Regulations on Land Surveys of China (the PRC)

Dan Young Business Consultancy — www.danyoungcpa.com

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

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Chapter I — General Provisions

Article 1 — These Regulations are formulated in accordance with the Land Administration Law of the People's Republic of China and the Statistics Law of the People's Republic of China for the purpose of organizing and implementing land surveys scientifically and effectively and ensuring the authenticity, accuracy and timeliness of land survey data.

Article 2 — The purpose of land surveys is to fully ascertain the state of land resources and their utilization, and to grasp authentic and accurate basic land data, so as to provide a basis for the scientific planning, rational utilization and effective protection of land resources, the implementation of the strictest cultivated

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land protection system, and the strengthening and improvement of macro-control, thereby promoting the comprehensive, coordinated and sustainable development of the economy and society.

Article 3 — Land survey work shall be organized and implemented on the principles of unified national leadership, division of labor and cooperation among departments, tiered responsibility of localities, and joint participation of all parties.

Article 4 — The funds required for land surveys shall be borne jointly by the central and local people's governments at all levels, included in the fiscal budgets of the corresponding years, and allocated on time to ensure they are fully in place. Land survey funds shall be administered in a unified manner, used exclusively for their designated purposes, and subject to strict expenditure control.

Article 5 — News media such as newspapers, periodicals, radio, television and the internet shall promptly carry out publicity and reporting on land survey work.

Chapter II — Contents and Methods of Land Surveys

Article 6 — The State shall, based on the needs of national economic and social development, conduct a national land survey every ten years; and, based on the needs of land administration work, conduct a land change survey every year.

Article 7 — A land survey shall include the following contents: (1) the current state of land use and its changes, including land categories, locations, areas and distribution; (2) land ownership and its changes, including the state of ownership and use rights of land; and (3) land conditions, including the natural conditions and socio-economic conditions of the land. When conducting a survey of the current state of land use and its changes, the current state and changes of basic farmland shall be surveyed with priority, including the quantity, distribution and protection of basic farmland.

Article 8 — Land surveys shall adopt the method of comprehensive survey, with comprehensive use of means such as field survey statistics and remote sensing monitoring.

Article 9 — Land surveys shall adopt the national standard of the Classification of Current Land Use, unified technical rules, and survey base maps prepared in accordance with unified national standards. The technical rules for land surveys shall be formulated by the competent department of land and resources under the State Council together with the relevant departments under the State Council.

Chapter III — Organization and Implementation of Land Surveys

Article 10 — The competent departments of land and resources of the people's governments at or above the county level shall conduct land surveys together with the relevant departments at the same level. Township (town) people's governments, sub-district offices and villagers' (residents') committees shall extensively mobilize and organize social forces to actively participate in land survey work.

Article 11 — The relevant departments of the people's governments at or above the county level shall actively participate in and closely cooperate with land survey work and provide the relevant materials needed for land surveys in accordance with law. Social organizations and units and individuals related to land surveys shall cooperate with land survey work in accordance with these Regulations.

Article 12 — The overall national land survey plan shall be drafted by the competent department of land and resources under the State Council together with the relevant departments under the State Council and submitted to the State Council for approval. The competent departments of land and resources of the local people's governments at or above the county level shall, together with the relevant departments at the same level, prepare local land survey implementation plans in accordance with the unified national requirements and the characteristics of land use in their respective administrative areas, and implement them after reporting to the competent department of land and resources of the people's government at the next higher

level, together with the relevant departments at the same level, for examination and approval.

Article 13 — Where a land survey task needs to be undertaken by a professional survey team selected from society, it shall be organized and implemented through bidding and tendering. A unit undertaking a land survey task shall satisfy the following conditions: (1) having legal person status; (2) having qualifications and work performance related to land surveys; (3) having complete technical and quality management systems; and (4) having professional and technical personnel who have been trained and passed assessment. The competent department of land and resources under the State Council shall, together with the relevant departments under the State Council, strengthen the administration of units undertaking land survey tasks and publish the list of units meeting the conditions prescribed in paragraph 2 of this Article.

Article 14 — Land survey personnel shall adhere to seeking truth from facts, observe professional ethics, and possess the professional knowledge needed to perform survey tasks. Land survey personnel shall receive professional training and, after passing assessment, obtain the nationally unified land surveyor work permit.

Article 15 — Land survey personnel shall strictly implement the overall national land survey plan, the local land survey implementation plans, the national standard of the Classification of Current Land Use and the unified technical rules, and shall not forge or tamper with survey materials, or compel or instruct survey respondents to provide false survey materials. Land survey personnel shall be responsible for the consistency between the survey materials they register, examine and enter and the on-site survey materials.

Article 16 — Land survey personnel shall independently exercise the functions and powers of survey, reporting, supervision and inspection in accordance with law, have the right to conduct on-site surveys according to the needs of work, and conduct on-site operations in accordance with the technical rules. Land survey personnel have the right to inquire of the relevant units and individuals about matters related to the survey, and to require the relevant units and individuals to truthfully provide the relevant materials. When conducting on-site surveys, on-site operations and inquiries of the relevant units and individuals, land survey personnel shall present their land surveyor work permits.

Article 17 — The relevant units and individuals accepting the survey shall truthfully answer inquiries, perform the obligation of on-site boundary indication, provide the relevant materials as required, and shall not transfer, conceal, tamper with or destroy original records, land registration books and other relevant materials.

Article 18 — The persons in charge of all localities, departments and units shall not modify land survey materials or data without authorization, shall not compel or instruct land survey personnel to tamper with survey materials or data or fabricate false data, and shall not retaliate against land survey personnel who refuse or resist the tampering of survey materials or data or the fabrication of false data.

