

LAND ADMINISTRATION LAW OF THE PEOPLE'S REPUBLIC OF CHINA (2004 REVISION)
e00300

Standing Committee of the National People's Congress

Land Administration Law of the People's Republic of China (2004 Revision)

(Approved at the 16th Session of the Standing Committee of the Ninth National People's Congress of the People's Republic of China on June 25th, 1986. Revised in accordance with the Decision on amending Land Administration Law of the People's Republic of China. Revised and adopted at the Fourth Session of the Standing Committee of the Ninth National People's Congress of the People's Republic of China on August 29th, 1998, to be put into effective as of January 1st, 1999. Revised at the 11th Session of the Standing Committee of the Tenth National People's Congress on August 28th, 2004)

ContentsChapter I General Provisions

Chapter II Ownership and Right of Use of Land

Chapter III General Plans for the Utilization of Land

Chapter IV Protection of Cultivated Land

Chapter V Land for Construction Purposes

Chapter VI Supervision and Examination

Chapter VII Legal Responsibilities

Chapter VIII Supplementary Provisions

Chapter I General Provisions

Article 1

The law is formulated in accordance with the Constitution with a view to strengthening the administration of land, safeguarding the socialist public ownership of land, protecting and developing land resources, ensuring a rational use of and giving a real protection to cultivated land to promote sustainable development of the socialist economy.

Article 2

The People's Republic of China resorts to a socialist public ownership of land i.e. an ownership by the whole people and ownerships by collectives.

In ownership by the whole people, the State Council is empowered to be on behalf of the State to administer the land owned by the State.

No unit or individual is allowed to occupy, trade or illegally transfer land by other means. Land using right may be transferred by laws.

The state may make expropriation or requisition on land according to law for public interests, but shall give compensations accordingly.

The State introduces the system of compensated use of land owned by the State except the land has been allocated for use by the State according to laws.

Article 3

To cherish and give a rational use to the land as well as to give a real protection to the cultivated land are seen as a basic principle of land use in the country. The people's governments at all levels shall take measures to make an overall plan for the use of land to strictly administer, protect and develop land resources and curb any illegal occupation of land.

Article 4

The State is to carry out control system on the usages of land.

The State shall draw up general plans to set usages of land including those of farm or construction use or unused. A strict control is to place on the transformation of land for farm use to that for construction use in order to control the total amount of land for construction use and exercise a special protection on cultivated land.

Land for farm use in the previous Article refers to land directly used for agricultural production, including cultivated land, wood land, grassland, land for farmland water conservancy and water surfaces for breeding; land for construction use refers to land on which buildings and structures are put up, including land for urban and rural housing and public facilities, land for industrial and mining use, land for building communications and water conservancy facilities, land for tourism and land for building military installations. The term land unused refers to land other than that for agricultural and construction uses.

Land shall be used strictly in line with the purposes of land use defined in the general plan for the utilization of the land whether by units or individuals.

Article 5

The land administrative department of the State Council shall be unifiedly responsible for the administration and supervision of land in the whole country.

The setup and functions of land administrative departments of people's governments at and above the county level shall be decided by the people's governments of provinces, autonomous regions and municipalities under the direct jurisdiction of the central government (hereinafter referred to as municipalities) according to the relevant provisions of the State Council.

Article 6

Units or individuals shall all be obliged to abide by the laws and regulations concerning land administration and have the right to report or prosecute acts of violating land administration law and regulations.

Article 7

People's governments shall award units or individuals who have made outstanding achievements in protecting and developing land resources, rational utilization of land and in carrying out research in this regard.

Chapter II Ownership and Right of Use of Land

Article 8

Land in urban districts shall be owned by the State.

Land in the rural areas and suburban areas, except otherwise provided for by the State, shall be collectively owned by farmers including land for building houses, land and hills allowed to be retained by farmers.

Article 9

Land owned by the State and land collectively owned by farmers may be allocated to be used by units or individuals according to law. Units or individuals using land shall be responsible for the protection, management and a rational use of the land.

Article 10

In lands collectively owned by farmers those have been allocated to villagers for collective ownership according to law shall be operated and managed by village collective economic organizations or villagers' committee and those have allocated to two or more farmers collective economic organizations of a village, shall be operated and managed jointly by the collective economic organizations of the village or villagers' groups; and those have allocated to township (town) farmer collectives shall be operated and managed by the rural collective economic organizations of the township (town).

Article 11

People's government at the county level shall register and put on record lands collectively owned by farmers and issue certificates to certify the ownership concerned.

People's government at the county level shall register and put on record the use of land collectively owned by farmers for non-agricultural construction and issue certificates to certify the right to use the land for construction purposes.

People's government at the country level shall register and put on record uses of land owned by the State by units or individuals and issue certificates to certify the right of use. The State Council shall designate specific units to register and put on record State-owned land used by central government organs.

