中华人民共和国土地管理法

来源： 中国人大网 2019年09月05日 15:23:35 浏览字号： 大 中 小

（1986年6月25日第六届全国人民代表大会常务委员会第十六次会议通过 根据1988年12月29日第七届全国人民代表大会常务委员会第五次会议《关于修改〈中华人民共和国土地管理法〉的决定》第一次修正 1998年8月29日第九届全国人民代表大会常务委员会第四次会议修订 根据2004年8月28日第十届全国人民代表大会常务委员会第十一次会议《关于修改〈中华人民共和国土地管理法〉的决定》第二次修正 根据2019年8月26日第十三届全国人民代表大会常务委员会第十二次会议《关于修改〈中华人民共和国土地管理法〉、〈中华人民共和国城市房地产管理法〉的决定》第三次修正）

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第一章 总 则

第一条 为了加强土地管理，维护土地的社会主义公有制，保护、开发土地资源，合理利用土地，切实保护耕地，促进社会经济的可持续发展，根据宪法，制定本法。

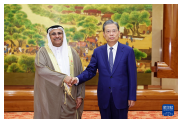
第二条 中华人民共和国实行土地的社会主义公有制，即全民所有制和劳动群众集体所有制。

全民所有，即国家所有土地的所有权由国务院代表国家行使。

任何单位和个人不得侵占、买卖或者以其他形式非法转让土地。土地使用权可以依法转让。

国家为了公共利益的需要，可以依法对土地实行征收或者征用并给予补偿。

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专题集锦

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国家依法实行国有土地有偿使用制度。但是，国家在法律规定的范围内划拨国有土地使用权的除外。

第三条 十分珍惜、合理利用土地和切实保护耕地是我国的基本国策。各级人民政府应当采取措施，全面规划，严格管理，保护、开发土地资源，制止非法占用土地的行为。

第四条 国家实行土地用途管制制度。

国家编制土地利用总体规划，规定土地用途，将土地分为农用地、建设用地和未利用地。严格限制农用地转为建设用地，控制建设用地总量，对耕地实行特殊保护。

前款所称农用地是指直接用于农业生产的土地，包括耕地、林地、草地、农田水利用地、养殖水面等；建设用地是指建造建筑物、构筑物的土地，包括城乡住宅和公共设施用地、工矿用地、交通水利设施用地、旅游用地、军事设施用地等；未利用地是指农用地和建设用地以外的土地。

使用土地的单位和个人必须严格按照土地利用总体规划确定的用途使用土地。

第五条 国务院自然资源主管部门统一负责全国土地的管理和监督工作。

县级以上地方人民政府自然资源主管部门的设置及其职责，由省、自治区、直辖市人民政府根据国务院有关规定确定。

第六条 国务院授权的机构对省、自治区、直辖市人民政府以及国务院确定的城市人民政府土地利用和土地管理情况进行督察。

第七条 任何单位和个人都有遵守土地管理法律、法规的义务，并有权对违反土地管理法律、法规的行为提出检举和控告。

第八条 在保护和开发土地资源、合理利用土地以及进行有关的科学研究等方面成绩显著的单位和个人，由人民政府给予奖励。

第二章 土地的所有权和使用权

第九条 城市市区的土地属于国家所有。

农村和城市郊区的土地，除由法律规定属于国家所有的以外，属于农民集体所有；宅基地和自留地、自留山，属于农民集体所有。

第十条 国有土地和农民集体所有的土地，可以依法确定给单位或者个人使用。使用土地的单位和个人，有保护、管理和合理利用土地的义务。

第十一条 农民集体所有的土地依法属于村农民集体所有的，由村集体经济组织或者村民委员会经营、管理；已经分别属于村内两个以上农村集体经济组织的农民集体所有的，由村内各该农村集体经济组织或者村民小组经营、管理；已经属于乡（镇）农民集体所有的，由乡（镇）农村集体经济组织经营、管理。

第十二条 土地的所有权和使用权的登记，依照有关不动产登记的法律、行政法规执行。

依法登记的土地的所有权和使用权受法律保护，任何单位和个人不得侵犯。

第十三条 农民集体所有和国家所有依法由农民集体使用的耕地、林地、草地，以及其他依法用于农业的土地，采取农村集体经济组织内部的家庭承包方式承包，不宜采取家庭承包方式的荒山、荒沟、荒丘、荒滩等，可以采取招标、拍卖、公开协商等方式

承包，从事种植业、林业、畜牧业、渔业生产。家庭承包的耕地的承包期为三十年，草地的承包期为三十年至五十年，林地的承包期为三十年至七十年；耕地承包期届满后再延长三十年，草地、林地承包期届满后依法相应延长。

国家所有依法用于农业的土地可以由单位或者个人承包经营，从事种植业、林业、畜牧业、渔业生产。

发包方和承包方应当依法订立承包合同，约定双方的权利和义务。承包经营土地的单位和个人，有保护和按照承包合同约定的用途合理利用土地的义务。

第十四条 土地所有权和使用权争议，由当事人协商解决；协商不成的，由人民政府处理。

单位之间的争议，由县级以上人民政府处理；个人之间、个人与单位之间的争议，由乡级人民政府或者县级以上人民政府处理。

当事人对有关人民政府的处理决定不服的，可以自接到处理决定通知之日起三十日内，向人民法院起诉。

在土地所有权和使用权争议解决前，任何一方不得改变土地利用现状。

第三章 土地利用总体规划

第十五条 各级人民政府应当依据国民经济和社会发展规划、国土整治和资源环境保护的要求、土地供给能力以及各项建设对土地的需求，组织编制土地利用总体规划。

土地利用总体规划的规划期限由国务院规定。

第十六条 下级土地利用总体规划应当依据上一级土地利用总体规划编制。

地方各级人民政府编制的土地利用总体规划中的建设用地总量不得超过上一级土地利用总体规划确定的控制指标，耕地保有量不得低于上一级土地利用总体规划确定的控制指标。

省、自治区、直辖市人民政府编制的土地利用总体规划，应当确保本行政区域内耕地总量不减少。

第十七条 土地利用总体规划按照下列原则编制：

（一）落实国土空间开发保护要求，严格土地用途管制；

（二）严格保护永久基本农田，严格控制非农业建设占用农用地；

（三）提高土地节约集约利用水平；

（四）统筹安排城乡生产、生活、生态用地，满足乡村产业和基础设施用地合理需求，促进城乡融合发展；

（五）保护和改善生态环境，保障土地的可持续利用；

（六）占用耕地与开发复垦耕地数量平衡、质量相当。

第十八条 国家建立国土空间规划体系。编制国土空间规划应当坚持生态优先，绿色、可持续发展，科学有序统筹安排生态、农业、城镇等功能空间，优化国土空间结构和布局，提升国土空间开发、保护的质量和效率。

经依法批准的国土空间规划是各类开发、保护、建设活动的基本依据。已经编制国土空间规划的，不再编制土地利用总体规划和城乡规划。

第十九条 县级土地利用总体规划应当划分土地利用区，明确土地用途。

乡（镇）土地利用总体规划应当划分土地利用区，根据土地使用条件，确定每一块土地的用途，并予以公告。

第二十条 土地利用总体规划实行分级审批。

省、自治区、直辖市的土地利用总体规划，报国务院批准。

省、自治区人民政府所在地的市、人口在一百万以上的城市以及国务院指定的城市的土地利用总体规划，经省、自治区人民政府审查同意后，报国务院批准。

本条第二款、第三款规定以外的土地利用总体规划，逐级上报省、自治区、直辖市人民政府批准；其中，乡（镇）土地利用总体规划可以由省级人民政府授权的设区的市、自治州人民政府批准。

土地利用总体规划一经批准，必须严格执行。

第二十一条 城市建设用地规模应当符合国家规定的标准，充分利用现有建设用地，不占或者尽量少占农用地。

城市总体规划、村庄和集镇规划，应当与土地利用总体规划相衔接，城市总体规划、村庄和集镇规划中建设用地规模不得超过土地利用总体规划确定的城市和村庄、集镇建设用地规模。

在城市规划区内、村庄和集镇规划区内，城市和村庄、集镇建设用地应当符合城市规划、村庄和集镇规划。

第二十二条 江河、湖泊综合治理和开发利用规划，应当与土地利用总体规划相衔接。在江河、湖泊、水库的管理和保护范围以及蓄洪滞洪区内，土地利用应当符合江河、湖泊综合治理和开发利用规划，符合河道、湖泊行洪、蓄洪和输水的要求。

第二十三条 各级人民政府应当加强土地利用计划管理，实行建设用地总量控制。

土地利用年度计划，根据国民经济和社会发展计划、国家产业政策、土地利用总体规划以及建设用地和土地利用的实际状况编制。土地利用年度计划应当对本法第六十三条规定的集体经营性建设用地作出合理安排。土地利用年度计划的编制审批程序与土地利用总体规划的编制审批程序相同，一经审批下达，必须严格执行。

第二十四条 省、自治区、直辖市人民政府应当将土地利用年度计划的执行情况列为国民经济和社会发展计划执行情况的内容，向同级人民代表大会报告。

第二十五条 经批准的土地利用总体规划的修改，须经原批准机关批准；未经批准，不得改变土地利用总体规划确定的土地用途。

经国务院批准的大型能源、交通、水利等基础设施建设用地，需要改变土地利用总体规划的，根据国务院的批准文件修改土地利用总体规划。

经省、自治区、直辖市人民政府批准的能源、交通、水利等基础设施建设用地，需要改变土地利用总体规划的，属于省级人民政府土地利用总体规划批准权限内的，根据省级人民政府的批准文件修改土地利用总体规划。

