

# Land Administration Law of the People's Republic of China (2019 Amendment)

## 中华人民共和国土地管理法(2019 修正)

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Land Administration Law of the People's Republic of China

中华人民共和国土地管理法

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

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CHAPTER ONE GENERAL PROVISIONS

第一章 总则

**Article 1** The law is formulated in compliance with the **Constitution** with a view to strengthening the administration of land, safeguarding the socialist public ownership of land, protecting and developing land resources, ensuring a rational use of and giving a real protection to cultivated land to promote sustainable development of the socialist economy.

**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 2** The People's Republic of China resorts to a socialist public ownership i.e. an ownership by the whole people and ownerships by collectives, of land.

**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。

In ownership by the whole people, the State Council is empowered to be on behalf of the State to administer the land owned by the State.

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。

No unit or individual is allowed to occupy, trade or illegally transfer land by other means. Land use right may be transferred by law.

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。

The state may make expropriation or requisition on land according to law for public interests, but shall give compensations accordingly.

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 introduces the system of compensated use of land owned by the State except the land has been allocated for use by the State according to law.

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。

**Article 3** To cherish and give a rational use to the land as well as to give a true protection to the cultivated land are seen as a basic principle of land use in the country. The people's governments at all levels should manage to make an overall plan for the use of land to strictly administer, protect and develop land resources and stop any illegal occupation of land.

**Article 4** The State is to place a strict control on the usages of land.

The State shall compile general plans to set usages of land including those of farm or construction use or unused. A strict control is to place on the turning of land for farm use to that for construction use to control the total amount of land for construction use and exercise a special protection on cultivated land.

"Land for farm use" refers to land directly used for agricultural production, including cultivated land, wooded land, grassland, land for farmland water conservancy and water surfaces for breeding; "land for construction use" refers to land on which buildings and structures are put up, including land for urban and rural housing and public facilities, land for industrial and mining use, land for building communications and water conservancy facilities, land for tourism and land for building military installations. The term "land unused" refers to land other than that for agricultural and construction uses.

Land should be used strictly in line with the purposes of land use defined in the general plan for the utilization of the land whether by units or individuals.

**Article 5** The department of natural resources of the State Council shall be unifiedly responsible for the administration and supervision of land in the whole country.

The setup and functions of departments of natural resources of people's governments at and above the county level shall be decided by the people's governments of provinces, autonomous regions and municipalities under the direct jurisdiction of the central government (hereinafter referred to as "municipalities" for short) according to the relevant provisions of the State Council.

**Article 6** The land utilization and land administration of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government and the people's governments of cities determined by the State Council

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

**第四条** 国家实行土地用途管制制度。

国家编制土地利用总体规划，规定土地用途，将土地分为农用地、建设用地和未利用地。严格控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

shall be subject to the supervision and inspection by the agency empowered by the State Council. 督察。

**Article 7** Units or individuals shall all be obliged to abide by the laws and regulations concerning land administration and have the right to report or prosecute acts of violating land administration law and regulations.

**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。

**Article 8** People's governments shall award units or individuals who have made outstanding achievements in protecting and developing land resources, rational utilization of land and in carrying out research in this regard.

**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。

## CHAPTER TWO OWNERSHIP AND RIGHT OF USE OF LAND

## 第二章 土地的所有权和使用权

**Article 9** Land in urban districts shall be owned by the State.

**第九条** 城市市区的土地属于国家所有。

Land in the rural areas and suburban areas, except otherwise provided for by the State, shall be collectively owned by peasants including house site, land and hills allowed to be retained by peasants.

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。

**Article 10** Land owned by the State and land collectively owned by peasants may be allocated to be used by units or individuals according to law. Units or individuals using land shall be responsible for the protection, management and a rational use of the land.

**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。

**Article 11** In lands collectively owned by peasants those have been allocated to villagers for collective ownership according to law shall be operated and managed by village collective economic organizations or villagers' committee and those have allocated to two or more peasants collective economic organizations of a village, shall be operated and managed jointly by the collective economic organizations of the village or villagers' groups; and those have allocated to township (town) peasant collectives shall be operated and managed by the rural collective economic organizations of the township (town).

**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。

**Article 12** The registration of land ownership and rights to use land shall be governed by the laws and administrative regulations related to real estate registration.

The legally registered land ownership and rights to use land shall be protected by the law, and no entity or individual shall infringe thereupon.

**Article 13** The arable land, woodland, and grassland owned by farmers collectively or owned by the state but legally used by farmers collectively, as well as other land legally used for agriculture, shall be available for family-based contracting within a rural collective economic organization, while barren hills, gullies, mounds, and beaches, among others, that are not fit for family-based contracting may be available for contracting by means such as bidding, auction, and open consultation for planting, forestry, animal husbandry, and fishery production. In the case of family-based contracting, the term of a contract for arable land shall be 30 years, the term of a contract for grassland shall be 30 to 50 years, and the term of a contract for woodland shall be 30 to 70 years; and upon expiry, a contract shall be renewed for a term of 30 years for arable land or be legally renewed accordingly for grassland or woodland.

Land owned by the state but legally used for agriculture may be available for contracting by entities or individuals for planting, forestry, animal husbandry, and fishery production.

The landowner and a usufructuary shall enter into a contract according to the law to agree on the rights and obligations of both parties. Entities and individuals as usufructuaries shall have the obligations to protect and for the purposes specified in the contract, rationally utilize the land.

**Article 14** Disputes arising from the ownership or use right of land shall be settled through consultation among parties concerned; should consultation fails, the disputes should be handled by people's governments.