Certifications of ownership or use right of wooded land and grassland and the uses or of water surface and beach land for breeding purpose shall be administrated according to relevant provisions of the Forest Law of the People's Republic of China, the Grassland Law of the People's Republic of China and the Fisheries Law of the People's Republic of China.

Article 12

Changes of owners and usages of land, shall go through the land alteration registration procedures.

Article 13

The ownership and use right of land registered according to law shall be protected by law and no unit or individual is eligible to infringe upon it.

Article 14

Land collectively owned by farmers shall be contracted out to run by members of the collective economic organizations for use in crop farming, forestry, animal husbandry and fisheries production under a term of 30 years. The contractees shall sign a contract with the correspondents' contractor to define each other's rights and obligations. Farmers who have contracted land for operation are obliged to use the land rationally according to the purposes agreed upon in the contracts. The right of land contractual operation by farmers shall be protected by law.

Within the validity term of a contract, the adjustment of land contracted by individual contractors shall get the consent from over two-thirds majority vote of the villagers' congress or over two-thirds of villagers' representatives and then be submitted to land administrative departments of the township (town) people's government and county level people's government for approval.

Article 15

Land owned by the State may be contracted out to run by units or individuals for farming, forestry, animal husbandry and fisheries. Land collectively owned by farmers may be contracted out to units or individuals who are not belonging to the corresponding collectives for farming, forestry, animal husbandry and fisheries operations. The contractees and contractors shall sign land use contracts to define each other's rights and obligations. The contracted term for operation is to be agreed upon in the land use contracts. Contractors for the land operation are obliged to protect and use the land rationally according to the usages stipulated in the contracts.

Whereas a land collectively owned by farmers is contracted out for operation to those not belonging to the corresponding collective organizations, a consent shall be got from the over two-thirds majority vote of the villagers' congress or over two-thirds of the villagers' representatives with the resulted contract being submitted to the township (town) people's government for approval.

Article 16

Disputes arising from the ownership or use right of land shall be settled through negotiation among parties concerned; If negotiation fails, the disputes shall be handled by people's governments.

Disputes among units shall be handled by the people's government above the county level; disputes among individuals or between individuals and units shall be handled by township level people's government or people's governments at the county level or above.

Whereas parties concerned refuse to accept the decisions by relevant people's government, the dispute may be brought before the people's court within 30 days after the notification on the decision is received.

No party shall change the status quo of the land before the disputes over ownership and use right are settled.

Chapter III General Plans for the Utilization of Land

Article 17

People's governments at all levels shall manage to draw up general plans for land uses in accordance with the national economic and social development program, requirements of national land consolidation and resources and environmental protection, land supply capacity and the requirements of various construction projects.

The validity term of the general plans for land use shall be determined by the State Council.

Article 18

General plans for land use at a lower level shall be compiled according to the general plans for the utilization of land at the next higher level.

The total amount of land for construction uses in the general plans of land use compiled by local people's governments at all levels shall not exceed the controlled targets set in the general plans for land use at the next higher level and the total amount of cultivated land shall not be lower than the controlled targets set in the general plans for land use at the next higher level.

In mapping out the general plans for land use, the provinces, autonomous regions and municipalities shall ensure that the total amount of cultivated land under their jurisdiction shall not be reduced.

Article 19

General plans for land use shall be mapped out according to the following principles:

1.

Strictly protect the basic farmland and control the occupation of agricultural land for nonagricultural purposes.

2.

Raise the utilization rate of land.

3.

Make an overall plan and arrangements about the use of land in various kinds and various areas.

4.

Protect and improve the ecological environment to ensure a sustainable use of land.

5.

Keep a balance between the occupied area of cultivated land and the developed and reclaimed area of cultivated land.

Article 20

General plans for land use at the county level shall define the areas and purposes of land use.

General plans for the land use at the township (town) level shall define the areas for the utilization of land and define the purpose of each tract of land according to the actual conditions for the use of land and make an announcement.

Article 21

General plans for land use shall implement graded examination and approval.

General plans for land use of provinces, autonomous regions and municipalities shall be approved by the State Council.

General plans for land of cities where the people's governments of province and autonomous regions and municipalities are seated and cities with a population of over one million and cities designated by the State Council shall be examined by the People's governments of relevant provinces and autonomous regions and municipalities and submit them to the State Council for approval.

General plans for land use other than those provided for in the second and third paragraphs of this article shall be submitted for approval step by step to the people's governments of provinces, autonomous regions and municipalities. General plans for land uses of townships (towns) may be approved by the people's governments of cities or autonomous prefectures authorized by the provincial level people's governments.

Once approved, the general plans for the land use shall be implemented strictly.

Article 22

The amount of land used for urban construction shall conform to the standards prescribed by the State so as to make full use of the existing land for construction purposes, not to occupy or occupy as less agricultural land as possible.

