

**【Statute Title】** Measures for Announcement of Land Expropriation (2010) [Effective]

**【法规标题】** 征收土地公告办法(2010 修正) [现行有效]

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### Measures for Announcement of Land Expropriation

(Promulgated by Order No.10 of the Ministry of Land and Resources of the People's Republic of China on October 22, 2001, and amended in accordance with the Decision of the Ministry of Land and Resources on Amending Some Regulations on November 30, 2010)

#### 征收土地公告办法

(2001 年 10 月 22 日中华人民共和国国土资源部令第 10 号公布 根据 2010 年 11 月 30 日《国土资源部关于修改部分规章的决定》修正)

Article 1 In order to regulate the announcement of land expropriation, protect the legitimate rights and interests of rural collective economic organizations, rural villagers or other right holders, and guarantee the land for economic construction, these Measures are formulated in accordance with the Land Administration Law of the People's Republic of China and the Regulation on the Implementation of the Land Administration Law of the People's Republic of China.

第一条 为规范征收土地公告工作, 保护农村集体经济组织、农村村民或者其他权利人的合法权益, 保障经济建设用地, 根据《中华人民共和国土地管理法》和《中华人民共和国土地管理法实施条例》, 制定本办法。

Article 2 These Measures shall apply to the announcement of land expropriation and the announcements of plans on compensation for land expropriation and relocation.

第二条 征收土地公告和征地补偿、安置方案公告, 适用本办法。

Article 3 Where the land collectively owned by peasants is to be expropriated, the plans on land expropriation and the plans on compensation for land expropriation and relocation shall be announced in written form in the villages and groups where the land to be expropriated is located. In particular, where the land collectively owned by peasants of a township (town) is to be expropriated, the announcement shall be made at the place where the people's government of township (town) is located.

第三条 征收农民集体所有土地的, 征收土地方案和征地补偿、安置方案应当在被

征收土地所在地的村、组内以书面形式公告。其中，征收乡(镇)农民集体所有土地的，在乡(镇)人民政府所在地进行公告。

Article 4 The people's government of the city or county where the expropriated land is located shall, within 10 workdays as of receiving the document of approval for the plan on land expropriation, make an announcement of land expropriation. The land administrative department of the people's government of this city or county shall be responsible for the specific implementation of making the announcement.

第四条 被征收土地所在地的市、县人民政府应当在收到征收土地方案批准文件之日起 10 个工作日内进行征收土地公告，该市、县人民政府土地行政主管部门负责具体实施。

Article 5 An announcement of land expropriation shall include the following contents:

1. The approval authority of land expropriation, number of the approval document, approval time and approved purposes;
2. The owner, location, land category and acreage of the expropriated land;
3. The compensation standards for land expropriation and the way of relocation of agricultural personnel; and
4. The time limit and place for going through the compensation registration for expropriated land.

第五条 征收土地公告应当包括下列内容：

- (一)征地批准机关、批准文号、批准时间和批准用途；
- (二)被征收土地的所有权人、位置、地类和面积；
- (三)征地补偿标准和农业人员安置途径；
- (四)办理征地补偿登记的期限、地点。

Article 6 The rural collective economic organizations, rural villagers or other right holders of the land that is to be expropriated shall, within the time limit as prescribed in the announcement of land expropriation, go through the registration formalities for the compensation for expropriated land at designated places on the strength of the certificate of land ownership.

Where the rural collective economic organizations, rural villagers or other right holders of the land that is to be expropriated fail to go through the registration formalities for the compensation for expropriated land in time, the compensation contents shall be determined according to the survey results of the relevant land administrative department of the people's government of the city or county.

第六条 被征地农村集体经济组织、农村村民或者其他权利人应当在征收土地公告规定的期限内持土地权属证书到指定地点办理征地补偿登记手续。

被征地农村集体经济组织、农村村民或者其他权利人未如期办理征地补偿登记手续的，其补偿内容以有关市、县土地行政主管部门的调查结果为准。

Article 7 The relevant land administrative department of the people's government of the city or county shall, jointly with the relevant departments and in accordance with the approved plan on land expropriation, draft the plans on compensation for land expropriation and relocation by taking the owners of the expropriated land as the unit and make an announcement thereof within 45 days after the land expropriation is announced.

第七条 有关市、县人民政府土地行政主管部门会同有关部门根据批准的征收土地方案，在征收土地公告之日起 45 日内以被征收土地的所有权人为单位拟订征地补偿、安置方案并予以公告。

Article 8 An announcement of the plans on compensation for land expropriation and relocation shall include the following contents:

1. The location, land category and acreage of the expropriated land of this collective economic organization, the variety and quantity of the above-ground attachments and seedlings, the number of agricultural population that needs relocation;
2. The standard, amount, payment object and payment method of the land compensation fees;
3. The standard, amount, payment object and payment method of the relocation subsidies;
4. The standard and payment method of the compensation for above-ground attachments and seedlings;
5. The specific way of relocation of the agricultural personnel; and
6. Other specific measures related to the compensation for land expropriation and relocation.