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

Whereas parties concerned refuse to accept the decisions by related people's government the dispute may be brought before

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

依法登记的土地的所有权和使用权受法律保护，任何单位和个人不得侵犯。

**第十三条** 农民集体所有和国家所有依法由农民集体使用的耕地、林地、草地，以及其他依法用于农业的土地，采取农村集体经济组织内部的家庭承包方式承包，不宜采取家庭承包方式的荒山、荒沟、荒丘、荒滩等，可以采取招标、拍卖、公开协商等方式承包，从事种植业、林业、畜牧业、渔业生产。家庭承包的耕地的承包期为三十年，草地的承包期为三十年至五十年，林地的承包期为三十年至七十年；耕地承包期届满后再延长三十年，草地、林地承包期届满后依法相应延长。

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

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

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

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

当事人对有关人民政府的处理决定不服的，可以自接到处理决定



the people's court within 30 days after the notification on the decision is received.

通知之日起三十日内，向人民法院起诉。

No party shall change the status quo of the land before the disputes over ownership and use right are settled.

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。

### CHAPTER THREE GENERAL PLANS FOR THE UTILIZATION OF LAND

### 第三章 土地利用总体规划

**Article 15** People's governments at all levels shall manage to compile general plans for land uses in accordance with the national economic and social development program, requirements of national land consolidation and resources and environmental protection, land supply capacity and the requirements of various construction projects.

**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。

The validity term of the general plans for land use shall be determined by the State Council.

土地利用总体规划的规划期限由国务院规定。

**Article 16** General plans for land use at a lower level shall be compiled according to the general plans for the utilization of land at the next higher level.

**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。

The total amount of land for construction uses in the general plans of land use compiled by local people's governments at all levels shall not exceed the controlled targets set in the general plans for land use at the next higher level and the total amount of cultivated land should not be lower than the controlled targets set in the general plans for land use at the next higher level.

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。

In mapping out the general plans for land use, the provinces, autonomous regions and municipalities shall ensure that the total amount of cultivated land under their jurisdiction shall not be reduced.

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。

**Article 17** The comprehensive plans for land utilization shall be prepared under the following principles:

**第十七条** 土地利用总体规划按照下列原则编制：

(1) Implementing the requirements for territorial spatial development and protection and strictly controlling the purposes of land.

（一）落实国土空间开发保护要求，严格土地用途管制；

(2) Strictly protecting permanent basic farmland and strictly controlling the occupation of agricultural land for non-agricultural purposes.

（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；

- |   |  |
|---|--|
| (3) Improving the conservation and intensive utilization of land.   | (三) 提高土地节约集约利用水平;                                  |
| (4) Coordinating the land use arrangements for urban and rural production, living, and ecology, meeting the reasonable land use needs of rural industries and infrastructure, and promoting the integrated development urban and rural areas. | (四) 统筹安排城乡生产、生活、生态用地, 满足乡村产业和基础设施用地合理需求, 促进城乡融合发展; |
| (5) Protecting and improving ecology and environment and ensuring the sustainable utilization of land.  | (五) 保护和改善生态环境, 保障土地的可持续利用;                         |
| (6) Maintaining a quantitative balance and a qualitative equivalence between the arable land occupied and the arable land developed and from reclamation.   | (六) 占用耕地与开发复垦耕地数量平衡、质量相当。                          |

**Article 18** The state shall establish a territorial spatial planning system. Territorial spatial plans shall be prepared by adhering to the prioritization of ecology, the green and sustainable development, the scientific, orderly, and coordinated arrangement of ecological, agricultural, urban, and other functional spaces, the optimization of the territorial spatial structure and layout, and the improvement of quality and efficiency of territorial spatial development and protection.

Territory spatial plans legally approved shall be the primary basis for various activities of development, protection, and construction. Where a territorial spatial plan has been prepared, the comprehensive plan for land utilization and the urban-rural plan shall no longer be prepared.

**Article 19** General plans for land use at the county level should define the areas and purposes of land use.

General plans for the land use at the township (town) level should define the areas for the utilization of land and define the purpose of each tract of land according to the actual conditions for the use of land and make an announcement.

**Article 20** General plans for land use shall be examined and approved level by level.

General plans for land use of provinces, autonomous regions and municipalities shall be approved by the State Council.

General plans for land of cities where the people's governments of province and autonomous regions and municipalities are seated and cities with a population of over one million and cities designated by the State Council shall be examined by the

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

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

**第十九条** 县级土地利用总体规划应当划分土地利用区, 明确土地用途。

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

**第二十条** 土地利用总体规划实行分级审批。

省、自治区、直辖市的土地利用总体规划, 报国务院批准。

省、自治区人民政府所在地的市、人口在一百万以上的城市以及国务院指定的城市的土地利用

People's governments of related provinces and autonomous regions and municipalities and submit them to the State Council for approval.

总体规划，经省、自治区人民政府审查同意后，报国务院批准。

General plans for land use other than those provided for in the second and third paragraphs of this article shall be submitted for approval step by step to the people's governments of provinces, autonomous regions and municipalities. General plans for land uses of townships (towns) may be approved by the people's governments of cities or autonomous prefectures authorized by the provincial level people's governments.

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。

Once approved, the general plans for the land use shall be implemented strictly.

土地利用总体规划一经批准，必须严格执行。

**Article 21** The amount of land used for urban construction shall conform to the standards prescribed by the State so as to make full use of the existing land for construction purposes, not to occupy or occupy as less agricultural land as possible.

**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。

Urban general planning and the planning of villages and market towns should be in line with the general plans for land use. The amount of land for construction use in the urban general planning and the planning of villages and market towns shall not exceed the amount of land used for construction purposes in cities, villages and market towns fixed in the general plans for the utilization of land.

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。

The land for construction purposes in cities, villages and market towns within the planned areas of cities, villages and market towns shall conform to the city planning and the planning of villages and market towns.

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。

**Article 22** The plans for the comprehensive control, development and utilization of rivers and lakes should be in accordance with the general plans for land use. Land uses within the areas of management and protection of rivers, lakes and reservoirs and flood storage and detention areas should be in line with plans for the comprehensive control, development and utilization of rivers and lakes and to the requirements of river channels, flood flows of rivers and lakes, flood storage and water transmission.

**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。

**Article 23** People's governments at all levels shall strengthen the administration of plans for land use and exercise control of the aggregate land for construction purposes.

