the county level shall organize the holding of hearing and modify the plan in accordance with laws and regulations and based on the hearing.

The owner or the user of the land proposed for expropriation shall complete the compensation registration by presenting the certificate of property ownership within the time limit prescribed in the announcement. The local people's government at or above the county level shall organize relevant departments to calculate and arrange relevant expenses to ensure that the expenses are available in full amount and enter into agreement on compensation and resettlement, etc. with the owner or user of the land proposed to be expropriated; truthful statement of the failure to enter into agreement with certain owner or user, if any, shall be provided in the land expropriation application..

The local people's government at or above the county level may not apply for land expropriation until relevant preliminary work is completed.

Article 48 Land expropriated shall be compensated for on fair and reasonable basis to ensure that the original living standard of the farmers of which the land is appropriated is not reduced and their long-term livelihood is guaranteed.

For land expropriation, compensation for land, resettlement subsidies as well as compensation for rural residential houses for the villagers, other attachments and young crops on the expropriated land, etc. shall be paid in full amount in a timely manner in accordance with the law and social security expenses shall be arranged for the farmers of which land is appropriated.

The standards for land compensation and resettlement subsidies for expropriation of agricultural land shall be determined through formulating and publishing the integrated land section price. The integrated land section price shall be formulated by taking into comprehensive consideration the factors such as the original use of the land, condition of the land resources, land production value, location of the land, supply-demand relation of the land, population as well as economic and social development level and be adjusted and republished at least once every three years.

The compensation standards for the expropriation of the land other than agricultural land, attachments and young crops on the expropriated land, etc. shall be formulated by the provinces, autonomous regions and municipalities directly under the Central Government. Specifically, for the rural residential houses for the villagers, the methods such as rearrangement of house sites for construction of houses, supply of resettlement houses or monetary compensation shall be adopted for fair and reasonable compensation with respect to the desire of the rural villagers and pursuant to the principle of compensation before relocation and improving residential conditions, compensation shall be paid for the expenses on relocation and temporary settlement, etc. caused by expropriation and the right of rural villagers to dwell and their legitimate rights and interests in housing property shall be guaranteed.

Local people's governments at or above the county level shall incorporate the farmers whose land is expropriated in corresponding pension and other social security system. The social security fee for the farmers whose land is expropriated shall mainly be used for subsidizing the contributions of eligible land-expropriated farmers to pension insurance and other social insurances. The method for raising, management and use of the social security fee for land-expropriated farmers shall be formulated by provinces, autonomous regions and municipalities directly under the Central Government.

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, competent departments of natural resources 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 competent department of natural resources 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. Specific measures for use and management shall be formulated by the department of finance under the State Council in conjunction with relevant departments and reported to the State Council for approval.

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 competent department of natural resources 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 competent department of natural resources 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 competent department of natural resources 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 competent department of natural resources 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 use of the land is truly necessary for renovating the old urban area according to city planning and other public benefits;
- (2) At the expiration of the period stipulated in the contract for use of the land by such means of compensation as grant of land, the land user has not applied for renewing the period or, if he has, the application is not approved;
- (3) The use of the originally allocated State-owned land is terminated because, among other things, the entity that uses the land is dissolved or relocated; or
- (4) The highways, railways, airports or ore fields, etc. 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 Item (1) of 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 competent department of natural resources 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 competent department of natural resources 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.

In a region where the land per capita is in small amount and one housing site cannot be guaranteed for one household, the people's government at the county level may, on the basis of full respect to the desire of rural villagers, adopt measures for guaranteeing that each household of rural villagers has a house according to the standards prescribed by the province, autonomous region or municipality directly under the Central Government.

Rural villagers shall build residences in conformity with the township (town) overall plan for land utilization, shall not occupy permanent prime farmland and shall use their original house sites or idle lots in the village as much as possible. Township (town) overall plan for land utilization and village plan shall be formulated with overall coordination and reasonable arrangement of land used for house sites to improve the living environment and condition of rural villagers,

Land to be used by villagers to build residences shall be subject to review and approval by the township (town) people's government; specifically, the occupation of land for agriculture, if involved, shall be subject to examination and approval procedure 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.

The State allows the rural villagers who have moved into cities to surrender house sites on voluntary and compensation basis in accordance with the law and encourages rural collective economic organizations and members thereof to activate and utilize idle house sites and idle houses.

