Land Management Law of the PRC

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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 in order to strengthen land administration, maintain the socialist public ownership of land, protect and develop land resources, make rational use of land, effectively protect cultivated land, promote sustainable utilization of land, and meet the requirements of economic and social development.

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

Ownership by the whole people shall mean that the State Council exercises the right of ownership of State-owned land on behalf of the State.

No unit or individual may encroach upon, trade in, or illegally transfer land by any other means. Land use rights may be transferred in accordance with law.

The State may, for the public interest, expropriate or requisition land in accordance with law and provide compensation.

The State shall practise a system of compensated use of State-owned land in accordance with law, except where the State allocates the right to use State-owned land within the scope prescribed by law.

Article 3 — It is an essential State policy to value and rationally use land and to effectively protect cultivated land. People's governments at all levels shall adopt measures for comprehensive planning, strict administration, and protection and development of land resources, and shall halt all acts of unlawful occupation of cultivated land.

Article 4 — The State shall practise a system of land use control.

The State shall compile overall plans for land use, prescribe land use categories, and classify land into agricultural land, land for construction, and unused land. The conversion of agricultural land to land for construction shall be strictly restricted, the total amount of land for construction shall be controlled, and cultivated land shall be specially protected.

For purposes of this Law, agricultural land shall mean land directly used for agricultural production, including cultivated land, forest land, grassland, land for irrigation and water conservancy, water surfaces for aquaculture, etc.; land for construction shall mean land for constructing buildings and structures, including land for residential use in urban and rural areas, land for public utilities, land for industrial and mining use, land for transport and water conservancy facilities, land for tourism, land for military installations, etc.; unused land shall mean land other than agricultural land and construction land.

The entities and individuals using land must use the land in strict compliance with the purposes of use prescribed in the overall plans for land use.

Article 5 — The competent department of natural resources of the State Council shall be responsible for the unified administration and supervision of land throughout the country.

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

Article 6 — The State Council shall grant rewards to units and individuals that have made outstanding achievements in the protection and development of land resources, rational utilization of land, and relevant scientific research.

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Article 7 — All units and individuals shall have the obligation to comply with the laws and regulations on land administration and shall have the right to report and bring charges against acts violating the laws and regulations on land administration.

Chapter II — Land Ownership and Land Use Rights

Article 8 — Land in the urban areas of cities shall be owned by the State.

Land in rural areas and in the suburban areas of cities, except for those portions owned by the State as prescribed by law, shall be collectively owned by the peasants, including land for building houses, land for private plots of cropland and hilly land, and land for private plots of mountains.

Article 9 — State-owned land and land owned by peasant collectives may be determined to be used by units or individuals in accordance with law. Units and individuals using land shall have the obligation to protect and manage the land and make rational use thereof.

Article 10 — Land owned by peasant collectives that is owned collectively by the peasants of a village in accordance with law shall be managed by the village collective economic organization or the villagers' committee; land already owned collectively by two or more peasant collective economic organizations of a village shall be managed by the respective rural collective economic organizations or villagers' groups of that village; land already owned collectively by a township (town) peasant collective shall be managed by the township (town) rural collective economic organization.

Article 11 — Land owned by peasant collectives shall be registered and recorded by the people's government at the county level, which shall issue a certificate to confirm ownership.

Land owned by peasant collectives that is lawfully used for non-agricultural construction shall be registered and recorded by the people's government at the county level, which shall issue a certificate to confirm the right to use land for construction.

State-owned land lawfully used by units and individuals shall be registered and recorded by the people's government at or above the county level, which shall issue a certificate to confirm the right to use such land; the specific registration and certificate-issuing organ for State-owned land used by organs of the Central Government shall be prescribed by the State Council.

Article 12 — Any change in land ownership or land use rights or the purpose of land use shall be registered in accordance with law.

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

Article 14 — Land owned by peasant collectives and State-owned agricultural land lawfully used by peasant collectives shall be contracted out for management by the collective economic organization or the villagers' committee of the village concerned. Land shall be contracted mainly to households within the collective economic organization. The contractee and the contractor shall enter into a contract in accordance with law to agree upon the rights and obligations of both parties. The term of a land management contract for cultivated land shall be 30 years. The term of a land management contract for grassland shall be 30 to 50 years. The term of a land management contract for forest land shall be 30 to 70 years.

