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中华人民共和国土地管理法（2019年修正）

Land Administration Law of the People's Republic of China (Amended in 2019)

中华人民共和国主席令第32号

Order of the President of the People's Republic of China No.32

2019年8月26日

August 26, 2019

（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）

(Adopted at the 16th Session of the Standing Committee of the Sixth National People's Congress on June 25, 1986; amended for the first time according to the Decision on Revising the Land Administration Law of the People's Republic of China made at the 5th Session of the Standing Committee of the Seventh National People's Congress on December 29, 1988, revised at the Fourth Session of the Standing Committee of the Ninth National People's Congress on August 29, 1998; amended for the second time according to the Decision on Revising the Land Administration Law of the People's Republic of China made at the 11th Session of the Standing Committee of the Tenth National People's Congress on August 28, 2004; and amended for the third time according to the Decision of the Standing Committee of the National People's Congress on Revising the Land Administration Law of the People's Republic of China and the Law of the People's Republic of China on the Administration of Urban Real Estate on August 26, 2019)

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第一章 总则

Chapter I General Provisions

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。

Article 1 This Law is enacted according to the Constitution for the purposes of strengthening the administration of land, safeguarding the socialist public ownership of land, protecting and developing land resources, ensuring the rational use of land, effectively protecting cultivated land and promoting the sustainable development of the society and the economy.

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。

Article 2 The land of the People's Republic of China is subject to the socialist public ownership, namely, ownership by the whole people or collective ownership of the working masses.

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。

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

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。

No entity or individual is allowed to seize, trade, or otherwise illegally transfer land. Land use rights may be legally transferred.

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。

The State may, for public interest, lawfully expropriate or requisition land and make appropriate compensation.

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。

The State legally adopts the system of compensation for the use of land owned by the State, except where the State allocates the right to use state-owned land within the bounds of the law.

第三条 十分珍惜、合理利用土地和

Article 3 Highly valuing and making rational use of land and effectively protecting

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

cultivated land are the basic national policies of China. The people's governments at all levels shall take measures to prepare an overall plan for the use of land, to carry out strict administration of land, to protect and develop land resources, and to stop any illegal land seizures.

Article 4 The State adopts the land-use regulation system.

The State shall prepare an overall land utilization plan to specify land use, classifying land into agricultural land, construction land, or unused land. The State shall strictly restrict the transformation of agricultural land into construction land, control the total amount of construction land, and implement special protection over cultivated land.

for the purposes of the preceding paragraph, "agricultural land" refers to land directly used for agricultural production, including cultivated land, forest land, grassland, land used for irrigation, and bodies of water used for breeding purposes; "construction land" refers to land on which buildings or other structures are built, including land for urban and rural housing and for the public facilities thereof, land for industrial and mining use, land for the construction of transportation and irrigation facilities, land used for tourism, and land for the construction of military installations; and "unused land" refers to any land other than land used for agriculture or construction.

Any entity or individual must use land in strict accordance with the purposes of land use as specified in the overall land utilization plan.

Article 5 The competent department for natural resources of the State Council is responsible for the administration and supervision of land nationwide.

The establishment and responsibilities of the competent department for natural resources of the local people's governments at or above the county level shall be determined by the people's governments of the relevant provinces, autonomous regions and municipalities directly under the Central Government according to the relevant regulations of the State Council.

Article 6 Institutions authorized by the State Council supervise land utilization and administration conditions of people's governments of provinces, autonomous regions and municipalities directly under the Central Government as well as those of cities determined by the State Council.

Article 7 Any entity or individual is obliged to abide by the laws and regulations concerning land administration and have the right to make report or accusation against the acts violating the laws and regulations concerning land administration.

Article 8 People's governments shall reward entities or individuals who have made outstanding contributions to the protection or development of land resources, the rational utilization of land, or relevant scientific research, etc.

Chapter II Ownership and Use Rights of Land

Article 9 Land in urban areas is owned by the State.

Land in rural and suburban areas, except those of which the ownership belongs to the State according to the law, is collectively owned by peasants; and homestead and private plots in fields or on hillsides are collectively owned by peasants.

Article 10 Land owned by the State and land collectively owned by peasants may be lawfully determined to be used by entities or individuals. Entities or individuals using such land are obligated to protect, manage, and rationally utilize the land.

Article 11 Where land collectively owned by peasants is collectively owned by the village peasants according to law, the land is operated and managed by a village collective economic organization or the village committee; where the land is collectively owned by the peasants of two or more rural collective economic organizations within the same village respectively, such land is operated and managed by all the rural collective economic organizations or by village groups; where the land is owned by a township (town) peasants' collective, such land is operated and managed by the township (town) rural collective economic organization.

Article 12 The registration of the ownership of and the right to use the land shall be conducted as per laws and administrative regulations on real estate

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

registration.

The ownership of and the right to use the land lawfully registered shall be protected by law, and shall not be invaded by any entity or individual.

Article 13 The farmland, forest land and grass land collectively owned by peasants and owned by the State and collectively used by peasants as well as other land lawfully used for agriculture, which are contracted by means of family contracting inside rural collective economic organizations, as well as waste mountains, valleys, hillocks, beaches and so on unsuitable for family contracting may be contracted by such means as bidding, auction, open negotiation and so on for the production in crop farming, forestry, animal husbandry and fishery. The contracting period of farmland subject to family contracting is 30 years, that of grassland is 30 years to 50 years, and that of forest land is 30 years to 70 years; upon expiration of the contracting period of farmland, the said period shall be extended for 30 years, and that of grassland and forest land shall, upon expiration of the contracting period, be extended accordingly according to the law.