Urban general planning and the planning of villages and market towns shall be in line with the general plans for land use. The amount of land for construction use in the urban general planning and the planning of villages and market towns shall not exceed the amount of land used for construction purposes in cities, villages and market towns fixed in the general plans for the utilization of land.

The land for construction purposes in cities, villages and market towns within the planned areas of cities, villages and market towns shall conform to the city planning and the planning of villages and market towns.

Article 23

The plans for the comprehensive treatment, development and utilization of rivers and lakes shall be applied in accordance with the general plans for land use. Land uses within the areas of management and protection of rivers, lakes and reservoirs and flood storage and detention areas shall be in line with

plans for the comprehensive control, development and utilization of rivers and lakes and to the requirements of river channels, flood flows of rivers and lakes, flood storage and water transmission.

Article 24

People's governments at all levels shall strengthen the administration of plans for land use and exercise control of the aggregate land for construction purposes.

The annual plan for the land use shall be compiled in line with the national economic and social development program, the State industrial policies, general plans for land and the actual situation about the land for construction uses and the land utilization. The examination and approval procedures for the compilation of annual land use plans shall be the same as that for the general plans for land use. Once approved, they shall be implemented strictly.

Article 25

The people's governments of provinces, autonomous regions and municipalities shall report the implementations of their annual plans for the use of land to the people's congresses at the same level as part of the implementation of their economic and social development plans.

Article 26

Revision of the general plans for land use shall be approved by the original organ of approval. Without approval, the usages of land defined in the general plans for the utilization of land shall not be changed.

Whereas the purpose of land use defined in the general plans for the utilization of land needs to be changed due to the construction of large-scale energy, communications, water conservancy and other infrastructure projects approved by the State Council, it shall be changed according to the document of approval issued by the State Council.

If the purpose of land defined in the general plans for the utilization of land needs to be changed due to the construction of large-scale energy, communications, water conservancy and other infrastructure projects approved by provinces, autonomous regions and municipalities, it shall be changed according to the document of approval issued by the provincial level people's governments if it falls into their terms of reference.

Article 27

The State fosters land survey system.

The land administrative departments of the people's governments at and above the county level shall carry out land surveys together with relevant departments at the same level. Land owners or users shall provide good cooperation and necessary data and materials required.

Article 28

Land administrative departments of the people's government at and above the county level shall, together with relevant departments at the same level, grade the land according to the results of the surveys, their planned uses and the unified standards formulated by the State.

Article 29

The State establishes the land statistical system.

Land administrative departments of the people's governments at and above the county level shall, together with the statistical departments at the same level shall, formulate plans for statistical surveys and compile statistics about land according to law and regularly issue statistical data about the land. Land owners and users shall provide relevant materials and it is strictly forbidden to provide false and concealed materials or refuse to provide or delay the delivery of materials.

The statistical materials about the land areas issued by land administrative departments and statistical departments serve as the basis for people's governments at all levels in compiling the general plans for the utilization of land.

Article 30

The State shall establish the national land management information system to conduct dynamic monitoring of the utilization of land.

Chapter IV Protection of Cultivated Land

Article 31

The State protects the cultivated land and strictly controls the conversion of cultivated land into non-cultivated land.

The State fosters the system of compensations to cultivated land to be occupied. In the case of occupying cultivated land for non-agricultural construction, the units occupying the cultivated land shall be responsible for reclaiming the same amount of land in the same quality as occupied one according to the principle of reclaiming the same amount of land occupied. Whereas units, which occupy the cultivated land, are not available with conditions of reclamation of land or the land reclaimed is not up to requirements, the units concerned shall pay land reclamation fees prescribed by provinces, autonomous regions and municipalities for reclaiming land for cultivation the land reclaimed.

The people's governments of all provinces, autonomous regions and municipalities shall formulate plans for reclamation of cultivated land, see to it that units which occupy cultivated land shall reclaim land as planned or organize the land reclamation according to plan and examine and accept the land reclaimed.

Article 32

The local people's governments at and above the county level may demand units which occupy cultivated land to use the topsoil of the land occupied for use in the newly reclaimed land, poor land or other cultivated land for soil amelioration.

Article 33

People's governments of all provinces, autonomous regions and municipalities shall strictly implement the general plans for the utilization of land and annual plan for the use of land, adopt measures to ensure not to reduce the total amount of cultivated land within their jurisdictions. Whereas reductions occur, the State Council shall order it to organize land reclamation within the prescribed time limit to make up for the reduced land in the same quantity and quality and the land administrative department of the State Council shall, together with agricultural administrative department, examine and accept it. Whereas individual provinces and municipalities find it difficult to reclaim enough land to make up for the land occupied due to scarce reserve resources, the total amount of land due to be reclaimed in their own regions may be reduced with the approval of the State Council but the rest of land for reclamation shall be made up for elsewhere.

