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REGULATIONS FOR THE IMPLEMENTATION OF THE LAND ADMINISTRATION LAW OF THE PEOPLE'S REPUBLIC OF CHINA

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Chapter I General Provisions

Article 1 These Regulations are formulated according to the provisions of Article 56 of the Land Administration Law of the People's Republic of China (hereinafter referred to as the Land Administration Law).

Article 2 The State Land Administration shall be responsible for the uniform administration of land throughout China

Chapter II Land Ownership Rights and Land Use Rights

Article 3 The whole people, that is the state, shall hold title to the following types of land:

- (1) land in urban areas;
- (2) land in rural and suburban areas which has been legally expropriated, occupied, requisitioned, requisitioned by purchase or returned to the state (except land legally designated or confirmed as collectively owned land); and
- (3) forest areas, grassland, mountain ridges, wasteland, beaches, river banks and other land not confirmed by the state as being collectively owned.

Article 4 A party with title to collectively owned land or a party using state-owned land must submit a land registration application to the land administration department of its local people's government at county level or above.

verification, a certificate of title to collectively owned land shall be issued confirming right of ownership.

Registration of state-owned land used by a unit or individual shall be carried out by the local people's governments at county level or above. After verification, a land use certificate for state-owned land shall be issued confirming right of usage.

The format of land certificates shall be uniformly formulated by the State Land Administration.

Confirmation of ownership of or the right to use forest or grassland areas or the right to use waters and their banks or beaches for aquatic breeding purposes shall be handled in accordance with the relevant provisions of the Forest Law, Grasslands Law and Fisheries Law respectively.

Article 5 Local people's governments at county level or above shall register state-owned land which has yet to be developed or used and shall be responsible for its protection and management.

Article 6 If an amendment is legally made to land ownership or land use rights or if land use rights are assigned as the result of the legal purchase and sale or assignment of buildings, attachments, etc., on the land, an application to register an amendment of the land ownership or land use rights must be

submitted to the land administration department of the local people's government at county level or above and the local people's government at county level or above shall replace the land certificate.

When buildings or attachments on land are legally purchased, sold or assigned, procedures to register transfer of ownership shall be carried out pursuant to relevant state regulations.

Article 7 If a land user's rights are withdrawn in accordance with the provisions of Article 19 of the Land Administration Law, the land administration department shall report the matter to the people's government at county level or above for approval to cancel the land user's land use certificate for state-owned land. The land administration department shall also carry out procedures for canceling land registration.

Article 8 Disputes between units owned by the whole people, between units with collective ownership or between units owned by the whole people and those with collective ownership, over the ownership of or the right to use land shall be settled by the people's government at county level or above in the locality of the land.

Disputes between individuals or between individuals and units owned by the whole people or units with collective ownership, over the right to use land shall be settled by the people's government at township or county level in the locality of the land.

If a dispute over land ownership or land use rights necessitates the reconfirmation of land ownership or land use rights, the local people's government at county level or above shall confirm the ownership or usage rights and issue a land certificate.

Chapter III Utilization and Protection of Land

Article 9 The state shall establish a land survey system, the content of which shall include surveying the possession of land rights, land use circumstances and land conditions.

The State Land Administration, in conjunction with other relevant authorities, shall formulate a national land survey plan for implementation subject to approval of the State Council.

Land administration departments of local people's governments at county level and above shall, in conjunction with other relevant authorities, formulate their local land survey plans. These plans shall be implemented after submitted to and approved by the people's governments at the same level and reported for the record to the land administration departments of people's governments at the next higher level.

Land administration departments of local people's governments at county level and above shall organize relevant authorities to carry out land surveys. Landowners and land users shall co-operate with such surveys and provide necessary information.

Article 10 Land administration departments of local people's governments at county level and above shall, in conjunction with relevant authorities, evaluate the grading of land pursuant to land survey results.

Article 11 The state shall establish a land statistics system. Land administration departments of local people's governments at county level and above shall, in conjunction with statistics authorities, undertake land statistics work pursuant to the law. Statistics personnel shall exercise their authority to gather land-related statistics in accordance with the law. Landowners and land users shall provide statistical information and shall be prohibited from making false reports, concealing the truth, refusing to provide or delaying the provision of information or falsifying or distorting information.