**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。

An annual plan for land utilization shall be prepared on the basis of the national economic and social development plan, the national industrial policies, the comprehensive plan for land utilization, and the actual condition of land utilization. An annual

土地利用年度计划，根据国民经济和社会发展计划、国家产业政策、土地利用总体规划以及建设



plan for land utilization shall make reasonable arrangements for the collectively owned for-profit construction land as specified in Article 63 of this Law. The preparation and approval procedures for an annual plan for land utilization shall be the same as those for the comprehensive plan for land utilization, and once approved and issued, the annual plan must be strictly implemented.

用地和土地利用的实际状况编制。土地利用年度计划应当对本法第六十三条规定的集体经营性建设用地作出合理安排。土地利用年度计划的编制审批程序与土地利用总体规划的编制审批程序相同，一经审批下达，必须严格执行。

**Article 24** The people's governments of provinces, autonomous regions and municipalities shall report the implementations of their annual plans for the use of land to the people's congresses at the same level as part of the implementation of their economic and social development plans.

**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 25** Revision of the general plans for land use shall be approved by the original organ of approval. Without approval, the usages of land defined in the general plans for the utilization of land shall not be changed.

**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。

Whereas the purpose of land use defined in the general plans for the utilization of land needs to be changed due to the construction of large energy, communications, water conservancy and other infrastructure projects approved by the State Council, it shall be changed according to the document of approval issued by the State Council.

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。

If the purpose of land defined in the general plans for the utilization of land needs to be changed due to the construction of large energy, communications, water conservancy and other infrastructure projects approved by provinces, autonomous regions and municipalities, it shall be changed according to the document of approval issued by the provincial level people's governments if it falls into their terms of reference.

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 26** The State fosters land survey system.

**第二十六条** 国家建立土地调查制度。

The departments of natural resources of the people's governments at and above the county level shall carry out land surveys together with related departments at the same level. Land owners or users should provide good cooperation and necessary data and materials required.

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 27** The departments of natural resources of the people's government at and above the county level shall, together with related departments at the same level, grade the land according to

**第二十七条** 县级以上人民政府自然资源主管部门会同同

the results of the surveys, their planned uses and the unified standards formulated by the State.

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 28** The State establishes the land statistical system.

**第二十八条** 国家建立土地统计制度。

The statistics agencies and the departments of natural resources of the people's governments at or above the county level shall conduct land statistical investigation according to the law, and issue land statistics on a regular basis. The owners or users of land shall provide the relevant materials, and shall not refuse or delay reporting or provide untrue or incomplete materials.

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。

The land area statistics jointly issued by the statistics agencies and the departments of natural resources shall be the basis for the comprehensive plans for land utilization prepared by the people's governments at all levels.

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 29** The State shall establish the national land management information system to conduct dynamic monitoring of the utilization of land.

**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。

CHAPTER FOUR PROTECTION OF CULTIVATED LAND

第四章 耕地保护

**Article 30** The State protects the cultivated land and strictly controls the conversion of cultivated land into non-cultivated land.

**第三十条** 国家保护耕地，严格控制耕地转为非耕地。

The State fosters the system of compensations to cultivated land to be occupied. In the case of occupying cultivated land for non-agricultural construction, the units occupying the cultivated land should be responsible for reclaiming the same amount of land in the same quality as that occupied according to the principle of "reclaiming the same amount of land occupied. Whereas units which occupy the cultivated land are not available with conditions of reclamation of land or the land reclaimed is not up to requirements, the units concerned should pay land reclamation fees prescribed by provinces, autonomous regions and municipalities for reclaiming land for cultivation the land reclaimed.

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

The people's governments of all provinces, autonomous regions and municipalities shall formulate plans for reclamation of cultivated land, see to it that units which occupy cultivated land shall reclaim land as planned or organize the land reclamation according to plan and examine and accept the land reclaimed.

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 31** The local people's governments at and above the county level may demand units which occupy cultivated land to use the topsoil of the land occupied for use in the newly reclaimed land, poor land or other cultivated land for soil amelioration.

**Article 32** The people's governments of all provinces, autonomous regions, and municipalities directly under the Central Government shall strictly implement the comprehensive plans for land utilization and the annual plans for land utilization, and adopt measures to ensure that both the total amount and the quality of arable land within their respective administrative regions are not reduced. Where the total amount of arable land is reduced, the State Council shall order them to organize the development of arable land equivalent to the reduction in both amount and quality during a specified period; or where the quality of arable land is reduced, the State Council shall order them to organize consolidation during a specified period. The department of natural resources of the State Council shall, in conjunction with the department of agriculture and rural affairs, conduct final inspection of the arable land newly developed or after consolidation.

Where, in certain provinces and municipalities directly under the Central Government, the arable land newly developed is insufficient to compensate for the arable land occupied in terms of quantity due to the lack of reserves of land resources after an increase in construction land, they must report to the State Council for reduction of the arable land to be developed within their respective administrative regions, and develop arable land elsewhere with equivalent quantity and quality.

**Article 33** The state shall implement a permanent basic farmland protection system. The following arable land shall be classified as permanent basic farmland under the comprehensive plans for land utilization, and be strictly protected:

(1) Arable land in the production bases of important agricultural products such as grain, cotton, oil, and sugar determined with the approval of the department of agriculture and rural affairs of the State Council or the local people's governments at or above the county level.

(2) Arable land with adequate water resources and water and soil conservation facilities, medium- and low-yielding farmlands that are under improvement plans being implemented or may be improved, and existing high-standard farmland.

(3) Vegetable production bases.

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

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

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

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

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

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

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

(三) 蔬菜生产基地;

(四) 农业科研、教学试验田;

(5) Other arable land that shall be classified as permanent basic farmland as specified by the State Council.

The permanent basic farmland demarcated by a province, autonomous region or municipality directly under the Central Government shall, generally, account for over 80% of the arable land within its administrative region, and the specific proportions shall be specified by the State Council in light of the actual conditions of provinces, autonomous regions, and municipalities directly under the Central Government.