Article 34

The State fosters the basic farmland protection system. The following cultivated land shall be demarcated as basic farmland protection areas and subject to stringent control according to the general plans for the utilization of land:

1.

Cultivated land in the grain, cotton and oil-bearing crops production bases approved by the land administrative department of the State Council or the local people's governments at and above the county level;

2.

Cultivated land with good water conservancy and water and soil conservation facilities and medium- and low-yielding land where the execution of amelioration plan is in progress or medium- and low-yielding land that is transformable.

3.

Vegetable production bases;

4.

Experimental plots for research and teaching;

5.

Other cultivated land that shall be designated as basic farmland protection areas as provided for by the State Council.

Areas of basic farmland demarcated by various provinces, autonomous regions and municipalities shall make up over 80% of the cultivated land within their administrative areas.

Basic farmland protection areas shall be demarcated with township (town) as the unit and the protection of which shall be carried out by the land administrative departments of the county level people's governments together with agricultural administrative departments of the same level.

Article 35

People's governments at all levels shall take measures to maintain and protect irrigation and drainage facilities, ameliorate the soil to raise fertility and prevent desertification, salinization, water loss and soil erosion and pollution.

Article 36

Land shall be used sparingly for non-agricultural construction purposes. Whereas wasteland can be used, no cultivated land shall be occupied; whereas poor land can be used, no good land shall be occupied.

It is forbidden to build kilns, graves or houses on cultivated land or to dig sand, collect stones, do mining and carry soil away from cultivated land.

It is forbidden to occupy basic farmland to develop horticulture or dig ponds to breed fish.

Article 37

No unit or individual is allowed to let the land idle or go wasted. Whereas a cultivated land which has been occupied for non-agricultural construction upon approval and can sure start construction within one year is found cultivable and yieldable, it shall be cultivated by the unit or individual that originally cultivates the land or cultivated by units occupying the land. Whereas construction work fails to start for over one year, land idling fees shall be paid according to the provisions by various provinces, autonomous region and municipalities. Whereas construction work fails to start for two successive years, the people's governments at and above the county level shall revoke the use right of the land with the approval of the original organ of approval. Whereas the land used to be owned by farmer collectives, it shall be turned over to original rural collective economic organizations for recultivation.

Idle land that is laying within the urban plan areas and whose use right has been leased for real estate development shall be handled according to the Urban Property Administration Law of the People's Republic of China.

Whereas a unit or individual that has contracted for land operation has given up cultivation and allowed the land to go wasted for two successive years, the original contracting-out party shall terminate the contract and recover the land contracted out for cultivation.

Article 38

The State encourages development of unused land by units or individuals according to the general plans for the utilization of land and under the precondition of protecting and improving the ecological environment, preventing water loss, soil erosion and desertification.

Land suitable for agricultural use shall have the priority of developing into land for agricultural use.

The State protects the legitimate rights and interests of developers.

Article 39

Reclaiming unused land shall go through scientific argumentation and evaluation and can proceed according to law after approval within the reclaimable areas demarcated in the general plans for the utilization of land. It is forbidden to destroy forests and grassland in the process of land reclamation. It is forbidden to carry out landfill of lakes and occupy beachland of rivers.

Whereas reclamation of a land or rounding up of a land for reclamation would give harm to ecological environment the land concerned shall be restored as forests, pasture fields or lakes step by step and in a planned manner according to the general plans for the utilization of land.

Article 40

For developing waste hills, land or beachland whose use rights have not been ascertained for crop cultivation, forestry, animal husbandry or fisheries, the use rights may be given to developers or individuals for long-term use with the approval of the people's government at and above the county level according to law.

Article 41

The State encourages land consolidation. People's governments of counties and townships (towns) shall organize rural collective economic organizations to carry out comprehensive consolidation of fields, water surface, roads, woods and villages according to the

general plans for the utilization of land to raise the quality of cultivated land and increase areas for effective cultivation and improve the agricultural production conditions and ecological environment.

Local people's governments at all levels shall adopt measures to ameliorate medium-and low-yielding land and consolidate idle and scattered and abandoned land.

Article 42

Whereas land is damaged due to digging, cave-in and occupation, the units or individuals occupying the land shall be responsible for reclamation according to the relevant provisions of the State; for lack of ability of reclamation or for failure to meet the required reclamation, land reclamation fees shall be paid, for use in land reclamation. Land reclaimed shall be first used for agricultural purposes.

Chapter V Land for Construction Purposes

Article 43

Any unit or individual that need land for construction purposes shall apply for the use of land owned by the State according to law, except land owned by farmer collectives used by collective economic organizations for building township enterprises or building houses for villagers or land owned by farmer collectives approved according to law for use in building public facilities or public welfare facilities of townships (towns).

The term apply for the use of land owned by the State according to law used in the preceding paragraph refers to land owned by the State and also land originally owned by farmer collectives but having been expropriated by the State.