第二十六条 国家建立土地调查制度。

县级以上人民政府自然资源主管部门会同同级有关部门进行土地调查。土地所有者或者使用者应当配合调查，并提供有关资料。

第二十七条 县级以上人民政府自然资源主管部门会同同级有关部门根据土地调查成果、规划土地用途和国家制定的统一标准，评定土地等级。

第二十八条 国家建立土地统计制度。

县级以上人民政府统计机构和自然资源主管部门依法进行土地统计调查，定期发布土地统计资料。土地所有者或者使用者应当提供有关资料，不得拒报、迟报，不得提供不真实、不完整的资料。

统计机构和自然资源主管部门共同发布的土地面积统计资料是各级人民政府编制土地利用总体规划的依据。

第二十九条 国家建立全国土地管理信息系统，对土地利用状况进行动态监测。

第四章 耕 地 保 护

第三十条 国家保护耕地，严格控制耕地转为非耕地。

国家实行占用耕地补偿制度。非农业建设经批准占用耕地的，按照“占多少，垦多少”的原则，由占用耕地的单位负责开垦与所占用耕地的数量和质量相当的耕地；没有条件开垦或者开垦的耕地不符合要求的，应当按照省、自治区、直辖市的规定缴纳耕地开垦费，专款用于开垦新的耕地。

省、自治区、直辖市人民政府应当制定开垦耕地计划，监督占用耕地的单位按照计划开垦耕地或者按照计划组织开垦耕地，并进行验收。

第三十一条 县级以上地方人民政府可以要求占用耕地的单位将所占用耕地耕作层的土壤用于新开垦耕地、劣质地或者其他耕地的土壤改良。

第三十二条 省、自治区、直辖市人民政府应当严格执行土地利用总体规划和土地利用年度计划，采取措施，确保本行政区域内耕地总量不减少、质量不降低。耕地总量减少的，由国务院责令在规定期限内组织开垦与所减少耕地的数量与质量相当的耕地；耕地质量降低的，由国务院责令在规定期限内组织整治。新开垦和整治的耕地由国务院自然资源主管部门会同农业农村主管部门验收。

个别省、直辖市确因土地后备资源匮乏，新增建设用地后，新开垦耕地的数量不足以补偿所占用耕地的数量的，必须报经国务院批准减免本行政区域内开垦耕地的数量，易地开垦数量和质量相当的耕地。

第三十三条 国家实行永久基本农田保护制度。下列耕地应当根据土地利用总体规划划为永久基本农田，实行严格保护：

（一）经国务院农业农村主管部门或者县级以上地方人民政府批准确定的粮、棉、油、糖等重要农产品生产基地内的耕地；

（二）有良好的水利与水土保持设施的耕地，正在实施改造计划以及可以改造的中、低产田和已建成的高标准农田；

（三）蔬菜生产基地；

（四）农业科研、教学试验田；

（五）国务院规定应当划为永久基本农田的其他耕地。

各省、自治区、直辖市划定的永久基本农田一般应当占本行政区域内耕地的百分之八十以上，具体比例由国务院根据各省、自治区、直辖市耕地实际情况规定。

第三十四条 永久基本农田划定以乡（镇）为单位进行，由县级人民政府自然资源主管部门会同同级农业农村主管部门组织实施。永久基本农田应当落实到地块，纳入国家永久基本农田数据库严格管理。

乡（镇）人民政府应当将永久基本农田的位置、范围向社会公告，并设立保护标志。

第三十五条 永久基本农田经依法划定后，任何单位和个人不得擅自占用或者改变其用途。国家能源、交通、水利、军事设施等重点建设项目选址确实难以避让永久基本农田，涉及农用地转用或者土地征收的，必须经国务院批准。

禁止通过擅自调整县级土地利用总体规划、乡（镇）土地利用总体规划等方式规避永久基本农田农用地转用或者土地征收的审批。

第三十六条 各级人民政府应当采取措施，引导因地制宜轮作休耕，改良土壤，提高地力，维护排灌工程设施，防止土地荒漠化、盐渍化、水土流失和土壤污染。

第三十七条 非农业建设必须节约使用土地，可以利用荒地的，不得占用耕地；可以利用劣地的，不得占用好地。

禁止占用耕地建窑、建坟或者擅自在耕地上建房、挖砂、采石、采矿、取土等。

禁止占用永久基本农田发展林果业和挖塘养鱼。

第三十八条 禁止任何单位和个人闲置、荒芜耕地。已经办理审批手续的非农业建设占用耕地，一年内不用而又可以耕种并收获的，应当由原耕种该幅耕地的集体或者个人恢复耕种，也可以由用地单位组织耕种；一年以上未动工建设的，应当按照省、自治区、直辖市的规定缴纳闲置费；连续二年未使用的，经原批准机关批准，由县级以上人民政府无偿收回用地单位的土地使用权；该幅土地原为农民集体所有的，应当交由原农村集体经济组织恢复耕种。

在城市规划区范围内，以出让方式取得土地使用权进行房地产开发的闲置土地，依照《中华人民共和国城市房地产管理法》的有关规定办理。

第三十九条 国家鼓励单位和个人按照土地利用总体规划，在保护和改善生态环境、防止水土流失和土地荒漠化的前提下，开发未利用的土地；适宜开发为农用地的，应当优先开发成农用地。

国家依法保护开发者的合法权益。

第四十条 开垦未利用的土地，必须经过科学论证和评估，在土地利用总体规划划定的可开垦的区域内，经依法批准后进行。禁止毁坏森林、草原开垦耕地，禁止围湖造田和侵占江河滩地。

根据土地利用总体规划，对破坏生态环境开垦、围垦的土地，有计划有步骤地退耕还林、还牧、还湖。

第四十一条 开发未确定使用权的国有荒山、荒地、荒滩从事种植业、林业、畜牧业、渔业生产的，经县级以上人民政府依法批准，可以确定给开发单位或者个人长期使用。

第四十二条 国家鼓励土地整理。县、乡（镇）人民政府应当组织农村集体经济组织，按照土地利用总体规划，对田、水、路、林、村综合整治，提高耕地质量，增加有效耕地面积，改善农业生产条件和生态环境。

地方各级人民政府应当采取措施，改造中、低产田，整治闲散地和废弃地。

第四十三条 因挖损、塌陷、压占等造成土地破坏，用地单位和个人应当按照国家有关规定负责复垦；没有条件复垦或者复垦不符合要求的，应当缴纳土地复垦费，专项用于土地复垦。复垦的土地应当优先用于农业。

第五章 建 设 用 地

第四十四条 建设占用土地，涉及农用地转为建设用地的，应当办理农用地转用审批手续。

永久基本农田转为建设用地的，由国务院批准。

在土地利用总体规划确定的城市和村庄、集镇建设用地规模范围内，为实施该规划而将永久基本农田以外的农用地转为建设用地的，按土地利用年度计划分批次按照国务院规定由原批准土地利用总体规划的机关或者其授权的机关批准。在已批准的农用地转用范围内，具体建设项目用地可以由市、县人民政府批准。

在土地利用总体规划确定的城市和村庄、集镇建设用地规模范围外，将永久基本农田以外的农用地转为建设用地的，由国务院或者国务院授权的省、自治区、直辖市人民政府批准。

第四十五条 为了公共利益的需要，有下列情形之一，确需征收农民集体所有的土地的，可以依法实施征收：

（一）军事和外交需要用地的；

（二）由政府组织实施的能源、交通、水利、通信、邮政等基础设施建设需要用地的；

（三）由政府组织实施的科技、教育、文化、卫生、体育、生态环境和资源保护、防灾减灾、文物保护、社区综合服务、社会福利、市政公用、优抚安置、英烈保护等公共事业需要用地的；

（四）由政府组织实施的扶贫搬迁、保障性安居工程建设需要用地的；

（五）在土地利用总体规划确定的城镇建设用地范围内，经省级以上人民政府批准由县级以上地方人民政府组织实施的成片开发建设需要用地的；

（六）法律规定为公共利益需要可以征收农民集体所有的土地的其他情形。

前款规定的建设活动，应当符合国民经济和社会发展规划、土地利用总体规划、城乡规划和专项规划；第（四）项、第（五）项规定的建设活动，还应当纳入国民经济和社会发展年度计划；第（五）项规定的成片开发并应当符合国务院自然资源主管部门规定的标准。

第四十六条 征收下列土地的，由国务院批准：

（一）永久基本农田；

（二）永久基本农田以外的耕地超过三十五公顷的；

（三）其他土地超过七十公顷的。

征收前款规定以外的土地的，由省、自治区、直辖市人民政府批准。

征收农用地的，应当依照本法第四十四条的规定先行办理农用地转用审批。其中，经国务院批准农用地转用的，同时办理征地审批手续，不再另行办理征地审批；经省、自治区、直辖市人民政府在征地批准权限内批准农用地转用的，同时办理征地审批手续，不再另行办理征地审批，超过征地批准权限的，应当依照本条第一款的规定另行办理征地审批。

第四十七条 国家征收土地的，依照法定程序批准后，由县级以上地方人民政府予以公告并组织实施。

县级以上地方人民政府拟申请征收土地的，应当开展拟征收土地现状调查和社会稳定风险评估，并将征收范围、土地现状、征收目的、补偿标准、安置方式和社会保障等在拟征收土地所在的乡（镇）和村、村民小组范围内公告至少三十日，听取被征地的农村集体经济组织及其成员、村民委员会和其他利害关系人的意见。

