Land Administration Law of the PRC

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Contents

Table of Contents 1

Chapter I — General Provisions 1

Chapter II — Land Ownership and Land Use Rights 2

Chapter III — Overall Land Use Planning 3

Chapter IV — Protection of Cultivated Land 3

Chapter V — Land for Construction 4

Chapter VI — Supervision and Inspection 5

Chapter VII — Legal Liability 5

Chapter VIII — Supplementary Provisions 6

Table of Contents

- Chapter I — General Provisions
- Chapter II — Land Ownership and Land Use Rights
- Chapter III — Overall Land Use Planning
- Chapter IV — Protection of Cultivated Land
- Chapter V — Land for Construction
- Chapter VI — Supervision and Inspection
- Chapter VII — Legal Liability
- Chapter VIII — Supplementary Provisions

Chapter I — General Provisions

Article 1 — This Law is enacted in accordance with the Constitution for the purposes of strengthening land administration, safeguarding the socialist public ownership of land, protecting and developing land resources, rationally using land, effectively protecting cultivated land, and promoting the sustainable development of the society and economy.

Article 2 — The People’s Republic of China shall practice 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 ownership of state-owned land shall be exercised by the State Council on behalf of the state. No unit or individual shall occupy, buy, sell or illegally transfer land by any other means. Land use rights may be transferred in accordance with the law. The state may, for the needs of the public interest, expropriate or requisition land and provide compensation in accordance with the law. The state shall adopt a

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system of paid use of state-owned land in accordance with the law, except where the state allocates the land use rights within the scope prescribed by law.

Article 3 — It is a basic state policy to cherish and use land rationally and give true protection to cultivated land. People's governments at all levels shall take measures, comprehensively plan for land, strictly administer land, protect and develop land resources, and prevent the illegal occupation of land.

Article 4 — The state shall adopt a land use control system. The state shall prepare overall land use planning, specify land uses, and classify land into agricultural land, land for construction and unused land. Strictly restrict the conversion of agricultural land into land for construction, control the total amount of land for construction, and give special protection to cultivated land. "Agricultural land" means land directly used for agricultural production, including cultivated land, forest land, grassland, farmland water conservancy land, aquaculture water surface and other land. "Land for construction" means land for the construction of buildings and structures, including land for urban and rural residential buildings and public facilities, land for industrial and mining use, land for transport and water conservancy facilities, land for tourism and land for military facilities. "Unused land" means land other than agricultural land and land for construction. The use of land shall be in accordance with the land uses specified in the overall land use planning.

Article 5 — The natural resources department of the State Council shall be responsible for the unified administration and supervision of land throughout the country. The establishment and functions of the natural resources departments of local people's governments at or above the county level shall be prescribed by the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government in accordance with the relevant provisions of the State Council.

Article 6 — Any unit or individual shall have the right to report or make accusations against acts violating the laws and regulations on land administration.

Article 7 — Units and individuals that have made outstanding achievements in the protection and development of land resources, rational use of land and relevant scientific research shall be rewarded by the people's governments.

Chapter II — Land Ownership and Land Use Rights

Article 8 — Land in urban districts shall be owned by the state. Land in rural areas and suburban areas of cities shall be owned by peasant collectives, except for land that is owned by the state as provided by law. Land for building houses and private plots of land and private hills shall also be owned by peasant collectives.

Article 9 — State-owned land and land owned by peasant collectives may be designated for use by units or individuals in accordance with the law. Units and individuals using land shall have the obligation to protect and manage the land and rationally use the land.

Article 10 — Where land owned by a peasant collective belongs to a village peasant collective in accordance with the law, the village collective economic organization or the villagers' committee shall exercise the management and administration of the land; where the land is already owned by two or more peasant collective economic organizations within a village, the peasant collective economic organizations or the villagers' groups within the village shall exercise the management and administration of the land; where land is already owned by a township (town) peasant collective, the township (town) rural collective economic organization shall exercise the management and administration of the land.

Article 11 — Land owned by peasant collectives shall be registered and recorded by the people's government at the county level, and a certificate shall be issued to confirm the ownership. Land owned by peasant collectives used for non-agricultural construction in accordance with the law shall be registered and recorded by the people's government at the county level, and a certificate shall be issued to confirm the right

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to use land for construction. Land owned by the state used by units or individuals in accordance with the law shall be registered and recorded by the people's government at or above the county level, and a certificate shall be issued to confirm the right to use the land. The specific registration and certificate issuance authority for state-owned land used by units and individuals in accordance with the law shall be determined by the State Council.

