

# 中华人民共和国土地管理法（2019修正）

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## 中华人民共和国土地管理法

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会议通过根据1988年12月29日第七

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五次会议《关于修改〈中华人民共

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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

## Land Administration Law of the People's Republic of China

（Passed by the 16th Session of the Standing Committee of the Sixth National People's Congress on 25 June 1986

Revised pursuant to the Decision on Revision of the Land Administration Law of the People's Republic of China passed by the Fourth Session of the Standing Committee of the Ninth National People's Congress on 29 August 1998

First amendment pursuant to the Decision on Revision of the Land Administration Law of the People's Republic of China passed by the Fifth Session of the Standing Committee of the Seventh National People's Congress on 29 December 1988

Second amendment pursuant to the Decision on Revision of the Land Administration Law of the People's Republic of China passed by the 11th Session of the Standing Committee of the Tenth National People's Congress on 28 August 2004

Third amendment on 26 August 2019 pursuant to the Decision of the Standing Committee of the National People's Congress on Revision of the Land Administration Law of the People's Republic of China and the Urban Real Estate Administration Law of the People's Republic of China)

三次修正）

## 第一章 总 则

## Chapter 1 General Principles

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

**Article 1** This Law is formulated pursuant to the Constitution for the purposes of strengthening land administration, safeguarding the socialist public ownership of land, protecting and developing land resources, rationally utilising land, pragmatically protecting arable land, and promoting the sustainable development of social economy.

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

**Article 2** The People's Republic of China implements socialist public ownership of land, i.e. ownership by the whole people and collective ownership of the working class. Ownership by the whole people means that the ownership of all land in the State is exercised by the State Council on behalf of 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 organisation or individual shall encroach upon, buy and sell or transfer land illegally in any form. Land use rights may be transferred pursuant to the 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, based on public interest needs, expropriate or requisition land and grant compensation pursuant to the law.

The State implements a State land compensated use system pursuant to the law, except for allocation of State-owned land use rights by the State within the scope stipulated by the law.

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予以补偿。

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

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

**Article 3 Cherish, reasonable use of land and effective protection of arable land are the basic national policies of China. All levels of People's Government shall adopt measures, formulate comprehensive plans, implement stringent administration, protect and develop land resources, and curb illegal occupation of land.**

**第四条** 国家实行土地用途管制制度。

**Article 4 The State implements a land use control system.** The State formulates a land use master plan, stipulates land use purposes, and categorises land as agricultural land, development land and unused land. Strictly restrict conversion of agricultural land to development land, control total quantity of development land, and implement special protection for arable land.

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

Agricultural land referred to in the preceding paragraph shall mean land used directly for agricultural production, including arable land, woodland, grassland, farmland irrigation land, aquaculture surface etc; development land shall mean land used for construction of buildings, structures, including land used for urban□rural housing and public facilities, industrial and mining land, land used for transport and water facilities, land used for tourism, land used for military facilities etc; unused land shall mean land other than agricultural land and development land.

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

Organisations and individuals using land shall use land strictly in accordance with the purpose stipulated in the land use master plan.

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。

**Article 5** The natural resources administrative department of the State Council shall be centrally responsible for administration and supervision work pertaining to land nationwide. Establishment and duties of the natural resources administrative departments of People's Governments of county level and above shall be determined by the People's Governments of provinces, autonomous regions and centrally administered municipalities pursuant to the relevant provisions of the State Council.

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

**Article 6** Agencies authorised by the State Council shall supervise land use and land administration by the People's Governments of provinces, autonomous regions and centrally administered municipalities as well as municipal People's Governments determined by the State Council.

**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 7** All organisations and individuals shall be obligated to comply with land administration laws and regulations, and shall have the right to report and accuse violations of land administration laws and regulations.

**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

**Article 8** Organisations and individuals with outstanding achievements in protection and utilisation of land resources, reasonable land utilisation as well as related scientific research etc shall be rewarded by their People's Government.

个人，由人民政府给予奖励。

## 第二章

### 土地的所有权和使用权

## Chapter 2 Land Ownership and Use Rights

**第九条** 城市市区的土地属于国家所有。

**Article 9 Downtown area land in cities shall belong to the State.** Rural and urban suburbs land shall be collectively owned by farmers, except where the laws stipulate State ownership; homestead and reserved land and hilly land reserved for private use shall be collectively owned by farmers.

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

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

**Article 10 State owned land and land collectively owned by farmers may, pursuant to the law, be determined as use by organisations or individuals. Organisations and individuals using land shall bear obligations for protection, management and reasonable utilisation of land.**

**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，

**Article 11 Land collectively owned by farmers pursuant to the law shall be operated and managed by the rural collective economic organisation or the village committee; land collectively owned by farmers which belong to two or more rural collective economic organisations shall be operated and managed by the respective rural collective economic organisations or villager groups; land collectively owned by farmers which already belong to the village (township) shall be operated and managed by the village (township) rural collective economic organisation.**

由乡（镇）农村集体经济组织经营、管理。

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

依法登记的土地的所有权和使用权受法律保护，任何单位和个人不得侵犯。

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

**Article 12 Registration of land ownership and use rights shall be carried out pursuant to the relevant laws and administrative regulations on real estate registration.** Land ownership and use rights registered pursuant to the law shall be protected by the law, and shall not be infringed upon by any organisation or individual.

**Article 13 Arable land, woodland and grassland collectively owned by farmers or owned by the State which are used collectively by farmers pursuant to the law, as well as other land used for agricultural purposes pursuant to the law, shall be contracted by household contracting method within rural collective economic organisations; barren mountain, gully, barren hill, deserted beach etc for which the household contracting method is not suitable may be contracted by way of tender, auction, public negotiation etc for planting, forestry, animal husbandry, fishery operations. The household contracting period for arable land shall be 30 years, the contracting period for grassland shall be 30 years to 50 years, the contracting period for woodland shall be 30 years to 70 years; upon expiry, the contracting period of arable land may be extended for 30 years; upon expiry, the contracting period of grassland and woodland may be extended correspondingly pursuant to the law.** State-owned land to be used for agricultural purpose pursuant to the law may be contracted and operated by an organisation or individual engaging in planting, forestry, animal husbandry and fishery operations. The contract awarding party and the contracting party shall enter into a contract pursuant to the law to agree on the rights and

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。

obligations of both parties. Organisations and individuals contracting land shall have the obligations to protect the land and to make reasonable use of the land in accordance with the purpose agreed in the contract.