多数被征地的农村集体经济组织成员认为征地补偿安置方案不符合法律、法规规定的，县级以上地方人民政府应当组织召开听证会，并根据法律、法规的规定和听证会情况修改方案。

拟征收土地的所有权人、使用权人应当在公告规定期限内，持不动产权属证明材料办理补偿登记。县级以上地方人民政府应当组织有关部门测算并落实有关费用，保证足额到位，与拟征收土地的所有权人、使用权人就补偿、安置等签订协议；个别确实难以达成协议的，应当在申请征收土地时如实说明。

相关前期工作完成后，县级以上地方人民政府方可申请征收土地。

第四十八条 征收土地应当给予公平、合理的补偿，保障被征地农民原有生活水平不降低、长远生计有保障。

征收土地应当依法及时足额支付土地补偿费、安置补助费以及农村村民住宅、其他地上附着物和青苗等的补偿费用，并安排被征地农民的社会保障费用。

征收农用地的土地补偿费、安置补助费标准由省、自治区、直辖市通过制定公布区片综合地价确定。制定区片综合地价应当综合考虑土地原用途、土地资源条件、土地产值、土地区位、土地供求关系、人口以及经济社会发展水平等因素，并至少每三年调整或者重新公布一次。

征收农用地以外的其他土地、地上附着物和青苗等的补偿标准，由省、自治区、直辖市制定。对其中的农村村民住宅，应当按照先补偿后搬迁、居住条件有改善的原则，尊重农村村民意愿，采取重新安排宅基地建房、提供安置房或者货币补偿等方式给予公平、合理的补偿，并对因征收造成的搬迁、临时安置等费用予以补偿，保障农村村民居住的权利和合法的住房财产权益。

县级以上地方人民政府应当将被征地农民纳入相应的养老等社会保障体系。被征地农民的社会保障费用主要用于符合条件的被征地农民的养老保险等社会保险缴费补贴。被征地农民社会保障费用的筹集、管理和使用办法，由省、自治区、直辖市制定。

第四十九条 被征地的农村集体经济组织应当将征收土地的补偿费用的收支状况向本集体经济组织的成员公布，接受监督。

禁止侵占、挪用被征收土地单位的征地补偿费用和其他有关费用。

第五十条 地方各级人民政府应当支持被征地的农村集体经济组织和农民从事开发经营，兴办企业。

第五十一条 大中型水利、水电工程建设征收土地的补偿费标准和移民安置办法，由国务院另行规定。

第五十二条 建设项目可行性研究论证时，自然资源主管部门可以根据土地利用总体规划、土地利用年度计划和建设用地标准，对建设用地有关事项进行审查，并提出意见。

第五十三条 经批准的建设项目需要使用国有建设用地的，建设单位应当持法律、行政法规规定的有关文件，向有批准权的县级以上人民政府自然资源主管部门提出建设用地申请，经自然资源主管部门审查，报本级人民政府批准。

第五十四条 建设单位使用国有土地，应当以出让等有偿使用方式取得；但是，下列建设用地，经县级以上人民政府依法批准，可以以划拨方式取得：

（一）国家机关用地和军事用地；

（二）城市基础设施用地和公益事业用地；

（三）国家重点扶持的能源、交通、水利等基础设施用地；

（四）法律、行政法规规定的其他用地。

第五十五条 以出让等有偿使用方式取得国有土地使用权的建设单位，按照国务院规定的标准和办法，缴纳土地使用权出让金等土地有偿使用费和其他费用后，方可使用土地。

自本法施行之日起，新增建设用地的土地有偿使用费，百分之三十上缴中央财政，百分之七十留给有关地方人民政府。具体使用管理办法由国务院财政部门会同有关部门制定，并报国务院批准。

第五十六条 建设单位使用国有土地的，应当按照土地使用权出让等有偿使用合同的约定或者土地使用权划拨批准文件的规定使用土地；确需改变该幅土地建设用途的，应当经有关人民政府自然资源主管部门同意，报原批准用地的人民政府批准。其中，在城市规划区内改变土地用途的，在报批前，应当先经有关城市规划行政主管部门同意。

第五十七条 建设项目施工和地质勘查需要临时使用国有土地或者农民集体所有的土地的，由县级以上人民政府自然资源主管部门批准。其中，在城市规划区内的临时用地，在报批前，应当先经有关城市规划行政主管部门同意。土地使用者应当根据土地权属，与有关自然资源主管部门或者农村集体经济组织、村民委员会签订临时使用土地合同，并按照合同的约定支付临时使用土地补偿费。

临时使用土地的使用者应当按照临时使用土地合同约定的用途使用土地，并不得修建永久性建筑物。

临时使用土地期限一般不超过二年。

第五十八条 有下列情形之一的，由有关人民政府自然资源主管部门报经原批准用地的人民政府或者有批准权的人民政府批准，可以收回国有土地使用权：

（一）为实施城市规划进行旧城区改建以及其他公共利益需要，确需使用土地的；

（二）土地出让等有偿使用合同约定的使用期限届满，土地使用者未申请续期或者申请续期未获批准的；

（三）因单位撤销、迁移等原因，停止使用原划拨的国有土地的；

（四）公路、铁路、机场、矿场等经核准报废的。

依照前款第（一）项的规定收回国有土地使用权的，对土地使用权人应当给予适当补偿。

第五十九条 乡镇企业、乡（镇）村公共设施、公益事业、农村村民住宅等乡（镇）村建设，应当按照村庄和集镇规划，合理布局，综合开发，配套建设；建设用地，应当符合乡（镇）土地利用总体规划和土地利用年度计划，并依照本法第四十四条、第六十条、第六十一条、第六十二条的规定办理审批手续。

第六十条 农村集体经济组织使用乡（镇）土地利用总体规划确定的建设用地兴办企业或者与其他单位、个人以土地使用权入股、联营等形式共同举办企业的，应当持有关批准文件，向县级以上地方人民政府自然资源主管部门提出申请，按照省、自治区、直辖市规定的批准权限，由县级以上地方人民政府批准；其中，涉及占用农用地的，依照本法第四十四条的规定办理审批手续。

按照前款规定兴办企业的建设用地，必须严格控制。省、自治区、直辖市可以按照乡镇企业的不同行业和经营规模，分别规定用地标准。

第六十一条 乡（镇）村公共设施、公益事业建设，需要使用土地的，经乡（镇）人民政府审核，向县级以上地方人民政府自然资源主管部门提出申请，按照省、自治区、直辖市规定的批准权限，由县级以上地方人民政府批准；其中，涉及占用农用地的，依照本法第四十四条的规定办理审批手续。

第六十二条 农村村民一户只能拥有一处宅基地，其宅基地的面积不得超过省、自治区、直辖市规定的标准。

人均土地少、不能保障一户拥有一处宅基地的地区，县级人民政府在充分尊重农村村民意愿的基础上，可以采取措施，按照省、自治区、直辖市规定的标准保障农村村民实现户有所居。

农村村民建住宅，应当符合乡（镇）土地利用总体规划、村庄规划，不得占用永久基本农田，并尽量使用原有的宅基地和村内空闲地。编制乡（镇）土地利用总体规划、村庄规划应当统筹并合理安排宅基地用地，改善农村村民居住环境和条件。

农村村民住宅用地，由乡（镇）人民政府审核批准；其中，涉及占用农用地的，依照本法第四十四条的规定办理审批手续。

农村村民出卖、出租、赠与住宅后，再申请宅基地的，不予批准。

国家允许进城落户的农村村民依法自愿有偿退出宅基地，鼓励农村集体经济组织及其成员盘活利用闲置宅基地和闲置住宅。

国务院农业农村主管部门负责全国农村宅基地改革和管理有关工作。

第六十三条 土地利用总体规划、城乡规划确定为工业、商业等经营性用途，并经依法登记的集体经营性建设用地，土地所有权人可以通过出让、出租等方式交由单位或者个人使用，并应当签订书面合同，载明土地界址、面积、动工期限、使用期限、土地用途、规划条件和双方其他权利义务。

前款规定的集体经营性建设用地出让、出租等，应当经本集体经济组织成员的村民会议三分之二以上成员或者三分之二以上村民代表的同意。

通过出让等方式取得的集体经营性建设用地使用权可以转让、互换、出资、赠与或者抵押，但法律、行政法规另有规定或者土地所有权人、土地使用权人签订的书面合同另有约定的除外。