Article 12 The State Land Administration, in conjunction with relevant authorities, shall draft national overall land utilization plans which, after comprehensive balancing by the State Planning Commission, shall be implemented subject to approval by the State Council.

Land administration departments of local people's governments at county level and above shall, in conjunction with relevant authorities, draft overall land utilization plans for their respective levels which, after comprehensive balancing by planning authorities at the same level, shall be submitted to the people's governments at the same level for examination and approval. Such plans shall be implemented subject to further approval by people's governments at the next higher level.

People's governments at township level shall draft their overall land utilization plans which shall be implemented subject to approval by the county level people's governments.

Any amendments to approved overall land utilization plans must be submitted to the original approving organ for approval.

Article 13 For developing state-owned barren hills, wasteland, river banks or beaches, an application must be submitted to the local land administration department. Approval shall be granted by the local people's government at county level or above pursuant to the approval jurisdiction stipulated by the province, autonomous region or municipality directly under the central government. Should the law or regulations stipulate otherwise, matters shall be handled pursuant to the provisions of the law or regulations. If developing between 10,000 and 20,000 mu of land at one time, approval must be obtained from the State Land Administration. If developing more than 20,000 mu of land at one time, approval must be obtained from the State Council.

Article 14 A unit or individual proposing to change cultivated land into non-cultivated land must obtain approval from the local people's government at county level or above.

Article 15 Land which a unit or individual has contracted to operate and private plots or hills legally confirmed as being for private use by an individual must be used pursuant to the stipulated usage. The unauthorized construction of buildings, kilns or tombs, mining, quarrying or the excavation of sand or earth shall be prohibited.

A unit or individual proposing to engage in business activities such as mining, quarrying or the excavation of sand or earth on the land as referred to in the preceding paragraph must submit an application to the land administration department of the local people's government at county level or above and obtain approval from the people's government at county level or above. Should the law or regulations stipulate otherwise, matters shall be handled pursuant to the provisions of the law or regulations.

Article 16 A unit or individual using land capable of reclamation following mining or the excavation of sand or earth shall be responsible for its reclamation pursuant to the provisions of the Land Reclamation Regulations promulgated by the State Council. Land administration departments of people's governments at county level or above shall, in conjunction with relevant authorities, inspect the reclamation work before issuing approval.

Chapter IV Land for State Construction

Article 17 Land used by the state for economic and cultural development, national defense construction and public welfare undertakings shall be used economically and rationally. When submitting a construction project design assignment for approval, the opinion of the local land administration department must be attached.

Article 18 Examination and approval procedures for the use of land in state construction:

(1) A construction unit proposing to use land for construction purposes shall apply to the land administration department of the local people's government at county level or above in the locality of the land it wants to expropriate by presenting an approved design assignment or other relevant documents such as preliminary designs or annual capital construction plans.

(2) The land administration department of the local people's government at county level or above shall examine the application to use land for construction purposes and determine the boundaries of the area of land to be used, as well as arrange for the construction unit, the unit which originally held

the rights to the land and other relevant units to discuss matters of compensation and resettlement in relation to the expropriated land and report these details to the people's government at county level or above for approval.

(3) After the application to use land for construction purposes is approved by the relevant people's government at county level or above pursuant to the statutory approval jurisdiction, the people's government at county level or above in the locality of the expropriated land shall issue a document of approval to use the land for construction purposes and the land administration department shall transfer the land use rights in full or in stages, depending on the construction schedule.

(4) After completion of construction, when the department in charge of the construction project arranges for the relevant authorities to examine construction prior to acceptance of the project, the land administration department of the people's government at county level or above shall inspect and verify the actual use of the land (after completion of a construction project in an urban planning district, the administrative authority in charge of urban planning shall, in conjunction with the land administration department, inspect and verify the actual use of the land) and, subject to confirmation, land registration procedures shall be carried out pursuant to the relevant provisions of Chapter II of these Regulations and a land use certificate for state-owned land shall be issued.

If applying to use land within an urban planning district for construction purposes, the construction unit or individual shall handle matters pursuant to the procedures stipulated above after obtaining a planning permit to use land for construction purposes.

