Decision of the Standing Committee of the National People's Congress on Amending the Land Administration Law of the People's Republic of China and the Urban Real Estate Administration Law of the People's Republic of China

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(Adopted at the 12th meeting of the Standing Committee of the Thirteenth National People's Congress on August 26, 2019)

The 12th meeting of the Standing Committee of the Thirteenth National People's Congress decided:

1. Amendments to the Land Administration Law of the People's Republic of China

(1) Add an article as follows to the "Introduction authorized by the State Council shall supervise the land use and land administration of the implementation of projects, autonomous regions and municipalities directly under the Central Government and the municipal people's governments determined by the State Council."

(2) Merge Articles 11, 12 and 13 in Article 32 and amend them to read: "The registration of the ownership and use rights of land shall be carried out in accordance with the laws and administrative regulations on the registration of immovable property.

"The ownership and use rights of land registered in accordance with the law shall be protected by law, and no one or individual shall infringe upon it."

(3) Merge Articles 14 and 15 in Article 33 and amend it to read: "The collected land shall be used, peasland and other land used for agriculture according to law owned by peasants collectively owned by peasants according to law shall be contracted by family contracting within rural collective economic organizations, and it is not appropriate to adopt families. Business divisions, farms, farm bases, farm houses, etc. may be constructed by building, auction, public consultation and other means to engage in planting, forestry, animal husbandry and fishery production. The contract period of collectively owned land contracted by the family shall be 30 years, the contract period of peasland is 70 to 30 years, and the contract period of farm land is 20 to 70 years. After the expiration of the contract period of collectively owned land, the contract period shall be extended." Forum, and after the expiration of the contract period of peasland and farm land, it shall be extended accordingly according to law.

"The land owned by the state for agriculture according to law may be contracted by units or individuals to engage in planting, forestry, animal husbandry and fishery production.

"The contracted land management shall conclude a contract in accordance with the law, stipulating the rights and obligations of both parties. Units and individuals contracting to manage land have the obligation to protect and make rational use of land in accordance with the patterns agreed in the contract.

(4) Replace Article 19 with Article 21 and revise it to read: "The general plan for the use of land shall be formulated in accordance with the following principles:

"(I) Implement the requirements for land and space development and protection, and strictly control land use control;

"(II) Strictly protect permanent basic farmland and strictly control agricultural land occupied by non-agricultural construction;

"(III) Improve the level of land conservation and intensive utilization;

"(IV) Make overall arrangements for urban and rural production, life and ecological land, meet the reasonable needs of rural industrial and infrastructure land, and promote the integrated development of urban and rural areas;

"(V) Protect and improve the ecological environment and ensure the sustainable use of land;

"(VI) The quantity and quality of collectively owned land occupied and development and substitution are equal."

(5) Add an article as follows: "The state shall establish a land and space planning system. The preparation of land and space plans should adhere to ecological priority, green and sustainable development, scientificity and orderly arrangement, adjustment, adhere and other functional spaces, optimize the structure, and ensure the overall efficiency and quality of land and space development and protection.

"Land and space planning refers to the arrangements made by the state in the basic basic for all kinds of development, protection and construction activities. If the land and space plan has been compiled, the overall land use plan and the urban and rural planning will no longer be compiled.

(6) Amend Article 20 to Article 23 to read and amend the second paragraph to read: "The annual plan for the use of land shall be formulated in accordance with the national economic and social development plan, the national industrial policy, the general plan for the use of land, and the overall control indicators of construction land and use." The annual plan for the use of land shall make reasonable arrangements for the collectively operated construction land stipulated in Article 63 of this Law. The examination and approval procedures for the implementation of the annual plan for the collection of land on the state-owned land and the preparation of the annual plan for the use of land are. Once approved and issued, they must be strictly implemented.

(7) Amend Article 25 to Article 28 and amend paragraph 2 to read: "Land for national institutions and component national secretariats departments of the people's governments at or above the county level shall conduct land statistical investigations in accordance with the law and regularly publish the statistical results. Landowners or users shall provide relevant materials, shall not refuse to report or delay, and shall not provide untrue or incomplete information.