集体经营性建设用地的出租，集体建设用地使用权的出让及其最高年限、转让、互换、出资、赠与、抵押等，参照同类用途的国有建设用地执行。具体办法由国务院制定。

第六十四条 集体建设用地的使用者应当严格按照土地利用总体规划、城乡规划确定的用途使用土地。

第六十五条 在土地利用总体规划制定前已建的不符合土地利用总体规划确定的用途的建筑物、构筑物，不得重建、扩建。

第六十六条 有下列情形之一的，农村集体经济组织报经原批准用地的人民政府批准，可以收回土地使用权：

（一）为乡（镇）村公共设施和公益事业建设，需要使用土地的；

（二）不按照批准的用途使用土地的；

（三）因撤销、迁移等原因而停止使用土地的。

依照前款第（一）项规定收回农民集体所有的土地的，对土地使用权人应当给予适当补偿。

收回集体经营性建设用地使用权，依照双方签订的书面合同办理，法律、行政法规另有规定的除外。

第六章 监 督 检 查

第六十七条 县级以上人民政府自然资源主管部门对违反土地管理法律、法规的行为进行监督检查。

县级以上人民政府农业农村主管部门对违反农村宅基地管理法律、法规的行为进行监督检查的，适用本法关于自然资源主管部门监督检查的规定。

土地管理监督检查人员应当熟悉土地管理法律、法规，忠于职守、秉公执法。

第六十八条 县级以上人民政府自然资源主管部门履行监督检查职责时，有权采取下列措施：

（一）要求被检查的单位或者个人提供有关土地权利的文件和资料，进行查阅或者予以复制；

（二）要求被检查的单位或者个人就有关土地权利的问题作出说明；

（三）进入被检查单位或者个人非法占用的土地现场进行勘测；

（四）责令非法占用土地的单位或者个人停止违反土地管理法律、法规的行为。

第六十九条 土地管理监督检查人员履行职责，需要进入现场进行勘测、要求有关单位或者个人提供文件、资料和作出说明的，应当出示土地管理监督检查证件。

第七十条 有关单位和个人对县级以上人民政府自然资源主管部门就土地违法行为进行的监督检查应当支持与配合，并提供工作方便，不得拒绝与阻碍土地管理监督检查人员依法执行职务。

第七十一条 县级以上人民政府自然资源主管部门在监督检查工作中发现国家工作人员的违法行为，依法应当给予处分的，应当依法予以处理；自己无权处理的，应当依法移送监察机关或者有关机关处理。

第七十二条 县级以上人民政府自然资源主管部门在监督检查工作中发现土地违法行为构成犯罪的，应当将案件移送有关机关，依法追究刑事责任；尚不构成犯罪的，应当依法给予行政处罚。

第七十三条 依照本法规定应当给予行政处罚，而有关自然资源主管部门不给予行政处罚的，上级人民政府自然资源主管部门有权责令有关自然资源主管部门作出行政处罚决定或者直接给予行政处罚，并给予有关自然资源主管部门的负责人处分。

第七章 法 律 责 任

第七十四条 买卖或者以其他形式非法转让土地的，由县级以上人民政府自然资源主管部门没收违法所得；对违反土地利用总体规划擅自将农用地改为建设用地的，限期拆除在非法转让的土地上新建的建筑物和其他设施，恢复土地原状，对符合土地利用总体规划的，没收在非法转让的土地上新建的建筑物和其他设施；可以并处罚款；对直接负责的主管人员和其他直接责任人员，依法给予处分；构成犯罪的，依法追究刑事责任。

第七十五条 违反本法规定，占用耕地建窑、建坟或者擅自在耕地上建房、挖砂、采石、采矿、取土等，破坏种植条件的，或者因开发土地造成土地荒漠化、盐渍化的，由县级以上人民政府自然资源主管部门、农业农村主管部门等按照职责责令限期改正或者治理，可以并处罚款；构成犯罪的，依法追究刑事责任。

第七十六条 违反本法规定，拒不履行土地复垦义务的，由县级以上人民政府自然资源主管部门责令限期改正；逾期不改正的，责令缴纳复垦费，专项用于土地复垦，可以处以罚款。

第七十七条 未经批准或者采取欺骗手段骗取批准，非法占用土地的，由县级以上人民政府自然资源主管部门责令退还非法占用的土地，对违反土地利用总体规划擅自将农用地改为建设用地的，限期拆除在非法占用的土地上新建的建筑物和其他设施，恢复土地原状，对符合土地利用总体规划的，没收在非法占用的土地上新建的建筑物和其他设施，可以并处罚款；对非法占用土地单位的直接负责的主管人员和其他直接责任人员，依法给予处分；构成犯罪的，依法追究刑事责任。

超过批准的数量占用土地，多占的土地以非法占用土地论处。

第七十八条 农村村民未经批准或者采取欺骗手段骗取批准，非法占用土地建住宅的，由县级以上人民政府农业农村主管部门责令退还非法占用的土地，限期拆除在非法占用的土地上新建的房屋。

超过省、自治区、直辖市规定的标准，多占的土地以非法占用土地论处。

第七十九条 无权批准征收、使用土地的单位或者个人非法批准占用土地的，超越批准权限非法批准占用土地的，不按照土地利用总体规划确定的用途批准用地的，或者违反法律规定的程序批准占用、征收土地的，其批准文件无效，对非法批准征收、使用土地的直接负责的主管人员和其他直接责任人员，依法给予处分；构成犯罪的，依法追究刑事责任。非法批准、使用的土地应当收回，有关当事人拒不归还的，以非法占用土地论处。

非法批准征收、使用土地，对当事人造成损失的，依法应当承担赔偿责任。

第八十条 侵占、挪用被征收土地单位的征地补偿费用和其他有关费用，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，依法给予处分。

第八十一条 依法收回国有土地使用权当事人拒不交出土地的，临时使用土地期满拒不归还的，或者不按照批准的用途使用国有土地的，由县级以上人民政府自然资源主管部门责令交还土地，处以罚款。

第八十二条 擅自将农民集体所有的土地通过出让、转让使用权或者出租等方式用于非农业建设，或者违反本法规定，将集体经营性建设用地通过出让、出租等方式交由单位或者个人使用的，由县级以上人民政府自然资源主管部门责令限期改正，没收违法所得，并处罚款。

第八十三条 依照本法规定，责令限期拆除在非法占用的土地上新建的建筑物和其他设施的，建设单位或者个人必须立即停止施工，自行拆除；对继续施工的，作出处罚决定的机关有权制止。建设单位或者个人对责令限期拆除的行政处罚决定不服的，可以在接到责令限期拆除决定之日起十五日内，向人民法院起诉；期满不起诉又不自行拆除的，由作出处罚决定的机关依法申请人民法院强制执行，费用由违法者承担。

第八十四条 自然资源主管部门、农业农村主管部门的工作人员玩忽职守、滥用职权、徇私舞弊，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，依法给予处分。

第八章 附 则

第八十五条 外商投资企业使用土地的，适用本法；法律另有规定的，从其规定。

第八十六条 在根据本法第十八条的规定编制国土空间规划前，经依法批准的土地利用总体规划和城乡规划继续执行。

第八十七条 本法自1999年1月1日起施行。

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Land Administration Law of the People's Republic of China

Source: NPC 2019-09-05 15:23:35

(Adopted at the 16th meeting of the Standing Committee of the Sixth National People's Congress on June 25, 1986, in accordance with the "About Amending the Land The Decision of the Management Law was revised for the first time on August 29, 1998 at the Fourth Meeting of the Standing Committee of the Ninth National People's Congress. The second revision of the meeting's "Decision on Amending the Land Administration Law of the People's Republic of China" was based on the "Decision on Amending the Land Administration Law of the People's Republic of China" at the 12th meeting of the Standing Committee of the Thirteenth National People's Congress on August 26, 2019. Law), the third revision of the Decision of the Urban Real Estate Management Law of the People's Republic of China)

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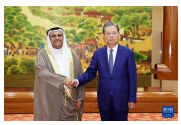
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Chapter 1 General Provisions

Article 1 This Law is enacted in accordance with the Constitution in order to strengthen land management, maintain the socialist public ownership of land, protect and develop land resources, rationally utilize land, effectively protect cultivated land, and promote sustainable social and economic development.

Article 2 The People's Republic of China implements socialist public ownership of land, that is, ownership by the whole people and collective ownership by the working masses.

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Owned by the whole people, that is, ownership of land owned by the state is exercised by the State Council on behalf of the state.

No unit or individual may occupy, trade or illegally transfer land in other forms. Land use rights can be transferred according to law.

For the needs of the public interest, the state may expropriate or requisition land according to law and provide compensation.

The state implements the system of paid use of state-owned land in accordance with the law. However, the state allocates the right to use state-owned land within the scope prescribed by law.

Article 3 It is the basic state policy of our country to cherish and rationally utilize land and to effectively protect cultivated land. People's governments at all levels should take measures to comprehensively plan, strictly manage, protect and develop land resources, and stop illegal occupation of land.

Article 4 The state implements a land use control system.

The state formulates an overall plan for land use, stipulates land use, and divides land into agricultural land, construction land, and unused land. Strictly restrict the transformation of agricultural land into construction land, control the total amount of construction land, and implement special protection for cultivated land.

The agricultural land mentioned in the preceding paragraph refers to the land directly used for agricultural production, including arable land, forest land, grassland, farmland water use land, breeding water surface, etc.; construction land refers to the land for building buildings and structures, including urban and rural housing and public facilities land , industrial and mining land, land for transportation and water conservancy facilities, land for tourism, land for military facilities, etc.; unused land refers to land other than agricultural land and construction land.

Units and individuals using land must use the land strictly in accordance with the purposes determined in the overall land use plan.

Article 5 The competent department of natural resources of the State Council is responsible for the unified management and supervision of land throughout the country.

The establishment and responsibilities of the competent departments of natural resources of local people's governments at or above the county level shall be determined by the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government in accordance with the relevant provisions of the State Council.

Article 6 The institutions authorized by the State Council shall inspect the land use and management of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government,

as well as the people's governments of cities designated by the State Council.

Article 7 All units and individuals have the obligation to abide by land management laws and regulations, and have the right to report and accuse violations of land management laws and regulations.

