

Regulation on Land Survey

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Order of the State Council of the People's Republic of China
(No. 518)

The Regulation on Land Survey is hereby promulgated, and shall take effect on the date of promulgation.

Premier: Wen Jiabao

February 7, 2008

Regulation on Land Survey

Chapter I General Provisions

Article 1 To scientifically and effectively organize and implement the land survey and ensure the authenticity, accuracy and timeliness of the land survey data, this Regulation has been made in accordance with the Land Administration Law of the People's Republic of China and the Statistics Law of the People's Republic of China.

Article 2 The land survey shall be aimed at fully ascertaining the land resources and utilization conditions, obtaining authentic and accurate basic land data, providing the basis for the scientific planning, reasonable utilization and effective protection of land resources, the implementation of the most stringent arable land protection system and the strengthening and enhancement of macro control, and promoting the full, harmonious and sustainable development of the economy and society.

Article 3 The land survey shall be implemented on the principle of unified national leadership, departmental cooperation with division of work, classified local responsibilities and joint participation by all parties.

Article 4 The funds necessary for the land survey shall be shared by the central and local people's governments at all levels, listed on the fiscal budgets in the corresponding year, appropriated on time, and ensured to be ready in full amount.

The funds for land survey shall be uniformly managed, used as special funds for special purposes and strictly controlled in expenditure.

Article 5 The news media such as newspapers, broadcasting, television and Internet shall timely develop the report on the publicity of the land survey work.

Chapter II Land Survey Contents and Methods

Article 6 The state shall conduct the national land survey once every ten years according to the needs of development of the national economy and society; and shall conduct the land modification survey every year according to the needs of the land administration work.

Article 7 The land survey shall include the following contents:

1. Status quo and changes of land utilization, including the land category, location, area, distribution, etc.;
2. Attribution of land rights and changes thereof, including the land ownership and use right; and
3. Land conditions, including the natural, social and economic conditions, etc. for the land.

In the survey of the status quo and changes of land utilization, the emphasis shall be placed on the status quo and changes of the basic farmland, including the quantity, distribution and protection of the basic farmland.

Article 8 The land survey shall adopt the full survey method and apply in combination such means as field survey statistics and remote sensing surveillance.

Article 9 The land survey shall adopt the national standards in the Land Utilization Status Quo Categorization, the uniform technical specifications and the basic survey maps and drawings prepared according to the uniform national standards.

The technical specifications for land survey shall be made by the competent authority for land and resources of the State Council in conjunction with the relevant authorities of the State Council.

Chapter III Organization and Implementation of Land Survey

Article 10 The competent authority for land and resources of the people's government at or above the county level, in conjunction with the relevant same-level authorities, shall conduct the land survey.

The people's governments of townships, sub-district offices and villagers' (residents') committees shall comprehensively mobilize and organize the social forces to actively participate in the land survey work.

Article 11 The relevant authorities of the people's government at or above the county level shall actively participate and closely assist in the land survey work, and legally provide the relevant data necessary for the land survey.

The social groups and entities and individuals related to the land survey shall assist in the land survey work according to the provisions of this Regulation.

Article 12 The overall scheme on the national land survey shall be drafted by the competent authority for land and resources of the State Council in conjunction with the relevant authorities of the State Council and submitted to the State Council for approval. The competent authority for land and resources of the local people's government at or above the county level, in conjunction with the relevant same-level authorities, shall compile the local scheme on the implementation of land survey according to the uniform requirements of the state and the characteristics of land utilization within its administrative region, and implement it after it is submitted to and approved by the competent authority for land and resources of the people's government at the next higher level in conjunction with the relevant same-level authorities.

Article 13 In the land survey, a land survey task to be undertaken by a specialized survey team chosen from the society shall be organized and implemented in the manner of bidding.

The entity undertaking a land survey task shall meet the following conditions:

1. Having a legal person status;

2. Having the qualifications and work achievements related to land survey;
3. Having a complete technical and quality management system; and
4. Having the professional technical staff, who are trained and qualified after test.

The competent authority for land and resources of the State Council, in conjunction with the relevant authorities of the State Council, shall strengthen the management of the entities undertaking the land survey tasks, and publish a list of entities that meet the conditions in the second paragraph hereof.

Article 14 The land surveyors shall insist on the facts, adhere to the professional ethics, and have the specialized knowledge necessary for executing the survey task.

The land surveyors shall accept the business training, and after passing the test, collect the nationally uniform work certificate of land surveyor.

Article 15 The land surveyors shall strictly execute the overall scheme on the national land survey and the local scheme on the implementation of land survey, national standards in the Land Utilization Status Quo Categorization, and uniform technical specifications, shall not forge or alter the survey materials, and shall not compel or abet the survey respondents to provide false survey materials.

The land surveyors shall be responsible for the consistency between the survey materials that are registered, examined or entered by them and the on-site survey materials.

Article 16 The land surveyors shall legally and independently perform their functions of survey, reporting, supervision and inspection, have the power to conduct the one-site survey as needed by the work, and conduct the on-site operations according to the technical specifications.

The land surveyors shall have the power to inquire of the relevant entities and individuals about issues related to the survey, and require the relevant entities and individuals to truthfully provide the relevant data.

In the on-site survey, on-site operations and inquiry of the relevant entities and individuals, the land surveyors shall present the work certificate of land surveyor.

Article 17 The relevant entities and individuals accepting the survey shall truthfully reply to the inquiry, perform the obligation of on-site demarcation, and provide the relevant data as required, and shall not transfer, conceal, alter and destroy the original records, land register and other relevant data.

