

Measures for the Administration of Annual Plans on the Utilization of Land

Promulgation date: 12-19-2006
Effective date: 12-19-2006
Department: MINISTRY OF LAND AND RESOURCES
Subject: LAND

Order of the Ministry of Land and Resources
(No. 37)

The Measures for the Administration of Annual Plans on the Utilization of Land were deliberated and adopted at the 5th executive meeting of the Ministry of Land and Resources on November 20, 2006. The revised “Measures for the Administration of Annual Plans on the Utilization of Land” are hereby promulgated, and shall come into force as of the date of promulgation.

Minister Sun Wensheng
December 19, 2006

Measures for the Administration of Annual Plans on the Utilization of Land
(Adopted at 4th executive meeting of the Ministry of Land and Resources on February 24, 1999, revised for the first time at the 9th executive meeting of the Ministry of Land and Resources on October 29, 2004, and revised for the second time at the 5th executive meeting of the Ministry of Land and Resources on November 20, 2006)

Article 1 These Measures are formulated in accordance with the Land Administration Law of the People’s Republic of China, the Regulation on the Implementation of the Land Administration Law of the People’s Republic of China, the Decision of the State Council on Deepening the Reform and Rigidly Enforcing Land Administration and the Notice of the State Council on Several Issues about Intensifying Land Control in order to strengthen land administration and control, rigidly enforce the control of land uses, practically protect cultivated land, and properly control the total amount of land for construction use.

Article 2 The compilation, issuance, implementation, supervision and assessment of the annual plans on the utilization of land shall be governed by these Measures.

The annual plan on the utilization of land as mentioned in these Measures shall mean the specific arrangements made by the State in each planned year for the amount of newly increased construction land, the amount of cultivated land supplemented by land development and rehabilitation, and the amount of reserved cultivated land.

The “amount of newly increased construction land” as mentioned in the preceding Paragraph includes the cultivated land and unutilized land occupied for the construction.

Article 3 The administration of annual plans on utilization of land shall be governed by the following principles:

- (1) Strictly complying with the overall planning on land utilization, reasonably controlling the total amount of construction land, and practically protecting cultivated land, in particular, basic farmland;
- (2) Using land policies for participation in macro control, guiding demands for land with land supply, promoting the transformation of economic growth mode, and enhancing the level of intensive use of land;
- (3) Balancing the occupation and supplement of cultivated land;
- (4) Giving priority to ensuring the land used for State key construction projects and infrastructure projects;
- (5) Connecting the increase of land for urban construction use with the reduction of rural land for

construction use; and

(6) Protecting and improving the ecological environment, and guaranteeing the sustainable utilization of land.

Article 4 The annual plan quotas of land utilization shall include:

(1) the planned quota of newly increased construction land, which includes the quota of total amount of newly increased construction land and the quota of newly added farmland as well as cultivated land occupied for construction use;

(2) the planned quota of land development and rehabilitation, which includes the quota of supplementing cultivated land by means of land development and the quota of supplementing cultivated land by means of land rehabilitation and reclaiming; and

(3) the planned quota of the amount of reserved cultivated land.

The “planned quota of newly increased construction land” as mentioned in Item (1) of the preceding Paragraph shall be divided into the quota of land for urban and rural construction, and the quota of land for key construction projects of energy, traffic, water conservancy, mines and military facilities etc., whose localities are independently selected.

The land administrative departments in all regions may, in light of the actual needs, add the controlling quota on the basis of the above-mentioned classification.

Article 5 In an annual plan on the utilization of land, the planned quota of newly increased construction land shall be determined pursuant to the plan on national economic and social development, the national macro-control requirements, the overall planning on land utilization, the State policies for land supply, as well as the actual situation on land utilization, etc.

The planned quota of land development and rehabilitation shall be determined pursuant to the overall planning on land utilization, planning on land development and rehabilitation, and the targets of cultivated land occupied for construction use and the actual amount of reserved cultivated land, etc.

The planned quota of the amount of reserved cultivated land shall be determined pursuant to the assessment targets on the protection of cultivated land as assigned by the State Council to each province, autonomous region, or municipality directly under the Central Government.

Article 6 Where any land is to be used within the planned year for a key construction project which needs to be approved, ratified or filed by the State Council or the National Development and Reform Commission, etc., if it involves the newly increased construction land, the competent authority of the said industry shall, prior to September 25 of the previous year, put forward its suggestions on the plan to the Ministry of Land and Resources according to the project, and simultaneously submit a copy to the administrative department of land and resources and the development and reform department of the province, autonomous region, or municipality directly under the Central Government where the land to be used for the project is located.

Article 7 The administrative department of land and resources of the local people’s government at the county level or above shall, jointly with other relevant departments, and pursuant to the uniform arrangement of the State, propose its suggestions on the annual plan on utilization of local land, and shall, upon examination by the people’s government at the same level, report it to the administrative department of land and resources of the people’s government at the higher level.

The suggestions of all provinces, autonomous regions, and municipalities directly under the Central Government on the annual plan on utilization of land shall be submitted to the Ministry of Land and Resources prior to October 10 every year, and a copy thereof shall be simultaneously submitted to the National Development and Reform Commission. The suggestions of a city under separate state planning or of Sinkiang Production and Construction Corps. for the annual plan on utilization of

land shall be separately stated in the suggestions on the plan of the relevant province or autonomous region.