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。

**Article 14 Disputes over land ownership and use rights shall be negotiated and resolved between the parties concerned; where negotiation is unsuccessful, the matter shall be handled by the People's Government.** Disputes between organisations shall be handled by a People's Government of county level and above; disputes between individuals and disputes between an individual and an organisation shall be handled by a village People's Government or a People's Government of county level and above.

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。

Where a party concerned disagrees with the handling decision of the relevant People's Government, it may file a lawsuit with a People's Court within 30 days from receipt of the notice of handling decision.

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

Prior to dissolution of a dispute over land ownership and use rights, either party shall not change the current land use status.

在土地所有权和使用权争议解决前，任何一方不得改变土地利用

现状。

### 第三章 土地利用总体规划

### Chapter 3 Land Use Master Plan

**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。

**Article 15** All levels of People's Government shall organise and formulate their land use master plan in accordance with national economic and social development plans, the requirements for land consolidation and protection of environmental resources, and the land supply capacity as well as the land demand of various development projects. The planning period for land use master plan shall be stipulated by the State Council.

土地利用总体规划的规划期限由国务院规定。

**第十六条** 下级土地利用总体规划应当依据上一级土地利用总体规划编制。

**Article 16** Lower-level land use master plans shall be formulated in accordance with the higher-level land use master plans. The total quantity of development land in the land use master plan formulated by all levels of local People's Government shall not exceed the control indicators determined by the higher-level land use master plan; arable land penetration shall not be less than the control indicators determined in the higher-level land use master plan.

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。

The land use master plan formulated by the People's Governments of provinces, autonomous regions and centrally-administered municipalities shall ensure that the total quantity of arable land within their administrative region is not 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。

**第十七条** 土地利用总体规划

按照下列原则编制：

（一）落实国土空间开发保护要求，严格土地用途管制；

（二）严格保护永久基本农田，严格控制非农业建设占用农用地；

（三）提高土地节约集约利用水平；

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

（五）保护和改善生态环境，保障土地的可持续利用；

（六）占用耕地与开发复垦耕地数量平衡、质量相当。

**Article 17** A land use master plan shall be formulated in accordance with the following principles: (1) implement the land space development and protection requirements, and strictly control land use purposes;

(2) stringently protect permanent basic farmland, and strictly control occupation of agricultural land by non-agricultural development projects;

(3) improve land conservation and intensive use level;

(4) coordinate land use for urban and rural production, living, and ecological purposes, satisfy reasonable land use needs for rural industry and infrastructure, and promote urban-rural integrated development;

(5) protect and improve upon ecological environment, and ensure sustainable land utilisation; and

(6) maintain balance and quality of arable land and development of reclaimed arable land.

**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、

**Article 18** The State establishes a land space planning system. Formulation of land space planning shall adhere to ecology first, green and sustainable development, scientifically and orderly coordinate and arrange ecological, agricultural, urban etc function space, optimise land space structure and layout, and improve quality and efficiency of

城镇等功能空间，优化国土空间结构和布局，提升国土空间开发、保护的质量和效率。

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

**第十九条** 县级土地利用总体规划应当划分土地利用区，明确土地用途。

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

**第二十条** 土地利用总体规划实行分级审批。

省、自治区、直辖市的土地利用总体规划，报国务院批准。

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

**development and protection of land space.** Land space planning approved pursuant to the law shall be the fundamental basis for various development, protection and construction activities. Where land space planning is formulated, formulation of land use master plan and urban□rural planning is no longer required.

**Article 19 County land use master plans shall define land use zones and specify land use purposes.** Village (township) land use master plans shall define land use zones, specify the purpose of use of each land plot in accordance with land use conditions, and be announced.

**Article 20 Land use master plans shall be subject to tiered approval.** Land use master plans of provinces, autonomous regions and centrally□administered municipalities shall be submitted to the State Council for approval.

Land use master plans of cities where the People's Government of the province or autonomous region is located, cities with a population of more than one million as well as cities designated by the State Council shall, upon examination and consent by the People's Government of the province or autonomous region, seek approval from the State Council.

规划，经省、自治区人民政府审查同意后，报国务院批准。

本条第二款、第三款规定以外的土地利用总体规划，逐级上报省、自治区、直辖市人民政府批准；

其中，乡（镇）土地利用总体规划可以由省级人民政府授权的设区的市、自治州人民政府批准。

土地利用总体规划一经批准，必须严格执行。

Land use master plans other than those stipulated in the second paragraph and the third paragraph of this Article shall be submitted through each level up to the People's Government of the province, autonomous region or centrally administered municipality for approval; therein, village (township) land use master plans may be approved by the People's Government of a municipality divided into districts or an autonomous prefecture authorised by the provincial People's Government.

Land use master plans shall be implemented stringently upon approval.

**第二十一条** 城市建设用地规模

应当符合国家规定的标准，充分利用现有建设用地，不占或者尽量少占农用地。

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

在城市规划区内、村庄和集镇规划区内，城市和村庄、集镇建设

**Article 21 The scale of urban development land shall comply with the standards stipulated by the State, and make full use of existing development land, and shall not occupy agricultural land or shall keep occupation of agricultural land as minimal as possible.** The urban master plan and village and town planning shall connect with the land use master plan; the scale of development land in the urban master plan and village and town planning shall not exceed the scale of development land of cities, villages and towns determined in the land use master plan.

The development land of cities, villages and towns in the urban planning zone, village and town planning zone shall comply with urban planning, village and town planning.

用地应当符合城市规划、村庄和集镇规划。

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

**Article 22 Comprehensive planning for treatment, development and utilisation of rivers and lakes shall connect with the land use master plan. Land use within the scope of administration and protection of rivers, lakes and reservoirs as well as barrages shall comply with comprehensive planning for treatment, development and utilisation of rivers and lakes, and comply with river, lake flooding, flood storage and water transport requirements.**

**第二十三条** 各级人民政府应当加强土地利用计划管理，实行建设用地总量控制。

土地利用年度计划，根据国民经济和社会发展规划、国家产业政策、土地利用总体规划以及建设用地和土地利用的实际状况编制。土地利用年度计划应当对本法第六十三条规定的集体经营性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 23 All levels of People's Government shall strengthen administration of land use plans, and implement control of total quantity of development land.** An annual land use plan shall be formulated in accordance with the national economic and social development plan, national industrial policies, the land use master plan as well as the actual conditions of development land and land use. An annual land use plan shall make reasonable arrangements for collectively operated development land stipulated in Article 63 of this Law. The annual land use plan formulation, examination and approval procedures shall be the same as the land use master plan formulation, examination and approval procedures, and shall be implemented strictly following the release of examination and approval.

