

中华人民共和国土地管理法实施条例（2021修订）

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国务院令第七百四十三号

《中华人民共和国土地管理法实施条例》已经2021年4月21日国务院第132次常务会议修订通过，现予公布，自2021年9月1日起施行。

总理李克强

2021年7月2日

中华人民共和国土地管理法实施条例

（1998年12月27日中华人民共和国国务院令第256号发布根据2011年1月8日《国务院关于废止和修

Implementing Regulation for the Land Administration Law of the People's Republic of China (Revised in 2021)

Decree No.743 of the State Council

The Implementing Regulation for the Land Administration Law of the People's Republic of China, adopted upon revision at the 132nd executive meeting of the State Council on April 21, 2021, is hereby promulgated, effective September 1, 2021.

Li Keqiang, Premier

July 2, 2021

Implementing Regulation for the Land Administration Law of the People's Republic of China

(Promulgated under Decree No.256 of the State Council of the People's Republic of China on December 27, 1998, revised for the first time in accordance with the Decision of the State Council on Repealing and Revising Certain Administrative Regulations on January 8, 2011, revised for the second time in accordance with the Decision of the State Council on Revising Certain Administrative Regulations on July 29, 2014, and revised for the third time under the Decree No.743 of the State Council of the People's Republic of China on July 2, 2021)

改部分行政法规的决定》第一次修订根据2014年7月29日《国务院关于修改部分行政法规的决定》第二次修订2021年7月2日中华人民共和国国务院令第七43号第三次修订）

第一章 总 则

第一条 根据《中华人民共和国土地管理法》（以下简称《土地管理法》），制定本条例。

第二章 国土空间规划

第二条 国家建立国土空间规划体系。

土地开发、保护、建设活动应当坚持规划先行。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。在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。

Chapter I General Provisions

Article 1 This Regulation is enacted in accordance with the Land Administration Law of the People's Republic of China (hereinafter referred to as the "Land Administration Law").

Chapter II Territorial Space Planning

Article 2 The State establishes a territorial space planning system. Planning shall be given priority in the land development, protection and construction activities. The territorial space planning which has been approved in accordance with the law shall serve as the fundamental basis for various development, protection and construction activities.

If the territorial space planning has been formulated, the master plan for land utilization and urban and rural planning are no longer required. Before the territorial space planning is prepared, the master plan for land utilization and urban and rural planning which have been approved in accordance with the law shall continue to be implemented.

第三条 国土空间规划应当细化落实国家发展规划提出的国土空间开发保护要求，统筹布局农业、生态、城镇等功能空间，划定落实永久基本农田、生态保护红线和城镇开发边界。

国土空间规划应当包括国土空间开发保护格局和规划用地布局、结构、用途管制要求等内容，明确耕地保有量、建设用地规模、禁止开垦的范围等要求，统筹基础设施和公共设施用地布局，综合利用地上地下空间，合理确定并严格控制新增建设用地规模，提高土地节约集约利用水平，保障土地的可持续利用。

Article 3 The territorial space planning shall refine and implement the requirements for territorial space development and protection put forward in the national development planning, coordinate the layout of the functional spaces for agriculture, ecology and cities and towns, and delineate and implement permanent basic farmland, the bottom line for ecological protection and the boundary for urban development. The territorial space planning shall include the pattern of territorial space development and protection and the layout, structure and use control requirements for planned land use, clarify the requirements for the quantity of cultivated land, the scale of construction land, the scope of prohibited reclamation and other aspects, coordinate the layout of land used for infrastructure and public facilities, comprehensively use the above-ground and underground spaces, reasonably determine and strictly control the scale of newly added construction land, improve the level of economical and intensive land use, and ensure the sustainable land use.

第四条 土地调查应当包括下列内容：

（一）土地权属以及变化情况；

（二）土地利用现状以及变化情况；

Article 4 The land survey shall include the following contents: (1) land ownership and the changes thereof; (2) land utilization status and the changes thereof; and (3) land conditions.

The national land survey results shall be made public after being approved by the State Council. The local land survey results shall be disclosed to the public after being examined by the people's government at the corresponding level and approved by the people's government at the next higher level. After the national

（三）土地条件。

全国土地调查成果，报国务院批准后向社会公布。地方土地调查成果，经本级人民政府审核，报上一级人民政府批准后向社会公布。全国土地调查成果公布后，县级以上地方人民政府方可自上而下逐级依次公布本行政区域的土地调查成果。

土地调查成果是编制国土空间规划以及自然资源管理、保护和利用的重要依据。

土地调查技术规程由国务院自然资源主管部门会同有关部门制定。

land survey results are released, the local people's government at or above the county level may release the land survey results of its administrative area level by level in a descending order.

The land survey results shall serve as the important basis for the formulation of territorial space planning and the management, conservation and utilization of natural resources.

Administrative department of natural resources under the State Council shall, in conjunction with other departments concerned, formulate the technical regulation of land survey.

第五条 国务院自然资源主管部门会同有关部门制定土地等级评定标准。

县级以上人民政府自然资源主管部门应当会同有关部门根据土地等级评定标准，对土地等级进行评定。地方土地等级评定结果经本级

Article 5 Administrative department of natural resources under the State Council shall, in conjunction with other departments concerned, formulate the standards for land grade evaluation.

The administrative department of natural resources under the people's government at or above the county level shall, in conjunction with other departments concerned, carry out evaluation of land grade in accordance with the standards for land grade evaluation. The results of local land grade evaluation shall be examined by the people's government at the corresponding level and submitted to the administrative department of natural resources under the people's government at

人民政府审核，报上一级人民政府自然资源主管部门批准后向社会公布。

the next higher level for approval before being made public.

Land grade shall be re-evaluated once every five years in accordance with the conditions of national economic and social development.

根据国民经济和社会发展状况，土地等级每五年重新评定一次。

第六条 县级以上人民政府自然资源主管部门应当加强信息化建设，建立统一的国土空间基础信息平台，实行土地管理全流程信息化管理，对土地利用状况进行动态监测，与发展改革、住房和城乡建设等有关部门建立土地管理信息共享机制，依法公开土地管理信息。

Article 6 The administrative departments of natural resources under the people's governments at or above the county level shall strengthen the information technology development, establish a uniform basic information platform for territorial space, implement the whole-process information management of land administration, dynamically monitor the land utilization status, establish a land administration information sharing mechanism with the departments of development and reform, housing and urban-rural development and other relevant departments and disclose land administration information according to law.

第七条 县级以上人民政府自然资源主管部门应当加强地籍管理，建立健全地籍数据库。

Article 7 The administrative departments of natural resources under the people's governments at or above the county level shall strengthen the cadastral administration and establish and improve the cadastral database.