Article 8 The people's government shall reward units and individuals that have made outstanding achievements in protecting and developing land resources, rationally utilizing land, and conducting relevant scientific research.

Chapter II Ownership and Use Right of Land

Article 9 The land in urban areas shall be owned by the state.

The land in rural areas and urban suburbs, except for the state-owned land as prescribed by law, is collectively owned by peasants; homesteads, private plots, and private hills are collectively owned by peasants.

Article 10 State-owned land and land collectively owned by peasants may be designated for use by units or individuals according to law. Units and individuals using land have the obligation to protect, manage and rationally utilize the land.

Article 11 If the collectively-owned land of farmers is collectively owned by farmers in the village according to law, it shall be operated and managed by the village collective economic organization or the villagers committee; Rural collective economic organizations or villagers' groups operate and manage; those that are already owned by township (town) peasant collectives shall be operated and managed by the rural collective economic organizations of the township (town).

Article 12 The registration of ownership and use rights of land shall be carried out in accordance with laws and administrative regulations on real estate registration.

The ownership and use rights of legally registered land are protected by law and shall not be violated by any unit or individual.

Article 13 Farmland, forest land, grassland, and other land legally used for agriculture that are collectively owned by farmers or owned by the state and used collectively by farmers in accordance with the law shall be contracted by means of household contracting within the rural collective economic organization, and barren hills that are not suitable for household contracting , barren ditches, barren hills, barren beaches, etc., can be contracted through bidding, auction, public consultation, etc., to engage in planting, forestry, animal husbandry, and fishery production. The contract period of farmland contracted by households is 30 years, that of grassland is 30 to 50 years, and that of forest land is 30 to 70 years; , After the expiry

of the forest land contract period, it shall be extended accordingly according to law.

Land owned by the state that is legally used for agriculture may be contracted and managed by units or individuals to engage in planting, forestry, animal husbandry, and fishery production.

The contract-issuing party and the contractor shall enter into a contract in accordance with the law, specifying the rights and obligations of both parties. Units and individuals who contract to manage land have the obligation to protect and rationally utilize the land in accordance with the purposes stipulated in the contract.

Article 14 Disputes over land ownership and use rights shall be resolved through consultation between the parties; if the consultation fails, the people's government shall handle it.

Disputes between units shall be handled by people's governments at or above the county level; disputes between individuals or between individuals and units shall be handled by people's governments at the township level or people's governments at or above the county level.

If a party is not satisfied with the handling decision of the relevant people's government, it may file a lawsuit in a people's court within 30 days of receiving the notification of the handling decision.

Before the disputes over land ownership and use rights are resolved, neither party shall change the status quo of land use.

Chapter III Overall Planning of Land Use

Article 15 People's governments at all levels shall organize the formulation of overall land use plans based on national economic and social development plans, requirements for land consolidation and resource and environmental protection, land supply capacity, and land demand for various constructions.

The planning time limit for the overall planning of land use shall be stipulated by the State Council.

Article 16 The overall plan for land use at a lower level shall be formulated in accordance with the overall plan for land use at a higher level.

The total amount of construction land in the overall land use plan prepared by local people's governments at various levels shall not exceed the control index determined by the overall land use plan at the next higher level, and the amount of cultivated land shall not be lower than the control index determined by the overall land use plan at the next higher level.

The overall plan for land use formulated by the people's government of a province, autonomous region, or municipality directly under the Central

Government shall ensure that the total amount of cultivated land within its administrative area does not decrease.

Article 17 The overall planning of land use shall be formulated according to the following principles:

(1) Implement the requirements for the development and protection of national land space, and strictly control the use of land;

(2) Strictly protect the permanent basic farmland and strictly control the occupation of agricultural land for non-agricultural construction;

(3) Improve the level of economical and intensive use of land;

(4) Make overall arrangements for urban and rural production, living, and ecological land, meet the reasonable needs of rural industries and infrastructure land, and promote the integrated development of urban and rural areas;

(5) Protecting and improving the ecological environment and ensuring the sustainable use of land;

(6) The quantity and quality of occupied cultivated land and developed and reclaimed cultivated land are balanced.

Article 18 The state establishes a national land space planning system. The compilation of national land space planning should adhere to ecological priority, green and sustainable development, scientifically and orderly arrange ecological, agricultural, urban and other functional spaces, optimize the structure and layout of national land space, and improve the quality and efficiency of land space development and protection.

Land space planning approved by law is the basic basis for various development, protection and construction activities. If the national land space planning has been compiled, the overall land use planning and urban and rural planning will no longer be compiled.

Article 19 The overall planning of land use at the county level shall divide the land use areas and specify the land use.

The township (town) overall plan for land use shall divide the land use areas, determine the use of each piece of land according to the land use conditions, and make an announcement.

Article 20 The overall planning of land use shall be subject to graded examination and approval.

The overall plans for land use of provinces, autonomous regions, and municipalities directly under the Central Government shall be submitted to the State Council for approval.

The overall plans for land use of cities where the people's governments of provinces and autonomous regions are located, cities with a population of more than one million, and cities designated by the State Council shall be

submitted to the State Council for approval after examination and approval by the people's governments of provinces and autonomous regions.

The overall planning of land use other than those specified in paragraphs 2 and 3 of this article shall be submitted to the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government for approval level by level; among them, the overall land use planning of townships (towns) may be approved by the municipalities divided into districts authorized by the provincial people's government. , Autonomous prefecture people's government approval.

Once the overall land use plan is approved, it must be strictly implemented.

Article 21 The scale of urban construction land shall comply with the standards stipulated by the state, make full use of existing construction land, and occupy no or as little agricultural land as possible.

The overall urban planning, village and market town planning shall be connected with the overall land use planning, and the scale of construction land in the overall urban planning, village and market town planning shall not exceed the construction land scale determined in the overall land use planning for cities, villages, and market towns.

Within urban planning areas, villages and market towns planning areas, the construction land of cities, villages and market towns shall comply with urban planning, village and market town planning.

Article 22 The comprehensive management and development and utilization planning of rivers and lakes shall be connected with the overall planning of land use. Within the scope of management and protection of rivers, lakes, and reservoirs, as well as flood storage and detention areas, land use shall conform to the comprehensive management and development and utilization planning of rivers and lakes, as well as the requirements for flood discharge, flood storage, and water delivery of river courses and lakes.

Article 23 The people's governments at all levels shall strengthen the management of land use plans and implement the control of the total amount of construction land.

The annual plan for land use shall be prepared in accordance with the national economic and social development plan, the national industrial policy, the overall plan for land use, and the actual conditions of construction land and land use. The annual plan for land use shall make reasonable arrangements for the collectively operated construction land specified in Article 63 of this Law. The procedures for the preparation and approval of the annual land use plan are the same as those for the overall land use plan, and once approved and released, they must be strictly implemented.

Article 24 The people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall include the implementation of the annual land use plan as part of the implementation of the national economic and social development plan, and report to the people's congress at the same level.

Article 25 The modification of the approved overall land use plan must be approved by the original approving authority; without approval, the land use determined in the overall land use plan shall not be changed.

If the land for large-scale energy, transportation, water conservancy and other infrastructure construction approved by the State Council needs to change the overall land use plan, the overall land use plan shall be revised according to the approval documents of the State Council.

If the land for energy, transportation, water conservancy and other infrastructure construction approved by the people's government of a province, autonomous region, or municipality directly under the Central Government needs to change the overall land use plan, if it is within the approval authority of the provincial people's government for the overall plan for land use, it shall be subject to the approval of the provincial people's government. Document revisions to the land use master plan.

Article 26 The state establishes a land survey system.

The competent departments of natural resources of the people's governments at or above the county level shall conduct land surveys in conjunction with relevant departments at the same level. The land owner or user shall cooperate with the investigation and provide relevant information.

Article 27 The competent department of natural resources of the people's government at or above the county level shall, in conjunction with relevant departments at the same level, assess land grades based on land survey results, planned land uses, and uniform standards formulated by the state.

Article 28 The state establishes a land statistics system.

Statistical agencies of the people's governments at or above the county level and competent departments of natural resources conduct land statistical surveys in accordance with the law and release land statistical data on a regular basis. Land owners or users shall provide relevant materials, and shall not refuse or delay reporting, and shall not provide untrue or incomplete materials.

Statistical data on land area jointly issued by statistical agencies and competent departments of natural resources are the basis for people's governments at all levels to formulate overall plans for land use.

Article 29 The state establishes a national land management information system to conduct dynamic monitoring of land use conditions.

Chapter IV Cultivated Land Protection

Article 30 The state protects cultivated land and strictly controls the transformation of cultivated land into non-cultivated land.

The state implements a system of compensation for the occupation of cultivated land. If the non-agricultural construction is approved to occupy cultivated land, according to the principle of "how much is occupied, how much shall be reclaimed", the unit occupying the cultivated land shall be responsible for reclaiming the cultivated land equivalent to the quantity and quality of the occupied cultivated land; , shall pay farmland reclamation fees in accordance with the regulations of provinces, autonomous regions, and municipalities directly under the central government, and earmark funds for the reclamation of new farmland.

The people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall formulate plans for reclamation of cultivated land, supervise the units occupying cultivated land to reclaim cultivated land according to the plan or organize the reclamation of cultivated land according to the plan, and conduct inspection and acceptance.

Article 31 The local people's government at or above the county level may require units that occupy cultivated land to use the soil in the plow layer of the occupied cultivated land for soil improvement of newly reclaimed cultivated land, poor-quality or other cultivated land.