Chapter IV — Processing and Quality Control of Survey Results

Article 19 — A land survey shall produce the following survey results: (1) data results; (2) map results; (3) textual results; and (4) database results.

Article 20 — A system of tier-by-tier submission and summary statistics shall be implemented for land survey results. The processing and reporting of land survey data shall be carried out in accordance with the overall national land survey plan and the relevant standards.

Article 21 — The local people's government at or above the county level shall bear overall responsibility for the quality of the land survey results within its administrative area, and its principal responsible person shall be the primary responsible person. The competent departments of land and resources of the people's governments at or above the county level shall, together with the relevant departments at the same level, exercise quality control over each link of the survey, establish a post responsibility system for the quality

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control of land survey results, genuinely ensure that the survey data, the maps and the actual state of the surveyed land are consistent with one another, and be responsible for the accuracy of the survey results they process, organize and summarize.

Article 22 — The competent department of land and resources under the State Council shall, together with the relevant departments under the State Council, uniformly organize random inspection of the quality of land survey results. The random inspection results shall serve as an important basis for evaluating the quality of land survey results.

Article 23 — A system of stage-by-stage and tier-by-tier inspection and acceptance shall be implemented for land survey results. The survey work of the next stage may be carried out only after the land survey results of the previous stage have passed inspection and acceptance. The measures for the inspection and acceptance of land survey results shall be formulated by the competent department of land and resources under the State Council together with the relevant departments under the State Council.

Chapter V — Publication and Application of Survey Results

Article 24 — The State establishes a system for the publication of land survey results. Land survey results shall be published to the public and open to public inquiry, except where they shall be kept confidential in accordance with law.

Article 25 — National land survey results shall be published after approval by the State Council. Local land survey results shall be published after examination by the people's government at the same level and approval by the people's government at the next higher level. Only after the national land survey results are published may the local people's governments at or above the county level successively publish the land survey results of their respective administrative areas level by level.

Article 26 — The competent departments of land and resources of the people's governments at or above the county level shall, together with the relevant departments at the same level, properly perform the work of preserving, administering, developing and applying land survey results and providing services to the public. The State shall, through land surveys, establish interconnected and shared land survey databases, and properly carry out maintenance and updating work.

Article 27 — Land survey results are an important basis for preparing national economic and social development plans and for the planning, administration, protection and utilization of land and resources.

Article 28 — Land survey results shall be strictly administered and used in a standardized manner, and shall not serve as the basis for imposing administrative penalties on survey respondents in accordance with other laws or administrative regulations, or as the basis for dividing departmental duties, responsibilities and administrative scopes.

Chapter VI — Commendation and Punishment

Article 29 — Units and individuals that have made outstanding contributions to land survey work shall be commended or rewarded in accordance with the relevant State provisions.

Article 30 — Where the person in charge of a locality, department or unit commits any of the following acts, a sanction shall be imposed in accordance with law; where a crime is constituted, criminal responsibility shall be investigated in accordance with law: (1) modifying survey materials or data without authorization; (2) compelling or instructing land survey personnel to tamper with survey materials or data or fabricate false data; or (3) retaliating against land survey personnel who refuse or resist the tampering of survey materials or data or the fabrication of false data.

Article 31 — Where land survey personnel fail to implement the overall national land survey plan, the local land survey implementation plans, the national standard of the Classification of Current Land Use and the

unified technical rules, or forge or tamper with survey materials, or compel or instruct the relevant units and individuals accepting the survey to provide false survey materials, they shall be given a sanction in accordance with law, and shall be criticized in a circulated notice by the competent department of land and resources of the people's government at or above the county level and the statistics organ.

Article 32 — Where a unit or individual accepting a survey commits any of the following acts, the competent department of land and resources of the people's government at or above the county level shall order it or the individual to make corrections within a prescribed time limit and may impose a fine of not more than RMB 50,000; where the act constitutes a violation of public security administration, the public security organ shall impose a public security administration penalty in accordance with law; where a crime is constituted, criminal responsibility shall be investigated in accordance with law: (1) refusing or obstructing land survey personnel in conducting surveys in accordance with law; (2) providing false survey materials; (3) refusing to provide survey materials; or (4) transferring, concealing, tampering with or destroying original records, land registration books and other relevant materials.

Article 33 — Where a local people's government at or above the county level commits any of the following acts, the people's government at the next higher level shall issue a notice of criticism; where the circumstances are serious, sanctions shall be imposed in accordance with law on the directly responsible persons in charge and other directly responsible persons: (1) failing to complete land survey work on schedule, being ordered to complete it within a prescribed time limit, and still failing to complete it upon expiry of the time limit; or (2) providing distorted land survey data, being ordered to make corrections within a prescribed time limit, and still failing to make corrections upon expiry of the time limit.

Chapter VII — Supplementary Provisions

Article 34 — With respect to surveys of military land, the competent department of land and resources under the State Council shall, together with the relevant military departments, formulate specific measures in accordance with the unified State provisions and requirements. The determination of the contents of the summarized survey data for land used by central units and the application and administration of the results shall be the responsibility of the competent department of land and resources under the State Council together with the organ responsible for the affairs of administrative organs under the State Council.

Article 35 — The people's governments at or above the county level may establish land survey leading groups in accordance with the overall national land survey plan and the local land survey implementation plans to organize and lead land survey work. Where necessary, an office of the land survey leading group may be established to be responsible for the day-to-day work of land surveys.

Article 36 — These Regulations shall be implemented as of the date of promulgation.

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