第八条 征地补偿安置方案公告应当包括下列内容：

(一)本集体经济组织被征收土地的位置、地类、面积，地上附着物和青苗的种类、数量，需要安置的农业人口的数量；

(二)土地补偿费的标准、数额、支付对象和支付方式；

(三)安置补助费的标准、数额、支付对象和支付方式；

(四)地上附着物和青苗的补偿标准和支付方式；

(五)农业人员的具体安置途径；

(六)其他有关征地补偿、安置的具体措施。

Article 9 Where a rural collective economic organization, rural villager or other right holder of the land that is to be expropriated holds any objection against the plans on the compensation for land expropriation and relocation or requests for a hearing, it/he shall, within 10 workdays after the plans on the compensation for land expropriation and relocation are announced, lodge the objection or request with the relevant land administrative department of the people's government of the city or county.

第九条 被征地农村集体经济组织、农村村民或者其他权利人对征地补偿、安置方案有不同意见的或者要求举行听证会的，应当在征地补偿、安置方案公告之日起 10 个工作日内向有关市、县人民政府土地行政主管部门提出。

Article 10 The relevant land administrative department of the people's government of the city or county shall deliberate on the objection of the rural collective economic organization, rural villager or other right holder of the land that is to be expropriated against the plans on the compensation for land expropriation and relocation. Where a hearing is requested by a party concerned, a hearing shall be held. Where it is indeed necessary to modify the plans on the compensation for land expropriation and relocation, the modification shall be made in accordance with the relevant laws, regulations and approved plans on land expropriation.

The relevant land administrative department of the people's government of the city or county shall, when reporting the plans on the compensation for land expropriation and relocation to the people's government of the city or county for examination and approval, attach the specific

opinions of the rural collective economic organizations, rural villagers or other right holders of the land that is to be expropriated and the adoption circumstances. Where a hearing has been held, the transcripts of the hearing shall be attached as well.

第十条 有关市、县人民政府土地行政主管部门应当研究被征地农村集体经济组织、农村村民或者其他权利人对征地补偿、安置方案的不同意见。对当事人要求听证的，应当举行听证会。确需修改征地补偿、安置方案的，应当依照有关法律、法规和批准的征收土地方案进行修改。

有关市、县人民政府土地行政主管部门将征地补偿、安置方案报市、县人民政府审批时，应当附具被征地农村集体经济组织、农村村民或者其他权利人的意见及采纳情况，举行听证会的，还应当附具听证笔录。

Article 11 After the plans on the compensation for land expropriation and relocation have been approved, the relevant land administrative department of the people's government of the city or county shall organize the implementation thereof.

第十一条 征地补偿、安置方案经批准后，由有关市、县人民政府土地行政主管部门组织实施。

Article 12 After the fees for the compensation for land expropriation and relocation are appropriated to the rural collective economic organization of the land that is to be expropriated, the relevant land administrative department of the people's government of the city or county shall have the authority to require this rural collective economic organization to provide the list of payment within a certain time limit.

The land administrative department of the people's government of the city or county shall have the authority to supervise and urge the relevant rural collective economic organization to make an announcement to the members of this collective economic organization about the receipts and disbursements of the fees for the compensation for land expropriation and relocation in order for the rural collective economic organization, rural villagers or other right holders of the land that is to be expropriated to inquire about and supervise.

第十二条 有关市、县人民政府土地行政主管部门将征地补偿、安置费用拨付给被征地农村集体经济组织后，有权要求该农村集体经济组织在一定期限内提供支付清单。

市、县人民政府土地行政主管部门有权督促有关农村集体经济组织将征地补偿、安置费用收支状况向本集体经济组织成员予以公布，以便被征地农村集体经济组织、农村村民或者其他权利人查询和监督。

Article 13 The land administrative department of the people's government of the city or county shall accept the inquiry about the contents of the announcements of land expropriation and the contents of the announcements of the plans on the compensation for land expropriation and relocation or the reporting of the problems in the implementation thereof, and accept social supervision.

第十三条 市、县人民政府土地行政主管部门应当受理对征收土地公告内容和征地补偿、安置方案公告内容的查询或者实施中问题的举报，接受社会监督。

Article 14 Where no announcement is made on the land expropriation according to law, the rural collective economic organizations, rural villagers or other right holders of the land that is to be

expropriated are entitled to request for an announcement according to law, and are entitled to refuse to go through the registration formalities for the compensation for expropriated land. Where no announcement is made on the plans on the compensation for land expropriation and relocation according to law, the rural collective economic organizations, rural villagers or other right holders of the land that is to be expropriated are entitled to request for an announcement according to law, and are entitled to refuse to go through the formalities for the compensation for land expropriation and relocation.

第十四条 未依法进行征收土地公告的，被征地农村集体经济组织、农村村民或者其他权利人有权依法要求公告，有权拒绝办理征地补偿登记手续。

未依法进行征地补偿、安置方案公告的，被征地农村集体经济组织、农村村民或者其他权利人有权依法要求公告，有权拒绝办理征地补偿、安置手续。

Article 15 Where any dispute is caused due to the failure of making compensation and relocation in accordance with the plan on land expropriation and the plans on the compensation for land expropriation and relocation approved according to law, the people's government of the city or county shall coordinate; where the coordination fails, the local people's government at the next higher level shall make a ruling.

Any dispute over the compensation for land expropriation and relocation shall not affect the implementation of the plan on land expropriation.

第十五条 因未按照依法批准的征收土地方案和征地补偿、安置方案进行补偿、安置引发争议的，由市、县人民政府协调；协调不成的，由上一级地方人民政府裁决。

征地补偿、安置争议不影响征收土地方案的实施。

Article 16 These Measures shall come into force on January 1, 2002.

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第十六条 本办法自 2002 年 1 月 1 日起施行。

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