Within the period of the contract, where the individual household contractor must appropriately adjust the contracted land among the households due to special circumstances such as severe damage to the contracted land caused by natural disasters, such adjustment must be approved by a villagers' assembly attended by at least two-thirds of the members or at least two-thirds of the villagers' representatives, and reported to the competent departments of agriculture and rural affairs, natural resources, forestry, and grassland of the people's government at the township (town) level and the people's government at the county level for approval. Where there is otherwise provision in the contract, such provision shall prevail.

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Article 15 — People's governments at all levels shall support the protection of the rights and interests of rural collective economic organizations and their members in their contractual management of land, and shall protect such rights according to law.

Article 16 — Disputes over land ownership and land use rights shall be settled through consultation between the parties; if consultation fails, the matter shall be handled by the people's government.

A dispute between units shall be handled by the people's government at or above the county level; a dispute between individuals or between an individual and a unit shall be handled by the people's government at the township level or at or above the county level.

Where a party disagrees with the decision of the relevant people's government, the party may institute an action in a people's court within 30 days from the date of receipt of the notification on the decision.

Pending the settlement of a land ownership or land use right dispute, no party may change the status quo of the land use.

Chapter III — Overall Planning for Land Use

Article 17 — People's governments at all levels shall, based on the requirements of the national economic and social development plan, the need for territorial space planning and environmental and resource protection, and the land supply capacity and the demand for land for various construction projects, compile overall plans for land use.

The term of an overall plan for land use shall be prescribed by the State Council.

Article 18 — The compilation of an overall plan for land use shall be subject to the overall territorial space planning. The total amount of land for construction and the scale of cultivated land occupation shall be consistent with the binding indicators set by the higher-level overall territorial space plan and the overall land use plan.

The following principles shall be observed in the compilation of an overall plan for land use:

(1) implementing the requirements of the territorial space plan for development and protection, making overall arrangements for land for various uses such as agricultural, construction, and ecological uses;

(2) strictly protecting permanent basic farmland and controlling the occupation of agricultural land for non-agricultural construction;

(3) improving the level of economical and intensive land use;

(4) making overall arrangements for land for various types and various regions;

(5) protecting and improving the ecological environment and ensuring the sustainable utilization of land; and

(6) balancing the occupation and supplementation of cultivated land.

Article 19 — The overall plan for land use at the county level shall define the areas of land use and specify the purposes of use of each tract of land.

The overall plan for land use at the township (town) level shall define the areas of land use and, in accordance with the conditions of land use, determine the purposes of use of each tract of land, and shall make a public announcement thereof.

Article 20 — Overall plans for land use shall be subject to graded examination and approval.

Overall plans for land use of provinces, autonomous regions, and municipalities directly under the Central Government shall be submitted to the State Council for approval.

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Overall plans for land use of cities with a population of one million or more and of cities designated by the State Council shall, upon examination and approval by the people's governments of the relevant provinces or autonomous regions, be submitted to the State Council for approval.

Overall plans for land use other than those provided in the second and third paragraphs of this Article shall be subject to step-by-step examination and approval by the people's governments of the relevant provinces, autonomous regions, or municipalities directly under the Central Government; the overall plan for land use of a township (town) may be approved by the people's government of a city or an autonomous prefecture authorized by the people's government of the relevant province or autonomous region.

Once an overall plan for land use is approved, it shall be strictly implemented.

Article 21 — Urban construction land in the overall land use plan shall comply with the standards prescribed by the State, make full use of existing construction land, and refrain from occupying or occupy as little agricultural land as possible.

The overall urban planning and the overall village and market town planning shall be consistent with the overall plan for land use; the scale of land for construction in the overall urban planning and the overall village and market town planning shall not exceed the scale of land for construction prescribed in the overall plan for land use for the relevant cities, villages, and market towns.

Article 22 — The total amount of land to be used for construction in the overall plan for land use for rivers, lakes, reservoirs, and the development zones for new technology and new industries shall be consistent with the overall plan for land use.

Article 23 — People's governments at all levels shall strengthen the administration of the annual plan for land use and implement total index control over the amount of land for construction.

The annual plan for land use shall be compiled in accordance with the national economic and social development plan, the State industrial policy, the overall plan for land use, and the actual situation of land for construction and land utilization. The procedures for the compilation, examination, and approval of the annual plan for land use shall be consistent with the procedures for the compilation, examination, and approval of the overall plan for land use; once approved, it shall be strictly implemented.