Article 19 When land is to be used for construction projects such as railways, highways or oil or water supply pipelines, an application for approval, depending on the construction project's overall plans, shall be submitted in one lump, but procedures for expropriating and transferring land may be done in stages. In the case of a construction project which is to proceed in stages, applications for approval and procedures for expropriating and transferring land may be done in stages in accordance with the work schedule determined in the design assignment.

Article 20 If emergency or disaster relief measures necessitate the urgent use of land, the land may be used first, but, after the incident, supplementary procedures for the temporary use of land or procedures for the expropriation and transfer of land must be carried out pursuant to regulations.

Article 21 "Other land with an area of more than 2,000 mu" as mentioned in paragraph 1 of Article 25 of the Land Administration Law shall include construction projects which simultaneously require the expropriation of less than 1,000 mu of cultivated land, together with other land in excess of 1,000 mu, amounting to a total land area of more than 2,000 mu.

"Other land with an area of less than ten mu" as mentioned in paragraph 2 of Article 25 of the Land Administration Law shall include construction projects which simultaneously require the expropriation of less than 3 mu of cultivated land, together with other land of less than 10 mu, amounting to a total land area of more than 3 mu and less than 10 mu.

Article 22 If a land user's right to use state-owned land is withdrawn in accordance with the provisions of Article 19 of the Land Administration Law, the local people's government at county level or above may decide to issue the land to an agricultural collective economic entity to cultivate. During the cultivation period, the agricultural collective economic entity shall be prohibited from building any permanent structures or planting perennial crops on the land and shall be required to return the land on schedule pursuant to state construction requirements. If there are young crops on the land at the time of its return, the relevant construction unit shall pay compensation.

Article 23 If construction requirements make it necessary for a construction unit to temporarily expropriate additional land outside its approved land use limits, an application for temporary use of land shall be submitted to the land administration department of the local people's government at county level and the details reported to the people's government at the same level for approval. If temporary use of additional land is required within an urban planning district, a set area application

shall be submitted first to the administrative authority in charge of urban planning and, subject to examination and approval, an application for temporary use of land shall be submitted to the land administration department.

If collectively owned land is required for temporary use, compensation shall be paid in accordance with the provisions of paragraph 1 of Article 33 of the Land Administration Law.

Chapter V Land for Township(Town) and Village Construction

Article 24 There shall be strict control over the use of agricultural land for township(town) and village construction. The overfilling of control quotas for the use of land in township(town) and village construction issued by local people's governments at county level or above shall be prohibited.

Article 25 When land is required for rural residential buildings, a land use application shall be submitted first to the village agricultural collective economic entity or villagers' committee and, subject to it being discussed and approved by the villagers' representative meeting or general meeting, the application shall be submitted to the people's government for approval. The use of cultivated land shall be subject to approval by the county level people's government, following its examination and approval by the township level people's government and land administration department of the county level people's government. The use of existing residential building sites, empty space within villages and other land shall be subject to approval by the township level people's government.

Article 26 If use of collectively owned land is required for constructing residential buildings for city or town residents with non-agricultural resident registration, a land use application shall, after its approval by the applicant's working unit or residents' committee, be submitted to the village agricultural collective economic entity, villagers' committee or township(town) peasant collective economic entity in the locality of the land. If the land required for use belongs to a village peasant collective, subject to the land use application being discussed and approved by the villagers' representative meeting or general meeting and its examination and approval by the township(town) people's government, it shall be submitted to the county level people's government for approval. If the land required for use belongs to a township(town) peasant collective, subject to the land use application being discussed and approved by the township(town) peasant collective economic entity and its examination and approval by the township(town) people's government, it shall be submitted to the county level people's government for approval.

Article 27 When workers, ex-servicemen or retired cadres returning to their original villages or overseas Chinese, Hong Kong, Macao or Taiwan compatriots returning to settle in their family villages require the use of collectively owned land to construct residential building, matters shall be handled pursuant to the provisions of Article 38 of the Land Administration Law and Article 25 of these Regulations.

Article 28 If land is required to construct a rural market in accordance with township(town) or village construction plans, matters shall be handled pursuant to the provisions of Article 40 of the Land Administration Law.