**Article 34** The permanent basic farmland shall be demarcated by township (town), and the department of natural resources of a people's government at the county level shall, in conjunction with the department of agriculture and rural affairs at the same level, organize the implementation. Permanent basic farmland shall be precise to land parcels, and be included in the national permanent basic farmland database for strict management.

The people's governments of townships (towns) shall announce the locations and extents of permanent basic farmland to the public, and post protection signs.

**Article 35** After permanent basic farmland has been legally demarcated, no entity or individual may occupy it or change its purpose without permission. Where it is indeed difficult for the selection of sites for energy, transportation, water resources, military facility, and other key national construction projects to avoid permanent basic farmland, and it involves the repurposing of agricultural land or land expropriation, it must be subject to the approval of the State Council.

It shall be prohibited to evade the agricultural land repurposing or land expropriation approval for permanent basic farmland by adjusting a comprehensive plan for land utilization at the county level or a comprehensive plan for land utilization of a township (town) without permission.

**Article 36** The people's governments at all levels shall adopt measures to guide crop rotation and fallow in light of local conditions, improve soil to raise fertility, maintain irrigation and drainage works and facilities, and prevent land desertification, salinization, soil erosion and soil pollution.

**Article 37** Land shall be used sparingly for non-agricultural construction purposes. Whereas wasteland can be used, no

(五) 国务院规定应当划为永久基本农田的其他耕地。

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

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

乡（镇）人民政府应当将永久基本农田的位置、范围向社会公告，并设立保护标志。

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

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

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

**第三十七条** 非农业建设必须节约使用土地，可以利用荒

cultivated land should be occupied; whereas poor land can be used, no good land should be occupied.

地的，不得占用耕地；可以利用劣地的，不得占用好地。

It is forbidden to build kilns, graves or houses on cultivated land or to dig sand, collect stones, do mining and carry soil away from cultivated land.

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。

It is forbidden to occupy permanent basic farmland to develop horticulture or dig ponds to breed fish.

禁止占用永久基本农田发展林果业和挖塘养鱼。

**Article 38** No unit or individual is allowed to let the land to lie idle or go wasted. Whereas a cultivated land which has been occupied for non-agricultural construction upon approval and can sure start construction within one year is found cultivable and yieldable, it should be cultivated by the unit or individual that originally cultivates the land or cultivated by units occupying the land. Whereas construction work fails to start for over one year, land idling fees shall be paid according to the provisions by various provinces, autonomous region and municipalities. Whereas construction work fails to start for two successive years, the people's governments at and above the county level shall revoke the use right of the land with the approval of the original organ of approval. Whereas the land used to be owned by peasant collectives, it should be turned over to original rural collective economic organizations for recultivation.

**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。

Idle land that is lying within the urban plan areas and whose use right has been assigned for real estate development shall be handled according to the “Urban Real Estate Administration Law of the People's Republic of China”;

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。

**Article 39** The State encourages development of unused land by units or individuals according to the general plans for the utilization of land and under the precondition of protecting and improving the ecological environment, preventing water loss, soil erosion and desertification. Land suitable for agricultural use should have the priority of developing into land for agricultural use.

**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。

The State protects the legitimate rights and interests of developers.

国家依法保护开发者的合法权益。

**Article 40** Reclaiming unused land shall go through scientific argumentation and evaluation and can proceed according to law after approval within the reclaimable areas demarcated in the general plans for the utilization of land. It is forbidden to destroy forests and grassland in the process of land reclamation. It is forbidden to carry out landfill of lakes and occupy beach land of

**第四十条** 开垦未利用的土地，必须经过科学论证和评估，在土地利用总体规划划定的可开垦的区域内，经依法批准后进行。禁止毁坏森林、草原开垦



rivers.

耕地，禁止围湖造田和侵占江河滩地。

Whereas reclamation of a land or rounding up of a land for reclamation would give harm to ecological environment the land concerned should be restored as forests, pasture fields or lakes step by step and in a planned manner according to the general plans for the utilization of land.

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。

**Article 41** For developing waste hills, land or beach land whose use rights have not been ascertained for crop cultivation, forestry, animal husbandry or fisheries, the use rights may be given to developers or individuals for long-term use with the approval of the people's government at and above the county level according to law.

**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。

**Article 42** The State encourages land consolidation. People's governments of counties and townships (towns) shall organize rural collective economic organizations to carry out comprehensive consolidation of fields, water surface, roads, woods and villages according to the general plans for the utilization of land to raise the quality of cultivated land and increase areas for effective cultivation and improve the agricultural production conditions and ecological environment.

**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。

Local people's governments at all levels shall adopt measures to ameliorate medium-and low-yielding land and consolidate idle and scattered and abandoned land.

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。

**Article 43** Whereas land is damaged due to digging, cave-in and occupation, the units or individuals occupying the land should be responsible for reclamation according to the relevant provisions of the State; for lack of ability of reclamation or for failure to meet the required reclamation, land reclamation fees shall be paid, for use in land reclamation. Land reclaimed shall be first used for agricultural purposes.

**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。

## CHAPTER FIVE LAND FOR CONSTRUCTION PURPOSES

## 第五章 建设用地

**Article 44** Whereas occupation of land for construction purposes involves the conversion of agricultural land into land for construction purposes, the examination and approval procedures in this regard shall be required.

**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。

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

永久基本农田转为建设用地的，由国务院批准。

Where, within the extent of the scale of construction land of a city, villages, and market towns determined in a comprehensive plan for land utilization, agricultural land other than permanent basic farmland is repurchased as construction land in order to implement the plan, it shall, in batches, be subject to the approval of the agency originally approving the comprehensive plan for land utilization or the agency authorized by it according to the annual plan for land utilization as specified by the State Council. Within the scope of the approved repurposing of agricultural land as construction land, the use of land for specific construction projects may be approved by the people's government of a city or county.

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。

Where agricultural land other than permanent basic farmland is repurposed as construction land beyond the extent of the scale of construction land of a city, villages, and market towns determined in a comprehensive plan for land utilization, it shall be subject to the approval of the State Council or the people's government of a province, autonomous region, or municipality directly under the Central Government authorized by the State Council.