Article 32 The people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall strictly implement the overall plan for land use and the annual plan for land use, and take measures to ensure that the total amount and quality of cultivated land within their administrative regions will not decrease. If the total amount of cultivated land is reduced, the State Council shall order the organization to reclaim cultivated land equal in quantity and quality to the reduced cultivated land within a prescribed time limit; if the quality of cultivated land decreases, the State Council shall order to organize reclamation within a prescribed time limit. The newly reclaimed and rehabilitated cultivated land shall be inspected and accepted by the competent department of natural resources of the State Council together with the competent department of agriculture and rural areas.

Some provinces and municipalities directly under the Central Government are indeed short of land reserve resources. After adding new construction land, the amount of newly reclaimed cultivated land is not enough to compensate for the amount of occupied cultivated land. Cultivated land of comparable quantity and quality.

Article 33 The state implements a permanent basic farmland protection system. The following cultivated land shall be classified as permanent basic farmland according to the overall plan for land use and shall be strictly protected:

(1) Cultivated land in production bases of important agricultural products such as grain, cotton, oil, sugar, etc. approved by the competent department of agriculture and rural areas of the State Council or local people's governments at or above the county level;

(2) Cultivated land with good water conservancy and water and soil conservation facilities, the transformation plan is being implemented, medium and low-yield fields that can be transformed, and high-standard farmland that has been built;

(3) Vegetable production bases;

(4) Experimental fields for agricultural scientific research and teaching;

(5) Other cultivated land that should be classified as permanent basic farmland as stipulated by the State Council.

The permanent basic farmland designated by each province, autonomous region, and municipality directly under the Central Government shall generally account for more than 80% of the cultivated land within its administrative area, and the specific proportion shall be determined by the State Council according to the actual conditions of the cultivated land in each province, autonomous region, or municipality directly under the Central Government.

Article 34 The delineation of permanent basic farmland shall be carried out in units of townships (towns), and shall be organized and implemented by the competent department of natural resources of the people's government at the county level in conjunction with the competent department of agriculture and rural affairs at the same level. Permanent basic farmland should be allocated to plots and included in the national permanent basic farmland database for strict management.

Township (town) people's governments should announce the location and scope of permanent basic farmland to the public, and set up protection signs.

Article 35 After the permanent basic farmland has been designated according to law, no unit or individual may occupy it or change its use without authorization. It is indeed difficult to avoid permanent basic farmland in the site selection of key construction projects such as national energy, transportation, water conservancy, and military facilities, and those involving agricultural land conversion or land acquisition must be approved by the State Council.

It is forbidden to evade the approval of permanent basic farmland and agricultural land conversion or land acquisition by adjusting the overall county-level land use plan and township (town) land use plan without authorization.

Article 36 People's governments at all levels shall take measures to guide crop rotation and fallow according to local conditions, improve soil, improve soil fertility, maintain irrigation and drainage engineering facilities, and prevent land desertification, salinization, soil erosion and soil pollution.

Article 37 Land must be used economically for non-agricultural construction. If wasteland can be used, cultivated land must not be occupied; if bad land can be used, good land must not be occupied.

It is forbidden to occupy cultivated land to build kilns, build graves or build houses on cultivated land without authorization, dig sand, quarry, mine, and borrow soil, etc.

It is forbidden to occupy permanent basic farmland to develop forestry and fruit industry and dig ponds to raise fish.

Article 38 It is forbidden for any unit or individual to leave idle or uncultivated cultivated land. If the cultivated land occupied by the non-agricultural construction that has gone through the examination and approval procedures is not used within one year but can be cultivated and harvested, the collective or individual who originally cultivated the cultivated land shall resume cultivation, or the land user unit may organize cultivation; if construction has not started for more than one year If it has not been used for two consecutive years, the people's government at or above the county level shall take back the land use right of the land-using unit free of charge upon the approval of the original approval authority; the land was originally owned by farmers' collectives All of them should be handed over to the original rural collective economic organization to restore cultivation.

Within the scope of the urban planning area, the idle land that has obtained the land use right for real estate development by means of assignment shall be handled in accordance with the relevant provisions of the "Law of the People's Republic of China on the Administration of Urban Real Estate".

Article 39 The state encourages units and individuals to develop unused land in accordance with the overall plan for land use, on the premise of protecting and improving the ecological environment, preventing soil erosion and land desertification; land that is suitable for agricultural use shall be developed first. agricultural land.

The state protects the legitimate rights and interests of developers in accordance with the law.

Article 40 Reclamation of unused land must go through scientific demonstration and evaluation, and be carried out within the reclaimable area delineated in the overall plan for land use and after approval in accordance with the law. It is forbidden to destroy forests and grasslands to reclaim arable land, and it is forbidden to reclaim land from lakes and occupy river beaches.

According to the overall planning of land use, the land that has been reclaimed and reclamated that has damaged the ecological environment shall be returned to forestry, grazing, and lakes in a planned and step-by-step manner.

Article 41 Those who develop state-owned barren hills, wasteland, and barren beaches for which the right to use has not been determined for planting, forestry, animal husbandry, and fishery production may be designated for long-term use by the development unit or individual upon approval by the people's government at or above the county level.

Article 42 The state encourages land consolidation. County, township (town) people's governments should organize rural collective economic organizations to comprehensively renovate fields, water, roads, forests, and villages in accordance with the overall plan for land use, improve the quality of cultivated land, increase the effective area of cultivated land, and improve agricultural production conditions and ecological environment. .

Local people's governments at various levels shall take measures to renovate medium- and low-yield fields, and remediate idle and abandoned land.

Article 43 Where land is damaged due to excavation, subsidence, occupation, etc., the land user unit or individual shall be responsible for reclamation in accordance with relevant state regulations; if there is no condition for reclamation or the reclamation fails to meet the requirements, land reclamation fees shall be paid. Specially used for land reclamation. The reclaimed land should be used in priority for agriculture.

Chapter V Construction Land

Article 44 Where the land occupied by construction involves the conversion of agricultural land to construction land, the approval procedures for the conversion of agricultural land shall be handled.

The transformation of permanent basic farmland into construction land shall be subject to the approval of the State Council.

Within the scale of construction land for cities, villages, and market towns determined in the overall plan for land use, if agricultural land other than permanent basic farmland is converted to construction land for the purpose of implementing the plan, the original land use plan shall be transferred in batches according to the annual land use plan and in accordance with the provisions of the State Council. Approval by the organ that approves the overall plan for land use or by an organ authorized by it. Within the scope of approved agricultural land conversion, specific land for construction projects may be approved by the municipal and county people's governments.

The transformation of agricultural land other than permanent basic farmland into construction land outside the scale of construction land for cities, villages, and market towns determined in the overall plan for land

use shall be subject to the approval of the State Council or the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government authorized by the State Council.

Article 45 For the needs of public interests, under any of the following circumstances, it is really necessary to expropriate collectively owned land of farmers, the expropriation may be carried out according to law:

(1) The land is required for military and diplomatic purposes;

(2) The construction of energy, transportation, water conservancy, communication, postal and other infrastructures organized and implemented by the government requires land;

(3) Needs for public utilities such as science and technology, education, culture, health, sports, ecological environment and resource protection, disaster prevention and mitigation, cultural relics protection, community comprehensive services, social welfare, municipal public utilities, preferential treatment and resettlement, and hero protection organized and implemented by the government land;

(4) The land is required for the construction of poverty alleviation relocation and affordable housing projects organized and implemented by the government;

(5) Within the range of land for urban construction determined in the overall plan for land use, land is required for development and construction in large tracts organized and implemented by local people's governments at or above the county level with the approval of the people's government at or above the provincial level;

(6) Other circumstances where the land collectively owned by farmers may be expropriated for the public interest as stipulated by law.

The construction activities specified in the preceding paragraph shall comply with the national economic and social development planning, overall land use planning, urban and rural planning and special planning; the construction activities specified in items (4) and (5) shall also be included in the national economic and social The annual development plan; the development of a large area as stipulated in item (5) shall meet the standards stipulated by the natural resources department of the State Council.

Article 46 The acquisition of the following land shall be approved by the State Council:

(1) permanent basic farmland;

(2) The cultivated land other than permanent basic farmland exceeds 35 hectares;

(3) Other land exceeding 70 hectares.

The acquisition of land other than those specified in the preceding paragraph shall be subject to the approval of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government.

In case of requisitioning agricultural land, the approval for the conversion of agricultural land shall be processed first in accordance with the provisions of Article 44 of this Law. Among them, if the conversion of agricultural land is approved by the State Council, the approval procedures for land acquisition shall be handled at the same time, and the land acquisition approval shall not be handled separately; if the conversion of agricultural land is approved by the people's government of a province, autonomous region, or municipality directly under the Central Government within the scope of approval for land acquisition, the approval procedures for land acquisition shall be handled at the same time. If the approval authority for land acquisition is exceeded, the approval for land acquisition shall be handled separately in accordance with the provisions of the first paragraph of this article.

Article 47 When the state expropriates land, it shall be announced and implemented by the local people's government at or above the county level after approval in accordance with legal procedures.

If the local people's government at or above the county level intends to apply for land expropriation, it shall conduct an investigation of the current situation of the land to be expropriated and an assessment of social stability risks, and include the scope of expropriation, the current situation of the land, the purpose of expropriation, compensation standards, resettlement methods, and social security in the location of the land to be expropriated. The township (town), village, and villager's group shall make an announcement for at least 30 days, and listen to the opinions of the land-expropriated rural collective economic organizations and their members, villagers' committees, and other stakeholders.