Article 18 The person-in-charge of a government, department or entity shall not change the land survey materials and data without permit, shall not compel or abet a land surveyor to alter the survey materials and data or fabricate data, and shall not retaliate on a land surveyor who refuses or resists to alter the survey materials and data or to fabricate data.

Chapter IV Survey Result Processing and Quality Control

Article 19 The land survey shall form the following survey results:

1. Data;
2. Maps and drawings;

3. Literatures; and

4. Databases.

Article 20 The land survey results shall be subject to a statistical system of gathering at each level and final gathering.

The land survey data shall be processed and submitted according to the overall scheme on the national land survey and the relevant standards.

Article 21 The local people's government at or above the county level shall be responsible for the quality of the land survey results within its administrative region, and the principal person in charge shall be the first responsible person.

The competent authority for land and resources of the people's government at or above the county level, in conjunction with the relevant same-level authorities, shall implement the quality control at every stage of the survey, establish a post accountability system for the quality control of land survey results, tangibly ensure the consistency among the survey data, maps and drawings and actual conditions of the surveyed land, and take the responsibility for the accuracy of the survey results that are processed, sorted out and gathered by it.

Article 22 The competent authority for land and resources of the State Council, in conjunction with the relevant authorities of the State Council, shall uniformly organize the work on the spot check of the quality of land survey results. The spot check result shall serve as a major basis for the assessment of quality of land survey results.

Article 23 The land survey results shall be subject to an inspection and acceptance system by stage and class. The survey work at the next stage may be developed only after the land survey results at the previous stage have passed the inspection and acceptance.

The methods for the inspection and acceptance of land survey results shall be made by the competent authority for land and resources of the State Council in conjunction with the relevant authorities of the State Council.

Chapter V Release and Application of Survey Results

Article 24 The state shall establish a release system of land survey results.

The land survey results shall be released to the public and subject to the public inquiry, except those that shall be kept confidential according to law.

Article 25 The national land survey results shall be released after being approved by the State Council.

The local land survey results shall be released after being examined and approved by the same-level people's government and submitted to and approved by the people's government at the next higher level.

After the national land survey results are released, the local people's governments at and above the county level may release the land survey results within their respective administrative regions in turn and level by level.

Article 26 The competent authority for land and resources of the local people's government at or above the county level, in conjunction with the relevant same-level authorities, shall do a good job in

the conservation, management, development and application of land survey results, providing services to the public, etc.

Through the land survey, the state shall create the interconnected and shared land survey databases, and do a good job in maintaining and updating them.

Article 27 The land survey results shall serve as a major basis for the compilation of the plan on the development of national economy and society as well as the planning, management, protection and utilization of land and resources.

Article 28 The land survey results shall be managed and used in a strict and standard way, shall not serve as a basis for the imposition of any administrative punishment on the survey respondents according to any other law or administrative regulation, and shall not serve as a basis for the division of departmental functions and administrative scopes.

Chapter VI Citation and Punishment

Article 29 The entities and individuals that have made outstanding achievements in the land survey work shall be cited or rewarded according to the relevant provisions of the state.

Article 30 Under any of the following circumstances, the person-in-charge of a government, department or entity shall be legally disciplined; and shall be legally pursued for criminal liability, if a crime is constituted:

1. Changing the survey materials or data without permit;
2. Compelling or abetting a land surveyor to alter the survey materials or data or fabricate data; or
3. Retaliating on a land surveyor who refuses or resists to alter the survey materials or data or fabricate data.

Article 31 Where a land surveyor fails to execute the overall scheme on the national land survey and local scheme on the implementation of land survey, national standards in the Land Utilization Status Quo Categorization, and uniform technical specifications, forges or alters the survey materials, or compels or abets the relevant entity or individual accepting survey to provide false survey materials, the land surveyor shall be disciplined and criticized openly by the competent authority for land and resources of the people's government at or above the county level and the statistical authority.

Article 32 Under any of the following circumstances, the entity or individual accepting the survey shall be ordered to make correction within a prescribed time limit and may be fined in the amount of not more than 50,000 yuan by the competent authority for land and resources of the people's government; if a violation of the public security administration is constituted, the entity or individual accepting the survey shall be punished in public security administration by the public security authority; if a crime is constituted, the entity or individual accepting the survey shall be pursued for criminal liability:

1. Refusing or obstructing a land surveyor's legal survey;
2. Providing false survey materials;
3. Refusing to provide the survey materials; or
4. Transferring, concealing, altering or destroying the original records, land register or other relevant

materials.

Article 33 Under any of the following circumstances, the local people's government at or above the county level shall be criticized openly by the people's government at the higher level; and if the circumstance is serious, the directly responsible liable person-in-charge and other directly liable persons shall be legally disciplined:

1. For failure to complete the land survey work as scheduled, being ordered to complete it within a prescribed time limit, but failing to complete it within such a time limit; or
2. For distortion of the provided land survey data, being ordered to make correction within a prescribed time limit, but failing to make correction within such a time limit.

Chapter VII Supplementary Provisions

Article 34 For survey of land for military use, the competent authority for land and resources of the State Council, in conjunction with the relevant authority of the armed forces, shall make the specific rules according to the uniform provisions and requirements of the state.

The competent authority for land and resources of the State Council and the agency administering the departmental affairs of the State Council shall be responsible to administer the determination of contents of the final gathering of survey data on the land used by the central entities and the application of results.

Article 35 The people's government at or above the county level may form a leading panel for land survey according to the overall scheme on the national land survey and local scheme on the implementation of land survey to organize and lead the land survey work. When necessary, an office of the leading panel for land survey may be set up to be responsible for the daily work on the land survey.

Article 36 This Regulation shall take effect on the date of promulgation.