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。

**Article 45** Where, under any of the following circumstances, expropriation of land collectively owned by farmers is indeed required in the interest of the public, expropriation may be implemented according to the law:

**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：

(1) The use of the land is required for military or diplomatic purposes.

（一）军事和外交需要用地的；

(2) The use of the land is required for the construction of energy, transportation, water resources, communications, postal service, and other infrastructure as organized by the government.

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

(3) The use of the land is required for the implementation of science and technology, education, culture, health, sports, ecology, environment, and resource protection, disaster prevention and mitigation, cultural relic protection, comprehensive community services, social welfare, municipal utilities, veteran benefits and placement, protection of heroes and martyrs, and other public causes as organized by the government.

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

(4) The use of the land is required for the implementation of poverty alleviation relocation and construction of affordable housing projects as organized by the government.

（四）由政府组织实施的扶贫搬迁、保障性安居工程建设需要用地的；

(5) The use of land is required for the tract development construction as organized by a local people's government at or above the county level with the approval of the people's government at or above the provincial level within the extent of urban construction land determined in the comprehensive plan for land utilization.

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

(6) Other circumstances under which land collectively owned by farmers may be expropriated in the interest of the public as

（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

specified in laws.

其他情形。

The construction activities as mentioned in the preceding paragraph shall comply with the national economic and social development plans, the comprehensive plans for land utilization, the urban-rural plans, and the special plans; the construction activities in subparagraphs (4) and (5) shall also be included in the annual plans for national economic and social development; and the tract development in subparagraph (5) shall also meet the standards specified by the department of natural resources of the State Council.

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。

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

**第四十六条** 征收下列土地的，由国务院批准：

1. Permanent basic farmland;

（一）永久基本农田；

2. Land exceeding 35 hectares outside the permanent basic farmland;

（二）永久基本农田以外的耕地超过三十五公顷的；

3. Other land exceeding 70 hectares.

（三）其他土地超过七十公顷的。

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

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。

Expropriation of agricultural land should, first of all, go through the examination and approval procedure for converting agricultural land into land for construction purposes according to the provisions of Article 44 of this law. Whereas conversion of land is approved by the State Council, the land expropriation examination and approval procedures should be completed concurrently with the procedures for converting agricultural land to construction uses and no separate procedures are required. Whereas the conversion of land is approved by people's governments of provinces, autonomous regions and municipalities within their terms of reference, land expropriation examination and approval procedures should be completed at the same time and no separate procedures are required. Whereas the terms of reference has been exceeded, separate land expropriation examination and approval procedures should be completed according to the provisions of the first paragraph of this article.

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 47** After approval under the statutory procedures of any land expropriation by the state, a local people's government at or above the county level shall announce it to the public, and organize the implementation.

**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。

A local people's government at or above the county level

县级以上地方人民政府拟申请征

intending to apply for expropriation of land shall conduct investigation on the current status of the land to be expropriated and assessment on social stability risks, announce the scope of expropriation, current status of land, purpose of expropriation, compensation standards, resettlement methods, and social security, among others, within the limits of the township (town) and villages where the land to be expropriated is located and the villager groups for 30 days at a minimum, and hear the opinions of the rural collective economic organizations whose land is to be expropriated and their members, villagers' committees, and other stakeholders.

Where the majority of the members of a rural collective economic organization whose land is to be expropriated believe that the compensation and resettlement plan 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, and amend the plan according to the provisions of laws and regulations and the results of the hearing.

The owners and users of the land to be expropriated shall, during the period specified in the announcement, undergo the compensation registration based on the real estate ownership certificates. The people's government at or above the county level shall arrange for relevant departments to estimate and ascertain the relevant funding to ensure full payments, and enter into agreements with the owners and users of the land to be expropriated on compensation and resettlement, among others; and if it is indeed difficult to reach agreements with some of them, an honest explanation shall be provided when it applies for land expropriation.

Only after the relevant preliminary work is completed may the local people's government at or above the county level apply for land expropriation.

**Article 48** Fair and reasonable compensation shall be made for the land expropriated to ensure that the current standard of living of farmers whose land has been expropriated is not lowered and their long-term livelihood is guaranteed.

For the land expropriated, the land compensation, resettlement subsidies, and compensation for rural villagers' houses, other fixtures on land, and young crops, among others, shall be paid in full in a timely manner according to the law, and social security expenses for farmers on the land expropriated shall be arranged for.

The standards of land compensation and resettlement subsidies for the expropriation of agricultural land shall be determined by provinces, autonomous regions, and municipalities directly under the Central Government by setting and publishing composite land parcel prices. In the setting of composite land parcel prices, the original purpose of land, land resource conditions, land

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



output value, land location, relationship between land supply and demand, population, level of economic and social development, and other factors shall be comprehensively taken into account, and composite land parcel prices shall be adjusted or published anew every three years at a minimum.

The compensation standards for the expropriated land other than agricultural land, fixtures on land, and young crops shall be set by provinces, autonomous regions, and municipalities directly under the Central Government. For rural villagers' houses on such land, fair and reasonable compensation shall be made by respecting the will of rural villagers in a manner such as arranging for new house sites for building houses or providing resettlement houses or monetary compensation under the principle of making compensation before relocation and improving living conditions, compensation shall also be made for relocation, temporary resettlement, and other expenses caused by the land expropriation, to protect rural villagers' right to reside and lawful rights and interests in housing property.

The local people's governments at or above the county level shall include farmers on the land expropriated in the corresponding pension and other social security systems. The social security expenses for farmers on the land expropriated shall be mainly used for the subsidization of pension and other social insurance contributions from eligible farmers on the land expropriated. The measures for raising, managing, and using social security expenses for farmers on the land expropriated shall be developed by provinces, autonomous regions, and municipalities directly under the Central Government.

**Article 49** Rural collective economic organizations shall make public to its members the receipts and expenditures of the land compensation fees for land expropriated and accept their supervision.