If most members of rural collective economic organizations whose land has been expropriated believe that the land acquisition compensation and resettlement plan does not comply with laws and regulations, the local people's government at or above the county level shall organize a hearing and revise the plan according to the provisions of laws and regulations and the hearing.

The owner and user right holder of the land to be expropriated shall, within the time limit specified in the announcement, handle the compensation registration with the proof of real estate ownership. The local people's government at or above the county level shall organize relevant departments to calculate and implement the relevant expenses, ensure that the full amount is in place, and sign an agreement with the owner and user right holder of

the land to be expropriated on compensation and resettlement; Indicate truthfully when acquiring land.

After the relevant preliminary work is completed, the local people's government at or above the county level can apply for land acquisition.

Article 48 Fair and reasonable compensation shall be given for land expropriation to ensure that the original living standards of land-expropriated farmers are not reduced and their long-term livelihoods are guaranteed.

For land acquisition, land compensation fees, resettlement subsidies, and compensation fees for rural villagers' houses, other ground attachments, and young crops shall be paid in full and in a timely manner according to law, and social security fees for land-expropriated farmers shall be arranged.

The standards of land compensation fees and resettlement subsidies for expropriation of agricultural land shall be determined by the provinces, autonomous regions, and municipalities directly under the central government through formulating and announcing the comprehensive land price of the area. In formulating the comprehensive land price of a block, factors such as the original use of the land, land resource conditions, land output value, land location, land supply and demand, population, and economic and social development level should be comprehensively considered, and should be adjusted or re-published at least every three years.

The compensation standards for expropriation of land other than agricultural land, ground attachments and young crops shall be formulated by provinces, autonomous regions and municipalities directly under the Central Government. For the rural villagers' houses among them, according to the principle of relocation after compensation and improvement of living conditions, respect the wishes of rural villagers, and give fair and reasonable compensation by rearranging homesteads to build houses, providing resettlement houses or monetary compensation, and Compensation will be made for relocation, temporary resettlement and other expenses caused by expropriation, and the living rights and legal housing property rights of rural villagers will be guaranteed.

The local people's government above the county level shall include the land-expropriated farmers into the corresponding social security system such as pension. The social security fees of land-expropriated farmers are mainly used for social insurance payment subsidies such as endowment insurance for qualified land-expropriated farmers. Measures for the collection, management and use of social security fees for land-expropriated farmers shall be formulated by provinces, autonomous regions and municipalities directly under the Central Government.

Article 49 The rural collective economic organization whose land has been expropriated shall announce the income and expenditure of the compensation

fees for land acquisition to the members of the collective economic organization and accept supervision.

Land acquisition compensation fees and other related fees for expropriated land units are prohibited.

Article 50 The local people's governments at all levels shall support the rural collective economic organizations and farmers whose land has been expropriated to engage in development and management, and to set up enterprises.

Article 51 The standards of compensation fees and resettlement measures for land expropriated for the construction of large and medium-sized water conservancy and hydropower projects shall be formulated separately by the State Council.

Article 52 During the feasibility study and demonstration of a construction project, the department in charge of natural resources may, in accordance with the overall plan for land use, the annual plan for land use, and the standards for construction land, review matters related to land use for construction and provide opinions.

Article 53 Where an approved construction project requires the use of state-owned construction land, the construction unit shall submit an application for construction land to the competent natural resources department of the people's government at or above the county level with approval powers based on the relevant documents stipulated by laws and administrative regulations. The competent department of natural resources shall review and report to the people's government at the same level for approval.

Article 54 The use of state-owned land by the construction unit shall be obtained by means of paid use such as assignment; however, the following construction land may be obtained by allocation with the approval of the people's government at or above the county level in accordance with the law:

(1) land used by state organs and military land;

(2) land for urban infrastructure and land for public welfare undertakings;

(3) Land for energy, transportation, water conservancy and other infrastructures supported by the state;

(4) Other land uses as prescribed by laws and administrative regulations.

Article 55 The construction unit that has obtained the right to use state-owned land by means of paid use such as assignment shall not use the land until it has paid the land use right transfer fee and other paid land use fees and other fees in accordance with the standards and methods prescribed by the State Council.

From the day when this Law comes into effect, 30% of the paid land use fees for newly added construction land shall be turned over to the central treasury, and 70% shall be reserved for the relevant local people's governments. The specific management measures for use shall be formulated by the finance department of the State Council in conjunction with relevant departments, and reported to the State Council for approval.

Article 56 When a construction unit uses state-owned land, it shall use the land in accordance with the stipulations in the land-use right transfer and other paid use contracts or the provisions of the land-use right allocation approval document; The natural resource department of the government agrees and reports to the people's government that originally approved the land use for approval. Among them, the change of land use within the urban planning area shall be approved by the relevant urban planning administrative department before submitting for approval.

Article 57 The temporary use of state-owned land or land collectively owned by farmers for construction projects and geological surveys shall be subject to approval by the competent department of natural resources of the people's government at or above the county level. Among them, the temporary use of land within the urban planning area shall be approved by the relevant urban planning administrative department before being submitted for approval. Land users should sign temporary land use contracts with relevant natural resources authorities or rural collective economic organizations and villagers committees according to land ownership, and pay compensation fees for temporary use of land in accordance with the contract.

The users of the land for temporary use shall use the land according to the purposes stipulated in the contract for the temporary use of the land, and shall not build permanent buildings.

The term of temporary use of land generally does not exceed two years.

Article 58 Under any of the following circumstances, the competent department of natural resources of the relevant people's government may withdraw the right to use state-owned land after reporting to the people's government that originally approved the use of the land or the people's government that has the power to approve the approval:

(1) It is really necessary to use land for the implementation of urban planning for the reconstruction of old urban areas and other public interest needs;

(2) The term of use stipulated in the paid use contract such as land transfer expires, and the land user fails to apply for renewal or the application for renewal is not approved;

(3) Stop using the originally allocated state-owned land due to reasons such as revocation or relocation of the unit;

(4) Roads, railways, airports, mines, etc. have been scrapped after approval.

Where the right to use state-owned land is withdrawn in accordance with the provisions of item (1) of the preceding paragraph, appropriate compensation shall be given to the holder of the right to use the land.

Article 59 Township (town) village construction such as township enterprises, township (town) village public facilities, public welfare undertakings, and rural villagers' residences shall be rationally distributed, comprehensively developed, and equipped with construction in accordance with village and market town planning; construction land shall be Comply with the township (town) land use overall planning and land use annual plan, and go through the examination and approval procedures in accordance with the provisions of Article 44, Article 60, Article 61, and Article 62 of this law.

Article 60 If a rural collective economic organization uses the construction land determined in the township (town) overall plan for land use to set up an enterprise, or to jointly establish an enterprise with other units or individuals in the form of land use rights as shares or joint ventures, it shall submit the relevant approval documents to the The competent department of natural resources of the local people's government at or above the county level submits an application, which shall be approved by the local people's government at or above the county level in accordance with the approval authority stipulated by the province, autonomous region, or municipality directly under the Central Government; among them, if it involves the occupation of agricultural land, it shall be approved in accordance with Article 44 of this Law. The procedures for approval are stipulated.

The construction land used for setting up enterprises in accordance with the provisions of the preceding paragraph must be strictly controlled. Provinces, autonomous regions, and municipalities directly under the Central Government may separately stipulate land use standards according to the different industries and business scales of township enterprises.

Article 61 Where land needs to be used for the construction of township (town) and village public facilities and public welfare undertakings, the township (town) people's government shall review and apply to the natural resources department of the local people's government at or above the county level. The authority of approval stipulated by the municipality directly under the Central Government shall be approved by the local people's government at or above the county level; among them, if it involves the occupation of agricultural land, the approval procedures shall be handled in accordance with the provisions of Article 44 of this Law.

Article 62 A rural household can only own one homestead, and the area of the homestead must not exceed the standard stipulated by the province,

autonomous region, or municipality directly under the Central Government.

In areas where there is little land per capita and it is impossible to ensure that one household owns one homestead, the people's government at the county level may, on the basis of fully respecting the will of rural villagers, take measures to ensure that rural villagers realize that each household has a home in accordance with the standards stipulated by provinces, autonomous regions, and municipalities. live.

Rural villagers building houses shall comply with the township (town) overall plan for land use and village planning, shall not occupy permanent basic farmland, and shall try to use the original homestead and vacant land in the village. When compiling township (town) overall plans for land use and village plans, it is necessary to make overall plans and rationally arrange land for homesteads to improve the living environment and conditions of rural villagers.

Rural villagers' residential land shall be examined and approved by the township (town) people's government; among them, if the occupation of agricultural land is involved, the examination and approval procedures shall be handled in accordance with the provisions of Article 44 of this Law.

Rural villagers who have sold, leased or donated their houses and then apply for homesteads will not be approved.

The state allows rural villagers who have settled in cities to voluntarily withdraw from their homesteads with compensation according to law, and encourages rural collective economic organizations and their members to revitalize and utilize idle homesteads and houses.

The competent department of agriculture and rural areas of the State Council is responsible for the work related to the reform and management of rural homesteads across the country.

Article 63 The land owner may hand over the collectively-owned commercial construction land registered in accordance with the law to the use of units or individuals through the transfer, lease, etc. A written contract shall be signed, specifying the land boundary, area, construction start date, use period, land use, planning conditions and other rights and obligations of both parties.