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

**Article 24** People's Governments of provinces, autonomous regions and centrally administered municipalities shall include implementation of annual land use plan in implementation of national economic and social development plan, and report to the People's Congress of counterpart level.

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

**Article 25** Amendment of an approved land use master plan shall be subject to approval by the original approval authorities; the land use purpose determined in the land use master plan shall not be changed without prior approval. Where there is a need to amend the land use master plan due to development land for large energy, transport, water conservancy and other infrastructure approved by the State Council, the land use master plan shall be amended in accordance with the approval document of 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。

Where there is a need to amend the land use master plan due to development land for energy, transport, water conservancy and other infrastructure approved by the People's Government of the province, autonomous region or centrally administered municipality, if the matter falls under the purview for approval of land use master plan by the provincial People's Government, the land use master plan shall be amended in accordance with the approval document of the provincial People's Government.

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

**第二十六条** 国家建立土地调

**Article 26** The State establishes a land survey system. The natural resources administrative department of a People's Government of county level and above shall conduct land survey

查制度。

jointly with the relevant counterpart authorities. Land owners or land users shall cooperate in the land survey, and provide the relevant materials.

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

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

**Article 27** The natural resources administrative department of a People's Government of county level and above shall, jointly with the relevant counterpart authorities, conduct land classification in accordance with the land survey findings, planned land use purpose and national unified standards.

**第二十八条** 国家建立土地统计制度。

**Article 28** The State establishes a land statistics survey system. The statistics department and the natural resources administrative department of a People's Government of county level and above shall conduct land statistics survey pursuant to the law, and announce land statistics information on a regular basis. Land owners or land users shall provide the relevant materials, shall not refuse or delay provision, and shall not 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 information announced jointly by the statistics department and the natural resources administrative department shall be the basis for formulation of land use master plan by all levels of People's Governments.

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

**第二十九条** 国家建立全国土地管理信息系统，对土地利用状况进行动态监测。

**Article 29** The State establishes a national land administration information system, and carry out dynamic monitoring of land use status.

#### 第四章 耕地保护

#### Chapter 4 Protection of Arable Land

**第三十条** 国家保护耕地，严格控制耕地转为非耕地。

**Article 30** The State protects arable land, and strictly controls conversion of arable land to non-arable land. The State implements a compensation system for occupation of arable land. For approved occupation of arable land for non-agricultural development projects, the organisation occupying arable land shall be responsible for reclamation of arable land corresponding to the quantity and quality of the occupied arable land in accordance with the principle of "reclaim according to occupied arable land"; where the organisation is not equipped to carry out reclamation or where the reclaimed arable land does not satisfy the requirements, it shall pay an arable land reclamation fee pursuant to the provisions of the province, autonomous region or centrally-administered municipality, which shall be used specifically for reclamation of new arable land.

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 provinces, autonomous regions and centrally-administered municipalities shall formulate arable land reclamation plan, supervise reclamation of arable land by organisations occupying arable land in accordance with the arable land reclamation plan, or organise reclamation of arable land in accordance with the plan, and conduct acceptance inspection.

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

**第三十一条** 县级以上地方人民政府可以要求占用耕地的单位将

**Article 31** Local People's Governments of county level and above may request that an organisation occupying arable land use the tillage layer soil of the occupied arable land for reclamation of arable land, poor quality land or soil

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。

**improvement of other arable land.**

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

**Article 32** The People's Government of the province, autonomous region or centrally administered municipality shall implement land use master plan and annual land use plan stringently, adopt measures, and ensure no reduction in the total quantity and the quality of arable land within their administrative region. Where there is a reduction in the total quantity of arable land, the State Council shall order the People's Government to organise reclamation of arable land which corresponds to the quantity and quality of the reduced arable land within the stipulated period; where the quality of arable land drops, the State Council shall order the People's Government to organise remediation within the stipulated period. The natural resources administrative department of the State Council shall, jointly with the agricultural and rural affairs department, conduct acceptance inspection of the newly reclaimed and remediated arable land. Where a province or a centrally administered municipality with lack of land reserve resources increases development land, if the quantity of newly reclaimed arable land following the increase is not sufficient to compensate the quantity of occupied arable land, the People's Government shall obtain approval of the State Council to exempt or reduce the quantity of reclaimed arable land within the administrative region, and to reclaim arable land with the equal quantity and quality in another location.

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

**Article 33** The State implements a permanent basic farmland protection system. The following arable land shall be

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

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

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

（三）蔬菜生产基地；

（四）农业科研、教学试验田；

（五）国务院规定应当划为永久基本农田的其他耕地。

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

**classified as permanent basic farmland in accordance with the land use master plan, and be subject to strict**

**protection:** (1) arable land within important agricultural production base for grains, cotton, oil, sugar etc approved and determined by the agricultural and rural affairs department of the State Council or a local People's Government of county level and above;

(2) arable land with good water conservancy and soil and water conservation facilities, and medium-yield and low-yield fields which are undergoing transformation and can be transformed, as well as ready high standard farmland;

(3) vegetable production base;

(4) agricultural research, and teaching experimental field; and

(5) other arable land to be designated as permanent basic farmland pursuant to the provisions of the State Council.

Permanent basic farmland designated by all provinces, autonomous regions and centrally-administered municipalities shall generally constitute more than 80% of the arable land within their administrative region; the specific ratio shall be stipulated by the State Council in accordance with the actual arable land conditions of the province, autonomous region or centrally-administered municipality.

**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

**Article 34** Designation of permanent basic farmland shall be based on village (township) as units, and jointly organised and implemented by the natural resources administrative department of a People's Government of county level and above and the counterpart agricultural and rural affairs department. Permanent basic farmland shall be implemented up to land plot level, and included in the national permanent basic farmland database for stringent administration. Village (township) People's Governments shall announce permanent basic farmland locations and scope to the public, and set up protection marks.