State-owned land to be lawfully used for agriculture may be contracted and managed by entities or individuals for engaging in the production of crop farming, forestry, animal husbandry or fishery.

The outsourcer and the contractor shall, according to the law, sign a contract that defines each other's rights and obligations. Any entity or individual that contracts and manages land is obliged to protect and make rational use of the land pursuant to the purpose as stipulated in the contract.

Article 14 Disputes over the ownership or use rights of land shall be settled by the concerned parties through consultation, and if consultation fails, shall be handled by the relevant people's government.

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

Where a party is dissatisfied with the decision of the corresponding people's government, a suit may be filed with the people's court within thirty days of receipt of the notice on the decision.

No party may change the status quo with regards to piece of land before the settlement of any dispute over the ownership of or the right to use the land.

Chapter III Overall Land Utilization Plan

Article 15 People's governments at all levels shall organize the preparation of overall land utilization plans in accordance with their national economy and social development planning, the requirements for territorial management and protection of resources and environment, the supply of land, and the land needs of various construction projects.

The planning term of an overall land utilization plan shall be specified by the State Council.

Article 16 An overall land utilization plan of lower level shall be prepared based on the overall land utilization plan at the next higher level.

The total amount of land for construction in the overall land utilization plan prepared by the local people's government at each level shall not exceed the control target specified in the overall land utilization plan at the next higher level, and the total amount of cultivated land shall not be lower than the control target specified in the overall land utilization plans at the next higher level.

When drafting an overall land utilization plan, 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 is not reduced.

Article 17 An overall land utilization plan shall be prepared according to the following principles:

- 1. meeting the requirements for national land space development and protection, and strictly controlling land purposes;
- 2. stringently protecting the permanent basic farmland and controlling the use of agricultural land for nonagricultural purposes;
- 3. increasing the economical and intensive utilization rate of land;
- 4. making overall arrangements for the use of urban and rural production, life and ecology, meeting the reasonable land demands of rural industries and infrastructures, and promoting urban and rural integrative development;

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规划、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

5. protecting and improving the ecological environment, and guaranteeing the sustainable utilization of land; and

6. balancing cultivated land that is occupied and cultivated land that is reclaimed and developed in terms of quantity and quality.

Article 18 The State will establish a national land space plan system. Concerning the preparation of a national land space plan, the priority given to ecology and green and sustainable development shall be persisted in, the functional space for ecology, agriculture, urbanization, etc. shall be generally arranged in a scientific and orderly way, the structure and layout of national land space shall be optimized, and the quality and efficiency of national land space development and protection shall be enhanced.

The national land space plan approved according to the law is the fundamental basis of different kinds of development, protection and construction activities.

Where the national land space plan has been prepared, the overall plan and the urban and rural plan for land utilization shall not be prepared any more.

Article 19 Overall land utilization plans at the county level shall divide land utilization zones and specify purposes of land.

The township (town) overall land utilization plans shall divide land utilization zones and, according to the local conditions for land use, determine the purpose for each piece of land, and announce the same.

Article 20 Overall land utilization plans are examined and approved on a level by level basis.

The overall land utilization plan of a province, autonomous region, or municipality directly under the Central Government shall be reported to the State Council for approval.

The overall land utilization plan of a city where the people's government of a province or autonomous region is located, a city with a population of over one million, or a city designated by the State Council shall, upon examination and approval by the people's government of the province or autonomous region, be submitted to the State Council for approval.

Overall land utilization plans other than those provided for in Paragraphs 2 and 3 of this

Article shall be submitted to the people's government of a province, autonomous region, or municipality directly under the Central Government for approval level by level. The land use plans of townships (towns) may be approved by the people's governments of cities or autonomous prefectures as authorized by the provincial level people's governments.

Once approved, overall land utilization plans shall be implemented stringently.

Article 21 The scale of urban construction shall conform to national standards and make full use of land already allotted for construction purposes, not occupying or occupying as little agricultural land as possible.

Urban, town, and village planning shall be in line with the overall land utilization plans. The amount of land allotted for construction use in the urban, town, and village planning shall not exceed the amount of land to be used for construction purposes therein as specified in the overall land utilization plans.

The construction land within the planned areas of cities, towns, and villages shall conform to the urban, town, and village plans.

Article 22 The plans for the comprehensive control, development, and utilization of rivers and lakes shall comply with the overall land utilization plans. Land use within lake, river, or reservoir management and protection areas as well as flood storage and detention areas shall be in line with plans for the comprehensive control, development, and utilization of rivers and lakes and satisfy requirements for river channels, flooding of rivers and lakes, flood storage, and water flow.

Article 23 People's governments at all levels shall strengthen the administration of land utilization plans and exercise control over the total land allotted for construction purposes.

