

Order of the GAC of the Central People's Government

The "Measures for the Expropriation of Land for National Construction by the GAC of the Central People's Government," passed at the 192nd executive meeting of the GAC on November 5, 1953, has been approved by the Chairman of the Central People's Government. It is hereby promulgated and shall be implemented from the date of promulgation.

Premier Zhou Enlai

December 5, 1953

Measures for the Expropriation of Land for National Construction by the GAC of the Central People's Government

Article 1: To meet the needs of national construction and prudently and properly handle the issue of land expropriation for national construction, these measures are hereby formulated.

Article 2: Land required for national defense projects, factories, mines, railways, transportation, water conservancy projects, municipal construction, and other economic and cultural construction shall be expropriated in accordance with these measures.

Article 3: The basic principle for the expropriation of land for national construction is to meet the actual needs of national construction and ensure the necessary land for national construction while also considering the immediate interests of the local people. Proper arrangements must be made for the production and livelihood of those whose land is expropriated. Wherever wasteland or unused land can be utilized, it should be used to the maximum extent, and the expropriation of cultivated land should be minimized. Projects that are not urgently needed should not be initiated. Projects that are necessary but where the affected people's relocation cannot be immediately arranged should be postponed until proper arrangements are made or an alternative site is selected.

Article 4: Any land expropriation must be planned by the land-using unit following the principle of land conservation. The plan must be submitted for approval through the relevant administrative system, according to the following regulations on approval authority:

- a) Land for nationwide construction projects must be approved by the State Planning Commission of the Central People's Government and the GAC of the Central People's Government.
- b) Land for local construction projects, exceeding 5,000 mu or requiring the relocation of more than 300 households, must be approved by the Administrative Committee of the Large Administrative Region. For projects requiring less than 5,000 mu but more than 1,000 mu, or the relocation of fewer than 300 but more than 50 households, approval must be obtained from the provincial (city) government. Projects requiring less than 1,000 mu or the relocation of fewer than 50 households must be approved by the county government.
- c) For national defense construction projects, the scale of land use must be verified by the People's Revolutionary Military Commission of the Central People's Government, the Large Military Regions, or the Provincial Military Regions, and submitted to the GAC or local governments for approval.

The land expropriation plan must detail the boundaries, location (with attached maps), and quantity of the land, the number of households and population affected, any attachments and crops on the land, and the compensation and resettlement plan for those whose land is expropriated. The plan must include opinions from the local government. Higher authorities must review the plan thoroughly in the spirit of land conservation.

Article 5: After the expropriation plan has been approved, the land-using unit must work with the local government and the Chinese Communist Party committee to explain the compensation and resettlement measures to the people. Adequate preparation time must be provided for the people to comply with national interests and long-term public interests under conditions that protect their immediate interests before expropriation and construction can proceed. For large-scale land expropriation or relocation of significant numbers of residents or entire villages, thorough preparation work must be conducted among the local people, followed by a people's representative assembly to discuss and resolve the issues.

Article 6: Before land expropriation is finalized, if surveys, drilling, or other work is needed to determine the suitability of the land, the land-using unit must obtain approval from the provincial, city, or county government based on the scope of the survey. They must then work with the local government and the Chinese Communist Party committee to explain the purpose to the people and gain their consent. If the survey work causes losses to the local people, appropriate compensation must be provided.

Article 7: In cases of emergency, such as disaster relief, where there is no time to complete the land expropriation approval process, construction can begin immediately while reporting to the local government and completing the approval process during construction.

Article 8: Compensation for expropriated land in rural areas must be negotiated by the local government, the land-using unit, the farmers' association, and the original landowners (or users) or their representatives. Generally, compensation should be based on the total value of the land's production over the past three to five years. Special lands may be handled flexibly. If public land is adjusted, relocation subsidies must be provided to the farmers affected.

Compensation for houses, wells, trees, and crops on expropriated land must be determined by a joint survey conducted by the local government, the land-using unit, the farmers' association, and the original landowners and users (or their representatives) and compensated fairly.