第三章 耕地保护

Chapter III Protection of Cultivated Land

第八条 国家实行占用耕地补偿制度。在国土空间规划确定的城市和村庄、集镇建设用地范围内经依法批准占用耕地，以及在国土空间规划确定的城市和村庄、集镇建

Article 8 The State implements the compensation system for occupied cultivated land. Where cultivated land is occupied upon approval according to law within the scope of construction land used for cities, villages and towns as determined in the territorial space planning, and where cultivated land is occupied upon approval according to law for construction projects of energy, transportation, water conservancy, mine and military facilities which are not within

设用地范围外的能源、交通、水利、矿山、军事设施等建设项目经依法批准占用耕地的，分别由县级人民政府、农村集体经济组织和建设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组织自然资源主管部门、农业农村主管部门对开垦的耕地进行验收，确保开垦的耕地落实到地块。划入永久基本农田的还应当纳入国家永久基本农田数据库严格管理。占用耕地补充情况应当按照国家有关规定向社会公布。

个别省、直辖市需要易地开垦耕地的，依照《土地管理法》第三十二条的规定执行。

第九条 禁止任何单位和个人在国土空间规划确定的禁止开垦的

the scope of construction land used for cities, villages and towns as determined in the territorial space planning, the people's governments at the county level, rural collective economic organizations and construction entities shall be respectively responsible for reclaiming cultivated land of the same quantity and quality as the occupied cultivated land; where there are no conditions for such reclamation or the reclaimed cultivated land does not meet the requirements, cultivated land reclamation fees shall be paid as prescribed by the provinces, autonomous regions and municipalities directly under the Central Government, which shall exclusively be used for reclamation of new arable land. The people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall organize the administrative departments of natural resources and the administrative departments of agriculture and rural affairs to accept the reclaimed cultivated land upon inspection to ensure that the reclaimed arable land is implemented to the land parcels. Those classified as permanent basic farmland shall also be included in the national permanent basic farmland database for strict administration. Information on supplementing cultivated land to be occupied shall be made public in accordance with the relevant provisions of the State.

Where individual provinces and municipalities directly under the Central Government need to reclaim cultivated land in other places, Article 32 of the Land Administration Law shall apply.

Article 9 No entity or individual may engage in land development activities within the scope of prohibited reclamation determined in the territorial space

范围内从事土地开发活动。

按照国土空间规划，开发未确定土地使用权的国有荒山、荒地、荒滩从事种植业、林业、畜牧业、渔业生产的，应当向土地所在地的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、直辖市规定的权限，由县级以上地方人民政府批准。

planning. Whoever, according to the territorial space planning, develops state-owned barren hills, wastelands or desolate beaches with unconfirmed land use right for crop cultivation, forestry, animal husbandry or fishery production shall file an application with the administrative department of natural resources under the local people's government at or above the county level in the locality where the land is located, and shall, according to the limits of authority prescribed by the province, autonomous region or municipality directly under the Central Government, submit the application to the local people's government at or above the county level for approval.

第十条 县级人民政府应当按照国土空间规划关于统筹布局农业、生态、城镇等功能空间的要求，制定土地整理方案，促进耕地保护和土地节约集约利用。

县、乡（镇）人民政府应当组织农村集体经济组织，实施土地整理方案，对闲散地和废弃地有计划地整治、改造。土地整理新增耕地，可以用作建设所占用耕地的补充。

Article 10 The people's government at the county level shall, in accordance with the requirements of the territorial space planning for the overall layout of agricultural, ecological, urban and other functional spaces, formulate land consolidation programs to promote the protection of cultivated land and the economical and intensive use of land. The people's government at the county, township (town) level shall organize the rural collective economic organizations to implement land consolidation programs and to improve and transform idle and abandoned land in a planned way. The arable land newly increased through land consolidation may be used as a supplement to the occupied cultivated land for construction.

Social subjects are encouraged to participate in land consolidation in accordance with the law.

鼓励社会主体依法参与土地整理。

第十一条 县级以上地方人民

政府应当采取措施，预防和治理耕地土壤流失、污染，有计划地改造中低产田，建设高标准农田，提高耕地质量，保护黑土地等优质耕地，并依法对建设所占用耕地耕作层的土壤利用作出合理安排。

非农业建设依法占用永久基本农田的，建设单位应当按照省、自治区、直辖市的规定，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。

县级以上地方人民政府应当加强对农业结构调整的引导和管理，防止破坏耕地耕作层；设施农业用地不再使用的，应当及时组织恢复种植条件。

第十二条 国家对耕地实行特

殊保护，严守耕地保护红线，严格控制耕地转为林地、草地、园地等其他农用地，并建立耕地保护补偿制度，具体办法和耕地保护补偿实施步骤由国务院自然资源主管部门

Article 11 The local people's government at or above the county level shall take measures to prevent and control soil erosion and pollution of cultivated land, improve low and medium-yield farmland in a planned way, develop high-standard farmland, improve the quality of arable land, protect black land and other high-quality cultivated land, and make reasonable arrangements for the use of soil in the plow layer of the occupied arable land in accordance with the law. Where permanent basic farmland is occupied for non-agricultural construction in accordance with the law, a construction entity shall, in accordance with the provisions of the province, autonomous region or municipality directly under the Central Government, use the soil of plow layer of the occupied cultivated land for soil amelioration of newly reclaimed land, inferior land or other arable land.

The local people's government at or above the county level shall strengthen the guidance and administration of agricultural restructuring and prevent the destruction of the plow layer of the cultivated land. Where the farmland for facilities is no longer used, the restoration of the planting conditions shall be organized in good time.

Article 12 The State exercises special protection for cultivated land, strictly observes the bottom line of cultivated land protection, strictly controls the conversion of cultivated land into woodland, grassland, garden land or other agricultural land, and establishes a compensation system for cultivated land protection. Administrative department of natural resources under the State Council shall, in conjunction with departments concerned, formulate specific measures and steps for implementing such compensation. Land shall be used

会同有关部门规定。

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。

耕地应当优先用于粮食和棉、油、糖、蔬菜等农产品生产。按照国家有关规定需要将耕地转为林地、草地、园地等其他农用地的，应当优先使用难以长期稳定利用的耕地。

in an economical way for non-agricultural construction purposes. Where wasteland can be used, no cultivated land may be occupied; where inferior land can be used, no superior land may be occupied. It is forbidden to build kilns, graves or houses on cultivated land or to carry out sand dredging, quarrying, mining or earth cutting on the cultivated land without authorization. It is forbidden to occupy permanent basic farmland to develop forestry and fruit growing industry or dig ponds to breed fish.

Cultivated land shall be used on a priority basis for the production of grain, cotton, oil, sugar, vegetables and other agricultural products. Where cultivated land needs to be converted into woodland, grassland, garden land or other agricultural land in accordance with the relevant provisions of the State, priority shall be given to the use of cultivated land which is difficult to be used stably and for a long time.

第十三条 省、自治区、直辖市人民政府对本行政区域耕地保护负总责，其主要负责人是本行政区域耕地保护的第一责任人。

省、自治区、直辖市人民政府应当将国务院确定的耕地保有量和永久基本农田保护任务分解下达，落实到具体地块。

Article 13 The people's governments of provinces, autonomous regions and centrally-administered municipalities shall take the overall responsibility for the protection of cultivated land within their respective administrative areas, and their persons chiefly in charge shall be the first persons liable for the protection of cultivated land within their respective administrative areas. The people's governments of provinces, autonomous regions and centrally-administered municipalities shall divide the quantity of cultivated land and the tasks for protecting permanent basic farmland determined by the State Council and assign them to specific plots of land.

The State Council shall assess the implementation of the

国务院对省、自治区、直辖市人民政府耕地保护责任目标落实情况
况进行考核。

responsibility and target for cultivated land protection by the people's governments of provinces, autonomous regions and centrally administered municipalities.