An annual land utilization plan shall be formulated in compliance with the national program for social and economic development, national industrial policies, overall land utilization plans, and the situation with regard to construction-related land use and overall land utilization. Reasonable arrangements shall be made for the collectively managed construction land set out in Article 63 hereof under the

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。	annual land utilization plans. The examination and approval procedures for the preparation of annual land utilization plans shall be the same as those for the overall land utilization plans. Once approved, they shall be implemented stringently.
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规划执行情况的内容，向同级人民代表大会报告。	Article 24 The people's government of a province, autonomous region, or municipality directly under the Central Government shall include the implementation of its annual land utilization plan as a part of the implementation of its national economic and social development plan and report the same to the people's congress at the same level.
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。	Article 25 Any revision to an approved overall land utilization plan shall be approved by the original approval authority; without approval, the use of land specified in the relevant overall land utilization plan shall not be changed. Where an overall land utilization plan needs be changed due to the land for large-scale energy, transportation, irrigation, or other infrastructure-related project approved by the State Council, the overall land utilization plan shall be revised according to the approval document issued by the State Council. Where an overall land utilization plan needs to be changed due to the land for energy, transportation, irrigation, or other infrastructure-related project approved by the people's government of a province, autonomous region, or municipality directly under the Central Government, and such change falls within the approval authority of the overall land utilization plan of the people's government at the province level, the overall land utilization plan shall be revised according to the approval document issued by the people's government at the province level.
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。	Article 26 The State establishes a land survey system. Competent department for natural resources of the people's governments at or above the county level shall carry out land survey in conjunction with relevant departments at the same level. Land owners or users shall cooperate fully and provide relevant materials.
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。	Article 27 Competent departments for natural resources of the people's governments at or above the county level shall, in conjunction with relevant departments at the same level, classify land based on the surveying results, planned use of land, and the uniform standards formulated by the State.
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。	Article 28 The State establishes a land statistics system. Statistical agencies and competent departments for natural resources of the people's governments at or above the county level shall lawfully conduct land statistical investigations, and regularly issue land statistical data. Landowners or land users shall provide related materials, and shall not refuse to provide such materials, or delay the submission of such materials, or provide untrue or incomplete materials. The statistical data about land area jointly issued by the statistical agencies and competent departments for natural resources serve as the basis for the people's governments at all levels to prepare their overall land utilization plans.
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。	Article 29 The State establishes a national land administration information system to carry out dynamic monitoring of the situation of land utilization.
第四章 耕地保护	Chapter IV Protection of Cultivated Land
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。	Article 30 The State protects cultivated land and strictly controls the transformation of cultivated land into uncultivated land. The State implements a system of compensation for the use of cultivated land. Where cultivated land is used for non-agricultural construction, the entities occupying the cultivated land are obligated to reclaim the same amount and same quality of land as that that they intend to occupy according to the principle of "reclaim the same as is used"; where the conditions for reclamation are not met, or the cultivated land as reclaimed does not meet requirements, land reclamation fees shall be paid as required by the relevant province, autonomous region, or municipality directly under the Central Government, which shall be used for new land reclamation. The people's government of a province, autonomous region, or municipality directly under the Central Government shall formulate a land reclamation plan, supervise the planned reclamation, or planned organization of reclamation, of cultivated land by entities which occupy cultivated land, and conduct acceptance check for the reclaimed land.

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。

Article 31 The local people's governments at or above the county level may require entities occupying cultivated land to use the topsoil of the said land to improve the soil of the newly reclaimed land, land with inferior soil, or other cultivated land.

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。

Article 32 The people's governments of the provinces, autonomous regions, and municipalities directly under the Central Government shall stringently implement their overall land utilization plans and annual land utilization plans and adopt measures to ensure that the total amount and quality of cultivated land within their respective jurisdictions is not reduced. Where the total amount is reduced, the State Council shall order land reclamation of the same quantity and quality within a prescribed time limit to make up for the reduced cultivated land; where the quality is reduced, the State Council shall order rectification within a prescribed time limit. The competent department for natural resources and the competent department for agriculture and villages of the State Council shall carry out acceptance checks for the cultivated land newly reclaimed and rectified.

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。

Where particular provinces and municipalities have difficulty reclaiming enough land to make up for the land used for construction as a result of verifiably scarce resources, the total amount of land due to be reclaimed in the region in question may, with the approval of the State Council, be reduced with the cultivated land with equivalent quantity and quality made up for elsewhere.

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:

Article 33 The State has implemented a permanent prime farmland protection system. The following cultivated land shall be classified as permanent prime farmland and be subject to stringent protection pursuant to the overall land utilization plans:

(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;

1. cultivated land in production bases for grain, cotton, oil-bearing crops, and sugar-bearing crops as approved by the competent department for agriculture and villages of the State Council or the local people's governments at or above the county level;

(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;

2. cultivated land with good irrigation, good water and soil conservation facilities, medium- and low-yield land where a plan for transforming the land is in progress or where such a plan is feasible and high-standard farmland has already been constructed;

(三) 蔬菜生产基地;

3. production bases for vegetable crops;

(四) 农业科研、教学试验田;

4. experimental plots for agricultural research or education; and

(五) 国务院规定应当划为永久基本农田的其他耕地。

5. other cultivated land designated by the State Council as permanent prime farmland.

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。

The areas of permanent prime farmland designated in a province, autonomous region, or municipality directly under the Central Government shall account for over 80% of the cultivated land within its administrative jurisdiction, with the specific percentage to be stipulated by the State Council as per the actual conditions of the cultivated land in the said province, autonomous region, or municipality directly under the Central Government.

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。

Article 34 Permanent prime farmland shall be demarcated, with township (town) as the basic unit, by the competent departments for natural resources of the people's governments at the county level in conjunction with the competent departments for agriculture and villages at the same level. Permanent prime farmland shall be demarcated into specific plots and included in the national permanent prime farmland database for strict management.

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。

The people's governments of townships (towns) shall make public the location and scope of permanent prime farmland, and apply protection marks.