Article 8 The Ministry of Land and Resources shall, jointly with the National Development and Reform Commission, pursuant to the relevant provisions in these Measures, and on the basis of the suggestions on the annual plan on utilization of land as proposed from all provinces, autonomous regions, municipalities directly under the Central Government and relevant departments under the State Council, put forward their suggestions on the gross control quota for national annual plan on utilization of land.

Article 9 The Ministry of Land and Resources shall, pursuant to the suggestions on the gross control quota for national annual plan on utilization of land and the suggestions on the planned quota as put forward by all provinces, autonomous regions, and municipalities directly under the Central Government, formulate the draft of the national annual plan on the utilization of land, incorporate it into the draft of the annual plan on national economy and social development, and report it to the State Council. The said annual plan shall, after verification by the State Council, be released to all regions for implementation by analogy. After the National People's Congress has deliberated and adopted the draft of the plan on national economic and social development, the plan shall come into force.

Article 10 The national annual plan on utilization of land shall be distributed to all provinces, autonomous regions, municipalities directly under the Central Government, cities under separate state planning, and Sinkiang Production and Construction Corps.

The planned quota of the newly increased construction land shall only be released to the projects for urban and rural (including independent industrial and mining areas) construction and the projects whose localities are independently selected as examined, approved or filed by the provincial authority or the authority at the lower level. The planned quotas of the newly increased construction land shall not be released to specific regions if the projects whose localities are independently selected are examined, approved or filed by the State Council or by the National Development and Reform Commission, etc. and be directly cancelled upon verification when the land used for a construction project is examined for approval.

Article 11 The administrative department of land and resources under the local people's government at or above the county level may divide the planned quotas of land utilization released by the superior authority, and release the divided quotas to lower levels after approval of the people's government at the same level. The administrative department of land and resources under the provincial people's government shall report the said divided quotas of the annual plan on utilization of land to the Ministry of Land and Resources for archival purposes.

The administrative department of land and resources under the provincial people's government shall, when dividing and issuing the planned quotas, separately list the planned quotas of the newly increased construction land within the planned land for construction use for central cities with respect to the cities whose overall plan on utilization of land is approved by the State Council.

The administrative department of land and resources under the provincial people's government shall, when dividing and issuing the planned quotas of the land for urban and rural construction use, plan the urban and rural construction as a whole, reasonably arrange the urban and rural land for construction use in strict pursuance to the overall plan on the utilization of land as well as the principle of connecting the increase of land for urban construction use with the reduction of rural land for construction use, so as to realize the gross amount control of the land for construction use.

Article 12 The planned quotas for the newly increased construction land shall be subject to the directive administration and shall not be exceeded.

The quotas of land for urban and rural construction and the quotas of land for key construction projects of energy, traffic, water conservancy, mines and military facilities etc., whose localities are independently selected in the planned quotas for the newly increased construction land shall not be confused. Where the land is approved for use without the planned quota for the newly increased construction land, or the conversion of farmland into the land for other purposes is illegally approved without the planned quota for the newly increased construction land, the competent authority shall be subject to liabilities for illegally approving the use of land.

The supplement of cultivated land by means of land development and rehabilitation shall not be lower than the quotas determined in the plan for land development and rehabilitation.

Article 13 Once an annual plan on the utilization of land is released upon approval, it shall be strictly implemented.

Where it is necessary to increase the planned use for newly increased construction land in the national annual plan on the utilization of land due to any particular circumstance, it shall be submitted to the State Council for examination and approval pursuant to the prescribed procedures.

Article 14 The administrative department of land and resources under the local people's government at the county level or above shall establish an information system for managing the plans on the utilization of land, apply ledger management to the annual plans on the utilization of land, determine and timely revoke the plans according to the approval conditions during the process of examining the plans on the land for construction use, make registration and statistics on the implementation of the said plan, make a report on a monthly basis, and take it as the basis for following up and supervising the implementation of the planning.

Article 15 The administrative department of land and resources of the province, autonomous region or municipality directly under the Central Government shall strengthen the follow-up check of the implementation of the annual plan on utilization of land, carry out middle-term check of the implementation of the plan in September every year, make a report and submit it to the Ministry of Land and Resources.

Article 16 A superior administrative department of land and resources shall make annual evaluation and assessment on the implementation by inferior ones of the annual plans on the utilization of land.

The annual evaluation and assessment shall be made on the basis of the investigation and controlling data on changes of utilization of land.

The assessment year of an annual plan on the utilization of land shall commence on January 1 and end on December 31 of each year.

Article 17 The results from annual evaluation and assessment of the implementation of the annual plans on the utilization of land shall be considered as the basis for plan compilation and administration for the next year.

Where the acreage of the newly increased construction land in practice is more than the planned quota for the current year, the planned quota for the following year shall be reduced accordingly.

Article 18 The surplus of the planned quotas of the newly increased construction land of each province, autonomous region, municipality directly under the Central Government, city under separate state planning, and of Sinkiang Production and Construction Corps. may, after ratification by the Ministry of Land and Resources, be carried forward for use for the following year within the planning period.

Article 19 These Measures shall come into force as of the date of promulgation.