Article 44

Whereas occupation of land for construction purposes involves the conversion of agricultural land into land for construction purposes, the examination and approval procedures in this regard shall be required.

For projects of roads, pipelines and large infrastructure approved by the people's governments of provinces, autonomous regions and municipalities, land for construction has to be approved by the State Council whereas conversion of agricultural land is involved.

Whereas agricultural land is converted into construction purposes as part of the efforts to implement the general plans for the utilization of land within the amount of land used for construction purposes as defined in the general plans for cities, villages and market towns, it shall be approved batch by batch according to the annual plan for the use of land by the organs that approved the original general plans for the utilization of land. The specific projects within the scope of land approved for conversion shall be approved by the people's governments of cities or counties.

Land to be occupied for construction purposes other than those provided for in the second and third paragraphs of this article shall be approved by the people's governments of provinces, autonomous region and municipalities whereas conversion of agricultural land into construction land is involved.

Article 45

The expropriation of the following land shall be approved by the State Council:

1.

Basic farmland;

2.

Land exceeding 35 hectares outside the basic farmland;

3.

Other land exceeding 70 hectares.

Expropriation of land other than prescribed in the preceding paragraph shall be approved by the people's governments of provinces, autonomous regions and municipalities and submitted to the State Council for the record.

Expropriation of agricultural land shall first of all go through the examination and approval procedure for converting agricultural land into land for construction purposes according to the provisions of Article 44 of this law. Whereas conversion of land is approved by the State Council, the land expropriation examination and approval procedures shall be completed concurrently with the procedures for converting agricultural land to construction uses and no separate procedures are required. Whereas the conversion of land is approved by people's governments of provinces, autonomous regions and municipalities within their terms of reference, land expropriation examination and approval procedures shall be completed at the same time and no separate procedures are required. Whereas the terms of reference has been exceeded, separate land expropriation examination and approval procedures shall be completed according to the provisions of the first paragraph of this article.

Article 46

For expropriation of land by the State the local people's governments at and above the county level shall make an announcement and organize the implementation after the approval according to the legal procedures.

Owners or users of the land expropriated shall, within the time limit specified in the announcement, go through the compensation registration for expropriated land with the land administrative departments of the local people's governments on the strength of the land certificate.

Article 47

In expropriating land, compensation shall be made according to the original purposes of the land expropriated.

Compensation fees for land expropriated include land compensation fees, resettlement fees and compensation for attachments to or green crops on the land. The land compensation fees shall be 6-10 times the average output value of the three years preceding the expropriation of the cultivated land. The resettlement fee shall be calculated according to the number of agricultural population to be resettled. The number of agricultural population to be resettled shall be calculated by dividing the amount of cultivated land expropriated by the per capital land occupied of the unit whose land is expropriated. The resettlement fees for each agricultural person to be resettled shall be 4-6 times the average annual output value of the three years preceding the expropriation of the cultivated land. But the maximum resettlement fee per hectare of land expropriated shall not exceed 15 times of the average annual output value of the three years prior to the expropriation.

The standards for land compensation and resettlement fees for land expropriated shall be determined by various provinces, autonomous regions and municipalities in reference to the land compensation fees and resettlement fees for cultivated land expropriated.

The standards for compensating for ground attachments and green crops on the land expropriated shall be determined by various provinces, autonomous regions and municipalities.

In expropriating vegetable fields in suburban areas, the units using the land shall pay new vegetable field development and construction fund.

Whereas the land compensation fees and resettlement fees paid according to the provisions of the second paragraph of this article are not enough to maintain the original level of living, the resettlement fees may be increased with the approval of the people's governments of provinces, autonomous regions and municipalities. But the combined total of land compensation fees and resettlement fees shall not exceed 30 times the average output value of the three years prior to the expropriation.

In special circumstances, the State Council may raise the standards for land compensation and resettlement fees for land expropriated according to the social and economic development level.

Article 48

After the plan for land compensation and resettlement fees is finalized, relevant local people's governments shall make an announcement and hear the opinions of the rural collective economic organizations and farmers whose land has been expropriated.

Article 49

Rural collective economic organizations shall make public to its members the receipts and expenditures of the land compensation fees for land expropriated and accept their supervision.

It is forbidden to embezzle or divert the land compensation fees and other relevant expenses.

Article 50

Local people's governments at all levels shall support rural collective economic organizations and farmers in their efforts toward development and operations or in starting up enterprises.

Article 51

The standards for land compensation and method of resettlement for land expropriated for building large and medium-sized water conservancy projects and hydroelectric power projects shall be determined separately by the State Council.

Article 52

In the process of the feasibility study for construction projects, land administrative departments may examine the relevant matters concerning the land for construction purposes and put forward their proposals according to the general plans for the utilization of land, the annual plan for the use of land and standards for land used for construction purposes.