Article 12 — Where the ownership or use right of land is changed in accordance with the law, registration of the change shall be completed.

Article 13 — The ownership and use right of land registered in accordance with the law shall be protected by law and shall not be infringed upon by any unit or individual.

Chapter III — Overall Land Use Planning

Article 14 — People's governments at all levels shall, in accordance with the national economic and social development plans, the needs of land consolidation and resource and environmental protection, the land supply capacity and the demand for land for various construction projects, organize the preparation of overall land use planning. The planning period for overall land use planning shall be prescribed by the State Council.

Article 15 — Overall land use planning at lower levels shall be prepared based on the overall land use planning at the next higher level. The total amount of land for construction in the overall land use planning prepared by local people's governments at all levels shall not exceed the control targets set in the overall land use planning at the next higher level, and the amount of cultivated land shall not be lower than the control targets for cultivated land preservation set in the overall land use planning at the next higher level.

Article 16 — Overall land use planning prepared by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall ensure that the total amount of cultivated land within their respective administrative regions does not decrease. Overall land use planning prepared by the people's governments of cities divided into districts shall ensure that the total amount of cultivated land within their respective administrative regions does not decrease.

Article 17 — The preparation of overall land use planning shall follow the following principles: (1) strictly protecting permanent basic farmland and controlling the occupation of agricultural land for non-agricultural construction; (2) improving the land utilization rate; (3) making overall arrangements for land for various uses and land for various regions; (4) protecting and improving the ecological environment and ensuring the sustainable use of land; and (5) maintaining the balance of the amount of cultivated land occupied and the amount of cultivated land supplemented.

Article 18 — Overall land use planning shall be linked with territorial spatial planning and urban and rural planning. The scale of land for construction in overall land use planning, urban and rural planning and the relevant special plans shall not exceed the scale of land for construction determined in the overall land use planning.

Chapter IV — Protection of Cultivated Land

Article 19 — The state shall protect cultivated land and strictly control the conversion of cultivated land into non-cultivated land. The state shall adopt a compensation system for the occupation of cultivated land. Where cultivated land is occupied for non-agricultural construction upon approval, the unit occupying the cultivated land shall, in accordance with the principle of "occupying as much as supplementing," be responsible for supplementing cultivated land of the same quantity and quality as the cultivated land occupied. Where the unit occupying cultivated land does not have the conditions for supplementation or the cultivated land supplemented does not meet the requirements, the unit shall pay a cultivated land reclamation fee in accordance with the provisions of the people's governments of the provinces, autonomous

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regions and municipalities directly under the Central Government, and the fee shall be used exclusively for the reclamation of new cultivated land.

Article 20 — The state shall implement the system of protection of permanent basic farmland. The following cultivated land shall be classified as permanent basic farmland and subject to strict protection: (1) cultivated land in grain, cotton and oil crop production bases approved by the relevant departments of the State Council or the local people's governments at or above the county level; (2) cultivated land with good water conservancy and soil conservation facilities and medium- and high-yield farmland where improvement plans are being implemented; (3) vegetable production bases; (4) experimental plots for agricultural scientific research and teaching; and (5) other cultivated land that should be classified as permanent basic farmland as prescribed by the State Council.

Article 21 — No unit or individual may leave land uncultivated or leave it in a state of disuse. Where a unit or individual that has already obtained the right to use land for construction through approval procedures for non-agricultural construction leaves the land unused for more than one year, it shall pay a land idle fee; where the land is left unused for more than two consecutive years, the people's government at or above the county level may, upon approval, recover the land use right of the land-using unit without compensation.

Chapter V — Land for Construction

Article 22 — All units and individuals that need to use land for construction shall apply for the use of state-owned land in accordance with the law. The "state-owned land" specified in the preceding paragraph includes land owned by the state and land originally owned by peasant collectives but expropriated by the state.

Article 23 — Land for construction shall meet the requirements of the overall land use planning, urban and rural planning and the relevant special plans, and shall never occupy or shall occupy as little as possible agricultural land. Where agricultural land must be occupied, the conversion of agricultural land shall be approved in accordance with the law, and the provisions of this Law on cultivated land protection shall apply.

Article 24 — Construction projects occupying land shall be subject to the pre-examination system for land for construction. Without pre-examination or failing pre-examination, the project shall not be approved or construction shall not be permitted.