第四章 建设用地

Chapter IV Construction Land

第一节 一般规定

Section 1 General Rules

第十四条 建设项目需要使用土地的，应当符合国土空间规划、土地利用年度计划和用途管制以及节约资源、保护生态环境的要求，并严格执行建设用地标准，优先使用存量建设用地，提高建设用地使用效率。

Article 14 Where a construction project needs to use land, it shall conform to the territorial space planning, the annual plan for land use and the control of use as well as the requirements for resource conservation and ecological environment protection, and the standards for construction land shall be strictly implemented, priority shall be given to the use of stock construction land, and the use efficiency of construction land shall be improved. Any entity engaged in land development and utilization activities shall take effective measures to prevent and reduce soil pollution and ensure that the construction land meets the quality requirements for the soil environment.

从事土地开发利用活动，应当采取有效措施，防止、减少土壤污染，并确保建设用地符合土壤环境质量要求。

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及年度计划、国土空间规划、国家产业政策以及城乡建设、土地利用的实际状况等，加强土地利用计划管理，实行建设用地总量控制，推动城

Article 15 The people's governments at all levels shall, according to the national economic and social development planning and the annual plan, the territorial space planning, the national industrial policies, and the actual situation of urban and rural development and land utilization, etc., strengthen the administration of land utilization plans, exercise control over the total quantity of construction land, promote the development and utilization of urban and rural stock construction land, guide the redevelopment of urban and rural inefficient use of land, implement the control system

乡存量建设用地开发利用，引导城镇低效用地再开发，落实建设用地标准控制制度，开展节约集约用地评价，推广应用节地技术和节地模式。

for standards for construction land, carry out the evaluation of economical and intensive use of land, and popularize and apply the land saving technologies and modes.

第十六条 县级以上地方人民政府自然资源主管部门应当将本级人民政府确定的年度建设用地供应总量、结构、时序、地块、用途等在政府网站上向社会公布，供社会公众查阅。

Article 16 The administrative departments of natural resources under the local people's governments at or above the county level shall make public on government websites the annual total supply, structure, timing, plots and purposes of use of construction land determined by the people's governments at the corresponding level for the public to consult.

第十七条 建设单位使用国有土地，应当以有偿使用方式取得；但是，法律、行政法规规定可以以划拨方式取得的除外。

Article 17 A construction entity that intends to use the state-owned land shall obtain it by means of compensated use, except that it may be obtained by means of allocation as prescribed by any law or administrative regulation. The methods of compensated use of state-owned land shall include:

(1) assignment of the state-owned land use right;

国有土地有偿使用的方式包括

(2) lease of state-owned land; and

:

(3) investment in or buying shares of state-owned land use right at a certain value.

（一）国有土地使用权出让；

（二）国有土地租赁；

（三）国有土地使用权作价出资或者入股。

第十八条 国有土地使用权出让、国有土地租赁等应当依照国家有关规定通过公开的交易平台进行交易，并纳入统一的公共资源交易平台体系。除依法可以采取协议方式外，应当采取招标、拍卖、挂牌等竞争性方式确定土地使用者。

Article 18 The assignment of the state-owned land use right and the lease of state-owned land shall, in accordance with the relevant provisions of the state, be conducted through public trading platforms, and be included into the unified public resource trading platform system. A land user shall be determined by such competitive methods as bid invitation, auction or listing, unless the means of agreement may be adopted according to law.

第十九条 《土地管理法》第五十五条规定的新增建设用地的土地有偿使用费，是指国家在新增建设用地中应取得的平均土地纯收益。

Article 19 The fees for the compensated use of the newly added construction land as prescribed in Article 55 of the Land Administration Law refer to the average net proceeds that the State shall obtain from the newly added construction land.

第二十条 建设项目施工、地质勘查需要临时使用土地的，应当尽量不占或者少占耕地。

Article 20 Where temporary use of land is needed for the construction of a construction project or for geological prospecting, the cultivated land shall not be occupied or shall be occupied as less as possible. The temporary use of land shall be subject to the approval of the administrative departments of natural resources under the people's governments at or above the county level, and the duration shall not exceed two years in general; and the temporary use of land for the construction of energy, transportation, water conservancy and other infrastructures with a long construction period shall not exceed four years, except as otherwise prescribed by any law or administrative regulation.

临时用地由县级以上人民政府自然资源主管部门批准，期限一般不超过二年；建设周期较长的能源、交通、水利等基础设施建设使用的临时用地，期限不超过四年；法律、行政法规另有规定的除外。

The land user shall complete the reclamation of the land within one year as of the date when the term for temporary use of the land expires and make it available for use. Where cultivated land is occupied, the planting conditions shall be restored.

土地使用者应当自临时用地期满之日起一年内完成土地复垦，使

其达到可供利用状态，其中占用耕地的应当恢复种植条件。

第二十一条 抢险救灾、疫情防控等急需使用土地的，可以先行使用土地。其中，属于临时用地的，用后应当恢复原状并交还原土地使用者使用，不再办理用地审批手续；属于永久性建设用地的，建设单位应当在不晚于应急处置工作结束六个月内申请补办建设用地审批手续。

Article 21 Where the land is urgently needed for emergency and disaster relief or for epidemic prevention and control, the land may be used first. Where the land is for temporary use, it shall be restored to its original state after the use and returned to the original land user, and there is no need to go through the formalities for the examination and approval of land use; where the land is used for permanent construction, a construction entity shall apply for making up the formalities for the examination and approval of the land for construction no later than six months after the completion of emergency response work.

第二十二条 具有重要生态功能的未利用地应当依法划入生态保护红线，实施严格保护。

建设项目占用国土空间规划确定的未利用地的，按照省、自治区、直辖市的规定办理。

Article 22 The unused land with important ecological functions shall be classified into the bottom line for ecological protection in accordance with the law and be strictly protected. Where a construction project occupies unused land as determined in the territorial space planning, the relevant provisions of the province, autonomous region or municipality directly under the Central Government shall apply.

第二节 农用地转用

Section 2 Conversion of Agricultural Land

第二十三条 在国土空间规划确定的城市和村庄、集镇建设用地范围内，为实施该规划而将农用地转为建设用地的，由市、县人民政

Article 23 Where the agricultural land is converted into construction land as a result of the implementation of the territorial space planning within the scope of the land used for construction of cities, villages and towns as determined in such planning, the people's government at the city or county level shall organize the administrative department of natural resources and other relevant departments to work out a plan

府组织自然资源等部门拟订农用地转用方案，分批次报有批准权的人民政府批准。

农用地转用方案应当重点对建设项目安排、是否符合国土空间规划和土地利用年度计划以及补充耕地情况作出说明。

农用地转用方案经批准后，由市、县人民政府组织实施。

for conversion of the agricultural land and report in batches to the people's government with the approval authority for approval. The plan for conversion of the agricultural land shall focus on the arrangement of the construction project, whether it complies with the territorial space planning and the annual plan for land use and the supplementation of cultivated land.

After the plan for conversion of the agricultural land is approved, the people's government at the city or county level shall organize its implementation.