Article 24 — The competent department of natural resources of the people's government at or above the county level shall, jointly with the relevant departments at the same level, conduct a land survey. Land owners or users shall cooperate and provide relevant materials as truthfully required.

The competent department of natural resources of the people's government at or above the county level shall, based on the results of the land survey, plan the land use areas, and shall, in accordance with the relevant provisions of the State, publish the results.

Article 25 — People's governments at all levels shall, based on the national economic and social development statistics and the results of the land survey, establish a land statistics system.

The competent department of natural resources of the people's government at or above the county level and the statistics department at the same level shall jointly formulate plans for statistical surveys and conduct land statistics in accordance with law, and shall regularly publish land statistics. Land owners or users shall provide relevant materials and shall not make false reports, conceal reports, refuse to submit reports, or submit reports after expiry of the prescribed time limit.

Article 26 — After an overall plan for land use is approved, an organ that implements it shall take measures to ensure its implementation.

Where an overall plan for land use approved upon examination needs to be amended due to such special circumstances as the implementation of the territorial space plan, it shall be approved by the original examination and approval organ; where the amendment involves a change in the scale of construction land,

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it shall be submitted to the original examination and approval organ for approval as an amendment to the overall plan for land use.

Article 27 — The State shall establish a land management information system to monitor the status of land utilization.

Chapter IV — Protection of Cultivated Land

Article 28 — The State shall protect cultivated land and strictly control the conversion of cultivated land to non-cultivated land.

The State shall implement 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 it reclaims," be responsible for reclaiming cultivated land equivalent in quantity and quality to the cultivated land occupied. Where there are no conditions for reclamation or the reclaimed cultivated land does not meet the requirements, the cultivated land reclamation fee prescribed by the relevant province, autonomous region, or municipality directly under the Central Government shall be paid, and the special funds shall be used for reclaiming new cultivated land.

The people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall formulate plans for the reclamation of cultivated land, supervise the unit occupying cultivated land in reclaiming cultivated land in accordance with the plan or in organizing the reclamation of cultivated land in accordance with the plan, and conduct inspection and acceptance.

Article 29 — Where cultivated land occupied for non-agricultural construction upon approval is high-quality cultivated land, the unit occupying such cultivated land shall, where there are no conditions for reclamation or the reclaimed cultivated land does not meet the requirements, pay a higher cultivated land reclamation fee in accordance with the provisions of the relevant province, autonomous region, or municipality directly under the Central Government. Specific measures shall be prescribed by the State Council.

Article 30 — The State shall protect permanent basic farmland and implement special protection thereof. The following cultivated land shall be designated as permanent basic farmland based on the total quantity and quality of cultivated land in the overall plan for land use and shall be strictly controlled:

(1) cultivated land within grain production functional zones and protected areas of important agricultural products approved by the State Council or the competent department of agriculture and rural affairs of the State Council or the people's governments at or above the county level;

(2) cultivated land with good water conservancy and water and soil conservation facilities that is being planned for improvement, and cultivated land within low- and medium-yield fields that is being planned for improvement;

(3) vegetable production bases;

(4) experimental and teaching fields for agricultural scientific research and teaching;

(5) other cultivated land that should be designated as permanent basic farmland in accordance with the provisions of the State Council.

The proportion of permanent basic farmland in cultivated land in the various provinces, autonomous regions, and municipalities directly under the Central Government shall be prescribed by the State Council.

Article 31 — The State Council shall exercise control over the occupation of cultivated land by non-agricultural construction projects. No non-agricultural construction project may occupy permanent basic farmland; where a project of the State such as energy, transport, water conservancy, or military installations must occupy permanent basic farmland, it shall be subject to approval by the State Council.

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Article 32 — Local people's governments at or above the county level may require the unit using the land to peel off the topsoil of the cultivated land to be occupied for use in the reclamation of new cultivated land, improvement of inferior land, or other cultivated land, in accordance with relevant State provisions.