The assignment and lease of collectively-owned commercial construction land stipulated in the preceding paragraph shall be subject to the consent of more than two-thirds of the members of the villagers' meeting of the members of the collective economic organization or more than two-thirds of the villagers' representatives.

The right to use collectively-owned commercial construction land obtained through transfer or other means may be transferred, exchanged, contributed, donated or mortgaged, unless otherwise stipulated by laws and administrative

regulations or otherwise stipulated in a written contract signed by the land owner or the land use right holder. except.

The lease of collectively-owned commercial construction land, the assignment of the right to use collectively-owned construction land and its maximum term, transfer, exchange, capital contribution, gift, mortgage, etc., shall be implemented with reference to state-owned construction land for similar purposes. Specific measures shall be formulated by the State Council.

Article 64 Users of collectively-owned construction land shall use the land strictly in accordance with the purposes determined in the overall land use plan and urban-rural planning.

Article 65 Buildings and structures that have been built before the formulation of the overall land use plan and do not conform to the purposes determined by the overall land use plan shall not be rebuilt or expanded.

Article 66 Under any of the following circumstances, the rural collective economic organization may take back the land use right after reporting to the people's government that originally approved the use of the land:

(1) For the construction of township (town) and village public facilities and public welfare undertakings, the use of land is required;

(2) Not using the land according to the approved use;

(3) Stop using the land due to revocation, relocation and other reasons.

If the land collectively owned by farmers is taken back in accordance with item (1) of the preceding paragraph, appropriate compensation shall be given to the land use right holder.

The recovery of the right to use collectively-owned commercial construction land shall be handled in accordance with the written contract signed by both parties, unless otherwise stipulated by laws and administrative regulations.

Chapter VI Supervision and Inspection

Article 67: The competent departments of natural resources of the people's governments at or above the county level shall supervise and inspect violations of land management laws and regulations.

The provisions of this law on the supervision and inspection of natural resources departments shall apply to the supervision and inspection of violations of laws and regulations on the management of rural homesteads by the competent departments of agriculture and rural areas of the people's governments at or above the county level.

Land management supervisors and inspectors shall be familiar with land management laws and regulations, be devoted to their duties, and enforce the law impartially.

Article 68: When performing supervisory and inspection duties, the competent departments of natural resources of the people's governments at or above the county level have the right to take the following measures:

(1) Requiring the inspected unit or individual to provide documents and materials related to land rights, to consult or copy them;

(2) Requiring the inspected unit or individual to explain the issues related to land rights;

(3) Entering the site of land illegally occupied by the inspected unit or individual to conduct surveys;

(4) To order units or individuals that illegally occupy land to stop violating land management laws and regulations.

Article 69 Land management supervision and inspection personnel who need to enter the site to conduct surveys and require relevant units or individuals to provide documents and materials and make explanations when performing their duties shall show their land management supervision and inspection certificates.

Article 70 Relevant units and individuals shall support and cooperate with the supervision and inspection of land violations conducted by the natural resource departments of the people's governments at or above the county level, and provide work convenience, and shall not refuse or hinder land management supervision and inspection personnel from performing their duties according to law.

Article 71: Where the competent department of natural resources of the people's government at or above the county level discovers illegal acts of state functionaries during supervision and inspection work and should be punished according to law, it shall deal with them according to law; Handled by relevant authorities.

Article 72 Where the natural resources administrative department of the people's government at or above the county level discovers that the land violation constitutes a crime during the supervision and inspection work, it shall transfer the case to the relevant authority and investigate criminal responsibility according to law; if it does not constitute a crime, it shall impose administrative punishment according to law .

Article 73 Where an administrative penalty should be imposed in accordance with the provisions of this Law, but the relevant department in charge of natural resources does not impose an administrative penalty, the department in charge of natural resources of the people's government at a higher level has the right to order the relevant department in charge of natural resources to make a decision on administrative punishment or directly impose an administrative penalty , and give sanctions to the person in charge of the relevant natural resources department.

Chapter VII Legal Responsibilities

Article 74 Where land is sold or illegally transferred in other forms, the natural resources department of the people's government at or above the county level shall confiscate the illegal gains; for those who violate the overall plan for land use and change agricultural land into construction land without authorization, the illegally transferred land shall be demolished within a specified time limit. The newly built buildings and other facilities on the land shall be restored to the original state of the land, and the buildings and other facilities newly built on the illegally transferred land shall be confiscated if they conform to the overall land use plan; a fine may be imposed concurrently; the directly responsible person in charge and the Other directly responsible persons shall be punished according to law; if a crime is constituted, criminal responsibility shall be investigated according to law.

Article 75 Whoever , in violation of the provisions of this law, occupies cultivated land to build kilns or tombs, or builds houses on cultivated land without authorization, digs sand, quarries, mines, borrows soil, etc., destroys planting conditions, or causes land desertification, In case of salinization, the competent departments of natural resources and agricultural and rural areas of the people's governments at or above the county level shall order corrections or rectification within a time limit according to their duties, and may concurrently impose a fine; if a crime is constituted, criminal responsibility shall be investigated according to law.

Article 76 Anyone who violates the provisions of this law and refuses to perform the obligation of land reclamation shall be ordered to make corrections within a time limit by the natural resources department of the people's government at or above the county level; if he fails to make corrections within the time limit, he shall be ordered to pay reclamation fees, which shall be earmarked for land reclamation. Fines may be imposed.

Article 77 Where land is illegally occupied without approval or by fraudulent means to obtain approval, the competent natural resources department of the people's government at or above the county level shall order the return of the illegally occupied land, and the unauthorized conversion of agricultural land into construction land in violation of the overall plan for land use If the land is used, the newly-built buildings and other facilities on the illegally-occupied land shall be dismantled within a specified time limit, and the land shall be restored to its original state. If it complies with the overall plan for land use, the newly-built buildings and other facilities on the illegally-occupied land shall be confiscated, and a fine may also be imposed. ; The directly responsible managers and other directly responsible personnel of the illegal occupation of land units shall be punished according to law; if a crime is constituted, criminal responsibility shall be investigated according to law.

Occupation of land exceeding the approved amount shall be considered as illegal occupation of land.

Article 78 If a villager in a rural area illegally occupies land to build a house without approval or by defrauding approval, the agricultural and rural administrative department of the people's government at or above the county level shall order the return of the illegally occupied land, and demolish the newly constructed land on the illegally occupied land within a specified time limit. houses.

If the standards stipulated by provinces, autonomous regions, and municipalities directly under the Central Government are exceeded, the over-occupied land shall be treated as illegal occupation of land.

Article 79 Units or individuals that have no right to approve the acquisition and use of land illegally approve the occupation of land, illegally approve the occupation of land beyond the scope of approval, fail to approve the use of land according to the purpose determined in the overall land use plan, or violate the procedures prescribed by law. Those who approve the occupation and expropriation of land shall have their approval documents invalid, and the directly responsible persons in charge and other persons directly responsible for illegally approving the expropriation and use of land shall be sanctioned according to law; if a crime is constituted, criminal responsibility shall be investigated according to law. The land illegally approved and used shall be taken back, and if the parties concerned refuse to return it, it shall be punished as illegal occupation of land.

Those who illegally approve the expropriation and use of land and cause losses to the parties concerned shall be liable for compensation according to law.

Article 80 Whoever encroaches on or misappropriates the land acquisition compensation fees and other related expenses of the expropriated land unit constitutes a crime, shall be investigated for criminal responsibility according to law; if it does not constitute a crime, it shall be punished according to law.

Article 81 If the party who takes back the right to use state-owned land according to law refuses to hand over the land, or refuses to return the land for temporary use upon expiration, or fails to use the state-owned land according to the approved purpose, the department in charge of natural resources of the people's government at or above the county level shall Order to return the land and impose a fine.

Article 82 Unauthorized use of land collectively owned by farmers for non-agricultural construction through transfer, transfer of use rights, or lease, or in violation of the provisions of this Law, transfer of collectively-owned construction land to units or organizations through transfer, lease, etc. For personal use, the competent department of natural resources of the people's

government at or above the county level shall order it to make corrections within a time limit, confiscate the illegal gains, and impose a fine.

Article 83 Where , in accordance with the provisions of this Law, the demolition of newly built buildings and other facilities on illegally occupied land is ordered within a specified time limit, the construction unit or individual must immediately stop the construction and dismantle it by itself; Right to stop. If the construction unit or individual refuses to accept the administrative penalty decision ordering demolition within a time limit, it may, within 15 days from the date of receiving the decision ordering demolition within a time limit, bring a lawsuit to the people's court; The organ shall apply to the people's court for compulsory enforcement in accordance with the law, and the cost shall be borne by the violator.

Article 84: Where staff members of the departments in charge of natural resources and departments in charge of agriculture and rural areas neglect their duties, abuse their powers, engage in malpractices for personal gain, and constitute crimes, they shall be investigated for criminal responsibility according to law; if crimes are not constituted, they shall be punished according to law.

Chapter VIII Supplementary Provisions

Article 85 This Law shall apply to the use of land by foreign-invested enterprises; if there are other provisions in the law, such provisions shall prevail.

Article 86 Before the national land space planning is formulated in accordance with the provisions of Article 18 of this Law, the overall land use planning and urban and rural planning that have been approved in accordance with the law shall continue to be implemented.

Article 87 This Law shall come into force on January 1, 1999.

Editor in charge: Liu Dong

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Beijing ICP No. 06005931