Article 53

Whereas a construction project approved needs land owned by the State for construction purposes, the construction unit shall file an application with land administrative department of the people's government at and above the county level with the power of approval on the strength of relevant documents required by law and administrative decrees. The land administrative department shall examine the application and submit it to the people's government at the same level for approval.

Article 54

A paid leasing shall be go through in use of land owned by the State by a construction unit. But the following land may be obtained through government allocation with the approval of the people's governments at and above the county level according to law:

1.

Land for use by government organs and for military use;

2.

Land for building urban infrastructure and for public welfare undertakings;

3.

Land for building energy, communications and water conservancy and other infrastructure projects supported by the State.

4.

Other land as provided for by the law and administrative decrees.

Article 55

Construction units that have obtained State-owned land by paid leasing can use the land only after paying the land use right leasing fees and other fees and expenses according to the standards and ways prescribed by the State Council.

Starting from the date when this law comes into effect, 30% of the land compensation fees for new construction land shall be handed over to the central finance, with the rest 70% to be retained by relevant local people's governments, for the development of land for cultivation.

Article 56

In using State-owned land, construction units shall use the land according to the provisions of the contract for compensated use of leased land use right or according to the provisions of the documents of approval concerning the allocation of land use right. The change of the land to construction purposes shall get the consent from the land administrative departments of the relevant people's governments and be submitted to the people's governments that originally give the approval for the use of land. In changing the purpose of land within the urban planned areas, the consent shall be obtained from the relevant urban planning administrative departments before submission for approval.

Article 57

In the case of temporary using State-owned land or land owned by farmer collectives by construction projects or geological survey teams, approval shall be obtained from the land administrative departments of local people's governments at and above the county level. Whereas the land to be temporarily used is within the urban planned areas, the consent of the urban planning departments shall be obtained before being submitted for approval. Land users shall sign contracts for temporary use of land with relevant land administrative departments or rural collective organizations or villagers committees depending on the ownership of the land and pay land compensation fees for the temporary use of the land according to the standard specified in the contracts.

Users who use the land temporarily shall use the land according to the purposes agreed upon in the contract for the temporary use of land and shall not build permanent structures.

The term for the temporary use of land shall not usually exceed two years.

Article 58

In one of the following cases, the land administrative departments of relevant people's governments shall recover the land use right of State-owned land with the approval of the people's governments that originally gives the approval or the people's governments with the power of approval:

1.

Use land for the sake of public interests;

2.

Use land for adjustment in re-building old city districts in order to implement urban construction plans;

3.

When the term for the land use right expires according to what is agreed upon in the contract for compensated use of land, the land user has failed to apply for extension or failed to get approval for extension;

4.

The use of land originally allocated has been stopped due to cancellation or removal of units;

5.

Roads, railways, airports and mining sites that have been approved to be abandoned.

Proper compensation shall be given to land use right users whereas the use right of State-owned land is recovered according to the provisions of 1 and 2 of the preceding paragraph.

Article 59

Construction of township enterprises, public facilities and public welfare undertakings of townships (towns) and rural villagers' houses shall be rationally laid out according to the village or market town plans according to a comprehensive development plan, with good supporting facilities. Land used for construction purposes shall conform to the general plans for the utilization of land of townships (towns) and their annual plan for the use of land and the examination and approval procedures shall be completed according to the provisions of Article 44 , Article 60 , Article 61 and Article 62 of this law.

Article 60

In using the land for construction purposes defined in the general plan for the utilization of land of townships (towns) to start up enterprises or joint ventures together with other units or individuals by way of using land use right as shares, the rural collective economic organization shall file an application with land administrative departments of the local people's governments at and above the county level on the strength of documents of approval. The applications shall be approved by the local people's governments at and above the country according to the terms of reference provided for by various provinces, autonomous regions and municipalities whereas the use of land involving the occupation of agricultural land, the examination and approval procedures provided for in Article 44 of this law shall be followed.

Land for construction purposes in starting enterprises provided for in the preceding paragraph shall be put under strict control. Provinces, autonomous regions and municipalities shall determine the standards for land use according to different trades and scale of operation of township enterprises.

Article 61

In using land for building public facilities and public welfare facilities, townships (towns) shall file an application with land administrative departments of local people's governments at and above the county level after being examined by the township (town) people's governments at and the application

shall be approved by the local people's governments at and above the county level according to the term of reference provided for by provinces, autonomous regions and municipalities. Where occupation of agricultural land is involved, the examination and approval procedures provided for in Article 44 of this law are required.

Article 62

One rural household can own one piece of land for building house, with the area not exceeding the standards provided for by provinces, autonomous regions and municipalities.

Construction of rural houses shall conform to the general plans for the utilization of land of townships (towns) and the original land occupied by houses and open spaces of villages shall be used as much as possible for building houses.