Article 33 — People's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall strictly implement the overall plan for land use and the annual plan for land use, and take measures to ensure that the total amount of cultivated land within their respective administrative areas remains unreduced and that the quality improves. Where the total amount of cultivated land is reduced, the State Council shall order the relevant local people's government to organize the reclamation of cultivated land equivalent in quantity and quality to that reduced within a specified time limit, and the competent department of natural resources of the State Council shall, jointly with the competent department of agriculture and rural affairs, conduct inspection and acceptance. Where an individual province or municipality directly under the Central Government truly suffers a shortage of reserve resources for cultivated land and cannot, after reclamation of newly added cultivated land to supplement the reduction, reach a balance in the total amount of cultivated land within its own administrative area, it shall, in accordance with the provisions of the State Council, apply to the State Council for an overall adjustment by making up the balance in another province.

Article 34 — The State shall implement a system of protection of the quality of cultivated land and shall conduct regular investigations and monitoring of the quality of cultivated land.

Article 35 — People's governments at all levels shall maintain the irrigation and drainage facilities, improve the soil, and enhance soil fertility, so as to prevent desertification, salinization, water loss, soil erosion, and pollution of land.

Article 36 — No unit or individual may leave land idle or deserted. Where a unit or individual that has obtained the right to use land for construction in accordance with law fails to commence construction and development within one year from the date of the agreed commencement of development in the transfer contract for the land use right or within one year from the date of approval of the allocation decision in the case of an allocated land use right, resulting in the land being left idle, a land idle fee shall be paid. Where construction fails to commence within two years, the right to use the land may be recovered without compensation, except where the construction cannot commence due to force majeure, acts of government or relevant government departments, or the necessary preliminary work for construction commencement.

Article 37 — Where any unit or individual that has contracted cultivated land or grassland for management leaves the cultivated land or grassland uncultivated or ungrazed for two or more consecutive years, thereby leaving the land deserted, the original contract-issuing entity shall terminate the contract and take back the contracted cultivated land or grassland.

Article 38 — The State shall encourage units and individuals to develop unused land in accordance with the overall plan for land use and on the premise of protecting and improving the ecological environment and preventing water loss, soil erosion, and desertification. Land suitable for agricultural use shall be developed preferentially for agricultural use.

The State shall protect the lawful rights and interests of developers in accordance with law.

Article 39 — The reclamation of unused land shall be subject to scientific demonstration and evaluation and shall be carried out within the reclaimable areas designated in the overall plan for land use upon lawful approval. It is prohibited to destroy forests and grassland for land reclamation, to reclaim land by enclosing lakes or to encroach upon river beaches.

Where land reclamation causes damage to the ecological environment, the person reclaiming the land shall be ordered by the relevant competent department to reclaim the land within a specified time limit. Where it is not reclaimed within the time limit, the relevant competent department shall organize reclamation, and the

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person reclaiming the land shall bear the costs.

Chapter V — Land for Construction

Article 40 — For the use of land for construction, where it involves the conversion of agricultural land to construction land, the formalities for the examination and approval of the conversion of agricultural land shall be completed.

Where permanent basic farmland is converted to construction land, it shall be subject to approval by the State Council.

Where agricultural land other than permanent basic farmland is converted to construction land within the scope of the scale of land for construction for cities, villages, and market towns as determined in the overall plan for land use, an application shall be submitted according to the annual plan for land use to the original organ that approved the overall plan for land use or an organ authorized by it for approval. Specific measures shall be prescribed by the State Council.

Where agricultural land is converted to construction land outside the scope of the scale of land for construction for cities, villages, and market towns, it shall be subject to approval by the State Council or by the people's government of a province, autonomous region, or municipality directly under the Central Government authorized by the State Council.

Article 41 — Where the expropriation of the following land is required for the public interest, the expropriation shall be subject to approval by the State Council upon application in accordance with the statutory authority and procedures:

(1) permanent basic farmland;

(2) cultivated land other than permanent basic farmland exceeding 35 hectares; or

(3) land other than that prescribed in items (1) and (2) of this Article exceeding 70 hectares.

The expropriation of land other than that prescribed in the preceding paragraph shall be approved by the people's governments of provinces, autonomous regions, or municipalities directly under the Central Government.

Where agricultural land is expropriated, the examination and approval of the conversion of agricultural land shall be conducted in advance in accordance with the provisions of Article 40 of this Law. Where the conversion of agricultural land requires approval by the State Council, the examination and approval procedures for the conversion of agricultural land and the expropriation of land shall be completed simultaneously. Where land other than agricultural land is expropriated, the procedures for the approval of such expropriation by the people's government of a province, autonomous region, or municipality directly under the Central Government shall be followed, and the State Council shall be reported to for record-filing.