"The land use status statistics jointly issued by statistical agencies and natural resources departments on the basis for people's governments at all levels to compile annual plans for land use."

(8) Amend Article 35 to Article 38 and amend it to read: "The people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall strictly implement the overall plan for the use of land and strictly control the use of the use of land, and take measures to ensure that the total amount and quality of collectively owned land in their respective administrative areas are not reduced." If the total amount of collectively owned land is reduced, the State Council shall order the competent departments to make up for the reclamation of collectively owned agriculture to the quantity and quality of the reduced collectively owned land within the specified time limit. If the quality of collectively owned land is reduced, the State Council shall order the relevant departments to make up for the lost. The newly reclaimed or renovated collectively owned land should be checked and accepted by the competent department of national resources under the State Council in conjunction with the competent departments of agriculture and rural areas.

"If the amount of newly reclaimed collectively owned land required is not enough due to the lack of land reserve resources in some provinces and municipalities directly under the Central Government, After adding new construction land, the amount of newly reclaimed collectively owned land is not enough to compensate for the amount of collectively owned occupied, it must be reported to the State Council for approval to ensure the amount of collectively owned in their respective administrative areas and the amount of collectively owned with equivalent quality."

(9) Replace the first and second paragraphs of Article 36 with Article 39 and amend it to read: "The state implements a permanent basic farmland protection system. The following collectively owned land shall be classified as permanent basic farmland in accordance with the general plan for the utilization of land and shall be strictly protected:

"(I) Collectively owned land in the production bases of grain, cotton, oil, sugar and other important agricultural products approved by the competent agricultural department of the State Council or the local people's government at or above the county level;

"(2) Collected land with good water conservancy and soil and water conservation facilities, and the transformation plan is being implemented as well as medium and low yield fields and high-standard farmland;

"(3) Vegetable production base;

"(4) Agricultural scientific research and teaching experimental fields;

"(5) Other land owned by the state should be classified as permanent basic farmland explained by the State Council.

"The permanent basic farmland determined by all provinces, autonomous regions and municipalities directly under the Central Government shall ensure that it is not less than 80% of the collectively owned land in their respective administrative areas. The specific proportion shall be implemented by the State Council in accordance with the actual situation of collectively owned land in all provinces, autonomous regions and municipalities directly under the Central Government.

"(10) Change the third paragraph of Article 39 to Article 24 and amend it to read: "The demarcation of permanent basic farmland shall be carried out in township (town), which shall be organized and implemented by the competent natural resources departments of the people's governments at the county level in conjunction with the competent agricultural departments at the same level. Permanent basic farmland should be implemented into the plan and strictly managed by the national permanent basic farmland database.

"The people's government of township (town) shall announce the location and scope of permanent basic farmland to the public and set up protection signs."

(11) Add an article as follows: "To ensure the demarcation of permanent basic farmland according to law, no units or individuals may occupy or change its use without authorization. It is indeed difficult to avoid permanent basic farmland in the selection of construction projects such as national roads, transportation, water conservancy and electric facilities. If the construction of agricultural land is used (representation is revised), it must be approved by the State Council.

"It is forbidden to circumvent the conversion of permanent basic farmland agricultural land or land expropriation by adjusting the general plan for the use of land at the county level and the general plan for the use of land at the township (town) without authorization."

(12) Replace Articles 43 with Article 26 and amend it to read: "Peasle's governments at all levels shall take measures to pack crop failure forecasting and early warning, collect and, improve land strength, increase drainage and irrigation engineering facilities, and prevent land desertification, salinization, soil erosion and soil pollution."

(13) Replace Article 47 with Article 28 and delete paragraph 3.

(14) Delete Article 43.

(15) Amend the second, third and fourth paragraphs of Article 44 to read: "If permanent basic farmland is converted to construction land, it shall be approved by the State Council.

