

**THE LAND ADMINISTRATION LAW
OF THE
PEOPLE'S REPUBLIC OF CHINA**

中华人民共和国土地管理法

FOREIGN LANGUAGES PRESS

外 文 出 版 社

图书在版编目(CIP)数据

中华人民共和国土地管理法:英汉对照. —北京:

外文出版社, 2000

ISBN 7-119-02734-4

I. 中… II. … III. 土地管理法—中国—对照读物—英、汉

IV. D922.309

中国版本图书馆 CIP 数据核字(2000)第 71321 号

责任编辑 余冰清

英文责编 匡佩华

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中华人民共和国土地管理法

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©外文出版社

外文出版社出版

(中国北京百万庄大街 24 号)

邮政编码 100037

北京外文印刷厂印刷

中国国际图书贸易总公司发行

(中国北京车公庄西路 35 号)

北京邮政信箱第 399 号 邮政编码 100044

2001 年(大 32 开)第 1 版

2001 年第 1 版(英汉)第 1 次印刷

ISBN 7-119-02734-4/D·154(外)

06000

6-EC-3405S

ISBN 7-119-02734-4



9 787119 027340 >

First Edition 2000

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Publisher's Note

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ISBN 7-119-02734-4

6-EC-3405S

©Foreign Languages Press, Beijing, China, 2000

Published by Foreign Languages Press

24 Baiwanzhuang Road, Beijing 100037, China

<http://www.flp.com.cn>

Distributed by China International Book Trading Corporation

35 Chegongzhuang Xilu, Beijing 100044, China

P. O. Box 399, Beijing, China

Printed in the People's Republic of China

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THE LAND ADMINISTRATION LAW OF THE PEOPLE'S REPUBLIC OF CHINA

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CHAPTER I

GENERAL PROVISIONS

Article 1 This Law is formulated in accordance with the Constitution to strengthen land administration, maintain the socialist public ownership of land, protect and develop the country's land resources, properly utilize the land conscientiously, protect cultivated land and promote the sustainable development of the nation's economy.

Article 2 The People's Republic of China shall practice the socialist public ownership of land, namely ownership by the whole people and collective ownership by the working people.

Ownership by the whole people means that the ownership of state-owned land shall be exercised by the State Council on behalf of the state.

No unit or individual may encroach upon, buy or sell land, or transfer land by unlawful means. The right to the use of land may be transferred according to law.

The state may take over land owned by collectives in accordance with the law, based on the public interest.

The state shall practice the system of the use of state-owned land with compensation in accordance with the law, except for the use right of state-owned land which is allocated by the state within the sphere specified by the law.

Article 3 It is the basic national policy of China to highly value, rationally utilize and properly protect cultivated land. Governments at all levels should adopt measures, draw up overall plans, strictly administer, protect and develop land resources, and prevent unlawful possession of cultivated land.

Article 4 The state pursues the land-use control system.

The state shall draw up an overall program for land use to specify the use of land, and divide the land into agricultural-use land, construction land and unused land. China shall strictly limit the transfer of agricultural-use land to construction land, control the total amount of construction land, and offer special protection to cultivated land.

Agricultural-use land mentioned in the previous paragraph refers to the land directly used for agriculture, including cultivated land, forest land, grassland, land for irrigation and water conservancy, and aquatics-product breeding water surfaces; construction land refers to the land for constructing buildings and other structures, including urban and rural residential houses, public, industrial and mining, communications and water conservancy, tourism and military facilities; and the unused land refers to land other than agricultural-use land and construction land.

Units and individuals given land-use right must utilize the land strictly according to the uses designated by the overall program for the use of land.

Article 5 The Competent Land Administrative Department of the State Council shall be in charge of unified land administration and supervision throughout the country.

The establishment of the competent land administration departments of local people's governments at or above the county level and their obligations shall be decided by the provincial, autonomous regional and centrally administered municipal people's governments according to the relevant regulations of the State Council.