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。

Article 35 After the lawful demarcation of permanent prime farmland, no entity or individual shall occupy or change its purpose without permission. Where it is really unable to avoid permanent prime land for the site selection of any national major construction project for energy, traffic, water conservancy or military facilities, etc. and a change in the purpose of agricultural land or land expropriation is involved, it shall be approved by the State Council.

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。

It is forbidden to evade the examination and approval for the change in the purpose of permanent prime farmland or agricultural land or land expropriation by such means as arbitrarily adjusting a county-level overall land utilization plan or township (town) overall land utilization plan.

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

Article 36 People's governments at all levels shall take measures to guide crop rotation and fallow according to the local conditions, ameliorate the soil in order to

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。禁止毁坝森林、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

improve fertility, maintain and protect irrigation and drainage facilities and prevent desertification, saline contamination, water loss, soil erosion, and soil pollution.

Article 37 Land shall be used sparingly with regard to non-agricultural construction. Where uncultivated land can be used, no cultivated land shall be occupied; where inferior land could be used, no good land shall be occupied. It is forbidden to build kilns, graves, or houses on cultivated land, or to carry out unauthorized digging, rock collecting, mining, or soil removal. It is forbidden to occupy permanent prime farmland for horticultural development or for the filling of ponds to breed fish.

Article 38 No entity or individual may allow cultivated land to lie fallow or otherwise lie waste. Cultivated land which has been approved for non-agricultural construction but which will not be used in the coming year and can be farmed and harvested shall be cultivated by the collective or individual that originally cultivated the land or by the entity using the land. Where construction work does not commence within one year, a land idling fine shall be paid as per the regulations of the relevant province, autonomous region, or municipality directly under the Central Government. Where construction work does not commence for two consecutive years, the people's government at or above the county level shall, with the approval of the original approval authority, revoke the use rights of the said entity; where the land was previously owned by a peasant collective, it shall be transferred to original rural collective economic organization(s) for re-cultivation.

Land left idle that is within urban planning areas and whose use rights have been leased for real estate development shall be handled pursuant to the relevant provisions of the Law of the People's Republic of China on the Administration of the Urban Real Estate.

Article 39 The government encourages entities or individuals that develop unused land in compliance with the overall land utilization plans, on the precondition that they protect and improve the ecology, prevent water loss, soil erosion, and desertification.

Land suitable for agricultural shall have priority when developing agricultural land. The state protects the legitimate rights and interests of developers.

Article 40 Reclaiming unused land shall be subject to scientific evaluation and debate and may lawfully proceed after approval if the areas are reclaimable as designated by the overall land utilization plans. It is forbidden to destroy forests and grassland during the process of land reclamation. It is forbidden to carry out filling of lakes to create farmland or and occupy the shoreline of rivers.

Where the reclamation of a particular piece of land or the building of dykes around land to be reclaimed would cause damage to the local ecology, the land concerned shall, according to overall land utilization plans, be progressively and systematically rehabilitated as forest, grassland, or lake.

Article 41 With regards to the development of uncultivated hilly, flat, or shoreline land whose use rights are available for the purposes of crop cultivation, forestry, animal husbandry, or the operation of fisheries, long-term use rights may be lawfully granted to developers or individuals with the approval of the people's government at or above the county level.

Article 42 The government encourages land stewardship. People's governments of counties and townships (towns) shall organize the rural collective economic organizations to carry out improvements of plots, bodies of water, roads, forests, and villages according to the overall land utilization plans in order to raise the quality of cultivated land, increase the area of properly cultivated land, and improve the conditions for agricultural production as well as the ecology of the land.

Local people's governments at all levels shall take measures to ameliorate medium- and low-yield land and reintegrate idle, scattered, or abandoned land.

Article 43 Where land is damaged due to digging, collapse, or overuse, the entities or individuals occupying the land shall be held responsible for reclamation pursuant to national regulations; when the party is unable to carry out reclamation or fails to meet reclamation requirements, land reclamation fees shall be paid, the funds used especially for land reclamation. Reclaimed land shall be used first and foremost for agricultural purposes.

Chapter V Construction Land

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；
- (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；
- (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；
- (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；
- (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。

Article 44 Where the occupation of land for construction purposes involves the conversion of agricultural land into land for construction purposes, the relevant examination and approval formalities shall be dealt with .

Where permanent prime farmland needs to be converted into land for construction purposes, it shall be approved by the State Council.

When agricultural land other than permanent prime farmland is converted into land for construction purposes as part of the implementation of overall land utilization plans and is within the quota of land used for construction purposes as specified in the overall plans for cities, towns, and villages, it shall be approved in allotments according to the annual land utilization plan by the authorities that approved the original overall land utilization plans or organs authorized by such authorities and according to the provisions of the State Council. The specific land use for construction projects within the range of land approved for conversion shall be approved by city or county people's governments.

Where agricultural land other than permanent prime farmland is converted into land for construction purposes outside of the range of the quota of land used for construction purposes as specified in the overall land utilization plans for cities, towns and villages, it shall be approved by the State Council or the people's government of the province, autonomous region or municipality directly under the Central Government authorized by the State Council.