"If agricultural land other than permanent basic farmland is converted into construction land for the purpose of implementation of the general plan for the construction of land within the scale of construction land in cities, villages and market towns determined in the general plan for the utilization of land shall be subject to the approval of the relevant people's government at the provincial level and shall be implemented by the local people's government at the county level.

"If agricultural land other than permanent basic farmland is converted into construction land within the scope of construction land in cities, villages and market towns determined in the general plan for the utilization of land, the State Council or the people's governments of provinces, autonomous regions and municipalities directly under the Central Government authorized by the State Council shall be approved."

(16) Add an article as follows: "For the needs of the public interest, if it is really necessary to expropriate land collectively owned by peasants under any of the following circumstances, it may be expropriated according to law:

"(1) Land required by military and diplomacy;

"(2) Land needed for the construction of energy, transportation, water conservancy, communications, postal services and other infrastructure organized and implemented by the government;

"(3) Land needed for public welfare such as science and technology, education, culture, health, sports, ecological environment and resource protection, disaster prevention and mitigation, cultural relics protection, comprehensive development, social welfare, municipal utilities, professional care and nursing, and tourism; market protection, etc. organized and implemented by the government;

"(4) Land needed for the construction of poverty alleviation, relocation and affordable housing projects organized and implemented by the government;

"(5) Other circumstances in which land collectively owned by farmers can be expropriated for the public interest.

"The construction activities regulated in the preceding paragraph shall be in accordance with the national economic and social development plan, the general plan for land use, urban and rural planning and special plans; the construction activities stipulated in items (4) and (5) shall also be included in the annual national economic and social development plan; the implementation development stipulated in item (3) shall also conform to it is in line with the standards set by the competent department of natural resources under the State Council.

(17) Replace Article 45 with Article 46 delete the words "and exports to the state Council for the record" in the second paragraph.

(18) Merge Articles 46 and 48 in Article 47 and amend it to read: "If the state expropriate land, after approval in accordance with land procedures, it shall be announced and implemented by the local people's government at or above the county level.

"For a local people's government at or above the county level intends to apply for land expropriation, it shall conduct an investigation into the current situation of the land to be expropriated and, it will prepare a land expropriation plan, which shall include the reasons for the expropriation, the current situation of the land, the purpose of expropriation, the compensation standards, the resettlement method and social security, and the opinions of the township (town) and village and village groups where the land is to be expropriated. At least 30 days, listen to the opinions of the requisitioned rural collective economic organizations and their members, villagers' committees and other stakeholders.

"More members of rural collective economic organizations who have been requisitioned believe that the compensation and resettlement plan for land expropriation does not comply with the provisions of laws and regulations, the local people's government at or above the county level shall organize hearings and hold hearings and use the opinion of the relevant departments of the land expropriation and hearings.

"The owner and user rights holder of the land to be expropriated shall, within the time limit specified in the announcement, hereby compensation registration with the certificate materials of real estate ownership. Local people's governments at or above the county level shall organize relevant departments to calculate and implement relevant fees. If the amount to be paid, and the agreement with the owners and users of the land to be expropriated or compensation, resettlement, etc. If it is really difficult to reach an agreement, the land could be compulsorily carried out according to law.

"Only after the completion of the relevant preliminary work, the local people's government at or above the county level can apply for land expropriation."

(19) Replace Articles 47 with Article 48 and amend it to read: "The expropriation of land shall be given priority to land and resettlement compensation to ensure that the original living standards of the requisitioned farmers will not be reduced and their long-term livelihoods will be guaranteed.

"The expropriation of land shall pay in full and in accordance with the law, in full and in the land compensation expenses for rural collegal" endowment, other attachments on the ground and green seedlings, and the social security expenses of the land requisitioned farmers shall be arranged.

"The standards for collecting land compensation fees and resettlement subsidies for agricultural land shall be determined by provinces, autonomous regions and municipalities directly under the Central Government based on the formulation of compensation land prices in annual areas. The formulation of compensation land prices shall comprehensively take into account factors such as the original use of land land recovery conditions, land output value, land market trends, land development costs, land supply and demand, economic and social development level, and shall be adjusted in or announced at least every three years.