It is forbidden to embezzle or divert the land compensation fees and other related expenses.

**Article 50** Local people's governments at all levels shall support rural collective economic organizations and peasants in their efforts toward development and operations or in starting up enterprises.

**Article 51** The standards for land compensation and method of resettlement for land expropriated for building large and medium-sized water conservancy projects and hydroelectric power projects shall be determined separately by the State Council.

供求关系、人口以及经济社会发展水平等因素，并至少每三年调整或者重新公布一次。

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

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

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

禁止侵占、挪用被征收土地单位的征地补偿费用和其他有关费用。

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

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



**Article 52** In the process of the feasibility study for construction projects, departments of natural resources may examine the related matters concerning the land for construction purposes and put forward their proposals according to the general plans for the utilization of land, the annual plan for the use of land and standards for land used for construction purposes.

**Article 53** Whereas a construction project approved needs land owned by the State for construction purposes, the construction unit should file an application with the departments of natural resources of the people's government at and above the county level with the power of approval on the strength of related documents required by law and administrative decrees. The department of natural resources shall examine the application and submit it to the people's government at the same level for approval.

**Article 54** A paid assignment should be go through in use of land owned by the State by a construction unit. But the following land may be obtained through government allocation with the approval of the people's governments at and above the county level according to law:

1. Land for use by government organs and for military use;
2. Land for building urban infrastructure and for public welfare undertakings;
3. Land for building energy, communications and water conservancy and other infrastructure projects supported by the State.
4. Other land as provided for by the law and administrative decrees.

**Article 55** Construction units that have obtained State-owned land by paid assignment can use the land only after paying the land use right assignment fees and other fees and expenses according to the standards and ways prescribed by the State Council.

Beginning on the date when this Law comes into force, of the land use fees for newly added construction land, 30% shall be turned over to the central finance, and 70% shall be retained by the relevant local people's government. The specific administrative measures for the use shall be developed by the finance department of the State Council in conjunction with the

**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

relevant departments, and be reported to the State Council for approval.

有关部门制定，并报国务院批准。

**Article 56** In using State-owned land, construction units should use the land according to the provisions of the contract for compensated use of assigned land use right or according to the provisions of the documents of approval concerning the allocation of land use right. The change of the land to construction purposes should get the consent from the departments of natural resources of the related people's governments and be submitted to the people's governments that originally give the approval for the use of land. In changing the purpose of land within the urban planned areas, the consent should be obtained from the related urban planning administrative departments before submission for approval.

**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。

**Article 57** In the case of temporary using State-owned land or land owned by peasant collectives by construction projects or geological survey teams, approval should be obtained from the departments of natural resources of local people's governments at and above the county level. Whereas the land to be temporarily used is within the urban planned areas, the consent of the urban planning departments should be obtained before being submitted for approval. Land users should sign contracts for temporary use of land with related departments of natural resources or rural collective organizations or villagers committees depending on the ownership of the land and pay land compensation fees for the temporary use of the land according to the standard specified in the contracts.

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

Users who use the land temporarily should use the land according to the purposes agreed upon in the contract for the temporary use of land and should not build permanent structures.

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。

The term for the temporary use of land shall not usually exceed two years.

临时使用土地期限一般不超过二年。

**Article 58** Under any of the following circumstances, the department of natural resources of the relevant people's government may, after reporting to and obtaining the approval from the people's government originally approving the land use or the people's government with the power to approve, recover the right to use state-owned land:

**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：

(1) The use of the land is indeed required for the reconstruction of old urban areas in the implementation of an urban plan or otherwise in the interest of the public.

（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；

(2) Upon expiry of the period of use as agreed on in the contract on land assignment or other paid use, the land user fails to apply for renewal or has applied for renewal but the renewal is denied.

(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；

(3) The use of the originally allocated state-owned land has ceased for reasons such as abolition or relocation of the entity.

(三) 因单位撤销、迁移等原因，停止使用原划拨的国有土地的；

(4) Highways, railways, airports, and mines, among others, are decommissioned with approval.

(四) 公路、铁路、机场、矿场等经核准报废的。

Where the right to use state-owned land is recovered under subparagraph (1) of the preceding paragraph, the holder of the right to use the land shall be appropriately compensated.

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。

**Article 59** Construction of township enterprises, public facilities and public welfare undertakings of townships (towns) and rural villagers' houses should be rationally laid out according to the village or market town plans according to a comprehensive development plan, with good supporting facilities. Land used for construction purposes shall conform to the general plans for the utilization of land of townships (towns) and their annual plan for the use of land and the examination and approval procedures should be completed according to the provisions of Article 44, Article 60, Article 61 and Article 62 of this law.

**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。

**Article 60** In using the land for construction purposes defined in the general plan for the utilization of land of townships (towns) to start up enterprises or joint ventures together with other units or individuals by way of using land use right as shares, the rural collective economic organization shall file an application with departments of natural resources of the local people's governments at and above the county level on the strength of documents of approval. The applications shall be approved by the local people's governments at and above the county according to the terms of reference provided for by various provinces, autonomous regions and municipalities whereas the use of land involving the occupation of agricultural land, the examination and approval procedures provided for in Article 44 of this law shall be followed.

**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。

Land for construction purposes in starting enterprises provided for in the preceding paragraph shall be put under strict control. Provinces, autonomous regions and municipalities shall determine the standards for land use according to different trades and scale of operation of township enterprises.

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。

**Article 61** In using land for building public facilities and public welfare facilities, townships (towns) shall file an application with departments of natural resources of local people's governments at and above the county level after being examined by the township (town) people's governments at and the application shall be approved by the local people's governments at and above the county level according to the term of reference provided for by provinces, autonomous regions and municipalities. Where occupation of agricultural land is involved, the examination and approval procedures provided for in Article 44 of this law are required.

**Article 62** One rural household can own one piece of house site, with the area not exceeding the standards provided for by provinces, autonomous regions and municipalities.

