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The Law of Land Administration of the People ' s Republic of China 第一章总则 CHAPTER ONE GENERAL PROVISIONS 第二章土地的所有权和使用权 CHAPTER TWO OWNERSHIP AND RIGHT OF USE OF LAND 第三章土地利用总体规划 CHAPTER THREE GENERAL PLANS FOR THE UTILIZATION OF LAND 第四章耕地保护 CHAPTER FOUR PROTECTION OF CULTIVATED LAND 第五章建设用地 CHAPTER FIVE LAND FOR CONSTRUCTION PURPOSES 第六章监督检查 CHAPTER SIX SUPERVISION AND EXAMINATION 第七章法律责任 CHAPTER SEVEN LEGAL RESPONSIBILITIES 第八章附则 CHAPTER EIGHT SUPPLEMENTARY PROVISIONS 第一条为了加强土地管理，维护土地的社会主义公有制，保护、开发土地资源，合理利用土地，切实保护耕地，促进社会经济的可持续发展，根据宪法，制定本法。 Article 1 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 resorts to a

socialist public ownership i.e. an ownership by the whole people and ownerships by collectives, of land. 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。 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. 任何单位和个人不得侵占、买卖或者以其他形式非法转让土地。土地使用权可以依法转让。 No unit or individual is allowed to occupy, trade or illegally transfer land by other means. Land use right may be transferred by law. 国家为公共利益的需要，可以依法对集体所有的土地实行征用。 The State may requisition land owned by collectives according to law on public interests. 国家依法实行国有土地有偿使用制度。但是，国家在法律规定的范围内划拨国有土地使用权的除外。 The State 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. 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 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. 第四条国家实行土地用途管制制度。 Article 4 The State is to place a strict control on the usages of 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。 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. 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。 "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. 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。 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. 第五条国务院土地行政主管部门统一负责全国土地的管理和监督工作。 Article 5 The land administrative department of the State Council shall be unifiedly

responsible for the administration and supervision of land in the whole country. 县级以上地方人民政府土地行政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。 The setup and functions of land administrative departments 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.

第六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 6 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。 Article 7 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.

## 第二章土地的所有权和使用权 CHAPTER TWO OWNERSHIP AND RIGHT OF USE OF LAND

第八条城市市区的土地属于国家所有。 Article 8 Land in urban districts shall be owned by the State. 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。 Land in the rural areas and suburban areas, except otherwise

provided for by the State, shall be collectively owned by peasants including land for building houses, land and hills allowed to be retained by peasants. 第九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 9 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 10 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，由县级人民政府登记造册，核发证书，确认所有权。 Article 11 People ' s government at the county level shall register and put on record lands

collectively owned by peasants and issue certificates to certify the ownership concerned. 农民集体所有的土地依法用于非农业建设的，由县级人民政府登记造册，核发证书，确认建设用地使用权。 People ' s government at the county level shall register and put on record the use of land collectively owned by peasants for non-agricultural construction and issue certificates to certify the right to use the land for construction purposes. 单位和个人依法使用的国有土地，由县级以上人民政府登记造册，核发证书，确认使用权；其中，中央国家机关使用的国有土地的具体登记发证机关，由国务院确定。 People ' s government at the country level shall register and put on record uses of land owned by the State by units or individuals and issue certificates to certify the right of use. The State Council shall designate specific units to register and put on record State-owned land used by central government organs. 确认林地、草原的所有权或者使用权，确认水面、滩涂的养殖使用权，分别依照《中华人民共和国森林法》、《中华人民共和国草原法》和《中华人民共和国渔业法》的有关规定办理。 Certifications of ownership or use right of wooded land and grassland and the uses or of water surface and beachland for breeding purpose shall be managed according to related provisions of the "Forest Law of the People ' s Republic of China", the "Grassland Law of the People ' s Republic of China" and the "Fisheries Law of the People ' s Republic of China". 第十二条依法改变土地权属和用途的，应当办理土地变更登记手续。 Article 12 Changes of owners and usages of land, should go through the land alteration registration procedures. 第十三条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。 Article 13 The ownership and use right of land registered according to law shall be protected by law and no unit or individual is eligible to infringe upon it. 第十四条农民集体所有的土地由本集体经济组织的成员承包经营，从事种植业、林业、畜牧业、渔业生产。土地承包经营期限为三十年。发包方和承包方应当订立承包合同，约定双方的权利和义务。承包经营土地的农民有保护和按照承包合同约定的用途合理利用土地的义务。农民的土地承包经营权受法律保护。 Article 14 Land collectively owned by peasant shall be contracted out to members of the collective economic organizations for use in crop farming, forestry, animal husbandry and fisheries production under a term of 30 years. The contractees should sign a contract with the correspondents contractor to define each other ' s rights and obligations. Peasants who have contracted land for operation are obliged to use the land rationally according to the purposes agreed upon in the contracts. The right of operation of land contracted by peasants shall be protected by law. 在土地承包经营期限内，对个别承包经营者之间承包的土地进行适当调整的，必须经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，并报乡（镇）人民政府和县级人民政府农业行政主管部门批准。 Within the validity term of a contract, the adjustment of land contracted by individual contractors should get the consent from over two-thirds majority vote of the villagers ' congress or over two-thirds of villagers ' representatives and then be submitted to land administrative departments of the township (town) people ' s government and county level people ' s

government for approval. 第十五条国有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。农民集体所有的土地，可以由本集体经济组织以外的单位或者个人承包经营，从事种植业、林业、畜牧业、渔业生产。

Article 15 Land owned by the State may be contracted out to units or individuals for farming, forestry, animal husbandry and fisheries operations. Land collectively owned by peasants may be contracted out to units or individuals who are not belonging to the corresponding collectives for farming, forestry, animal husbandry and fisheries operations. 发包方和承包方应当订立承包合同，约定双方的权利和义务。土地承包经营的期限由承包合同约定。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。 The contractees and contractors should sign land use contracts to define each other ' s rights and obligations. The contracted term for operation is to be agreed upon in the land use contracts. Contractors for the land operation are obliged to protect and use the land rationally according to the usages specified in the contracts. 农民集体所有的土地由本集体经济组织以外的单位或者个人承包经营的，必须经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，并报乡（镇）人民政府批准。 Whereas a land collectively owned by peasant is contracted out for operation to ones not belonging to the corresponding collective organizations, a consent should be got from the over two-thirds majority vote of the villagers ' congress or over two-thirds of the villagers ' representatives with the resulted contract being submitted to the township (town) people ' s



government for approval. 第十六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 16 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. 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。 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. 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。 Whereas parties concerned refuse to accept the decisions by related people ' s government the dispute may be brought before the people ' s court within 30 days after the notification on the decision is received. 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。 No party shall change the status quo of the land before the disputes over ownership and use right are settled. 100Test 下载频道开通，各类考试题目直接下载。详细请访问 [www.100test.com](http://www.100test.com)