Article 45 Where it is really necessary to expropriate the land collectively owned by peasants for the need of public interests under any of the following circumstances, the land may be expropriated according to the law:

1. the land is needed for military and diplomatic affairs;
 2. the land is needed for infrastructure construction for energy, traffic, water conservancy, communication, postal service, etc. organized and implemented by governments;
 3. the land is needed for public utilities such as science and technology, education, culture, hygiene, sports, the ecological environment and resource protection, prevention and reduction of natural disasters, heritage conservation, integrated community services, social welfare, municipal utilities, veteran benefit and placement and hero protection organized and implemented by governments;
 4. the land is used for the construction of poverty alleviation and resettlement and government-subsidized housing projects organized and implemented by governments;
 5. Within the range of urban construction land specified in the overall land utilization plan, the land is used for tract development and construction organized and implemented by the local people's government at or above the county level upon approval by the people's government at or above the provincial level; or
 6. in any other circumstance under which the land collectively owned by peasants can be expropriated for the need of public interests as stipulated in a law.
- Construction activities specified in the preceding paragraph shall conform to the national economic and social development planning, overall land utilization plans, urban and rural plans and special plans; those set out in Items 4 and 5 shall also be included in the annual national program for social and economic development; and, the tract development set forth in Item 5 shall conform to standards formulated by the competent department for natural resources of the State Council.

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

1. Permanent prime farmland;
2. Cultivated (non-base) farmland of which the amount exceeds 35 hectares; and
3. Other land of which the amount exceeds 70 hectares.

Expropriation of land other than prescribed in the preceding paragraph shall be approved by the people's governments of the provinces, autonomous regions, and municipalities directly under the Central Government.

When expropriating agricultural land, all the examination and approval procedures for the conversion of agricultural land into land for construction purposes shall be carried out pursuant to the provisions of Article 44 hereof. Where said land conversion is approved by the State Council, the land expropriation examination and approval procedures shall be conducted concurrently with the procedures for the conversion of agricultural land to land for construction purposes, i.e. no separate procedures are required. Where the conversion of land is approved by people's governments of the provinces, autonomous regions, and municipalities directly under the Central Government for land within their approval jurisdiction, the examination and approval procedures for land expropriation shall be completed concurrently; no separate procedures are required. Where it is beyond said government's jurisdiction, separate land expropriation examination and

approval procedures shall be carried out according to the stipulations of Paragraph 1 hereof.

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。

Article 47 When the State expropriates land, the local people's government at or above the county level shall, after the official approval process is complete, make an announcement and organize the implementation.

Where the local people's government at or above the county level intends to apply for land expropriation, it shall carry out investigations of the status quo of to-be-expropriated land and social stability risk evaluations, announce the expropriation scope, status quo of land, expropriation purpose, compensation standards, resettlement methods, social guarantee and so on within the scope of the township (town), village and village group where the to-be-expropriated land is located for at least 30 days, and solicit opinions of the rural collective economic organization whose land is to be expropriated and members thereof, village committee and other stakeholders.

Where the majority of members of the rural collective economic organization whose land is to be expropriated believe that the plan for compensation and resettlement for land expropriation does not conform to any law or regulations, the local people's government at or above the county level shall hold a hearing, and amend the plan according to the law or regulations and conditions of the hearing.

The owners and users of the to-be-expropriated land shall, within the period set out in the announcement, go through formalities for compensation registration by evidentiary materials of real estate ownership. The local people's government at or above the county level shall organize relevant departments to calculate and pay relevant expenses, ensure full-amount appropriation, and conclude agreements about compensation, resettlement, etc. with the owners and users of the to-be-expropriated land; if it is really not possible to reach an agreement, it shall be faithfully explained during the application for land expropriation.

Only after the completion of the relevant preliminary work, can the local people's government at or above the county level apply for land expropriation.

Article 48 Where land is expropriated, fair and reasonable compensation shall be paid to guarantee no reduction of original living standards and long-term livelihood of peasants whose land is expropriated.

Compensation including compensation for the land itself, payment of resettlement fees as well as compensation of residences of rural villagers, other fixtures or unripe crops shall be paid for the expropriated land in full, according to the law and in due time, and social security expenses shall be arranged for peasants whose land is expropriated.

Standards for the compensation for the land and resettlement fees of the expropriated agricultural land shall be determined by the province, autonomous region or municipality directly under the Central Government formulating and announcing the comprehensive land price of the land area. Factors such as original land purpose, land resource conditions, land value, land location, land supply and demand relationship, population as well as economic and social development level shall be taken into account for the formulation of comprehensive land price of the area. Such land price shall be adjusted or re-issued every three years at least.

The standards for compensation related to the expropriation of land other than agricultural land, fixtures and unripe crops on the expropriated land shall be determined by provinces, autonomous regions, and municipalities directly under the Central Government. As for residences of rural villagers, principles of first compensation and then removal and improvement of living conditions shall be followed, the will of rural villagers shall be respected, fair and reasonable compensation shall be paid by arranging new housing land for house building, providing settlement buildings or paying monetary compensation, and compensation shall also be paid for expenses arising from removal and temporary resettlement and so on due to the expropriation, so as to guarantee the right of dwelling and legitimate housing property rights and interests of rural villagers.

The local people's governments at or above the county level shall include peasants whose land is expropriated in the corresponding social guarantee systems for pensions. Social guarantee expenses for peasants whose land is expropriated are mainly used for subsidies for premiums of social insurances such as pension insurance of eligible peasants whose land is expropriated. The raising, administration and use methods of social guarantee expenses of peasants whose land is expropriated shall be formulated by provinces, autonomous regions and municipalities directly under the Central Government.

第四十九条 被征地的农村集体经济

Article 49 Rural collective economic organizations shall announce the information

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

on expenditures and revenues with regard to the compensation for expropriated land to their members and shall accept their supervision.