Article 29 Non-agricultural production and operation activities by leaseholding farm households and rural individual business shall use their original residential sites. If there is a genuine need for the additional use of collectively owned land, approval documents from the relevant authorities shall be submitted, together with a land use application, to the village peasant collective economic entity, villagers' committee or township(town) peasant collective economic entity in the locality of the land and, subject to the application being discussed and approved by the villagers' representative meeting or the township(town) peasant collective economic entity, and its examination and approval by the township(town) people's government, it shall be submitted to the local people's government at county level or above for approval, pursuant to the approval jurisdiction stipulated by the relevant province, autonomous region or municipality directly under the central government.

Chapter VI Legal Liability

Article 30 Pursuant to the provisions of Articles 43 and 44 of the Land Administration Law, in addition to ordering a violator to return illegally occupied land and stipulating a limited period within which structures and other installations newly erected on the land are to be demolished or confiscated, a fine shall(may) also be imposed. The standards for such a fine shall be up to 15 yuan for each square meter of illegally occupied land.

Article 31 Pursuant to the provisions of Article 47 of the Land Administration Law, in addition to confiscating illegal proceeds from a violator and stipulating a limited period within which structures and other installations newly erected on land purchased, sold or assigned by illegal means are to be demolished or confiscated, a fine may also be imposed. The standards for such a fine shall be up to 50% of the illegal proceeds involved.

Article 32 Pursuant to the provisions of Article 49 of the Land Administration Law, in addition to ordering a violator to return funds illegally seized, a fine may also be imposed. The standards for such a fine shall be up to 30% of the funds illegally seized.

Article 33 Pursuant to the provisions of Article 50 of the Land Administration Law, in addition to ordering a violator to return the land, a fine shall also be imposed. The standards for such a fine shall be up to 5 yuan for each square meter of illegally used land.

Article 34 Pursuant to the provisions of Article 51 of the Land Administration Law, if serious damage is caused to the cultivation conditions of soil, in addition to ordering a violator to rectify the situation within a limited period, a fine may also be imposed. The standards for such a fine shall be determined in accordance with the provisions of legislation on the protection of cultivated land. If soil desertification or salinization is caused as the result of land development, in addition to ordering a violator to rectify the situation within a limited period, a fine may also be imposed. The standards for such a fine shall be determined in accordance with standards stipulated by the people's government of the relevant province, autonomous region or municipality directly under the central government. If soil erosion is caused as the result of land development, in addition to ordering a violator to rectify the situation within a limited period, a fine may also be imposed. The standards for such a fine shall be determined in accordance with the provisions of legislation on water and soil conservation.

Article 35 Fines must be paid within the stipulated period. In the event of failure to pay on schedule, a late payment fine of 0.3% of the fine shall be collected for each day in arrears.

Penalty fines and late payment fines shall be handed over to the state treasury in accordance with relevant state regulations.

Article 36 If land is occupied illegally without approval or by gaining approval fraudulently through such means as leaving arable land lie fallow, in order to construct residential buildings or to undertake other construction projects, a limited period shall be stipulated within which buildings and other facilities newly erected on the illegally occupied land must be demolished or confiscated and the return of the illegally occupied land shall be ordered.

If a unit or individual ordered to demolish newly erected buildings and other facilities within limited period pursuant to the law, continues construction, the penalty issuing authority shall have the right to seal up and confiscate equipment and building materials which continue to be used.

Article 37 In the event of false reporting, concealing the truth in a report, refusing to submit a report or repeatedly delaying submission of a report, as well as falsifying or distorting statistical information in relation to land, penalty shall be imposed in accordance with the provisions of Article 25 of the Statistics Law of the People's Republic of China and Article 31 of the Rules for Implementation of the Statistics Law of the People's Republic of China.

Article 38 If a land ownership or land use right infringing party fails to initiate legal proceedings or to fulfill the penalty decision within the stipulated period after a penalty decision made by the land administration department of the local people's government at county level or above pursuant to the provisions of Article 53 of the Land Administration Law, the infringed party may apply to the people's court for enforcement.

Chapter VII Supplementary Provisions

Article 39 The State Land Administration shall be responsible for interpreting these Regulations.

Article 40 These Regulations shall enter into force on 1 February 1991.