第二十四条 建设项目确需占用国土空间规划确定的城市和村庄、集镇建设用地范围外的农用地，涉及占用永久基本农田的，由国务院批准；不涉及占用永久基本农田的，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。具体按照下列规定办理：

（一）建设项目批准、核准前或者备案前后，由自然资源主管部门对建设项目用地事项进行审查，提出建设项目用地预审意见。建设项目需要申请核发选址意见书的，应当合并办理建设项目用地预审与

Article 24 Where a construction project really needs to occupy the agricultural land beyond the scope of the land used for construction of cities, villages and towns as determined in the territorial space planning, if the occupation of permanent basic farmland is involved, the matter shall be subject to approval by the State Council; if the occupation of permanent basic farmland is not involved, the matter shall be subject to approval by the State Council or the people's government of the province, autonomous region or centrally administered municipality authorized by the State Council. The specific matter shall be subject to the following provisions: (1) Before a construction project is approved, verified or filed for record, the administrative department of natural resources shall examine the matters relating to the land use of the construction project and put forward a preliminary review opinion on the land use of the construction project. Where it is necessary to apply for issuance of an opinion on site selection for the construction project, the opinion on the preliminary review of the land use and the site selection for the construction project shall be handled together, and the opinion on the preliminary review of the land use and the site selection for the construction project shall be issued.

选址意见书，核发建设项目用地预审与选址意见书。

（二）建设单位持建设项目的批准、核准或者备案文件，向市、县人民政府提出建设用地申请。市、县人民政府组织自然资源等部门拟订农用地转用方案，报有批准权的人民政府批准；依法应当由国务院批准的，由省、自治区、直辖市人民政府审核后上报。农用地转用方案应当重点对是否符合国土空间规划和土地利用年度计划以及补充耕地情况作出说明，涉及占用永久基本农田的，还应当对占用永久基本农田的必要性、合理性和补划可行性作出说明。

（三）农用地转用方案经批准后，由市、县人民政府组织实施。

(2) A construction entity shall, on the strength of the approval, verification or filing documents of the construction project, apply to the people's government at the city or county level for the land used for construction purposes. The people's government at the city or county level shall organize the administrative department of natural resources and other relevant departments to draw up a plan for conversion of the agricultural land and submit it to the people's government with the approval authority for approval; where the plan is subject to approval by the State Council in accordance with the law, it shall be submitted to the State Council after examination and verification by the people's government of the province, autonomous region or centrally administered municipality. The plan for conversion of the agricultural land shall focus on whether it conforms to the territorial space planning and the annual plan on land use as well as on the supplementation of cultivated land. Where the occupation of permanent basic farmland is involved, the necessity and rationality of the occupation of permanent basic farmland and the feasibility of the supplementary land use shall also be explained.

(3) The people's government at the city or county level shall organize the implementation of the plan for conversion of the agricultural land after being approved.

第二十五条 建设项目需要使用土地的，建设单位原则上应当一次申请，办理建设用地审批手续，确需分期建设的项目，可以根据可行性研究报告确定的方案，分期申

Article 25 Where a construction project needs to use land, a construction entity shall, in principle, file an application at one time and go through the formalities for examination and approval of the land for construction purposes. Where it is really necessary to carry out the construction of a project by stages, an application for the land for construction purposes may be filed in stages according to the scheme as determined in the feasibility study report, and the formalities for

请建设用地的，分期办理建设用地审批手续。建设过程中用地范围确需调整的，应当依法办理建设用地审批手续。

农用地转用涉及征收土地的，还应当依法办理征收土地手续。

examination and approval of the land for construction purposes may be handled in stages. Where the scope of land use really needs to be adjusted in the process of construction, the formalities for examination and approval of land used for construction shall be completed according to law. Where the conversion of agricultural land involves land expropriation, the land expropriation procedures shall also be handled in accordance with the law.

第三节 土地征收

Section 3 Land Expropriation

第二十六条 需要征收土地，县级以上地方人民政府认为符合《土地管理法》第四十五条规定的，应当发布征收土地预公告，并开展拟征收土地现状调查和社会稳定风险评估。

征收土地预公告应当包括征收范围、征收目的、开展土地现状调查的安排等内容。征收土地预公告应当采用有利于社会公众知晓的方式，在拟征收土地所在的乡（镇）和村、村民小组范围内发布，预公告时间不少于十个工作日。自征收土地预公告发布之日起，任何单位和个人不得在拟征收范围内抢栽抢建；违反规定抢栽抢建的，对抢栽

Article 26 Where land needs to be expropriated, the local people's government at or above the county level shall issue a preliminary announcement on land expropriation if it considers that the provisions of Article 45 of the Land Administration Law are met and carry out a survey on the status quo of the land to be expropriated and an assessment of social stability risks. The preliminary announcement on land expropriation shall include the scope and purpose of expropriation, and arrangements for conducting the survey on the status quo of the land, etc. The preliminary announcement on land expropriation shall be issued within the scope of the township (town), village or villagers' group where the land to be expropriated is located in a manner conducive to public awareness, and the preliminary announcement period shall not be less than ten working days. As of the date of the preliminary announcement on land expropriation, no entity or individual may rush to plant or build within the area of expropriation; where rush planting or building is conducted in violation of the relevant provisions, no compensation shall be paid for the part of rush planting or building.

The survey on the status quo of the land shall clarify the location, ownership, type and area of the land, and the ownership, type and quantity of rural villagers' houses, other ground attachments and young crops.

抢建部分不予补偿。

土地现状调查应当查明土地的位置、权属、地类、面积，以及农村村民住宅、其他地上附着物和青苗等的权属、种类、数量等情况。

社会稳定风险评估应当对征收土地的社会稳定风险状况进行综合研判，确定风险点，提出风险防范措施和处置预案。社会稳定风险评估应当有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参加，评估结果是申请征收土地的重要依据。

The social stability risk assessment shall comprehensively study and judge the social stability risk status of the land expropriated, determine the risk points, and put forward the risk prevention measures and disposal plans. The social stability risk assessment shall be participated by the rural collective economic organization whose land is expropriated and its members, the villagers' committee and other interested parties, and the assessment result shall be the important basis for the application for land expropriation.

第二十七条 县级以上地方人民政府应当依据社会稳定风险评估结果，结合土地现状调查情况，组织自然资源、财政、农业农村、人力资源和社会保障等有关部门拟定征地补偿安置方案。

征地补偿安置方案应当包括征收范围、土地现状、征收目的、补偿方式和标准、安置对象、安置方式、社会保障等内容。

Article 27 The local people's government at or above the county level shall, according to the result of the social stability risk assessment and in light of the survey on the status quo of the land, organize the natural resources, finance, agriculture and rural affairs, human resources and social security and other relevant departments to formulate the plan for compensation and resettlement for land expropriation. The plan for compensation and resettlement for land expropriation shall include the scope of expropriation, status quo of land, purpose of expropriation, ways and standards of compensation, objects of resettlement, ways of resettlement, social security, etc.