The use of land for building houses shall be examined by the township (town) people's governments and approved by the county people's governments. Whereas occupation of agricultural land is involved the examination and approval procedure provided for in Article 44 of this law is required.

The application for housing land after selling or leasing houses shall not be approved.

Article 63

The land use right of farmer collectives shall not be leased, transferred or rented for non-agricultural construction, except in the case of legal transfer of the land that conforms to the general plan for the utilization of land and legally obtained by enterprises due to bankruptcy or acquisition.

Article 64

Buildings or structures put up before the general plan for the utilization of land and unconformable to the general plans are not allowed to be rebuilt or expanded.

Article 65

In one of the following cases, the rural collective economic organizations may recover the land use right with the approval of the people's government that gives the approval for the use of land:

1.

Land needed for building public facilities and public welfare undertakings of townships (towns) and villages;

2.

Land not used according to the purposes approved;

3.

Land not used any more due to cancellation or removal of the original units.

Proper compensation shall be given to land users in the case of recovering the land owned by farmer collectives provided for in item 1 of the preceding paragraph.

Chapter VI Supervision and Examination

Article 66

Land administrative departments of the people's governments at and above the county level shall exercise supervision and examination on violations to the land administrative law and administrative decrees.

Supervising personnel in such a regard shall be well acknowledged with the land administrative law and decrees, loyal to their duties and justice in enforcement of the law.

Article 67

In performing their supervising and examination duties, the land administrative departments of the people's governments at and above the county level have the right to adopt the following measures:

1.

Demand for documents and materials concerning land-use rights from units or individuals for examination, review or copying.

2.

Demand explanations from units or individuals concerned in regard to land-use rights;

3.

Enter into land illegally occupied by units or individuals under examination to carry out on-the-spot surveys, and

4.

Command units or individuals that have occupied land illegally to stop their acts of violating the land administrative law and decrees.

Article 68

In performing their duties, whereas there is the need to carry out on-the-spot survey or demand units or individuals concerned to present documents and materials or explanations, supervising personnel shall present certificates of land supervision and examination.

Article 69

Units or individuals concerned shall provide active support and cooperation to land administrative departments of the people's governments at and above the county level in their supervision and examination of violations to land administration and provide all the conveniences to facilitate but not in any way refuse or obstruct their work in such a regard.

Article 70

Whereas land administrative departments of the people's governments at and above the county level have found government functionaries to have committed violations during their supervision and examination, they shall give them administrative punishments whereas the punishments are due. Whereas they do not have the right to handle the cases, they shall put forward proposals for administrative punishments to the administrative supervision organs at the same level or at a higher level. The relevant administrative supervision departments shall mete out punishments according to law.

Article 71

Whereas the land administrative departments of the people's governments at and above the county level have found violations to have constitute a crime in their supervision and examination, they shall hand over the case to relevant government organs to affix criminal responsibilities. Whereas the case cannot constitute a crime, administrative punishments shall be meted out.

Article 72

Whereas relevant land administrative departments have failed to give administrative punishments due, the land administrative departments of the people's governments at a higher level have the right to command the land administrative departments to take punishment decisions or give administrative punishments directly and give administrative punishments to the person responsible of the relevant land administrative departments.

Chapter VII Legal Responsibilities

Article 73

For illegal transfer of land through trade or other forms, land administrative departments of the people's governments at and above the county level shall confiscate the proceeds from the transfer. For converting agricultural land into land for construction uses in violations to the provisions of the general plans for the utilization of land, an order shall be given to dismantle the new buildings or other facilities illegally built on the land illegally transferred for restoration of the land to the original state, and whereas in such cases no violation to the general plan for the utilization of land, the new building and other facilities on the land illegally transferred shall be confiscated and a fine may be imposed. Administrative punishments shall be given to persons in charge and persons directly responsible and whereas the case constitutes a crime, criminal responsibilities shall be affixed.

Article 74

Occupying cultivated land to build kilns or graves or build houses, dig sand, collect stones, do mining or collect soil from the cultivated land without authorization, thus damaging the conditions for growing crops or causing desertification and salinization due to land development in violation of this law, the land administrative departments of the people's governments at and above the county level shall order correction or improvement within a prescribed time limit and concurrently impose a fine. Whereas the case constitute a crime, criminal responsibility shall be affixed.

Article 75

Refusing to perform land reclamation obligations in violation of this law, the land administrative departments of the people's governments at and above the county level shall order correction within a prescribed time limit. Whereas no correction is made within the time limit, a payment of land reclamation fees specially used for land reclamation by the violator shall be ordered and a fine may be imposed concurrently.