In areas where the land per capita is low and one house site for one family cannot be guaranteed, the people's governments at the county level may, on the basis of fully respecting the will of rural villagers, take measures to guarantee residence for each family of rural villagers according to the standards specified by the provinces, autonomous regions, and municipalities directly under the Central Government.

Rural villagers shall build houses in line with the comprehensive plan for land utilization of the township (town) and village plans, without occupying any permanent basic farmland, and shall use the original house sites and idle land in villages as much as possible. In the preparation of the comprehensive plan for land utilization of a township (town) and village plans, land used for house sites shall be arranged for in a coordinated and reasonable manner to improve the living environment and conditions of rural villagers.

The land used for housing of rural villagers shall be subject to the approval of the people's governments of townships (towns); and if occupation of agricultural land is involved, approval formalities shall be undergone under Article 44 of this Law.

After rural villagers sell, lease, or gift their houses, their applications for house sites shall not be approved.

The state shall allow rural villagers who have permanently settled down in cities to voluntarily surrender their rural house sites according to the law, and encourage rural collective economic organizations and their members to revitalize idle house sites and idle houses.

The department of agriculture and rural affairs of the State Council shall be responsible for the reform and management of rural house sites across the country.

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

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

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

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

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

农村村民出卖、出租、赠与住宅后，再申请宅基地的，不予批准。

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

国务院农业农村主管部门负责全国农村宅基地改革和管理有关工作。

**Article 63** For-profit construction land in collective ownership as determined in the comprehensive plan for land utilization and urban-rural plan for industrial, commercial, and other for-profit purposes and legally registered may be delivered by the land owner in a manner such as assignment or lease to an entity or individual for use, but they shall enter into a written contract to specify the land boundary, area, time limit for commencement of construction, period of use, land purpose, planning conditions, and other rights and obligations of both parties.

The assignment and lease, among others, of for-profit construction land in collective ownership as mentioned in the preceding paragraph shall be subject to the consent of over two-thirds of the members or over two-thirds of villagers' representatives at the village council of the members of the collective economic organization.

The right to use for-profit construction land in collective ownership obtained in a manner such as assignment may be reassigned, exchanged, contributed as capital, gifted, or mortgaged, except as otherwise provided for by laws and administrative regulations or otherwise agreed in a written contract entered into by the land owner and the holder of the right to use the land.

The lease of for-profit construction land in collective ownership and the assignment of the right to use construction land in collective ownership, as well as the maximum years, reassignment, exchange, contribution as capital, gift, and mortgage, among others, of the right to use construction land in collective ownership, shall be governed mutatis mutandis by the provisions on state-owned construction land of the same type of purpose. The specific measures shall be developed by the State Council.

**Article 64** A user of construction land in collective ownership shall use the land in strict accordance with the purposes determined in the comprehensive plan for land utilization and the urban-rural plan.

**Article 65** Buildings or structures put up before the general plan for the utilization of land and unconformable to the general plans are not allowed to be rebuilt or expanded.

**Article 66** In one of the following cases, the rural collective economic organizations may recover the land use right with the approval of the people's government that gives the approval for

### 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



the use of land:

1. Land needed for building public facilities and public welfare undertakings of townships (towns) and villages;

2. Land not used according to the purposes approved;

3. Land not used any more due to cancellation or removal of the original units.

Proper compensation shall be given to land users in the case of recovering the land owned by peasant collectives provided for in item 1 of the preceding paragraph.

The recovery of the right to use for-profit construction land in collective ownership shall be conducted according to the written contract entered into by both parties, except as otherwise provided for by laws and administrative regulations.

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。

## CHAPTER SIX SUPERVISION AND EXAMINATION

## 第六章 监督检查

**Article 67** The departments of natural resources of the people's governments at and above the county level shall exercise supervision and examination on violations to the land administrative law and administrative decrees.

The supervisory inspection conducted by the departments of agriculture and rural affairs of the people's governments at or above the county level on violations of the laws and regulations related to the administration of rural house sites shall be governed by the provisions of this Law on the supervisory inspection conducted by the departments of natural resources.

Supervising personnel in such a regard should be well acknowledged with the land administrative law and decrees, loyal to their duties and justice in enforcement of the law.

**Article 68** In performing their supervising and examination duties, the departments of natural resources of the people's governments at and above the county level have the right to adopt the following measures:

1. Demand for documents and materials concerning land-use rights from units or individuals for examination, review or copying.

**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;

2. Demand explanations from units or individuals concerned in regard to land-use rights;

（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；

3. Enter into land illegally occupied by units or individuals under examination to carry out on-the-spot surveys, and

（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；

4. Command units or individuals that have occupied land illegally to stop their acts of violating the land administrative law and decrees.

（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。

**Article 69** In performing their duties, whereas there is the need to carry out on-the-spot survey or demand units or individuals concerned to present documents and materials or explanations, supervising personnel should present certificates of land supervision and examination.

**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。

**Article 70** Units or individuals concerned should provide active support and cooperation to the departments of natural resources of the people's governments at and above the county level in their supervision and examination of violations to land administration and provide all the conveniences to facilitate but not in any way refuse or obstruct their work in such a regard.

**第七十条** 有关单位和人员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。

**Article 71** Where the department of natural resources of a people's government at or above the county level discovers in the course of supervisory inspection any illegal acts of state employees, and disciplinary action shall be taken against them according to the law, it shall handle the cases according to the law; or if it has no authority to handle the cases, shall, according to the law, transfer the cases to the oversight authorities or relevant authorities for handling.

**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。

**Article 72** Whereas the departments of natural resources of the people's governments at and above the county level have found violations to have constitute a crime in their supervision and examination, they shall hand over the case to related government organs to affix criminal responsibilities. Whereas the case cannot constitute a crime, disciplinary actions shall be meted out.

**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。

**Article 73** Whereas related the department of natural resources have failed to give disciplinary actions due, the departments of natural resources of the people's governments at a higher level have the right to command the departments of natural resources

**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

to take punishment decisions or give disciplinary actions directly and give disciplinary actions to the person responsible of the related departments of natural resources.