Article 6 All units and individuals have the duty to observe the law and regulations on land administration, and have the right to inform of and file charges against acts in violation of the law and regulations on land administration.

Article 7 The people's government shall reward units and individuals that make outstanding achievements in the protection and development of land resources, reasonable utilization of land and the relevant scientific research.

CHAPTER II

OWNERSHIP OF LAND AND LAND-USE RIGHT

Article 8 Land in the urban areas of cities shall belong to the state.

Land in rural and suburban areas shall belong to rural collectives, except that owned by the state in accordance with the law. Housing sites, plots of land and hilly land for personal use shall also be owned by rural collectives.

Article 9 State-owned land and land owned by rural collectives may be distributed to units or individuals for use according to law. The units and individuals that use land shall have the obligation to protect, administer and utilize it properly.

Article 10 Collectively owned land that lawfully belongs to rural collectives, shall be operated and managed by village collective economic organizations or village committees; collectively owned land that belongs to two or more rural collective economic organizations shall be operated and managed by the respective village collective economic organizations, or villagers' groups; and collectively owned land that belongs to township (town) rural collectives shall be operated and managed by township (town) rural economic organizations.

Article 11 The land collectively owned by villages shall be registered and recorded by the county people's government, which shall, upon verification, issue certificates to confirm the ownership of such land.

The land collectively owned by villages that is used for non-agricultural construction according to law shall be registered and recorded by the county people's government, which shall, upon verification, issue certificates to confirm the land-use right for construction.

The state-owned land used by a unit or an individual according to law shall be registered and recorded by a people's government at or above the county level, which shall, upon verification, issue certificates to confirm the land-use right. The registration and certificate-issuing organ for state-owned land used by central and state organizations shall be decided by the State Council.

Confirmation of the ownership of or the right to the use of forest land or grassland, and confirmation of the right to the use of water surfaces or beaches for aquaculture shall be handled in accordance with the 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, respectively.

Article 12 In the case of any lawful change to the land ownership or the use of land, the formality of registration of such changes must be handled.

Article 13 Ownership of land and land-use right that

have been registered according to law is protected by law. No unit or individual shall infringe upon such ownership or right.

Article 14 Land collectively owned by villages shall be contracted by the members of the collective economic organizations to pursue agricultural, forestry, livestock or fisheries production. The contract term shall be 30 years. A contract shall be signed to specify each party's rights and obligations. Farmers who contract for the operation of land shall have the obligation to protect and utilize reasonably the land according to the provisions prescribed by the contract. Farmers' right to contract and operate land is protected by law.

Within the contract term, appropriate readjustment of the contracted land between contractors must be agreed by over two-thirds of villagers at the villagers' meeting or by over two-thirds of villagers' representatives, and shall then be reported to the township (town) people's government and the competent agricultural administration department of the county people's government for approval.

Article 15 State-owned land may be contracted by units or individuals to pursue agricultural, forestry, livestock or fisheries production. Land collectively owned by villages may be contracted by units or individuals that do not belong to the collective economic organization to pursue agricultural, forestry, livestock or fisheries production. A contract should be signed to specify each party's rights and obligations. The

land operation term shall be prescribed by the contract. The units and individuals that contract for the operation of land have the obligation to protect and utilize the land reasonably according to the use prescribed by the contract.

If land collectively owned by villages is contracted by units or individuals that do not belong to the collective or relevant economic organization, the matter must be settled by over two-thirds of the members at the villagers' meeting, or by over two-thirds of villagers' representatives, and shall then be reported to the township (town) people's government for approval.

Article 16 Disputes involving ownership of land and land-use right shall be solved through consultation between the parties. If no agreement can be reached through consultation, the matter shall be handled by the people's government. Disputes involving ownership of land or land-use right between units shall be handled by the people's government at or above the county level; those between individuals, and those between an individual and a unit shall be handled by the township-level people's government or the people's government at or above the county level.