Article 76

Occupying land without approval or by deception, the land administrative departments of the people's governments at and above the county level shall order to return the land illegally occupied; turning to agricultural land into land for construction uses without authorization in violation of the general plans for the utilization of land, dismantling of the new buildings and other structures on the land illegally occupied within a prescribed time limit shall be ordered and whereas the act has not violated the general plans for the utilization of land, the new buildings and structure concerned shall be confiscated and a fine may be imposed concurrently. Persons in charge of the unit that occupies land illegally and the people directly responsible shall be given administrative punishments and whereas the case constitutes a crime, criminal responsibility shall be affixed. For an occupation of land in excess of the approved amount, part in excess shall be regarded as land illegally occupied.

Article 77

Occupying land by rural villagers for building houses without approval or by deception shall be ordered a return of the land illegally occupied and dismantle the new houses built on the land illegally occupied by land administrative departments of the people's governments at and above the county level.

For occupation of land in excess of the standards prescribed by the provinces, autonomous regions and municipalities, the land in excess of the standards shall be regarded as having been illegally occupied.

Article 78

Approving the occupation of land without the power of approval, beyond the term of reference, or not according to the purposes defined in the general plans for the utilization of land or approving the occupation or expropriating of land in violation of the legal procedures, the documents of approval shall be invalid and the persons in charge and personnel directly responsible for illegal expropriation or use of land shall be given administrative punishments. Whereas the case constitutes a crime, criminal responsibilities shall be affixed. The land illegally approved and used shall be recovered. Whereas parties concerned refuse to return, the case shall be regarded as illegal occupation of land.

Whereas illegal expropriation and use of land have caused damages to parties concerned, the party responsible shall bear the responsibilities of compensation according to law.

Article 79

Embezzling or diverting the use of land compensation fees and other relevant expenses of the units whose land is expropriated, criminal responsibilities shall be affixed whereas the case constitutes the crime and administrative punishments shall be meted out whereas the case is not serious enough to constitute a crime.

Article 80

A refusal to return of land use right upon a legal recovering of the land or an expiration of temporary land use term or State-owned land is used not according to the purposes approved, the land administrative departments of the people's governments at and above the county level shall order the return of the land and impose a fine.

Article 81

Leasing, transferring or renting the use right of land owned by farmer collectives for non-agricultural construction uses, the land administrative departments of the people's governments at and above the county level shall order correction within a prescribed time limit, confiscate the proceeds concerned and impose a fine.

Article 82

Refusing to go through the land alteration registration according to the provisions of this law, the land administrative departments of the people's governments at and above the county level shall order the parties concerned to go through the procedure within a prescribed time limit.

Article 83

Whereas orders have been issued to dismantle the new buildings and other facilities on the land illegally occupied within a prescribed time limit according to the provisions of this law, the construction unit or individual shall stop operation immediately and dismantle them by themselves. Whereas the operation continues, the organ which decided for the punishment decisions has the right to stop it. Whereas a construction unit or individual refuse to accept the administrative punishment decisions on dismantling the buildings and other facilities, it may bring the case before the people's court within 15 days starting from the day when the decision is received. Whereas a unit or individual fails to put the case in proceeding when the time limit expires and yet refuses to do the dismantling, the organ making the punishment decision shall apply for compulsory exercise with the people's court and the cost arising therefrom shall be borne by the law violator.

Article 84

Dereliction of duty, abuse of power for personal gains and practise favouritism by personnel of the land administrative departments shall be affixed of criminal punishments according to criminal law whereas the case is serious enough to constitute a crime or imposed of administrative punishments whereas the case is not serious enough to constitute a crime.

Chapter VIII Supplementary Provisions

Article 85

This law applies to the use of land by Sino-foreign joint equity and cooperative ventures, and wholly foreign-owned enterprises. Whereas there are separate provisions by law, those provisions shall prevail.

Article 86

The law shall come into force starting from January 1, 1999. Appendix: Relevant articles in the Criminal Law

Article 228 Illegal transfer or trade of land use right for personal gains in violation of the land administrative law and regulations shall be sentenced to a prison term of less than three years or to forced labor, with a concurrent fine amounting to more than 5% and less than 20% of the proceeds from the illegal transfer or trading whereas the case is serious enough, and whereas the case is very serious, it shall be sentenced to a prison term ranging from more than three years to less than seven years, with a fine ranging from more than 5% to less than 20% of the proceeds from the illegal transfer or trading of the land use right.

Article 342 Illegal turning of cultivated land occupied into other uses in a big amount to cause damages to large tracts of cultivated land in violation of the land administrative law and regulations, a punishment of from less than five years' in prison or forced labor shall be given, together with a fine concurrently or separately.

Article 410 Whereas government functionaries are found to have committed deception or forgery for personal gains in violation of the land administrative law and regulations or have abused their power to illegally approve the requisition of land or under-sell the use right of State-owned land and the cases are serious, a punishment of less than three years in prison or forced labor shall be given; whereas the cases have caused very big losses to the State or collectives, a prison term ranging from more than three years to less than seven years shall be meted out.

Standing Committee of the National People's Congress 2004-08-28