第二十八条 征地补偿安置方案拟定后，县级以上地方人民政府应当在拟征收土地所在的乡（镇）和村、村民小组范围内公告，公告时间不少于三十日。

征地补偿安置公告应当同时载明办理补偿登记的方式和期限、异议反馈渠道等内容。

多数被征地的农村集体经济组织成员认为拟定的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听证。

第二十九条 县级以上地方人民政府根据法律、法规规定和听证会等情况确定征地补偿安置方案后，应当组织有关部门与拟征收土地的所有权人、使用权人签订征地补偿安置协议。征地补偿安置协议示范文本由省、自治区、直辖市人民政府制定。

对个别确实难以达成征地补偿安置协议的，县级以上地方人民政府应当在申请征收土地时如实说明

Article 28 The local people's government at or above the county level shall, after drawing up the plan for compensation and resettlement for land expropriation, make an announcement within the scope of the township (town), village or villagers' group where the land to be expropriated is located, and the announcement period shall not be less than thirty days. An announcement of compensation and resettlement for land expropriation shall indicate such contents as the method and time limit for handling compensation registration and the channel for feedback of objection.

If most of the members of the rural collective economic organization whose land is expropriated believe that the proposed plan for compensation and resettlement for land expropriation does not comply with the provisions of laws and regulations, the local people's government at or above the county level shall organize a hearing.

Article 29 The local people's government at or above the county level shall, after determining the plan for compensation and resettlement for land expropriation in accordance with the provisions of laws and regulations and the circumstances of hearings, organize the relevant departments to sign an agreement on compensation and resettlement for land expropriation with the owner or user of the land to be expropriated. The model text of the agreement on compensation and resettlement for land expropriation shall be formulated by the people's government of the province, autonomous region or centrally administered municipality. Where it is really difficult to reach an agreement on compensation and resettlement for land requisition in individual cases, the local people's government at or above the county level shall make truthful statements when applying for land requisition.

第三十条 县级以上地方人民政府完成本条例规定的征地前期工作后，方可提出征收土地申请，依照《土地管理法》第四十六条的规定报有批准权的人民政府批准。

有批准权的人民政府应当对征收土地的必要性、合理性、是否符合《土地管理法》第四十五条规定的为了公共利益确需征收土地的情形以及是否符合法定程序进行审查。

第三十一条 征收土地申请经依法批准后，县级以上地方人民政府应当自收到批准文件之日起十五个工作日内在拟征收土地所在的乡（镇）和村、村民小组范围内发布征收土地公告，公布征收范围、征收时间等具体工作安排，对个别未达成征地补偿安置协议的应当作出征地补偿安置决定，并依法组织实施。

第三十二条 省、自治区、直

Article 30 The local people's government at or above the county level may not file an application for land expropriation until it has completed the preliminary work of land expropriation as prescribed in this Regulation, and shall, in accordance with the provisions of Article 46 of the Land Administration Law, report it to the people's government with the approval authority for approval. The people's government with the approval authority shall examine the necessity and rationality of land expropriation, whether it is in line with the circumstances under which the land needs to be expropriated for public interests as prescribed in Article 45 of the Land Administration Law and whether it complies with the legal procedures.

Article 31 After the application for land expropriation is approved in accordance with the law, the local people's government at or above the county level shall, within 15 working days as of receipt of the approval document, publish an announcement on land expropriation within the scope of the township (town), village or villagers' group where the land to be expropriated is located, and make public the scope and time of expropriation and other specific arrangements. If no agreement on compensation and resettlement for land expropriation is reached in individual cases, a decision on compensation and resettlement for land expropriation shall be made and implemented in accordance with the law.

Article 32 The provinces, autonomous regions and

辖市应当制定公布区片综合地价，确定征收农用地的土地补偿费、安置补助费标准，并制定土地补偿费、安置补助费分配办法。

地上附着物和青苗等的补偿费用，归其所有权人所有。

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，按照省、自治区、直辖市的规定单独列支。

申请征收土地的县级以上地方人民政府应当及时落实土地补偿费、安置补助费、农村村民住宅以及其他地上附着物和青苗等的补偿费用、社会保障费用等，并保证足额到位，专款专用。有关费用未足额到位的，不得批准征收土地。

municipalities directly under the Central Government shall formulate and promulgate the comprehensive land price for a tract, determine the standards for land compensation and resettlement subsidies for the expropriation of agricultural land and formulate the measures for the distribution of land compensation and resettlement subsidies. The compensation for the ground attachments and young crops shall belong to the owner of the land.

Social security premiums shall be mainly used for subsidies for payment of social insurance such as endowment insurance premiums for eligible farmers whose land is expropriated and shall be separately disbursed from expenditures in accordance with provisions of provinces, autonomous regions and municipalities directly under the Central Government.

The local people's government at or above the county level that applies for land expropriation shall timely put in place the land compensation fees, resettlement subsidies, compensation for rural villagers' residential houses and other ground attachments and young crops, social security premiums, etc., and ensure that the funds are fully in place for the specified purposes only. If the relevant expenses are not in place in full amount, no land expropriation may be approved.

第四节 宅基地管理

Section 4 Administration of Homesteads

第三十三条 农村居民点布局和建设用地区域应当遵循节约集约、因地制宜的原则合理规划。县级以上地方人民政府应当按照国家规

Article 33 The layout of rural residential area and the scale of construction land shall be planned rationally and under the principles of economical and intensive use and adaptation to local conditions. The local people's government at or above the county level shall, in accordance with the provisions of the state, arrange the quota of construction land and

定安排建设用地指标，合理保障本行政区域农村村民宅基地需求。

乡（镇）、县、市国土空间规划和村庄规划应当统筹考虑农村村民生产、生活需求，突出节约集约用地导向，科学划定宅基地范围。

第三十四条 农村村民申请宅基地的，应当以户为单位向农村集体经济组织提出申请；没有设立农村集体经济组织的，应当向所在的村民小组或者村民委员会提出申请。宅基地申请依法经农村村民集体讨论通过并在本集体范围内公示后，报乡（镇）人民政府审核批准。

涉及占用农用地的，应当依法办理农用地转用审批手续。

第三十五条 国家允许进城落户的农村村民依法自愿有偿退出宅基地。乡（镇）人民政府和农村集体经济组织、村民委员会等应当将退出的宅基地优先用于保障该农村集体经济组织成员的宅基地需求。

reasonably guarantee the demands for homesteads of rural villagers within its administrative area. The territorial space planning and village planning of a town (township), county or city shall give overall consideration to the production and living needs of rural villagers, highlight the orientation of economical and intensive land use, and scientifically delimit the scope of homesteads.

Article 34 Where a rural villager applies for a homestead, he shall file an application with the rural collective economic organization by households; where no rural collective economic organization is established, he shall file an application with the villagers' group or villagers' committee at his locality. The application for homestead shall be submitted to the township (town) people's government for examination and approval after being discussed and adopted collectively by the villagers and publicized within the collective in accordance with the law. Where the occupation of agricultural land is involved, the examination and approval formalities for the conversion of agricultural land shall be handled according to law.

Article 35 The State permits rural villagers who have their permanent residence registered in cities and towns to voluntarily waive their homestead with compensation in accordance with the law. The township (town) people's government, the rural collective economic organization or the villagers' committee, etc. shall give priority to use the waived homestead to guarantee the homestead needs of the members of the rural collective economic organization.