**Article 35** Upon designation of permanent basic farmland pursuant to the law, no organisation or individual shall occupy permanent basic farmland or change its land use purpose arbitrarily. Where it is difficult for site selection of key development projects such as national energy, transport, water conservancy, military facilities etc to avoid permanent basic farmland, approval of the State Council shall be obtained if conversion or requisition of agricultural land is involved. Arbitrary adjustment of county land use master plan, village (township) land use master plan etc to circumvent examination and approval for agricultural land conversion or land requisition involving permanent basic farmland is prohibited.

**Article 36** All levels of People's Government shall adopt measures to guide crop rotation and fallow in accordance with local conditions, improve soil, improve soil fertility, maintain

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。

irrigation and drainage facilities, and prevent land desertification, salinisation, soil erosion and soil pollution.

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

**Article 37** Non-agricultural development projects shall ensure economical land use; shall not occupy arable land if barren land can be utilised; shall not use quality land if poor quality land can be utilised. Occupation of arable land for construction of kilns, graves, or unauthorised construction of housing, sand dredging, quarrying, mining, earth cutting etc on arable land is prohibited.

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。

Occupation of permanent basic farmland for development of woodland, fruit plantation and fish pond is prohibited.

禁止占用永久基本农田发展林果业和挖塘养鱼。

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

**Article 38** No organisation or individual shall leave arable land idle or barren. Where a non-agricultural development project which has completed examination and approval formalities occupies arable land but does not use the land within a year and the land can be used for cultivation and harvesting, the arable land shall be cultivated by the collective unit or the individual that carried out cultivation on the arable land previously or the land user may organise cultivation thereon; where the development project has not commenced for more than one year, the land user shall pay idle fee pursuant to the provisions of the province, autonomous region or centrally-administered municipality; where the land is not used for two years consecutively, upon approval by the original approval authorities, the People's Government of county level and above shall take back the land use rights from the land user without compensation; where the land is

地使用权；该幅土地原为农民集体所有的，应当交由原农村集体经济组织恢复耕种。

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

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

国家依法保护开发者的合法权益。

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

**collectively owned by farmers previously, the land shall be returned to the original rural collective economic organisation to resume cultivation.** Idle land within the scope of urban planning for which land use rights are obtained via assignment and used for real estate development shall be handled pursuant to the relevant provisions of the Law of the People's Republic of China on Administration of Urban Real Estate.

**Article 39** The State encourages organisations and individuals to develop unused land in accordance with the land use master plan, and subject to the prerequisites of protection and improvement of ecological environment, prevention of soil erosion and land desertification; where the land is suitable to be developed as agricultural land, development as agricultural land shall be given priority. The State protects the legitimate rights and interests of developers pursuant to the law.

**Article 40** Reclamation of unutilised land shall undergo scientific argumentation and evaluation, and can be carried out only upon approval pursuant to the law within reclaimable region designated in the land use master plan. Destruction of woodland and grassland for reclamation of arable land is prohibited; occupation of rivers and beaches for land reclamation is prohibited. For land reclamation which destroys the ecological environment, the reclaimed land shall be reverted to woodland, pasture and lake systematically and progressively in accordance with the land use master plan.

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

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

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

地方各级人民政府应当采取措施，改造中、低产田，整治闲散地和废弃地。

**第四十三条** 因挖损、塌陷、压占等造成土地破坏，用地单位和个人应当按照国家有关规定负责复

**Article 41** For development of State-owned barren mountain, barren land and barren beach for which use rights are undetermined for the purpose of plantation, forestry, husbandry and fishery operation, long-term use of the land may be granted to developer organisation(s) or individual(s) upon approval by a People's Government of county level and above pursuant to the law.

**Article 42** The State encourages land consolidation. County and village (township) People's Governments shall organise rural collective economic organisations to carry out integrated remediation of fields, water bodies, roads, forests and villages in accordance with the land use master plan, improve the quality of arable land, effectively increase the area of arable land, and improve upon agricultural production conditions and ecological environment. All levels of local People's Government shall adopt measures to transform medium-yield and low-yield fields, remediate idle and abandoned land.

**Article 43** For land damage caused by excavation, collapse, crushing etc, the land user organisation or individual shall be responsible for reclamation pursuant to the relevant provisions of the State; where the land user is not equipped to

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。

**carry out reclamation or the reclamation does not satisfy the requirements, it shall pay a land reclamation fee which will be used specifically for land reclamation. The reclaimed land shall be used for agriculture purpose as priority.**

## 第五章 建设用地

## Chapter 5 Development land

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

**Article 44** Where occupation of land by a development project involves conversion of agricultural land to development land, the examination and approval formalities for conversion of agricultural land shall be completed. Conversion of permanent basic farmland to development land shall be subject to approval by the State Council.

永久基本农田转为建设用地的，由国务院批准。

Within the scope of development land in cities, villages and towns determined in the land use master plan, conversion of agricultural land which is outside the scope of permanent basic farmland to development land for the purpose of implementation of planning shall be subject to approval by the original approving authorities of the land use master plan or its authorised agency, by batches, in accordance with the annual land use plan and pursuant to the provisions of the State Council. Within the scope of approved conversion of agricultural land, the specific development land may be approved by the Municipal People's Government or the county People's Government.

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。

Within the scope of development land in cities, villages and towns determined in the land use master plan, conversion of agricultural land which is outside the scope of permanent basic farmland to development land shall be subject to approval by the State Council or the People's Government of the province, autonomous region or centrally administered municipality authorised 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。

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

（一）军事和外交需要用地的；

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

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

（四）由政府组织实施的扶贫搬迁、保障性安居工程建设需要用地的；

**Article 45** Under any of the following circumstances involving public interest, where there is a genuine need for

**requisitioning of land collectively owned by farmers, land requisition may be implemented pursuant to the law:** (1) land use for military and diplomatic needs;

(2) land use for energy, transport, water conservancy, communications, postal infrastructure construction etc organised and implemented by the government;

(3) land use for public utilities such as technology, education, culture, health, sports, ecology and resources protection, disaster prevention and mitigation, cultural relic protection, community services, public welfare, municipal undertakings, care arrangements for heroes and their dependents etc organised and implemented by the government;

(4) land use for poverty alleviation and relocation and construction of affordable housing projects organised and implemented by the government;

(5) land use for tract development

within the scope of development land in towns determined in the land use master plan organised and implemented by a local People's Government of county level and above approved by a People's Government of provincial level and above; and

(6) any other circumstances where land collectively owned by farmers may be requisitioned for public interest pursuant to the law.