Article 42 — The State Council and the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall, when examining applications for the expropriation of land, review the legality and reasonableness of the public interest for which the land is expropriated.

Article 43 — Where land is expropriated, fair and reasonable compensation shall be given in accordance with law, and the livelihood security of the farmers whose land has been expropriated and the lawful rights and interests of the rural villagers whose land has been expropriated shall be ensured.

Where land is expropriated, land compensation fees, resettlement subsidies, and compensation fees for rural villagers' houses, other above-ground fixtures and young crops shall be paid in full and on time in accordance with law, and social security fees for the farmers whose land has been expropriated shall be arranged.

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

The standards for compensation for the expropriation of land other than agricultural land, above-ground fixtures, and young crops shall be prescribed by the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government. With respect to houses in rural villagers' residential premises, compensation shall be given based on the principle of making compensation first and relocating afterwards and improving living conditions, with fairness and reasonableness, and the specific measures shall be prescribed by the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government.

People's governments at or above the county level shall incorporate the farmers whose land has been expropriated into the corresponding social security systems such as old-age insurance. The social security fees of the farmers whose land has been expropriated shall be mainly used for qualified farmers whose land has been expropriated. Specific measures for the raising, management, and use of social security fees for farmers whose land has been expropriated shall be prescribed by the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government.

Article 44 — People's governments at or above the county level shall make public announcements regarding the scope of expropriation, the purposes of expropriation, the current status of the land, the purposes of compensation, the compensation standards, the methods of resettlement, the methods of social security, etc., and shall listen to the opinions of the rural collective economic organization whose land has been expropriated, its members, the villagers' committee, and other interested parties. Where the majority of the members of the rural collective economic organization whose land has been expropriated consider the expropriation compensation and resettlement plan not to comply with the provisions of laws and regulations, the people's government at or above the county level shall organize a hearing and amend the expropriation compensation and resettlement plan based on laws and regulations and the hearing record.

Article 45 — Where land is expropriated, the owner and the user of the expropriated land shall, within the time limit specified in the announcement, go through the registration of expropriation compensation with the land ownership certificate.

The competent department of natural resources of the local people's government at or above the county level shall, jointly with the relevant departments, organize the implementation of the expropriation compensation plan and pay the various fees in full and on time. The rural collective economic organization whose land has been expropriated shall make public the details of the receipt and expenditure of the expropriation compensation fees to the members of the collective and accept supervision.

Article 46 — A construction unit using State-owned land shall obtain such land through compensated use or allocation in accordance with law.

Any of the following land used for construction may be obtained through allocation with the approval of the people's government at or above the county level in accordance with law:

(1) land used by State organs or for military installations;

(2) land for urban infrastructure or public utilities;

(3) land for energy, transport, water conservancy, or other infrastructure supported by the State; or

(4) other land prescribed by laws or administrative regulations.

Article 47 — Where the right to use State-owned land is obtained through compensated use such as transfer or lease, a contract shall be entered into for the compensated use. The assignment fee and other fees shall be paid in full in accordance with the contract and the relevant provisions of the State before the right to use the land may be used.

The specific measures for the transfer of the right to use State-owned land shall be prescribed by the State Council.

Article 48 — The construction land use right obtained through transfer or other compensated means may be transferred, exchanged, contributed as capital, gifted, or mortgaged, except where otherwise provided by laws and administrative regulations.

Article 49 — The use of land by the State-owned means of allocating the right to use State-owned land shall strictly comply with the provisions of laws, administrative regulations, and the overall plan for land use. The user of the allocated land use right shall pay the land use tax and other fees in accordance with the provisions of the State Council.

Article 50 — Where a construction unit that lawfully uses State-owned land through allocation and is required to transfer, lease, or mortgage the real estate together with the land use right as a result of transferring or demising the house, must undergo the procedures for the assignment of the land use right, pay the assignment fee for the land use right or use the proceeds from the transfer, lease, or mortgage to offset the assignment fee for the land use right, and then proceed in accordance with law.