第三十六条 依法取得的宅基地和宅基地上的农村村民住宅及其附属设施受法律保护。

禁止违背农村村民意愿强制流转宅基地，禁止违法收回农村村民依法取得的宅基地，禁止以退出宅基地作为农村村民进城落户的条件，禁止强迫农村村民搬迁退出宅基地。

Article 36 The homesteads acquired in accordance with the law and the rural villagers' residential houses and affiliated facilities thereon shall be protected by law. It is prohibited to force the circulation of homesteads against the will of rural villagers, to illegally take back the homesteads acquired by rural villagers in accordance with the law, to take the waiver of their homesteads as the precondition for rural villagers to settle in cities and towns, and to force rural villagers to relocate from and waive their homesteads.

第五节

集体经营性建设用地管理

第三十七条 国土空间规划应当统筹并合理安排集体经营性建设用地布局和用途，依法控制集体经营性建设用地规模，促进集体经营性建设用地的节约集约利用。

鼓励乡村重点产业和项目使用集体经营性建设用地。

Section 5 Administration of Collectively-owned Profit-oriented Construction Land

Article 37 The territorial space planning shall plan as a whole and reasonably arrange the layout and use of collectively-owned profit-oriented construction land, control the scale of collectively-owned profit-oriented construction land in accordance with the law, and promote the economical and intensive use of collectively-owned profit-oriented construction land. Key rural industries and projects are encouraged to use collectively-owned profit-oriented construction land.

第三十八条 国土空间规划确定为工业、商业等经营性用途，且已依法办理土地所有权登记的集体经营性建设用地，土地所有权人可

Article 38 For the collectively-owned profit-oriented construction land specified in the territorial space planning for industrial, commercial or other for-profit purposes and for which the land ownership registration has been handled in accordance with the law, a landowner may, by means of assignment, lease, etc., hand over the land for paid use by an entity or individual within a certain number of years.

以通过出让、出租等方式交由单位或者个人在一定年限内有偿使用。

第三十九条 土地所有权人拟出让、出租集体经营性建设用地的，市、县人民政府自然资源主管部门应当依据国土空间规划提出拟出让、出租的集体经营性建设用地的规划条件，明确土地界址、面积、用途和开发建设强度等。

市、县人民政府自然资源主管部门应当会同有关部门提出产业准入和生态环境保护要求。

第四十条 土地所有权人应当依据规划条件、产业准入和生态环境保护要求等，编制集体经营性建设用地出让、出租等方案，并依照《土地管理法》第六十三条的规定，由本集体经济组织形成书面意见，在出让、出租前不少于十个工作日报市、县人民政府。市、县人民政府认为该方案不符合规划条件或者产业准入和生态环境保护要求等的，应当在收到方案后五个工作日

Article 39 Where a landowner intends to assign or lease the collectively-owned profit-oriented construction land, the administrative department of natural resources under the people's government at the city or county level shall, in accordance with the territorial space planning, put forward the planning conditions for the collectively-owned profit-oriented construction land to be assigned or leased and clarify the boundaries, area, use, development and construction intensity, etc. The administrative department of natural resources under the people's government at the city or county level shall, in conjunction with other relevant departments, put forward the requirements for industrial access and protection of ecological environment.

Article 40 A landowner shall, in accordance with the planning conditions, requirements for industrial access and protection of ecological environment, formulate the plans for assignment or lease of collectively-owned profit-oriented construction land, and shall, in accordance with Article 63 of the Land Administration Law, form the written opinions by the collective economic organization, and report the same to the people's government at the city or county level at least ten working days prior to the assignment or lease. Where the people's government at the city or county level deems that the said plans do not meet the planning conditions or the requirements for industrial access and protection of ecological environment, it shall, within five working days upon receipt of the said plans, put forward the opinions for revision. The landowner shall revise the said plans according to the opinions of the people's government at the city or county level. The plans for assignment or lease of

内提出修改意见。土地所有权人应当按照市、县人民政府的意见进行修改。

集体经营性建设用地出让、出租等方案应当载明宗地的土地界址、面积、用途、规划条件、产业准入和生态环境保护要求、使用期限、交易方式、入市价格、集体收益分配安排等内容。

collectively-owned profit-oriented construction land shall indicate the boundaries, area, use, planning conditions, industrial access and protection of ecological environment, use term, trading mode, market entry price, arrangements for distribution of collective earnings, etc., of the land parcel.

第四十一条 土地所有权人应当依据集体经营性建设用地出让、出租等方案，以招标、拍卖、挂牌或者协议等方式确定土地使用者，双方应当签订书面合同，载明土地界址、面积、用途、规划条件、使用期限、交易价款支付、交地时间和开工竣工期限、产业准入和生态环境保护要求，约定提前收回的条件、补偿方式、土地使用权届满续期和地上建筑物、构筑物等附着物处理方式，以及违约责任和解决争议的方法等，并报市、县人民政府自然资源主管部门备案。未依法将规划条件、产业准入和生态环境保

Article 41 A landowner shall, in accordance with the plans for assignment or lease of collectively-owned profit-oriented construction land, determine the land user by means of bid invitation, auction, listing or agreement, etc. The two parties shall conclude a written contract to indicate the boundaries, area, use purpose, planning conditions, use term, payment of transaction price, delivery time, commencement and completion time, requirements for industrial access and protection of ecological environment, stipulate the conditions for taking back the land ahead of schedule, compensation method, renewal upon expiration of the land use right and disposal methods of buildings, structures and other attachments on the land, the liability for breach of contract and methods of dispute settlement, etc., and shall report the contract to the administrative department of natural resources under the people's government at the city or county level for archival purposes. In case of failure to include the planning conditions, the requirements for industrial access and protection of ecological environment into the contract, the contract shall be invalid; in case of any losses caused, the civil liability shall be borne in accordance with the law. The model contract text shall be prepared by the administrative

护要求纳入合同的，合同无效；造成损失的，依法承担民事责任。合同示范文本由国务院自然资源主管部门制定。

department of natural resources under the State Council.

第四十二条 集体经营性建设用地使用者应当按照约定及时支付集体经营性建设用地价款，并依法缴纳相关税费，对集体经营性建设用地使用权以及依法利用集体经营性建设用地建造的建筑物、构筑物及其附属设施的所有权，依法申请办理不动产登记。

Article 42 A user of collectively-owned profit-oriented construction land shall pay the price for the collectively-owned profit-oriented construction land in a timely manner as stipulated and pay the relevant taxes and fees according to law. As for the right to the use of collectively-owned profit-oriented construction land as well as the ownership of buildings, structures and their affiliated facilities thereon by utilizing the collectively-owned profit-oriented construction land, real estate registration shall be applied for according to law.

第四十三条 通过出让等方式取得的集体经营性建设用地使用权依法转让、互换、出资、赠与或者抵押的，双方应当签订书面合同，并书面通知土地所有权人。

Article 43 Where the right to the use of collectively-owned profit-oriented construction land obtained by means of transfer or any other means is transferred, exchanged, used as equity contributions, endowed, or mortgaged according to law, both parties shall conclude a contract in written form and notify the landowner in written form. The leasing of the collectively-owned profit-oriented land for construction purposes, the transfer of the right to the use of collectively-owned land for construction purposes and the maximum number of years, transfer, exchange, capital contribution, endowment or mortgage thereof shall be governed by referring to the state-owned land for construction purposes of the same purposes, unless it is otherwise prescribed by any law or administrative regulation.

