Land Administration Law of the People’s Republic of China

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Chapter I — General Provisions

Article 1. This Law is enacted for the purpose of strengthening land administration, maintaining the socialist public ownership of land, protecting and developing land resources, rationally using land, effectively protecting cultivated land, and promoting sustainable social and economic development.

Article 2. The People’s Republic of China shall implement socialist public ownership of land, namely, ownership by the whole people and collective ownership by the laboring masses. Land ownership by the whole people shall be exercised by the State Council on behalf of the State. No unit or individual may appropriate, buy, sell, or otherwise illegally transfer land. Land use rights may be transferred in accordance with the law.

Article 3. The State shall implement a system of compensated use of state-owned land in accordance with the law, except for land allocated by the State within the scope prescribed by law. The State Council shall

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exercise macro-control over the land market, and local people's governments shall strictly enforce annual land use plans.

Article 4. The State shall establish an overall land use planning system and implement land use control. Land use shall be in compliance with the overall land use plans, and agricultural land shall be strictly protected. The conversion of agricultural land to construction land shall be strictly restricted.

Article 5. The department of natural resources of the State Council shall be responsible for the unified administration and supervision of land throughout the country. Local people's governments at or above the county level shall organize and lead land administration within their respective administrative regions.

Chapter II — Land Ownership and Land Use Rights

Article 6. Land in urban areas of cities shall be owned by the State. Land in rural and suburban areas shall be owned by peasant collectives, except for land that belongs to the State as provided by law. Homestead land, land reserved for private use, and land for private hills shall be owned by peasant collectives.

Article 7. The right to use state-owned land may be obtained by units and individuals in accordance with the law. Units and individuals using land shall have the obligation to protect, manage, and rationally use the land.

Article 8. Land use rights may be assigned, transferred, leased, or mortgaged in accordance with the law. However, the assignment of the right to use land by means of listing, auction, or tender shall comply with the relevant provisions on the assignment of the right to use state-owned land.

Article 9. The collective ownership of land by peasants and the right to use land by units and individuals shall be registered and recorded by the people's government at the county level, which shall issue certificates to confirm ownership and use rights.

Article 10. Changes in land ownership and use rights, as well as changes in the purpose of land use, shall be registered. Certificates of land ownership and use rights shall be replaced where necessary to reflect the changes.

Chapter III — General Plans for Land Use

Article 11. The State shall establish an overall land use planning system. Overall land use plans shall be prepared in accordance with the national economic and social development plans, the requirements of territorial space planning and environmental protection, and the conditions of land supply and demand.

Article 12. Overall land use plans shall be classified into national, provincial, municipal, county, and township levels. Lower-level overall land use plans shall be prepared in accordance with the higher-level plans. The amount of construction land in the lower-level plans shall not exceed that set in the higher-level plans, and the amount of cultivated land shall not be less than that set in the higher-level plans.

Article 13. Overall land use plans shall clearly define land use zones and the purposes for which land may be used. Urban and rural construction activities shall not occupy the basic farmland protection zones designated in the overall land use plans.

Article 14. The compilation of overall land use plans shall involve extensive public participation, including soliciting opinions from relevant departments, experts, and the public. The approved plans shall be made public, except where State secrets are involved.

Article 15. The State shall establish a system of spatial planning that integrates various specialized spatial plans, including overall land use plans, urban and rural development plans, and ecological environmental protection plans.

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Chapter IV — Protection of Cultivated Land

Article 16. The State shall implement a system of protecting basic farmland and shall designate basic farmland protection zones. The conversion of basic farmland to other uses shall be subject to approval by the State Council.

Article 17. The occupation of cultivated land for non-agricultural construction shall be strictly restricted. Where it is necessary to occupy cultivated land for construction, the unit occupying the land shall reclaim an equivalent amount of land of equal quality or pay a land reclamation fee for the reclamation of new cultivated land.

Article 18. Local people's governments at all levels shall ensure the total amount of cultivated land within their administrative regions does not decrease. The occupation of cultivated land shall be compensated with reclamation, in order to maintain a dynamic balance of the total cultivated land.