In case a party refuses to accept the decision of the relevant people's government, he or she may bring a lawsuit to a people's court within 30 days, starting from the receipt of the notification of the decision.

No party may alter the existing conditions of the disputed land before a dispute involving ownership of land or land-use right is settled.

CHAPTER III

OVERALL PLANNING FOR THE USE OF LAND

Article 17 People's governments at all levels shall organize people to draw up overall plans for the use of land in accordance with the program for the national economic and social development, the requirements for the control of territory and the environmental protection of natural resources, the land-supply ability and demands for various types of construction for land.

The planning term of the overall plan for the use of land shall be specified by the State Council.

Article 18 The overall plan for the use of land of a locality shall be drawn up according to the overall plan for the use of land at the higher level.

The total amount of land to be used for construction in the overall plan for the use of land worked out by local people's governments at all levels should not exceed the target prescribed in the overall plan for the use of land of the higher level; and the amount of cultivated land should not be less than the figure designated in the overall plan for the use of land of the higher level.

An overall plan for the use of land worked out by the people's government of a province, an autonomous region

or a centrally administered municipality should guarantee that the total amount of its cultivated land shall not be reduced.

Article 19 An overall plan for the use of land shall be worked out according to the following principles:

(1) Strict control of basic farmland, and restraint of the occupation of farmland by non-agricultural construction;

(2) Raising the utilization rate of land;

(3) Arranging for various uses of land by different areas in a unified way;

(4) Protecting and improving the ecological environment to guarantee the sustainable use of the land; and

(5) Keeping a balance between the occupation of cultivated land and the development and second ploughing of cultivated land.

Article 20 The county-level overall plan for the use of land should determine the land-use areas, and specify the uses of the land.

The township- or town-level overall plan for the use of land should determine the land-use areas, and specify the use of each parcel of land in accordance with the actual conditions, which shall be made public.

Article 21 Overall plans for the use of land shall be examined and approved level by level.

The overall plans for the use of land of provinces, autonomous regions and centrally administered municipalities

shall be submitted to the State Council for examination and approval.

The overall plans for the use of land in cities where the capitals of the people's governments of provinces and autonomous regions are located, cities each with a population of over one million, and cities designated by the State Council shall be submitted to the State Council for approval upon examination and approval by the provincial and autonomous regional people's governments.

The overall plans for the use of land, except as otherwise prescribed by the items Two and Three of this article, shall be submitted level by level to the people's governments of the provinces, autonomous regions and centrally administered municipalities for approval. The overall plans for the use of land of townships (or towns) may be approved by the municipal and autonomous regional people's governments which have districts and are entrusted by the provincial people's governments.

As soon as an overall plan for the use of land is approved, it must be implemented strictly.

Article 22 The land-use scale for urban construction should conform to the standards specified by the state. We shall make full use of the existing land for construction, and shall not occupy, or occupy to the minimum extent, land for agricultural use.

The overall plans of cities, villages and towns should tally with the overall plans for the use of land; and the land-use scale for construction in the overall plans of cities,

villages and towns should not exceed that designated by the overall plans for the use of land of cities, villages and towns.

Within the planned areas of cities, villages and towns, the use of land for construction should tally with the plans of the cities, villages and towns.

Article 23 The plans for the comprehensive improvement, development and utilization of rivers and lakes should be brought into line with the overall plans for the use of land. Within the administration and protection sphere of rivers, lakes and reservoirs, the use of land should conform to the program for the comprehensive control, development and utilization of rivers and lakes, and tally with the requirements for flowing, storing and shifting floodwaters of rivers and lakes.

Article 24 People's governments at all levels should strengthen the planning and administration of the use of land, and control the total amount of land used for construction.

The annual plan for the use of land should be drawn up in accordance with the plan for national economic and social development, the state's industrial policy, the overall plan for the use of land and the actual conditions for the use of land for construction and land utilization. The examination and approval procedures for the annual plan for the use of land shall be congruent with those for the overall plans for the use of land. Upon examination and