"Compensation standards for resettlement of land other than agricultural land, resettlement and green seedlings and other supplies shall be formulated by provinces, autonomous regions and municipalities directly under the Central Government. The rural villages' collectives shall be compensated in accordance with the provisions of laws and regulations on the compensation for land expropriation and conditions, respect the wishes of rural villagers, provide fair and reasonable compensation by transparency homework, providing resettlement houses or resettlement compensation, and make up for the expenses of production and living expenses of farmers affected by expropriation. Compensation to protect the rights of rural villagers to live and the legitimate rights and interests of housing property.

"Local people's government at or above the county level should organize relevant departments to implement social security measures such as pensions. The social security expenses of land requisitioned farmers are mainly used for social insurance contributions such as endowment insurance for eligible land requisitioned farmers. Measures for the collection, management and use of social security expenses for requisitioned farmers shall be formulated by provinces, autonomous regions and municipalities directly under the Central Government.

(20) Amend the second paragraph of Article 53 to read: "From the date of the entry into force of this Law, 30% of the paid vouchers for the land added construction land shall be paid to the central treasury and 70% shall be reserved for the relevant local people's governments. The specific administrative measures for the use shall be formulated by the relevant departments of the State Council in conjunction with relevant departments and submitted to the State Council for approval.

(21) Amend Article 58 to read: "In the following circumstances, the competent department of natural resources of the relevant people's government may withdraw the right to the use of state-owned land by the people's government that originally approved the use of land or the people's government with the right of approval:

"(I) It is really necessary to use land for the reconstruction of old urban areas and other public interests for the implementation of urban planning;

"(2) When the term of use agreed in the paid use contract such as land transfer expires, the land user has not applied for renewal or the application for renewal has not been approved;

"(3) Stop using the temporarily allocated state-owned land due to the cancellation, relocation and other reasons of the units;

"(4) Highways, railways, airports, mines, etc. have been approved for scrapping.

"If the right to the use of the state-owned land is recovered in accordance with the provisions of subparagraph (1) of the preceding paragraph, appropriate compensation shall be given to the person who has the right to the use of land.

(22) Amend the second, third and fourth paragraphs of Article 63 to read: "In areas where urban and rural plans and cannot guarantee that a household owns a homestead, the people's government at the county level, on the basis of fully respecting the wishes of rural villagers, can allocate rural collective economic organizations in accordance with the standard, rules, administrative measures and municipalities directly under the Central Government. The people realize that the household has a place to live.

"The construction of homes for rural villagers and residents in the general plan for the use of land of rural villages in township (town), shall not occupy permanent basic farmland, and use the original homestead and vacant land in villages to meet as possible. The overall land use control indicators of township (town) shall coordinate and reasonably arrange the land for homesteads to improve the living environment and conditions of rural villages.

"The residential land for rural villages shall be examined and approved by the township (town) people's government, among them, if the occupation of agricultural land is involved, the examination and approval procedures shall be carried out in accordance with the provisions of Article 44 of this Law.

"If rural villagers apply for homestead after selling, renting or giving away residence, they will not be approved.

"The state allows rural villagers who are able to strive to voluntarily withdraw from homestead with compensation in accordance with the law, and encourage rural collective economic organizations and their members to revitalize the use of idle homestead and idle houses.

"The compensation agricultural and rural department of the State Council is responsible for the reform and management of rural homestead across the country."

(23) Amend Article 63 to read: "The land for collectively operated construction used for industrial, commercial and other commercial purposes determined in the general plan for the utilization of land and other rural areas, and operated according to law, the landowners can be handed over to units or individuals for use by means of cooperation and lease, and shall sign written contracts. It shall state the land boundary, use, area, construction period, use period, land use, planning conditions and other rights and obligations of both parties.

"The transfer or lease of collectively operated construction land specified in the preceding paragraph shall be subject to the consent of more than two-thirds of the members of the villagers' meeting or more than two-thirds of the villagers' representatives to the members of the collective economic organization.