Article 19. No unit or individual may leave land idle or barren. Where a unit or individual is approved to occupy cultivated land for non-agricultural construction but fails to commence construction within one year, a fee for leaving land idle shall be paid. Where construction has not commenced within two years, the land use right shall be recovered by the approving authority without compensation, unless justified by force majeure or government actions.

Article 20. The State shall encourage the comprehensive consolidation and reclamation of land, the improvement of medium and low-yield farmland, and the orderly development of unused land suitable for agriculture, in accordance with the overall land use plans.

Chapter V — Land for Construction

Article 21. Any unit or individual requiring land for construction shall apply for the use of state-owned land in accordance with the law. The right to use state-owned land may be obtained through assignment or allocation.

Article 22. The assignment of the right to use state-owned land shall be by means of listing, auction, tender, or agreement. Land for commercial, tourism, entertainment, and commodity housing development shall be assigned through listing, auction, or tender.

Article 23. The maximum term for the assignment of the right to use state-owned land shall be: 70 years for residential use; 50 years for industrial use; 50 years for educational, scientific, technological, cultural, public health, and sports use; 40 years for commercial, tourism, and entertainment use; and 50 years for comprehensive or other uses.

Article 24. The right to use state-owned land may be obtained by means of allocation for purposes such as land for government organs and military uses, urban infrastructure and public welfare undertakings, and energy, transport, and water conservancy infrastructure supported by the State.

Article 25. The use of land for construction shall comply with the overall land use plans and annual land use plans and shall not occupy agricultural land in excess of the approved limits. Construction projects shall save land, and measures for substitute land for inferior land and wasteland shall be adopted.

Article 26. The right to use collective construction land assigned or leased by the land owner may be transferred, exchanged, contributed as capital, gifted, or mortgaged, subject to the approval of two-thirds or more of the members of the villagers' assembly or two-thirds or more of the villagers' representatives.

Article 27. Where the right to use state-owned land is to be recovered by the State for public interest purposes, in accordance with the statutory authority and procedures, the land-using unit shall be compensated fairly and reasonably for the land use right, and adequate resettlement shall be provided.

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Chapter VI — Supervision and Inspection

Article 28. The land administration departments of people's governments at or above the county level shall supervise and inspect compliance with land administration laws and regulations and shall investigate and penalize illegal acts concerning land.

Article 29. Land supervisors and inspectors shall have the power to: require the parties under inspection to provide documents and materials relating to land rights; enter the site of the land under inspection to conduct surveys; order parties illegally occupying land to cease the violation; and to question the parties and other relevant persons.

Article 30. Land administration departments shall, in conjunction with relevant departments, establish a land use monitoring network to conduct real-time dynamic monitoring of land use conditions and promptly identify, stop, and investigate illegal land use activities.

Article 31. The State shall implement a land supervision system, under which land supervision authorities shall supervise and inspect land administration work, and may issue land supervision recommendations or land supervision decisions to the supervised entities.

Chapter VII — Legal Liability

Article 32. Anyone who illegally transfers land by buying, selling, or by other means shall have his illegal proceeds confiscated by the land administration department; illegal buildings and facilities on the illegally transferred land shall be demolished or confiscated; and a fine may be imposed. The persons directly in charge and other directly responsible persons shall be subject to administrative sanctions.

Article 33. Anyone who occupies cultivated land for construction without approval or by fraudulent means shall be ordered by the land administration department to dismantle the newly built buildings and facilities on the illegally occupied land and restore the land to its original condition within the prescribed time limit; or the newly built buildings and facilities shall be confiscated, and a fine may be imposed. The persons directly in charge and other directly responsible persons shall be subject to administrative sanctions.

Article 34. Where the right to use state-owned land is not used for the purpose specified in the assignment contract without approval, the land administration department shall order corrections and impose a fine. Failure to make corrections may result in the recovery of the land use right without compensation.

Article 35. Where the parties concerned refuse to accept an administrative penalty decision made by the land administration department, they may apply for administrative reconsideration or bring an administrative lawsuit in accordance with the law. Where no reconsideration is applied for, no lawsuit is brought, and the penalty is not complied with within the prescribed period, the land administration department may apply to the People's Court for compulsory enforcement.

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