It is forbidden to defalcate or otherwise misappropriate the land compensation or related payments.

Article 50 The local people's governments at all levels shall support rural collective economic organizations and farmers in their efforts to develop business, or start up enterprises.

Article 51 The standards for land compensation and the means of resettlement with regard to land expropriated for medium- or large-scale water conservancy projects or hydroelectric power projects shall be determined separately by the State Council.

Article 52 When preparing a feasibility study for construction projects, competent departments for natural resources may, based on the comprehensive and annual land utilization plans and standards for land to be used for construction purposes, examine issues relevant to the use of land for construction purposes and express their opinions.

Article 53 Where an approved construction project requires state-owned land for construction purposes, the construction unit shall file an application including relevant documents as required by law and administrative regulations with the competent department for natural resources of the people's government at or above the county level that has corresponding approval authority. The competent department for natural resources shall examine the application and submit it to the people's government at the same level for approval.

Article 54 Construction-oriented entities utilizing state-owned land shall generally obtain said land through paid means such as leasing. The following categories of land may be directly allocated with the lawful approval of the people's governments at or above the county level:

1. Land for use by government institutions or the military;
2. Land for urban infrastructure or public welfare projects;
3. Land for energy, transportation, and water conservancy projects as well as other infrastructure projects supported by the government; and
4. Other land as provided for by laws or administrative regulations.

Article 55 Construction-oriented entities that have obtained state-owned land by leasing can use the land only after paying the fees to receive the land use rights or other necessary fees and expenses stipulated in the standards and procedures issued by the State Council.

As of the date of implementation of the Law, 30% of the land compensation funds for new construction land shall be held by central finance, with the remaining 70% to be retained by relevant local people's governments. Administrative measures for specific use will be formulated by the finance department of the State Council in conjunction with relevant departments, and be submitted to the State Council for approval.

Article 56 When using state-owned land, construction entities shall do so according to the stipulations of the land use right lease contract or according to the provisions of the approval documents relevant to the allocation of land use rights. The conversion of the land to land used for construction purposes shall receive the consent of the competent departments for natural resources of relevant people's governments and be submitted to the people's governments that originally granted land use approval. When changing the purpose of land within urban planning areas, consent shall be obtained from the relevant urban planning administration departments before submission.

Article 57 In the case of temporary use by construction projects or geological survey teams of state-owned land or land owned by farmer collectives, approval shall be obtained from competent departments for natural resources of local people's governments at or above the county level. Where the land to be temporarily used is within the urban planning areas, the consent of the corresponding urban planning department shall be given before being submitted for approval. Depending on the ownership of the land in question, land users shall sign contracts for temporary use of land with relevant competent departments for natural resources, rural collective economic organizations, or villager committees and pay land compensation fees for the temporary use of the land according to

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

the standards specified in the contracts.

Temporary users shall use land according to the purposes agreed upon in temporary use contracts and shall not build permanent structures on the land. The term for the temporary use of land shall not exceed two years in general.

Article 58 In any of the following cases and with the approval of the people's governments that originally granted approval or the people's governments with approval authority, the competent department for natural resources of the corresponding people's government may reclaim the land use rights of state-owned land:

1. land which is really necessary to be used for the renovation of old city districts in order to implement urban construction plans as well as other public interests;

2. land whose use rights have expired according to the stipulations of the lease contract, where the land user has failed to apply for an extension or failed to obtain approval for an extension;

3. land whose original allocation has been terminated due to cancelation by the relevant entity or its removal from the land; or

4. roads, railways, airports, and mining areas that have been approved to be scrapped.

Appropriate compensation shall be paid to land users in cases where the use rights of state-owned land are reclaimed as per Item 1 of the preceding Paragraph.

Article 59 Township enterprise, townships (towns) public facilities, public welfare, and rural housing projects shall be rationally organized based on the village or market town plans, comprehensively developed with all corresponding facilities. Land used for construction purposes shall conform to the township (town) overall land utilization plans and annual plans for land utilization, with the examination and approval procedures carried out according to the provisions of Article 44, Article 60, Article 61, and Article 62 hereof.

Article 60 When using land for construction purposes as designated in the township (town) comprehensive land use plan to start up enterprises or joint ventures conjointly with other entities or individuals using the land use rights as shares, the rural collective economic organization shall file an application with competent department for natural resources of the corresponding local people's government at or above the county level, including all relevant approval documents. The application shall be approved by a local people's government at or above the country level based on the appropriate jurisdictional scope as stipulated by the provincial, regional, or municipal government. Where the use of land involves the occupation of agricultural land, the examination and approval procedures provided for in Article 44 hereof shall be carried out.

Land for construction purposes used in enterprise start-up as provided for in the preceding paragraph shall be strictly controlled. Provinces, autonomous regions, and municipalities shall determine standards for land use based on the type of industry and the scale of business.

Article 61 When using land for public facilities construction and public welfare projects, townships (towns) shall file an application with the competent departments for natural resources of local people's governments at or above the county level after being examined by the township (town) people's governments; the application shall be approved by the local people's governments at or above the country level based on the appropriate jurisdictional scope as stipulated by the provincial, regional, or municipal government. Where occupation of agricultural land is involved, the examination and approval procedures provided for in Article 44 hereof shall be carried out.

Article 62 Each rural household may own one parcel of land for the purposing of building a house, with the area not to exceed the standards as stipulated by the provincial, regional, and municipal governments.