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，法律、行政法规另有规定的除外。

第五章 监督检查

Chapter V Supervision and Inspection

第四十四条 国家自然资源督察机构根据授权对省、自治区、直辖市人民政府以及国务院确定的城市人民政府下列土地利用和土地管理情况进行督察：

- （一）耕地保护情况；
- （二）土地节约集约利用情况；
- （三）国土空间规划编制和实施情况；
- （四）国家有关土地管理重大决策落实情况；
- （五）土地管理法律、行政法规执行情况；
- （六）其他土地利用和土地管理情况。

Article 44 The National Natural Resources Supervisory Body shall, upon authorization, supervise the land utilization and land administration conducted by the people's governments of all provinces, autonomous regions and centrally administered municipalities as well as the people's governments of the cities as determined by the State Council: (1) information on the protection of cultivated land;

(2) information on the economical and intensive utilization of land;

(3) information on the formulation and implementation of the territorial space planning;

(4) information on the implementation of the major decisions of the state on land administration;

(5) information on the implementation of the laws and administrative regulations on land administration; and

(6) other information on land utilization and land administration.

第四十五条 国家自然资源督察机构进行督察时，有权向有关单位和个人了解督察事项有关情况，有关单位和个人应当支持、协助督

Article 45 During supervision, the National Natural Resources Supervisory Body shall have the right to inquire of relevant entities and individuals about the supervision matters, and relevant entities and individuals shall support and assist the supervision body in its work, truthfully report the information and provide relevant materials.

察机构工作，如实反映情况，并提供有关材料。

第四十六条 被督察的地方人民政府违反土地管理法律、行政法规，或者落实国家有关土地管理重大决策不力的，国家自然资源督察机构可以向被督察的地方人民政府下达督察意见书，地方人民政府应当认真组织整改，并及时报告整改情况；国家自然资源督察机构可以约谈被督察的地方人民政府有关负责人，并可以依法向监察机关、任免机关等有关机关提出追究相关责任人责任的建议。

Article 46 Where a local people's government subject to supervision violates any law or administrative regulation on land administration or fails to effectively implement the major decisions of the state on land administration, the National Natural Resources Supervisory Body may issue the supervision opinions to the local people's government subject to supervision, and the local people's government shall carefully organize the rectification and timely report the rectification; and the National Natural Resources Supervisory Body may arrange an interview with relevant persons in charge of the local people's government subject to supervision and may advise the supervisory organ, organ in charge of appointment or removal or other relevant organ to investigate the liability of relevant persons held liable.

第四十七条 土地管理监督检查人员应当经过培训，经考核合格，取得行政执法证件后，方可从事土地管理监督检查工作。

Article 47 The supervisors and inspectors of land administration shall receive training and may not engage in the work of supervision and inspection of land administration until they have passed the examination and obtained the administrative law enforcement certificate.

第四十八条 自然资源主管部门、农业农村主管部门按照职责分工进行监督检查时，可以采取下列措施：

（一）询问违法案件涉及的单

Article 48 The administrative authority of natural resources and the administrative authority of agriculture and rural affairs may take the following measures when carrying out supervision and inspection according to the division of duties: (1) inquiring of the entities or individuals involved in the case of violation of law; (2) entering the scene where the entity or individual under

位或者个人；

（二）进入被检查单位或者个人涉嫌土地违法的现场进行拍照、摄像；

（三）责令当事人停止正在进行的土地违法行为；

（四）对涉嫌土地违法的单位或者个人，在调查期间暂停办理与该违法案件相关的土地审批、登记等手续；

（五）对可能被转移、销毁、隐匿或者篡改的文件、资料予以封存，责令涉嫌土地违法的单位或者个人在调查期间不得变卖、转移与案件有关的财物；

（六）《土地管理法》第六十八条规定的其他监督检查措施。

inspection is suspected of violating the land laws to take photos or make video recordings;

(3) ordering the parties concerned to stop the violation of land laws in progress;

(4) suspending, during the period of investigation, the formalities of land examination, approval and registration related to the case of violation of land laws for the entities or individuals that are involved in the case of violation of land laws;

(5) sealing up the documents and materials that may be transferred, destroyed, concealed or altered; ordering the entities or individuals suspected of being involved in the violation of land laws not to sell off or transfer the properties related to the case during the period of investigation; and

(6) other supervision and inspection measures as prescribed in Article 68 of the Land Administration Law.

第四十九条 依照《土地管理法》第七十三条的规定给予处分的，应当按照管理权限由责令作出行政处罚决定或者直接给予行政处罚的上级人民政府自然资源主管部门

Article 49 A sanction to be given in accordance with Article 73 of the Land Administration Law shall be given by the administrative department of natural resources under the people's government at the higher level or any other organ or entity in charge of appointment and removal, which has ordered to make the decision on administrative punishment or has directly given the administrative punishment according to

或者其他任免机关、单位作出。

the administration authority.

第五十条 县级以上人民政府自然资源主管部门应当会同有关部门建立信用监管、动态巡查等机制，加强对建设用地供应交易和供后开发利用的监管，对建设用地市场重大失信行为依法实施惩戒，并依法公开相关信息。

Article 50 The administrative department of natural resources under the people's government at or above the county level shall, in conjunction with other relevant departments, establish the mechanisms of credit supervision and dynamic inspection, strengthen the supervision over the supply trading and post-supply development and utilization of construction land, punish any major dishonest act in the market of construction land according to law and disclose the relevant information under the law.

第六章 法律责任

Chapter VI Legal Liability

第五十一条 违反《土地管理法》第三十七条的规定，非法占用永久基本农田发展林果业或者挖塘养鱼的，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，按占用面积处耕地开垦费2倍以上5倍以下的罚款；破坏种植条件的，依照《土地管理法》第七十五条的规定处罚。

Article 51 Whoever, in violation of the provisions of Article 37 of the Land Administration Law, illegally occupies permanent basic farmland to develop forestry and fruit growing industry or dig ponds to breed fish shall be ordered by the administrative department of natural resources under the people's government at or above the county level to make corrections within a time limit; if no corrections are made within the time limit, a fine of not less than 2 times but not more than 5 times of the cultivated land reclamation fee shall be imposed on the offender on the basis of the occupied area; whoever destroys the planting conditions shall be given a sanction in accordance with Article 75 of the Land Administration Law.

第五十二条 违反《土地管理法》第五十七条的规定，在临时使用的土地上修建永久性建筑物的，由县级以上人民政府自然资源主管部门责令限期拆除，按占用面积处

Article 52 Whoever, in violation of Article 57 of the Land Administration Law, constructs any permanent building on the land for temporary use, shall be ordered by the administrative department of natural resources under the people's government at or above the county level to dismantle such building within a time limit and be subject to a fine of not less than 5 times but not more than 10 times of the land

土地复垦费5倍以上10倍以下的罚款；逾期不拆除的，由作出行政决定的机关依法申请人民法院强制执行。

reclamation fee on the basis of the area occupied; where the building is not dismantled within the time limit, the organ that has made the administrative decision shall apply to the people's court for compulsory enforcement according to law.