Article 51 — The use of land for construction by township enterprises, villagers' residential premises, township (town) village public facilities, and public welfare undertakings shall comply with the overall village and market town plan and the annual plan for land use, and shall be approved in accordance with the provisions of Articles 40, 60, 61, and 62 of this Law. Where agricultural land is involved, the formalities for the approval of the conversion of agricultural land shall be completed in accordance with the provisions of Article 40 of this Law.

Article 52 — For the purposes of construction of large or medium-sized water conservancy or hydroelectric projects, the scope and time limit for the resettlement of the migrants to be resettled shall be determined by the local people's government based on the approved resettlement plan, and the land needed shall be expropriated in accordance with law. Where land cannot be restored to its original condition after being used in the construction of such a project, the relevant department shall, in accordance with the provisions of the State, pay a land reclamation fee for the reclamation of an equivalent amount of land.

Article 53 — A construction project shall have its land examined before commencement. The competent department of natural resources of the people's government at or above the county level shall, jointly with the relevant department, conduct the examination. Where the construction project occupies land without approval or beyond the approved area, or without registration and inspection, the project entity shall not commence construction.

Article 54 — Where a construction project is completed, the competent department of natural resources of the people's government at or above the county level shall check the actual land use. Where the State Council has otherwise provisions, such provisions shall prevail.

Article 55 — Where a construction unit temporarily uses State-owned land or land owned by a peasant collective, it shall enter into a temporary land use contract with the competent department of natural resources of the relevant people's government or with the rural collective economic organization or villagers' committee, and pay the temporary land use compensation fee in accordance with the provisions of the contract.

The temporary user of land shall use the land in accordance with the purpose agreed upon in the temporary land use contract and shall not construct permanent buildings.

The term of temporary use of land shall not generally exceed two years. The construction of permanent buildings on temporarily used land is prohibited. Temporary land use shall be restored upon expiry of the term.

Article 56 — Where the right to use allocated State-owned land is recovered under any of the following circumstances, the relevant people's government shall give appropriate compensation to the original user of the land:

(1) the land is needed for the public interest;

(2) the land is needed for the implementation of the urban planning for the rebuilding of old urban areas; or

(3) the term of land use as agreed upon in the land use right transfer contract has expired and the land user has not applied for renewal or the application for renewal has not been approved.

Where the right to use allocated State-owned land is recovered under item (1) or (2) of the preceding paragraph, compensation shall be given to the holder of the allocated land use right.

Article 57 — The competent department of natural resources of the people's government at or above the county level shall supervise and inspect acts of violation of the laws and regulations on land administration.

Supervisors of land administration who are familiar with the laws and regulations on land administration and devoted to their duties and impartial in performing their duties shall perform their duties in accordance with law when conducting supervision and inspection of the compliance with the laws and regulations on land administration.

Chapter VI — Supervision and Inspection

Article 58 — The competent department of natural resources of the people's government at or above the county level shall supervise and inspect acts of violation of the laws and regulations on land administration.

Supervisors of land administration who are devoted to their duties and impartial shall, when performing their duties of supervision and inspection, have the right to take the following measures:

(1) requiring the unit or individual under inspection to provide documents and materials relating to the land right and to make inquiries about them;

(2) requiring the unit or individual under inspection to make explanations on issues relating to the land right;

(3) entering the site of the unit or individual under inspection that is illegally occupying land to conduct photographing and surveying; or

(4) ordering the unit or individual illegally occupying land to cease violating the laws and regulations on land administration.

Article 59 — When performing their duties of supervision and inspection, supervisors of land administration shall produce their land administration supervision and inspection certificates.

Article 60 — Relevant units and individuals shall support and cooperate with the supervision and inspection of land administration by the competent department of natural resources of the people's government at or above the county level and shall provide convenience, and shall not refuse to do so or obstruct such supervision and inspection by the supervisors in the performance of their duties.

Article 61 — Where the competent department of natural resources of the people's government at or above the county level finds in the course of supervision and inspection any illegal act committed by a State functionary, it shall handle the case in accordance with law; where it has no authority to handle the case, it shall transfer the case to the supervisory organ or the relevant organ for handling in accordance with law. Where a crime is involved, the case shall be transferred to the relevant organ for investigation of criminal liability.

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Article 62 — Where the competent department of natural resources of the people's government at or above the county level, in performing its duties of supervision and inspection, orders the unit or individual illegally occupying land to cease violating the laws and regulations on land administration, and the unit or individual continues to do so, the competent department of natural resources that made the decision to order cessation may seal up the construction facilities and equipment on the illegally occupied land.