"The right to the use of collectively operated construction land obtained through transfer or other means may be transferred, exchanged, capital contribution, donated or mortgaged, unless otherwise stipulated by laws and administrative regulations or otherwise agreed in the written contract signed by the land owner and the right holder or the use of the land.

"The lease of collectively operated construction land, the transfer of the right to the use of collective construction land and to mortgage, capital, exchange, capital contribution, gift, mortgage, etc. shall be carried out with reference to state-owned construction land for the same purpose. The specific measures shall be formulated by the State Council.

(24) Add an article as follows: "Units of land for collective construction shall use land in strict accordance with the purposes defined in the general plan for the utilization of land and other rural areas.

(25) Replace Articles 65 with Article 66 and add a paragraph as the third paragraph: "The recovery of the rights to the use of collectively operated construction land shall be handled in accordance with the written contract signed by both parties, unless otherwise stipulated by laws and administrative regulations."

(26) Replace Article 66 with Article 67 and add a paragraph as the second paragraph: "If the competent agricultural and rural departments of the people's governments at or above the county level supervise and violate laws and regulations on the management of rural homesteads, the provisions of the law or the supervision and inspection of the competent departments of natural resources shall apply."

(27) Amend Article 70 to Article 71 to read and amend it to read: "If the competent department of natural resources of the people's government at or above the county level finds illegal acts committed by state functionaries in violation of laws and regulations in the land, it should be punished according to law, it shall deal with it according to law; if it does not have the right to deal with it, it shall be transferred to the supervisory organ or The relevant competent department of the supervisory organ.

(28) Amend Article 74 to Article 75, and amend the "land administrative department" in "the competent department of natural resources; the competent department of agriculture and rural areas, etc. according to their duties".

(29) Change Article 77 to Article 78, and amend the "land administrative department" as "agricultural and rural competent department".

(30) Change Article 81 to Article 82 and amend it to read: "Transferred out the land collectively owned by peasants for non-agricultural construction by means of emigration, transfer of the right to use or lease, or in violation of the provisions of this Law, land used for non-collectively operated construction land in the sale of or individuals through transfer and lease. The competent department of natural resources of the people's government at or above the county level shall order it to make corrections within a time limit, confiscate the illegal income, and impose a fine.

(31) Delete Article 82.

(32) Amend the "land administrative department" in Article 83 to "the competent department of natural resources and the competent department of agriculture and rural areas".

(33) Amend Article 84 to read: "Villagers who apply to enterprises with foreign investment who are land, if there are other processes in the law, the provisions shall prevail."

(34) Add an article as follows: "Before the preparation of land and special plans in accordance with the provisions of Article 18 of this Law, the general plans for land use approved according to law and urban and rural plans shall continue to be implemented."

(35) Amend the "land administrative department" or "natural resources department," "farm farmland" or "permanent basic farmland" and "substantive permanent" or "depression" in the relevant articles.

II. Amendments to the Urban Real Estate Management Law of the People's Republic of China

Amend Article 9 to read: "The collectively owned land in the urban planning area may be transferred with compensation after being expropriated according to the provisions of laws and regulations on the expropriation of land.

III. Amending the Land Administration Law and the Urban Real Estate Management Law to ensure that the relevant of rural land expropriation, collectively operated construction land into the market, and the homestead management system will be implemented nationwide in accordance with the law, which is of great significance to promote rural revitalization and the integrated development of urban and rural areas. The State Council, its relevant departments and provinces, autonomous regions and municipalities directly under the Central Government shall adhere to the principle that the nature of public ownership of land remains unchanged, the red line of cultivated land is not broken through, and the interests of farmers shall be safeguarded, strengthen organizational leadership, do a good job in legal publicity, formulate and improve supporting laws and regulations and rules to ensure the correct and effective implementation of the legal system.

This decision will take effect from January 1, 2020.

The Land Administration Law of the People's Republic of China and the Urban Real Estate Administration Law of the People's Republic of China have been amended accordingly and re-promulgated in accordance this decision.

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