The competent department of agriculture and rural affairs under the State Council shall be in charge of work relating to reform and management of house sites in rural areas nationwide.

Article 63 The collective land for for-profit construction that is determined in the overall plan for

land utilization or urban and rural planning to be for industrial, commercial and other for-profit uses may be transferred, leased or otherwise delivered by land owners to entities or individual for use and a written contract shall be executed therefor, specifying the boundaries and area of the land, time limit of construction commencement, term of use, purpose of the land, planning conditions and other rights and obligations of both parties concerned.

The transfer and lease, etc. of the collective land for for-profit construction shall be subject to the consent of at least two-thirds of the members of the villagers assembly or of the villagers' representatives of the members of the collective economic organization concerned.

The use right to the collective land for for-profit construction obtained by such methods as granting may be transferred, exchanged, used for capital contribution, given as gift or mortgaged, unless it is otherwise prescribed in laws and administrative regulations or otherwise stipulated in the written contract signed by the land owner or the land use right holder.

For the lease of collective land for for-profit construction, granting and maximum term of granting of use right as well as transfer, exchange, use for capital contribution, donation and mortgage, etc. of the collective land for construction, the State-owned construction land for similar uses shall be taken as reference. Specific measure shall be formulated by the State Council.

Article 64 Users of collective land for construction shall use the land strictly according to the purposes of use determined in the overall plan for land utilization or urban and rural planning.

Article 65 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 66 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.

For the use right to the collective land for for-profit construction to be taken back, the written contract executed between both parties concerned shall apply, unless it is otherwise provided for by laws and administrative regulations.

Chapter VI Supervision and Inspection

Article 67 Competent department of natural resources 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.

Where competent departments of agriculture and rural affairs of the people's government at or above the county level shall supervise and inspect violations of the laws and regulations governing house sites administration, the provisions on supervision and administration by competent departments of natural resources hereunder shall apply.

Article 68 In performing their duties of supervision and inspection, members of the competent departments of natural resources 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 69 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 70 The units and individuals concerned shall assist in, cooperate with and provide convenience to the work of the competent departments of natural resources 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 71 Where, in the course of supervision and inspection, competent departments of natural resources of the people's government at or above the county level find any violations of laws by State functionaries, which are punishable by sanctions under the law, they shall deal with such violations in accordance with law; if they have no right to do so, they shall transfer such cases in accordance with the law to the administrative supervision departments or relevant organs for handling.

Article 72 Where competent departments of natural resources 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 73 Where a competent department of natural resources fails to impose administrative penalties on violators as is required by the provisions of this Law, the competent department of natural resources 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 sanctions to the persons in charge of the former.

Chapter VII Legal Responsibility

Article 74 If units or individuals illegally transfer land through buying, selling or other means, their unlawful gains shall be confiscated by the competent departments of natural resources 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 sanctions in accordance with law. 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, 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 to make collection or bring desertification or salinization under control within a time limit by the competent departments of natural resources and competent departments of agriculture and rural affairs, etc. of the people's governments at or above the county level according to their duties, and they may also be fined. If the violations constitute crimes, criminal responsibility shall be investigated in accordance with law.

Article 76 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 competent departments of natural resources 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 77 Units or individuals that illegally occupy and use land without approval or with approval obtained by fraudulent means shall be ordered by the competent departments of natural resources 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 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 78 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 competent departments of agriculture and rural affairs 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 79 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 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 80 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 sanctions in accordance with law.

Article 81 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 competent departments of natural resources 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 82 Where the land collectively owned by farmers is used for non-agricultural construction without authorization through the methods such as grant, transfer of use right or lease, or where collective land for for-profit construction is delivered to any entity or individual in violation of this Law through the methods such as grant or lease, the competent departments of natural resources of the people's governments at or above the county level shall order such acts to be corrected within a specified time limit and confiscate illegal gains with a fine imposed concurrently.

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 competent departments of natural resources and competent departments of agriculture and rural affairs 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 sanctions in accordance with law.

Chapter VIII Supplementary Provisions

Article 85 This Law shall be applicable to land use by foreign-invested enterprises; where it is otherwise provided for in laws, such provisions shall prevail.

Article 86 Prior to the formulation of land space plan in accordance with Article 18 hereof, legally approved overall plan for land utilization and urban and rural planning shall continue to be implemented.

Article 87 This Law shall go into effect as of January 1, 1999. 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.