Chapter VII — Legal Liability

Article 63 — Where the land of a peasant collective is sold or otherwise illegally transferred, or the right to use State-owned land is illegally transferred, the competent department of natural resources of the people's government at or above the county level shall confiscate the illegal gains and impose a fine.

Article 64 — Where, in violation of the overall plan for land use, land is used for construction without authorization, the competent department of natural resources of the people's government at or above the county level shall order that the land be restored to its original condition within a specified time limit; where the land used conforms to the overall plan for land use, the buildings, structures, and other facilities newly constructed on the land illegally occupied shall be confiscated and a fine may be imposed concurrently; where the person-in-charge directly responsible and other persons directly responsible for the illegal occupation of land are State functionaries, administrative sanctions shall be imposed in accordance with law; where a crime is constituted, criminal liability shall be investigated in accordance with law.

Where the amount of land occupied exceeds the approved amount, the portion in excess shall be treated as illegally occupied land.

Article 65 — Where, in violation of the provisions of Article 28 of this Law, the obligation of reclaiming cultivated land is not performed or the reclamation fails to meet the requirements, the competent department of natural resources of the people's government at or above the county level shall order that the reclamation be completed within a specified time limit; where the reclamation is not completed within the time limit, the organ that ordered the reclamation shall organize the reclamation, with the costs borne by the unit occupying the cultivated land, and a fine of not less than twice and not more than five times the cultivated land reclamation fee may be imposed.

Article 66 — Where a construction unit that obtained the right to use State-owned land through allocation or transfer fails to commence construction within the prescribed time limit, resulting in the land being left idle, it shall pay a land idle fee in accordance with law, and where the land has been left idle for two years, the right to use the land shall be recovered without compensation in accordance with law.

Article 67 — Where a unit or individual that has lawfully obtained the right to use land for construction fails to commence construction and development within one year from the date of the agreed commencement of development in the transfer contract for the land use right or within one year from the date of approval of the allocation decision, the competent department of natural resources of the people's government at or above the county level shall order that construction be commenced within a specified time limit and may impose a land idle fee; where construction fails to commence within two years, the right to use the land may be recovered without compensation, except where the construction cannot commence due to force majeure, acts of government or relevant government departments, or the necessary preliminary work for construction commencement.

Article 68 — Anyone who, in violation of the provisions of this Law, refuses to perform or delays in performing the obligation of land reclamation shall be ordered by the competent department of natural resources of the people's government at or above the county level to perform within a specified time limit; where the obligation is not performed within the time limit, the competent department of natural resources shall order the payment of the land reclamation fee and may impose a fine. Where damage is caused to others, the party shall bear civil liability in accordance with law.

Article 69 — Where the competent department of natural resources of the people's government at or above the county level or any of its functionaries commits any of the following acts, criminal liability shall be investigated in accordance with law if a crime is constituted; where a crime is not constituted, administrative sanctions shall be imposed in accordance with law:

(1) approving the occupation of land in violation of the provisions of laws and regulations;

(2) approving the expropriation or use of land beyond the statutory authority;

(3) approving land expropriation without following the statutory procedures; or

(4) issuing land certificates in violation of the provisions of laws and regulations.

Article 70 — If the decision on administrative penalty made by the competent department of natural resources of the people's government at or above the county level in accordance with this Law is not complied with within the time limit and no application for reconsideration has been filed with the relevant organ or no action has been instituted in a people's court, the competent department of natural resources that made the decision may apply to the people's court for compulsory enforcement.

Chapter VIII — Supplementary Provisions

Article 71 — For the use of land within the areas under the administration of a city or county, where the overall plan for land use at the township (town) level has not yet been compiled, the overall plan for land use at the city or county level may be referred to in handling the examination and approval procedures for land for construction.

Article 72 — Special procedures for the use of land by Chinese-foreign equity joint ventures, Chinese-foreign contractual joint ventures, and foreign-capital enterprises shall be prescribed separately by the State Council.

Article 73 — Procedures for the administration of land used for building houses and other structures in rural areas shall be prescribed separately by the State Council.

Article 74 — The State Council shall formulate specific implementing rules in accordance with this Law.

Article 75 — This Law shall enter into force on January 1, 2020.

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