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

（六）法律规定为公共利益需要可以征收农民集体所有的土地的其他情形。

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

Development activities stipulated in the preceding paragraph shall comply with the national economic and social development plan, the land use master plan, urban□rural planning and special planning; development activities stipulated in item (4) and item (5) shall also be included in the national economic and social development plan; trace development stipulated in item (5) shall also comply with the standards stipulated by the natural resources administrative department of the State Council.

**第四十六条** 征收下列土地的，由国务院批准：

（一）永久基本农田；

（二）永久基本农田以外的耕地超过三十五公顷的；

（三）其他土地超过七十公顷

**Article 46** The following land requisitioning shall be subject to approval by the State Council: (1) permanent basic farmland;

(2) arable land outside the scope of permanent basic farmland which exceeds 35 hectares; and

(3) other land which exceeds 70 hectares.

Requisitioning of land other than those stipulated in the preceding paragraph shall be subject to approval by the People's Government of the province, autonomous region or

的。

征收前款规定以外的土地的，由省、自治区、直辖市人民政府批准。

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

centrally administered municipality.

For requisitioning of agricultural land, the examination and approval formalities for conversion of agricultural land shall be completed beforehand pursuant to the provisions of Article 44 of this Law. Therein, where the State Council approves conversion of agricultural land, the examination and approval formalities for land requisitioning shall be completed simultaneously, and the examination and approval formalities for land requisitioning are not required to be completed separately; where the People's Government of the province, autonomous region or centrally administered municipality approves conversion of agricultural land within the land requisitioning approval authority, the examination and approval formalities for land requisitioning are no longer required; where the approval is granted beyond the land requisitioning approval authority, the examination and approval formalities for land requisitioning shall be separately completed pursuant to the provisions of the first paragraph of this Article.

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

县级以上地方人民政府拟申请征收土地的，应当开展拟征收土地现状调查和社会稳定风险评估，并将征收范围、土地现状、征收目的

**Article 47 For land requisitioning by the State, upon approval in accordance with the statutory procedures, a local People's Government of county level and above shall make a public announcement and organise implementation.** Where a local People's Government of county level and above intends to apply for land requisitioning, it shall carry out a land status survey and social stability risk assessment of the land proposed to be requisitioned, and make an announcement on scope of requisitioning, land status, purpose of requisitioning, compensation standards, resettlement method and social security etc within the scope of the village (township) and village committee, villagers group at the location of the land to be requisitioned, listen to the

、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

opinions of the rural collective economic organisation and its members, the village committee and other stakeholders.

Where a majority of the members of the rural collective economic organisation of the land to be requisitioned feel that the compensation and resettlement plan for land requisitioning does not comply with the provisions of laws and regulations, the local People's Government of county level and above shall organise and convene a hearing, and amend the plan in accordance with the provisions of laws and regulations and the hearing.

The owner or user of the land to be requisitioned shall present the real estate title deed to complete compensation registration within the period stipulated in the announcement. The local People's Government of county level and above shall organise the relevant departments to compute and materialise the relevant expenses, ensure that the full amount is available, and enter into an agreement on compensation, resettlement etc with the owner or user of the land to be requisitioned; where it is really difficult to achieve an agreement in a specific case, this shall be stated at the time of application for land requisitioning.

Upon completion of the relevant preliminary work, the local People's Government of county level and above may then apply for land requisitioning.

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

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

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

征收农用地以外的其他土地、地上附着物和青苗等的补偿标准，由省、自治区、直辖市制定。其中的农村村民住宅，应当按照先补

**Article 48 Land requisitioning shall provide fair and reasonable compensation, and ensure that the living standard of the farmers whose land is requisitioned is not reduced and their long-term livelihood is guaranteed.** Land requisitioning shall pay the full amount of land compensation fee and resettlement subsidy, as well as compensation for farmers' housing, other attachments and young crops on ground etc, promptly pursuant to the law, and arrange for social security payouts for farmers whose land is requisitioned.

The land compensation fee, resettlement subsidy for requisitioning of agricultural land shall be determined by the province, autonomous region or centrally-administered municipality through formulation and announcement of tract land price. Formulation of tract land price shall take into full account the original land use purpose, the conditions of land resources, land output value, land location, land supply and demand relationship, population and economic and social development conditions etc, and shall be adjusted or re-announced at least once every three years.

The compensation standards for requisitioning of land other than the agricultural land, attachments and young crops on land etc shall be formulated by the province, autonomous region or centrally-administered municipality. For the rural villagers' housing therein, land requisitioning should respect the wishes of the rural villagers in accordance with the principle of "compensate before resettlement, improve housing condition", give fair and reasonable compensation by way of re-arranging house construction, providing resettlement houses or monetary compensation, compensate for the relocation and temporary resettlement expenses incurred as a result of requisitioning, and protect the housing rights of rural villagers and their legitimate residential property interests. .

Local People's Governments of county level and above shall include farmers whose land is requisitioned in the corresponding

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

social security system such as pension etc. The social security payouts for farmers whose land is requisitioned shall mainly be used for social security premium subsidies such as pension insurance premiums of eligible farmers whose land is requisitioned. Methods for raising, administration and use of social security payouts of farmers whose land is requisitioned shall be formulated by the province, autonomous region or centrally administered municipality.

**Article 49** A rural collective economic organisation whose land is requisitioned shall announce income and expenditure of compensation fees for requisitioned land to the members of the collective economic organisation, and accept supervision. Encroachment, misappropriation compensation fees and other relevant expenses for requisitioned land is prohibited.

**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

**Article 50** All levels of local People's Government shall support rural collective economic organisations and farmers whose land is requisitioned to carry out development and operation, and to setup enterprises.

**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 51** The compensation fee standards and resettlement methods for land requisitioning for large and medium water conservancy and hydropower projects shall be separately stipulated by the State Council.

**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。

**Article 52** At the time of expounding of the feasibility study of a development project, the natural resources administrative department may examine the relevant development land matters in accordance with the land use master plan, the annual land use plan and the development land standards, and propose opinions.

**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。

**Article 53** Where an approved development project needs to use State-owned development land, the developer shall present the relevant documents stipulated by laws and administrative regulations, to apply for development land use with the natural resources administrative department of a People's Government of county level and above with approval authority, and upon the examination of the natural resources administrative department, seek approval from the People's Government at the same level.