In regions with less land per capita and it is not possible to guarantee one parcel of land for the purpose of building a house for each household, the people's governments at the county level may, on the basis of fully respecting the will of rural villagers, take measures to guarantee the house for each household of rural

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。

villagers as per standards stipulated by provinces, autonomous regions and municipalities directly under the Central Government.

Construction of rural housing shall conform to the township (town) overall land utilization plans and village plans, shall not occupy permanent prime farmland, and the land originally occupied by houses and unused open space shall be used as much as possible when building houses. For the preparation of township (town) overall land utilization plans and village plans, housing land shall be generally planned and reasonably arranged in order to improve the living environment and conditions of rural villagers.

The housing land of rural villagers shall be reviewed and approved by the township (town) people's governments; in particular, where agricultural land will be occupied, examination and approval formalities shall be handled as per Article 44 hereof.

Housing land applications by rural villagers, where the housing is sold, leased or donated in advance of the application, shall not be approved.

The State allows rural villagers who have become urban residents to quit their housing land in a voluntary and paid way according to the law, and encourages rural collective economic organizations and the members thereof to activate and utilize idle housing land and residences.

The competent department for agriculture and villages of the State Council is responsible for the national reform and administration of rural housing land.

Article 63 Concerning collectively managed construction land registered according to the law and for the operating purpose of industry or commerce, etc. as specified in the overall land utilization plan or urban and rural plan, the landowner may hand it over to an entity or individual for use by such means as transfer or lease, and shall conclude a written contract, defining the land boundaries, area, construction period, use period, land use, plan conditions and other rights and obligations of both parties.

The transfer or lease, etc. of the collectively managed construction land stipulated in the preceding paragraph shall be approved by more than two-thirds of the members of the collective economic organization or more than two-thirds of villagers.

The use right of the collectively managed construction land obtained by such means as transfer may be transferred, exchanged, contributed, donated or mortgaged, save as otherwise stipulated under any law or administrative regulations or under the written contract concluded by and between the landowner and the land user.

A lease of collectively managed construction land, and the transfer of the use right of collective construction land as well as its maximum term, transfer, exchange, contribution, donation, mortgage, etc. shall be implemented by reference to state-owned construction land with a similar purpose. Specific measures will be formulated by the State Council.

Article 64 The user of collective construction land shall use such land in strict accordance with the overall land utilization plan and urban and rural plan.

Article 65 Buildings or other structures constructed before the comprehensive plan for the utilization of land was formulated and that do not conform to the comprehensive plans shall not be rebuilt or expanded.

Article 66 In any of the following cases and with the approval of the people's government that granted original approval, the rural collective economic organizations may reclaim land use rights:

1. Land needed for townships (towns) or villages public facilities construction or public welfare projects;

2. Land not used according to the approved purposes;

3. Land not no longer in use due to cancellation by the original entity or their removal from the land.

Appropriate compensation shall be made to land users in cases of land reclamation by farmer collectives provided for in Item 1 of the preceding Paragraph.

The use right of collectively managed construction land shall be reclaimed according to the written contract concluded by both parties, save as otherwise stipulated under any law or administrative regulations.

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。

Article 67 Competent departments for natural resources of the people's governments at or above the county level shall exercise supervision and examination over violations of the laws and regulations on land administration. Supervising personnel shall be well versed in the laws and regulations on land administration, devoted to their duties and enforce the law impartially. Where the competent department for agriculture and villages of the people's government at or above the county level exercises supervision and examination of violations of laws and regulations on rural housing land, provisions on the supervision and examination of the competent departments for natural resources under the Law shall apply.

Article 68 As part of their supervision and examination duties, the competent departments for natural resources of the people's governments at or above the county level have the authority to take the following measures:

1. Demand documents and materials relevant to land use rights from entities or individuals for the purposes of examination, review, or duplication.

2. Demand explanations from relevant entities or individuals with regard to land use rights;

3. Enter onto land illegally occupied by entities or individuals being examination to carry out on-site inspections; and

4. Order entities or individuals that have illegally occupied land to cease their violations of the laws and regulations on land administration.

Article 69 Where there is the need, as part of their duties, to carry out on-site inspections or demand that the entities or individuals concerned produce documents, materials, or explanations, supervising personnel shall present land supervision and examination authority certificates.

Article 70 Relevant entities or individuals shall actively offer support and cooperate with competent departments for natural resources of the people's governments at or above the county level in their supervision and examination activities, fully facilitating and not in any way refusing or obstructing their land administration work.

Article 71 When the competent department for natural resources of the people's governments at or above the county level finds that government officials are guilty of acts of misfeasance during their supervision and examination, sanctions shall be imposed, when appropriate. Where the department does not have the authority to handle the case, it shall transfer it to the supervisory organ or any other relevant organ for handling.

Article 72 Where the competent department for natural resources of the people's governments at or above the county level find that the violations occurring during supervision and examination constitute a crime, they shall refer the case to the corresponding government authority to investigation of criminal liability. Where the case does not constitute a crime, sanctions shall be applied.

Article 73 If the relevant competent department for natural resources has failed to give appropriate sanction, the competent department for natural resources of the people's government at a higher level has the right to order the land administrative department to make a judgment on punishment or apply sanction directly, and may penalize the person in charge of the relevant competent department for natural resources.