Article 25 — The expropriation of the following land shall be subject to approval by the State Council: (1) permanent basic farmland; (2) cultivated land other than permanent basic farmland exceeding 35 hectares; and (3) other land exceeding 70 hectares. The expropriation of land other than that specified in the preceding paragraph shall be subject to approval by the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government. Where the expropriation of agricultural land is subject to approval by the State Council in accordance with the provisions of the preceding paragraph, the conversion of agricultural land shall be approved simultaneously. The approval of the expropriation of land shall be subject to the precondition that the expropriation of land is in compliance with the overall land use planning and the annual land use plan.

Article 26 — Where the state expropriates land, the expropriation shall be publicly announced by the local people's government at or above the county level upon approval in accordance with the statutory procedures. The local people's government at or above the county level shall make an announcement after receiving the approval document for the expropriation, and shall organize the implementation. The owner and user right holder of the expropriated land shall, within the time limit specified in the announcement, register for compensation with the land administration department of the local people's government by presenting the certificate of land ownership.

Article 27 — The compensation for expropriated land shall include land compensation fees, resettlement subsidies and compensation fees for above-ground attachments and young crops. The standards for land

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compensation fees and resettlement subsidies for the expropriation of cultivated land shall be prescribed by the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government through the publication of comprehensive land prices for the relevant areas. In determining the comprehensive land prices for the relevant areas, factors such as the original use of the land, land resource conditions, land output value, land location, land supply and demand, population and the level of economic and social development shall be taken into comprehensive consideration, and the comprehensive land prices shall be adjusted or re-published at least once every three years.

Article 28 — Where the state expropriates land, the local people's government at or above the county level shall arrange for the landless peasants to be resettled and ensure their livelihoods. The specific measures shall be formulated by the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government.

Chapter VI — Supervision and Inspection

Article 29 — The natural resources departments of the people's governments at or above the county level shall supervise and inspect acts violating the laws and regulations on land administration. When performing their duties of supervision and inspection in accordance with the law, land administration supervision and inspection personnel shall produce their credentials for land administration supervision and inspection.

Article 30 — The natural resources departments of the people's governments at or above the county level shall have the right to take the following measures when conducting supervision and inspection: (1) requiring the unit or individual under inspection to provide documents and materials relating to land rights; (2) requiring the unit or individual under inspection to explain matters relating to land rights; (3) entering the site illegally occupied by the unit or individual under inspection to conduct survey and inspection; (4) ordering the unit or individual illegally occupying land to cease the acts violating the laws and regulations on land administration; and (5) other measures provided by laws and regulations.

Chapter VII — Legal Liability

Article 31 — Where land is sold or transferred illegally, the illegal gains shall be confiscated; the newly built buildings and other facilities on the illegally transferred land that do not conform to the overall land use planning shall be demolished within a time limit; those that conform to the overall land use planning shall be confiscated; and a fine may be imposed concurrently. The directly responsible person in charge and other directly responsible persons shall be subject to administrative sanctions in accordance with the law. Where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 32 — Where cultivated land is occupied for construction or where excavation, sand extraction, quarrying or mining is carried out on cultivated land without authorization, thereby destroying the planting conditions, or where land desertification or salinization is caused by land development, the natural resources department of the people's government at or above the county level shall order rectification or treatment within a time limit, and a fine may be imposed concurrently. Where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 33 — Where a unit or individual that has obtained the right to use land for construction through approval procedures leaves the land unused for more than two consecutive years, the people's government at or above the county level may, upon approval, recover the land use right of the land-using unit without compensation.

Article 34 — Staff members of natural resources departments of the people's governments at or above the county level who engage in malpractice for personal gain, abuse their power or neglect their duties in the course of land administration shall be subject to administrative sanctions in accordance with the law. Where a crime is constituted, criminal liability shall be pursued in accordance with the law.

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Chapter VIII — Supplementary Provisions

Article 35 — The land use right for state-owned land used by Sino-foreign equity joint ventures, Sino-foreign cooperative joint ventures and wholly foreign-owned enterprises shall be governed by this Law. Where laws or administrative regulations provide otherwise, such provisions shall prevail.

Article 36 — This Law shall come into force as of January 1, 1999. The amended text (2019 Amendment) shall come into force as of August 26, 2019.

Disclaimer: This English translation of the Land Administration Law of the People's Republic of China (1999, Amended 2019) is provided for reference and informational purposes only. While every effort has been made to ensure accuracy, this translation is unofficial and carries no legal authority. The original Chinese text adopted by the Standing Committee of the National People's Congress shall prevail in all legal matters. Users should consult qualified legal professionals for advice on specific legal issues. Dan Young Business Consultancy assumes no liability for any errors, omissions, or reliance on this translation.