第五十三条 违反《土地管理法》第六十五条的规定，对建筑物、构筑物进行重建、扩建的，由县级以上人民政府自然资源主管部门责令限期拆除；逾期不拆除的，由作出行政决定的机关依法申请人民法院强制执行。

Article 53 Whoever, in violation of Article 65 of the Land Administration Law, reconstructs or expands any building or structure, shall be ordered by the administrative department of natural resources under the people's government at or above the county level to dismantle the same within a time limit; where the building or structure is not dismantled within the time limit, the organ that has made the administrative decision shall apply to the people's court for compulsory enforcement according to law.

第五十四条 依照《土地管理法》第七十四条的规定处以罚款的，罚款额为违法所得的10%以上50%以下。

Article 54 Where a fine is to be given pursuant to Article 74 of the Land Administration Law, the amount of fine shall be not less than 10% but not more than 50% of the illegal proceeds.

第五十五条 依照《土地管理法》第七十五条的规定处以罚款的，罚款额为耕地开垦费的5倍以上10倍以下；破坏黑土地等优质耕地的，从重处罚。

Article 55 Where a fine is to be imposed pursuant to the provisions of Article 75 of the Land Administration Law, the amount of fine shall be not less than five times but not more than ten times of the cultivated land reclamation fee; any offender that damages the black land and other quality arable land shall be given a heavier punishment.

第五十六条 依照《土地管理法》第七十六条的规定处以罚款的，罚款额为土地复垦费的2倍以上5

Article 56 Where a fine is to be given pursuant to Article 76 of the Land Administration Law, the amount of fine shall be not less than 2 times but not more than 5 times of the land reclamation fee. Whoever, in violation of this Regulation, fails to

倍以下。

违反本条例规定，临时用地期满之日起一年内未完成复垦或者未恢复种植条件的，由县级以上人民政府自然资源主管部门责令限期改正，依照《土地管理法》第七十六条的规定处罚，并由县级以上人民政府自然资源主管部门会同农业农村主管部门代为完成复垦或者恢复种植条件。

complete reclamation or restore planting conditions within one year from the date of expiration of the period of temporary use of land shall be ordered by the administrative department of natural resources under the people's government at or above the county level to make corrections within a specified time limit and be penalized in accordance with Article 76 of the Land Administration Law, and the administrative department of natural resources under the people's government at or above the county level together with the administrative department of agriculture and rural affairs shall complete reclamation or restore planting conditions on behalf of the offender.

第五十七条 依照《土地管理法》第七十七条的规定处以罚款的，罚款额为非法占用土地每平方米100元以上1000元以下。

违反本条例规定，在国土空间规划确定的禁止开垦的范围内从事土地开发活动的，由县级以上人民政府自然资源主管部门责令限期改正，并依照《土地管理法》第七十七条的规定处罚。

Article 57 Where a fine is to be given pursuant to Article 77 of the Land Administration Law, the amount of fine shall be not less than 100 yuan but not more than 1,000 yuan per square meter of the illegally occupied land. Whoever, in violation of the provisions of this Regulation, engages in land development activities within the reclamation□forbidden scope determined in the territorial space planning shall be ordered by the administrative department of natural resources under the people's government at or above the county level to make corrections within a specified time limit and shall be given a punishment in accordance with Article 77 of the Land Administration Law.

第五十八条 依照《土地管理法》第七十四条、第七十七条的规定，县级以上人民政府自然资源主

Article 58 Where, in accordance with Articles 74 and 77 of the Land Administration Law, the administrative department of natural resources under the people's government at or above the county level confiscates the newly□built buildings and

管部门没收在非法转让或者非法占用的土地上新建的建筑物和其他设施的，应当于九十日内交由本级人民政府或者其指定的部门依法管理和处置。

other facilities on the illegally transferred or illegally occupied land, it shall, within 90 days, hand them over to the people's government at the same level or the department designated by it for administration and disposal in accordance with law.

第五十九条 依照《土地管理法》第八十一条的规定处以罚款的，罚款额为非法占用土地每平方米100元以上500元以下。

Article 59 Where a fine is to be given pursuant to Article 81 of the Land Administration Law, the amount of fine shall be not less than 100 yuan but not more than 500 yuan per square meter of the illegally occupied land.

第六十条 依照《土地管理法》第八十二条的规定处以罚款的，罚款额为违法所得的10%以上30%以下。

Article 60 Where a fine is to be given pursuant to Article 82 of the Land Administration Law, the amount of fine shall be not less than 10% but not more than 30% of the illegal proceeds.

第六十一条 阻碍自然资源主管部门、农业农村主管部门的工作人员依法执行职务，构成违反治安管理行为的，依法给予治安管理处罚。

Article 61 Whoever obstructs the performance of duties by the functionaries of the administrative authorities of natural resources or of agriculture and rural affairs, which constitutes a violation of public security administration, shall be subject to public security administrative penalties.

第六十二条 违反土地管理法、法规规定，阻挠国家建设征收土地的，由县级以上地方人民政府责令交出土地；拒不交出土地的，依法申请人民法院强制执行。

Article 62 Whoever, in violation of laws or regulations on land administration, obstructs the expropriation of land for construction by the State shall be ordered by the local people's government at or above the county level to hand over the land; in case of refusal to hand over the land, an application shall be submitted to the people's court for compulsory enforcement in accordance with law.

第六十三条 违反本条例规定，侵犯农村村民依法取得的宅基地权益的，责令限期改正，对有关责任单位通报批评、给予警告；造成损失的，依法承担赔偿责任；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。

Article 63 Where any entity, in violation of this Regulation, infringes upon the rights and interests of a rural villager on the homestead obtained in accordance with law, it shall be ordered to make corrections within a specified time limit, and the relevant responsible entity shall be criticized by circulating a notice and given a warning; where any losses are caused, it shall bear the liability for compensation in accordance with law; and the person directly in charge and other directly liable persons shall be given sanctions in accordance with law.

第六十四条 贪污、侵占、挪用、私分、截留、拖欠征地补偿安置费用和其他有关费用的，责令改正，追回有关款项，限期退还违法所得，对有关责任单位通报批评、给予警告；造成损失的，依法承担赔偿责任；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。

Article 64 Where any entity embezzles, encroaches on, misappropriates, privately divides, withholds or delays the payment of the expenses for compensation and resettlement for land requisition and other relevant expenses, it shall be ordered to make corrections, recover the relevant money and return the illegal proceeds within a specified time limit; and the relevant responsible entity shall be criticized by circulating a notice and given a warning; where any losses are caused, it shall bear the liability for compensation in accordance with law; and the person directly in charge and other directly liable persons shall be given sanctions under the law.

第六十五条 各级人民政府及自然资源主管部门、农业农村主管部门工作人员玩忽职守、滥用职权、徇私舞弊的，依法给予处分。

Article 65 Where any functionary of the people's governments at all levels, administrative departments of natural resources or administrative departments of agriculture and rural affairs neglects his duties, abuses his powers or engages in malpractice for personal gains, he shall be punished in accordance with the law.

第六十六条 违反本条例规定，构成犯罪的，依法追究刑事责任。

Article 66 Whoever violates this Regulation and thus constitutes a crime shall be investigated for criminal liability in accordance with law.

第七章 附 则

Chapter VII Supplementary Provisions

第六十七条 本条例自2021年9

Article 67 This Regulation shall come into force as of September 1, 2021.

月1日起施行。



扫一扫，手机阅读更方便