Chapter VII Legal Liability

Article 74 With regard to illegal transfer of land by commercial transaction or in some other form, competent departments for natural resources of the people's governments at or above the county level shall confiscate all proceeds from such a transfer. For conversion of agricultural land into land for construction uses that violate the provisions of the overall land utilization plans, an order shall be given to demolish any new buildings or other facilities illegally built on the illegally transferred land, with the rehabilitation of the land to its original state; in such cases where there is no violation to the comprehensive plan for the utilization of land, the new building and other facilities on the illegally transferred land shall be confiscated and a fine may be imposed. Sanctions shall be applied to those in charge as well as directly responsible individuals and, where the case constitutes a crime, criminal liability shall be investigated.

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

Article 75 With regard to the occupation of cultivated land to build kilns or dig graves, to carry out unauthorized construction of housing, digging, rock-collection, mining, or soil collection and thereby damaging the growing conditions, or development in violation of this Law that leads to desertification and salt contamination, competent departments for natural resources, the competent departments for agriculture and villages and so on under the people's governments at or above the county level, as per duties, shall order rectification or improvement within a prescribed time limit and may concurrently impose a fine. Where the case constitutes a crime, criminal liability shall be investigated.

Article 76 For refusal to meet land reclamation obligations in violation of the provisions of this Law, the competent departments for natural resources of the people's governments at or above the county level shall order rectification within a prescribed time limit. Where no correction is made within the time limit, restitution to be specifically used for land reclamation shall be ordered and a fine may be concurrently imposed.

Article 77 With regard to the use of land without approval or by means of fraud, the competent departments for natural resources of the people's governments at or above the county level shall order that the land illegally occupied be returned; for conversion of agricultural land into land for construction use without authorization in violation of the overall land utilization plans, the demolition within a prescribed time limit of any new buildings and other structures on the land illegally occupied shall be ordered or, where the actions do not violate the overall land utilization plans, the buildings and other structures concerned shall be confiscated and a fine may be concurrently imposed. Persons in charge of entities occupying land illegally as well as the people directly responsible shall be given sanction and, where the actions constitute a crime, criminal liability shall be investigated legally.

With regard to an occupation of land that is in excess of the approved amount, the excess portion shall be regarded as illegally occupied land.

Article 78 Land occupied by rural residents for housing construction without approval or by means of fraud shall be ordered returned and the new houses built on the illegally occupied land demolished by the competent departments for agriculture and villages of the people's governments at or above the county level. With regard to the occupation of land in excess of the standards prescribed by the provincial, regional, or municipal governments, the portion in excess of the standards shall be deemed illegally occupied.

Article 79 If the occupation of land is approved by entities with no such authority, or where it is beyond their jurisdiction, or not according to the purposes defined in the overall land utilization plans or if the approval for occupation or expropriating of land was given counter to the legal procedures, the approval documents shall be considered invalid and persons in charge and personnel directly responsible for said illegal expropriation or use of land shall be subject to sanction. Where the circumstances constitute a crime, criminal liability shall be determined. The land whose use was illegally approved shall be reclaimed. Where the parties concerned refuse to return the land, it shall be deemed illegal occupation of land. Where illegal approval of expropriation or use of land causes losses to the parties concerned, compensation liability shall be borne legally.

Article 80 Defalcation or misappropriation of land compensation or other relevant payments to the entities whose land is expropriated, criminal liability shall be investigated where the circumstances constitute a crime and sanctions applied where the circumstances are not serious enough to constitute a crime.

Article 81 In the case of a refusal to relinquish land use rights when a lawful reclamation of the land is made, a refusal to return land upon the expiration of a term of temporary land use, or a failure to use state-owned land according to the approved purposes, the competent departments for natural resources of the people's governments at or above the county level shall order the land returned and impose a fine.

Article 82 Where the land collectively owned by peasants is arbitrarily used for

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。

non-agricultural construction purposes by assigning or transferring use rights or leasing, etc., or collectively managed construction land is handed over to any entity or individual for use by such means as assignment or leasing, in violation of the Law, the competent departments for natural resources of people's governments at or above the county level shall order rectification within a prescribed time limit, confiscate the illegal proceeds, and impose a fine.

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。

Article 83 Where orders have been issued to demolish, within a prescribed time limit , new buildings and other facilities on the land illegally occupied pursuant to the provisions of this Law, the construction entity or individual shall halt relevant operations immediately and carry out demolition of their own accord. Where the violating activities continue, the authority which gave the sanction has the authority to prevent further construction activities. Where a construction entity or individual refuses to accept the sanction decision ordering the demolition of the buildings or other facilities, it may file a suit with the people's court within 15 days of the date when the decision was served. Where an entity or individual fails to file an action before the time limit expires and yet persists in refusing to conduct demolition of their own accord, the authority responsible for the decision shall apply to the people's court for forced implementation, with all accrued expenses to be borne by the violator.

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。

Article 84 Where any functionary of a competent department for natural resources or a competent department for agriculture and villages neglect his duties, misuses his power, practices favoritism or commits irregularities, which constitutes a crime, criminal liability shall be investigated legally; if a crime is not committed, sanction shall be imposed legally.

第八章 附则

Chapter VIII Supplementary Provisions

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。

Article 85 This Law is applicable to the use of land by foreign-funded enterprises; if there are other provisions under any law, such provisions shall apply.

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。

Article 86 Before a national land space plan is prepared as per Article 18 hereof, the overall land utilization plan and the urban and rural plan lawfully approved shall be implemented continuously.

第八十七条 本法自1999年1月1日起施行。

Article 87 This Law shall go into effect as of January 1, 1999.