**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

**Article 54** Developers using State-owned land shall obtain the land via compensated use method such as assignment; however, the following development land may be obtained via

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。

**allocation upon approval of a People's Government at county level and above pursuant to the law :** (1) land use by State agencies and military land use;

(2) land use for urban infrastructure and land use for public utilities;

(3) land use for energy, transport, water conservancy and other infrastructure under key support of the State; and

(4) other land uses stipulated by laws and administrative regulations.

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

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

**Article 55** Developers which obtain State-owned land use rights via compensated use method such as assignment shall pay land compensated use fee such as land use rights assignment fee and other expenses pursuant to the standards and methods stipulated by the State Council before using the land. With effect from implementation of this Law, 30% of land compensated use fee of newly-added development land shall be turned over to the Central fiscal budget, and 70% shall be retained by the relevant local People's Government. Detailed use and administrative measures shall be formulated jointly by the finance department of the State Council jointly with the relevant departments, and submitted to the State Council for approval.

门制定，并报国务院批准。

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

**Article 56** Developers using State-owned land shall use land in accordance with the agreement in the land use rights assignment contract or the provisions of the land use rights allocation approval document; where there is a genuine need to change the development land purpose of the said land plot, the change shall obtain the consent of the natural resources administrative department of the relevant People's Government, and seek the approval from the People's Government which has approved the land use previously. Where the change of land use purpose falls with the urban planning region, the change shall obtain consent from the relevant urban planning administrative department prior to submission for approval.

**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

**Article 57** Temporary use of State-owned land or land collectively-owned by farmers is required for construction of development project and geological survey shall be subject to approval of the natural resources administrative department of the People's Government of county level and above. Temporary land use within the urban planning region shall first obtain consent from the relevant urban planning administrative department before seeking approval. The land user shall enter into a temporary land use contract with the relevant natural resources administrative department or rural collective economic organisation or villagers committee in accordance with land ownership, and pay temporary land use compensation fee in accordance with the agreement in the contract. The temporary land user shall use land in accordance with the land use purpose agreed in the temporary land use contract, and shall not construct permanent buildings thereon. Temporary land use period shall generally not exceed two years.

时使用土地补偿费。

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

临时使用土地期限一般不超过二年。

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

（一）为实施城市规划进行旧城区改建以及其他公共利益需要，确需使用土地的；

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

（三）因单位撤销、迁移等原因，停止使用原划拨的国有土地的

**Article 58** Under any of the following circumstances, upon approval by the natural resources administrative department of the relevant People's Government which approves the land use or the People's Government with approval authority, the State-owned land use rights may be taken back: (1) land use is genuinely needed for old city reconstruction in the implementation of urban planning as well as other public interest;

(2) upon expiry of the use period stipulated in the land compensated use contract such as land assignment contract etc, the land user does not apply for renewal or the application for renewal is not approved;

(3) the land user stops using the originally allocated State-owned land due to revocation or relocation etc; or

(4) approved scrapping of highways, railways, airports, mines etc.

Where State-owned land use rights are taken back pursuant to the provisions of item (1) of the preceding paragraph, the holder of land use rights shall make appropriate compensation.

；

（四）公路、铁路、机场、矿场等经核准报废的。

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

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

**Article 59** Village (township) development projects such as township and village enterprises, village (township) village public facilities, public welfare undertakings, rural villagers' houses etc shall implement reasonable layout, comprehensive development and complementary construction in accordance with village and township planning; development land shall comply with the village (township) land use master plan and the annual land use plan, and undergo examination and approval formalities pursuant to the provisions of Article 44, Article 60, Article 61 and Article 62 of this Law.

**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

**Article 60** Where a rural collective economic organisation uses the development land determined in the village (township) land use master plan to establish an enterprise, or uses land use rights together with any other organisation(s) or individual(s) to establish an enterprise in the form of equity participation or joint venture etc, the rural collective economic organisation shall present the relevant approval document to submit an application to the natural resources administrative department of a local People's Government of county level and above, and be subject to the approval by the local

，按照省、自治区、直辖市规定的批准权限，由县级以上地方人民政府批准；其中，涉及占用农用地的，依照本法第四十四条的规定办理审批手续。

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

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

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

**People's Government of county level and above in accordance with the approval authority stipulated by the province, autonomous region or centrally□administered municipality; where it involves occupation of agricultural land, examination and approval formalities shall be completed pursuant to the provisions of Article 44 of this Law.** The development land used for establishment of enterprise pursuant to the provisions of the preceding paragraph shall be controlled strictly. The province, autonomous region or centrally□administered municipality may stipulate land use standards separately in accordance with different industries and business scale of the village and township enterprises.

**Article 61** Where the construction of public facilities in a village (township) needs to use land, upon examination by the village (township) People's Government, an application shall be submitted to the natural resources administrative department of a local People's Government of county level and above, and subject to the approval by the local People's Government of county level and above in accordance with the approval authority stipulated by the province, autonomous region or centrally□administered municipality; therein, where it involves occupation of agricultural land, examination and approval formalities shall be completed pursuant to the provisions of Article 44 of this Law.

**Article 62** Each rural household may own only one homestead, and the area of its homestead shall not exceed the standards stipulated by the province, autonomous region or centrally□administered municipality. Where the locality has scanty land per capita and is unable to ensure that each household owns one homestead, the county People's Government may, on

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，可以采取的措施，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

the basis of full respect for the villagers' intent, adopt measures in accordance with the standards stipulated by province, autonomous region or centrally administered municipality to ensure residential ownership for the villagers.

Residential construction by the villagers shall comply with the village (township) land use master plan and the village planning, shall not occupy permanent basic farmland, and shall use existing homestead and idle land in the village as much as possible. Formulation of the village (township) land use master plan, village planning shall coordinate and make reasonable arrangements for homestead land use, and improve upon the residential environment and conditions of the villagers.

Residential land use of the villagers shall be subject to examination and approval by the village (township) People's Government; where it involves occupation of agricultural land, examination and approval formalities shall be completed pursuant to the provisions of Article 44 of this Law.

Where a villager re-applies for homestead after sale, leasing or gifting of his/her house, the application shall not be approved.

The State allows villagers who have relocated and settled down in a city to exit voluntarily from the homestead pursuant to the law, and encourages rural collective economic organisations and their members to revitalise idle homestead and idle housing.

The agricultural and rural affairs department of the State Council shall be responsible for work relating to nationwide rural homestead reform and administration.