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。

## CHAPTER SEVEN LEGAL RESPONSIBILITIES

## 第七章 法律责任

**Article 74** For illegal transfer of land through trade or other forms, the departments of natural resources of the people's governments at and above the county level shall confiscate the proceeds from the transfer. For converting agricultural land into land for construction uses in violations to the provisions of the general plans for the utilization of land, an order shall be given to dismantle the new buildings or other facilities illegally built on the land illegally transferred for restoration of the land to the original state, and whereas in such cases no violation to the general plan for the utilization of land, the new building and other facilities on the land illegally transferred shall be confiscated and a fine may be imposed. Disciplinary action shall be given to persons in charge and persons directly responsible and whereas the case constitutes a crime, criminal responsibilities shall be affixed.

**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 75** Occupying cultivated land to build kilns or graves or build houses, dig sand, collect stones, do mining or collect soil from the cultivated land without authorization, thus damaging the conditions for growing crops or causing desertification and salinization due to land development in violation of this law, the departments of natural resources, departments of agriculture and rural affairs, and other departments shall, according to their respective duties of the people's governments at and above the county level shall order correction or improvement within a prescribed time limit and concurrently impose a fine. Whereas the case constitutes a crime, criminal responsibility shall be affixed.

**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。

**Article 76** Refusing to perform land reclamation obligations in violation of this law, the departments of natural resources of the people's governments at and above the county level shall order correction within a prescribed time limit. Whereas no correction is made within the time limit, a payment of land reclamation fees specially used for land reclamation by the violator shall be ordered and a fine may be imposed concurrently.

**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。

**Article 77** Occupying land without approval or by deception, the departments of natural resources of the people's governments at and above the county level shall order to return the land illegally occupied; turning to agricultural land into land for construction uses without authorization in violation of the general plans for the utilization of land, dismantling of the new

**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

buildings and other structures on the land illegally occupied within a prescribed time limit shall be ordered and whereas the act has not violated the general plans for the utilization of land, the new buildings and structure concerned shall be confiscated and a fine may be imposed concurrently. Persons in charge of the unit that occupies land illegally and the people directly responsible shall be given disciplinary actions and whereas the case constitutes a crime, criminal responsibility shall be affixed.

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。

For an occupation of land in excess of the approved amount, part in excess shall be regarded as land illegally occupied.

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。

**Article 78** Occupying land by rural villagers for building houses without approval or by deception shall be ordered a return of the land illegally occupied and dismantle the new houses built on the land illegally occupied by departments of agriculture and rural affairs of the people's governments at and above the county level.

**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。

For occupation of land in excess of the standards prescribed by the provinces, autonomous regions and municipalities, the land in excess of the standards shall be regarded as having been illegally occupied.

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。

**Article 79** Approving the occupation of land without the power of approval, beyond the term of reference, or not according to the purposes defined in the general plans for the utilization of land or approving the occupation or expropriating of land in violation of the legal procedures, the documents of approval shall be invalid and the persons in charge and personnel directly responsible for illegal expropriation or use of land shall be given disciplinary actions. Whereas the case constitutes a crime, criminal responsibilities shall be affixed. The land illegally approved and used shall be recovered. Whereas parties concerned refuse to return, the case shall be regarded as illegal occupation of land.

**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。

Whereas illegal expropriation and use of land have caused damages to parties concerned, the party responsible shall bear the responsibilities of compensation according to law.

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。

**Article 80** Embezzling or diverting the use of land compensation fees and other related expenses of the units whose

**第八十条** 侵占、挪用被征收土地单位的征地补偿费用和

land is expropriated, criminal responsibilities shall be affixed whereas the case constitutes the crime and disciplinary actions shall be meted out whereas the case is not serious enough to constitute a crime.

**Article 81** A refusal to return of land use right upon a legal recovering of the land or an expiration of temporary land use term or State-owned land is used not according to the purposes approved, the departments of natural resources of the people's governments at and above the county level shall order the return of the land and impose a fine.

**Article 82** Where any land collectively owned by farmers is used for non-agricultural construction without permission in a manner such as assignment or reassignment of the right to use or lease, or any for-profit construction land in collective ownership is delivered to an entity or individual for use in a manner such as assignment or lease in violation of this Law, the department of natural resources of the people's government at or above the county level shall order the violator to take corrective action during a specified period, confiscate illegal income, and impose a fine on the violator.

**Article 83** Whereas orders have been issued to dismantle the new buildings and other facilities on the land illegally occupied within a prescribed time limit according to the provisions of this law, the construction unit or individual shall stop operation immediately and dismantle them by themselves. Whereas the operation continues, the organ which decided for the punishment decisions has the right to stop it. Whereas a construction unit or individual refuse to accept the administrative punishment decisions on dismantling the buildings and other facilities, it may bring the case before the people's court within 15 days starting from the day when the decision is received. Whereas a unit or individual fails to put the case in proceeding when the time limit expires and yet refuses to do the dismantling, the organ making the punishment decision shall apply for compulsory exercise with the people's court and the cost arising therefrom shall be borne by the law violator.

**Article 84** Dereliction of duty, abuse of power for personal gains and practice favouritism by personnel of the departments of natural resources and department of agriculture and rural affairs shall be affixed of criminal punishments according to criminal law whereas the case is serious enough to constitute a crime or imposed of disciplinary actions whereas the case is not serious enough to constitute a crime.

其他有关费用，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，依法给予处分。

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

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

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

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



**Article 85** The use of land by foreign-funded enterprises shall be governed by this Law; except as otherwise provided for by laws.

**Article 86** Before a territorial spatial plan is prepared under Article 18 of this Law, the comprehensive plan for land utilization and urban-rural plan legally approved shall continue to be implemented.

**Article 87** The law shall come into force starting from January 1, 1999.

**第八十五条** 外商投资企业使用土地的，适用本法；法律另有规定的，从其规定。

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

**第八十七条** 本法自 1999 年 1 月 1 日起施行。

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