Article 9: When public land or state-owned land in suburban areas is expropriated, farmers cultivating the land must be provided with appropriate subsidies based on their living conditions. Compensation for attachments and crops on the land should follow the provisions of Article 8.

Public welfare enterprises relying on the income from the expropriated public land must be continued if necessary, and expenses should be covered by the supervising department. If funds are unavailable, the issue must be reported to higher authorities for resolution.

Article 10: If expropriated land contains graves, the landowners must be notified to relocate them and provided with appropriate relocation expenses. Local customs should be respected in handling this matter. If the graves have no owners, the land-using unit must relocate them. Assistance must be provided for those with no place to relocate graves. Special care should be given to relocating the graves of martyrs, and the local county (city) government must be notified.

Famous historical sites within expropriated land should be preserved as much as possible, provided they do not hinder construction.

Article 11: If temporary use of land outside the expropriated area is needed for storing materials or temporary transportation routes, the land-using unit must negotiate with the landowners (or users) for temporary use or lease.

Compensation must be provided for any damage to nearby non-expropriated land caused by the construction project.

Article 12: If expropriated land is no longer needed due to changes in circumstances or unsuitability revealed by exploration, it can be returned to the original owner (or user). Compensation must be provided for any losses incurred during exploration and construction.

If construction is delayed for more than one growing season, the land should be temporarily allowed for farming without hindering the construction's purpose.

Article 13: After farmers' land is expropriated, the local government must help them obtain new land or assist them in changing occupations to prevent displacement. The land-using unit should cooperate with the labor department and trade unions to employ the affected farmers where possible.

Article 14: Compensation for expropriated land and attachments should be claimed by the original owners or their legal agents with ownership certificates or verification from the local government. If certificates are lost or cannot be produced, and local government verification is unavailable, the land-using unit should deposit the compensation with the local government for one year. If the original owners or their agents claim within one year or provide certification, compensation will be paid. Unclaimed funds after one year will be turned over to the state treasury, and the land-using unit will be notified.

Article 15: When claiming compensation, ownership certificates for land and houses must be surrendered to the local government for cancellation if fully expropriated. If partially expropriated, the certificate must be annotated with the expropriated portion and returned or replaced with a new certificate. If the remaining land is minimal and the owner does not wish to use or manage it, it can be fully expropriated with local government approval.

Land approved for expropriation by the government is exempt from transfer taxes.

Article 16: After compensation is issued, the land-using unit must map and register the expropriated land, with copies sent to the local county (city) government for record-keeping and validation.

Article 17: For urban land expropriation, compensation for houses and attachments must be determined by a joint survey by the local government, the land-using unit, and the original owners and users (or their representatives) and compensated fairly. If the land and house ownership are unified, no separate land compensation is given; if separate, the landowner is compensated based on living conditions.

Unutilized land in urban areas may be expropriated without compensation.

Leased agricultural land in urban areas can be expropriated without compensation, but crops and attachments must be compensated according to Article 8.

Compensation for self-cultivated agricultural land in urban areas should follow Article 8.

For urban farmers affected by expropriation, production and livelihood issues must be resolved per Article 13.

Article 18: Expropriated land belongs to the state. If the land-using unit no longer needs it, it must be returned to the state and cannot be transferred.

Article 19: Private economic enterprises and private cultural and educational institutions may apply for land expropriation through the provincial (city) government, which will use these measures for expropriation.

Article 20: Existing local land expropriation measures will be abolished upon promulgation of these measures.

Provincial (city) governments may draft specific local implementation measures based on these measures, subject to approval by the Large Administrative Region Administrative Committee and reported to the GAC for the record.

Article 21: In ethnic autonomous regions, land expropriation measures for national construction shall be formulated by the autonomous regional government, approved by the provincial government, and reported to the GAC for the record. Before implementing specific measures, expropriation should follow local customs and refer to these measures.

Article 22: These measures, passed by the Executive Council, are promulgated upon approval by the Chairman of the Central People's Government and implemented from the date of promulgation.