依法自主有偿退出宅基地，鼓励农村集体经济组织及其成员盘活利用闲置宅基地和闲置住宅。

国务院农业农村主管部门负责全国农村宅基地改革和管理有关工作。

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

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

通过出让等方式取得的集体经营性建设用地使用权可以转让、互换、出资、赠与或者抵押，但法律

**Article 63** Where collectively operated development land is determined as industrial use and commercial use or other business purposes in the land use master plan or urban rural planning and has been registered pursuant to the law, the land owner may transfer the land use to organisation or individual user by way of assignment, leasing etc, and enter into a written contract, stating the land boundaries, area, construction period, use period, land use purpose, planning criteria, and other rights and obligations of both parties. Assignment, leasing etc of collectively operated development land stipulated in the preceding paragraph shall be subject to consent by more than two thirds of the members of the rural collective economic organisation or more than two thirds of villager representatives.

Collectively operated development land rights obtained by way of assignment etc may be transferred, exchanged, used for capital contribution, gifted or mortgaged, unless otherwise stipulated by laws and administrative regulations or otherwise agreed in the written contract executed by the land owner or the holder of land use rights.

Leasing of collectively operated development land, assignment of collective development land rights as well as the maximum period, transfer, exchange, use for capital contribution, gifting, mortgage etc of such land shall be handled with reference to State owned development land of the same type of land use purpose. Detailed

、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。

measures shall be formulated by the State Council.

**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。

**Article 64** Collective development land users shall strictly comply with the land use purpose determined in the land use master plan and the urban□rural planning.

**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。

**Article 65** Buildings and structures constructed prior to formulation of the land use master plan which do not comply with the land use purpose determined in the land use master plan shall not be rebuilt or expanded.

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

**Article 66** Under any of the following circumstances, the rural collective economic organisation may take back the land use rights upon approval by the People's Government which has approved the land use previously: (1) land use needed for public facilities and public utilities in the village (township);

（一）为乡（镇）村公共设施

(2) the land is not used in accordance with the approved land use purpose; or

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

。

(3) the land user stops using the land due to revocation or relocation etc.

Where land collectively owned by farmers is taken back pursuant to the provisions of item (1) of the preceding paragraph, the holder of land use rights shall make corresponding compensation.

Collectively operated development land rights shall be taken back in accordance with the written contract entered into between both parties, unless otherwise stipulated by laws and administrative regulations.

## 第六章 监督检查

## Chapter 6 Supervision and Inspection

**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

**Article 67** The natural resources administrative department of People's Governments at county level and above shall implement supervision and inspection of violations of land administration laws and regulations. Officers carrying out land administration, supervision and inspection shall be familiar with land administration laws and regulations, perform their duties faithfully, and carry out law enforcement impartially.

The provisions on supervision and inspection carried out by the natural resources administrative departments in this Law shall apply to supervision and inspection carried out by the agricultural and rural affairs department of People's Governments at county

用本法关于自然资源主管部门监督检查的规定。

level and above over violations of rural homestead administration laws and regulations.

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：

**Article 68** The natural resources administrative department of the People's Government at county level and above performing supervision and inspection duties shall have the right to adopt the following measures:

（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；

(1) require the organisation or individual being inspected to provide documents and materials relating to land rights for inspection or copying;

（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；

(2) require the organisation or individual being inspected to provide explanation on issues relating to land rights;

（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；

(3) enter land site illegally occupied by the organisation or individual being inspected, to conduct land survey; and

（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。

(4) order an organisation or individual occupying land illegally to stop violation of land administration laws and regulations.

**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

**Article 69** Officers carrying out land administration, supervision and inspection who need to enter a site to carry out a land survey, or require the relevant organisation or

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。

**individual to provide documents and materials or provide explanation shall show their land administration supervision and inspection credentials.**

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

**Article 70** The relevant organisations and individuals shall support and cooperate with supervision and inspection carried out by the natural resources administrative department of a People's Government at county level and above over land violation, and provide work convenience, shall not refuse and hinder performance of duties pursuant to the law by officers carrying out land administration, supervision and inspection.

**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 71** Where the natural resources administrative department of a People's Government at county level and above discovers any illegal act committed by officers of State agencies during supervision and inspection, if the offender should be punished pursuant to the law, the natural resources administrative department shall handle the matter pursuant to the law; where the natural resources administrative department has no authority to handle the matter, it shall forward the case to the supervisory authorities or the relevant authorities pursuant to the law.

**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 72** Where a land violation discovered by the natural resources administrative department of a People's Government at county level and above during supervision and inspection constitutes a criminal offence, the natural resources administrative department shall forward the case to the relevant authorities to pursue criminal liability in accordance with the law; where the case does not constitute a criminal offence, the natural resources administrative department shall impose administrative punishment pursuant to the law.

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

**Article 73** Where the relevant natural resources administrative department should impose administrative punishment pursuant to the provisions of this Law but fails to impose the requisite administrative punishment, the natural resources administrative department of the higher-level People's Government shall have the right to order the relevant natural resources administrative department to issue an administrative punishment decision or impose administrative punishment directly, and punish the person in charge of the relevant natural resources administrative department.

## 第七章 法律责任

## Chapter 7 Legal Liability

**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 74** The illegal income from sale and purchase or any other form of illegal land transfer shall be confiscated by the natural resources administrative department of the People's Government at county level and above; for violation of the land use master plan in converting agricultural land to development land, the newly constructed buildings and other facilities on the illegally transferred land shall be demolished within a stipulated period, and the original land conditions shall be reinstated; where the newly constructed buildings and other facilities comply with the land use master plan, the newly constructed buildings and other facilities on the illegally transferred land shall be confiscated; the offender may be subject to a fine simultaneously; the directly accountable person in charge and other directly accountable personnel shall be punished pursuant to the law; where the case constitutes a criminal offence, criminal liability shall be pursued in accordance with the law.

**第七十五条** 违反本法规定，

**Article 75** For violation of the provisions of this Law in occupying arable land for construction of kiln or grave, or

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。

**carrying out construction of housing, sand dredging, quarrying, mining, earth cutting etc on arable land and destroy planting conditions, and causing land desertification, or resulting in salinisation due to land development, the natural resources administrative department, the agricultural and rural affairs department etc of a People's Government at county level and above in accordance with their duties shall order the offenders to make correction or treatment in accordance with the duties, and may impose a fine simultaneously; where the case constitutes a criminal offence, criminal liability shall be pursued in accordance with the law.**

**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 76** Offenders who violate the provisions of this Law in refusing to perform the obligation of land reclamation shall be ordered by the natural resources administrative department of a People's Government at county level and above to make correction within a stipulated period; where correction is not made within the stipulated period, the offender shall be ordered to pay a reclamation fee which will be used specifically for land reclamation, and may be subject to a fine.

**第七十七条** 未经批准或者采取欺骗手段骗取批准，非法占用土地的，由县级以上人民政府自然资源主管部门责令退还非法占用的土地，对违反土地利用总体规划擅自将农用地改为建设用地的，限期拆除在非法占用的土地上新建的建筑物和其他设施，恢复土地原状，对符合土地利用总体规划的，没收在

**Article 77** Offenders who occupy land illegally for housing construction without obtaining approval or obtaining approval using fraudulent means shall be ordered by the natural resources administrative department of the People's Government at county level and above to return the illegally occupied land; for offenders who violate the land use master plan in converting agricultural land to development land without authorisation shall be ordered to demolish newly constructed buildings and other facilities on the illegally occupied land within a stipulated period and to reinstate the original land conditions; where the newly constructed buildings and other facilities comply with the land use master plan, the newly constructed buildings

非法占用的土地上新建的建筑物和其他设施，可以并处罚款；对非法占用土地单位的直接负责的主管人员和其他直接责任人员，依法给予处分；构成犯罪的，依法追究刑事责任。

超过批准的数量占用土地，多占的土地以非法占用土地论处。

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

超过省、自治区、直辖市规定的标准，多占的土地以非法占用土地论处。

**第七十九条** 无权批准征收、使用土地的单位或者个人非法批准占用土地的，超越批准权限非法批准占用土地的，不按照土地利用总体规划确定的用途批准用地的，或者违反法律规定的程序批准占用、

**and other facilities on the illegally occupied land shall be confiscated and a fine shall be imposed simultaneously; the directly accountable person in charge and other directly accountable personnel of the organisation occupying land illegally shall be punished pursuant to the law; where the case constitutes a criminal offence, criminal liability shall be pursued in accordance with the law.** Excessively occupied land which exceeds the approved quantity shall be dealt with as per illegal occupation of land.

**Article 78 Rural villagers who occupy land illegally for housing construction without obtaining approval or obtaining approval using fraudulent means shall be ordered by the agricultural and rural affairs department of a People's Government at county level and above to return the illegally occupied land, and demolish the newly built housing constructed on the illegally occupied land within a stipulated period.** Excessively occupied land which exceeds the standards stipulated by the province, autonomous region or centrally administered municipality shall be dealt with as per illegal occupation of land.

**Article 79 For illegal approval of occupation of land by an organisation or an individual that has no right to approve land requisition or land use, or for illegal approval of occupation of land by an organisation or an individual beyond the approval authority, or for approval of land use against the land use purpose determined in the land use master plan, or for approval of occupation of land or land requisition which violates the mandatory procedures, the approval document shall be void, and the directly accountable person in charge**

征收土地的，其批准文件无效，对非法批准征收、使用土地的直接负责的主管人员和其他直接责任人员，依法给予处分；构成犯罪的，依法追究刑事责任。非法批准、使用的土地应当收回，有关当事人拒不归还的，以非法占用土地论处。

非法批准征收、使用土地，对当事人造成损失的，依法应当承担赔偿责任。

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

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

**第八十二条** 擅自将农民集体

**and other directly accountable personnel guilty of illegal approval of land requisition or land use shall be punished pursuant to the law; where the case constitutes a criminal offence, criminal liability shall be pursued in accordance with the law. Illegally approved or used land shall be taken back; where the relevant party concerned refuses to hand over the land, the matter shall be dealt with as per illegal occupation of land. For illegal approval of land requisition or land use which causes a party concerned to suffer losses, the offender pursuant to the law shall compensation liability.**

**Article 80** The criminal liability of an offender who encroaches or misappropriates land requisition compensation and other relevant expenses of an organisation whose land is requisitioned shall be pursued in accordance with the law, if the case constitutes a criminal offence; where the case does not constitute a criminal offence, the offender shall be punished pursuant to the law.

**Article 81** Where the use rights of State-owned land are to be taken back pursuant to the law and the party concerned refuses to hand over the land, or the party concerned refuses to hand over the land upon expiry of the temporary land use period, or does not use State-owned land in accordance with the approved land use purpose, the natural resources administrative department of the People's Government at county level and above shall order the party concerned to hand over the land, and impose a fine.

**Article 82** Offenders who use land collectively-owned by

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。

**farmers for non-agricultural development projects through assignment or transfer of use rights or leasing etc without authorisation, or violate the provisions of this Law in assigning or leasing collectively-operated development land to an organisation or an individual shall be ordered by the natural resources administrative department of a People's Government at county level and above to make correction within a stipulated period, illegal income shall be confiscated, and a fine shall be imposed.**

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

**Article 83** Where a new building and other facilities constructed on illegally-occupied land is ordered pursuant to the provisions of this Law to be demolished within a stipulated period, the developer or the individual shall forthwith stop construction and demolish the building and the facilities; where the developer or the individual continues with the construction, the authorities issuing the punishment decision shall have the right to stop the developer or the individual. Where the developer or the individual disagrees with the administrative punishment decision on demolition within a stipulated period, the developer or the individual may file a lawsuit with a People's Court within 15 days from receipt of the decision on demolition within a stipulated period; where the developer or the individual does not file a lawsuit and does not demolish within the stipulated period, the authorities issuing the punishment decision shall apply to the People's Court pursuant to the law for enforcement, and the violator shall bear the expenses.

**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，

**Article 84** The criminal liability of personnel of the natural resources administrative department, the agricultural and rural affairs authorities guilty of dereliction of duties, abusing official powers, corruption and practising favouritism shall be

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。

**pursued in accordance with the law if the case constitutes a criminal offence; where the case does not constitute a criminal offence, the offender shall be punished pursuant to the law.**

## 第八章 附则

## Chapter 8 Supplementary Provisions

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

**Article 85** This Law shall apply to land use by foreign investment enterprises; where the laws stipulate otherwise, such provisions shall prevail.

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

**Article 86** Prior to formulation of land space planning pursuant to the provisions of Article 18 of this Law, land use master plans and urban□rural planning approved pursuant to the law shall continue to be implemented.

**第八十七条** 本法自1999年1月1日起施行。

**Article 87** This Law shall be implemented with effect from 1 January 1999.



扫一扫，手机阅读更方便