

The Status Quo, Problems and Prospects of China's Rural "Three Lands System" Reform

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ABSTRACT

In the perspective of China's rural reform, land reform is a long-term issue that must be paid attention to. This study uses literature analysis and policy analysis method to sorts out the practice of the pilot reform of three land system in rural China, explores the existing problems of the current rural land reform in China, and summarizes and forecasts the direction of future rural land acquisition, collective operational land entering the market, and homestead reform. The results show that: in terms of land expropriation, first, the public interest and the development of the rural areas need to be defined operationally. Second, in terms of compensation for land acquisition, it is necessary to design a compensation scheme for housing expropriation on rural land; for the entry of collective business construction land into the market, firstly, the government should avoid using the planning power to let the collective construction land enter the market in name only; secondly, it is necessary to redefine "collective owned" and collective economic organizations, and develop and perfect them into an economic group that can enter the market; in terms of homestead, firstly, the right to use homestead needs to be redesigned; secondly, the paid acquisition and free trade of homestead need to be re standardized and systematized; thirdly, homestead is a safety valve for farmers, and its reform needs to be carried out prudently.

Keywords: Chinese rural land, rural "three lands", land reform

I. INTRODUCTION

On November 12, 2013, the Third Plenary Session of the 18th Central Committee of China passed the "Decision of the Central Committee of the Communist Party of China on Several Major Issues Concerning Comprehensive Deepening of Reform". The "Decision" pointed out: "It's needed to establish a unified urban and rural construction land market. Under the premise of compliance with planning and use control, rural collective operating construction land is allowed to sell, lease and buy shares, and enter the market with the same rights and prices as state-owned land. Measures should be taken to reduce the scope of land requisition, standardize land requisition procedures, and improve a reasonable, standardized and diversified guarantee mechanism for land-expropriated farmers. Efforts should be made to expand the scope of paid use of state-owned land and reduce the allocation of non-public interest land. It's necessary to establish a land value-added income distribution mechanism that takes into account the Chinese government, collectives, and individuals, and rationally increase personal income. It's also necessary to improve the secondary market for land lease, transfer and mortgage".

On December 2, 2014, Xi Jinping, General Secretary of the CPC Central Committee of China, presided over the seventh meeting of the Central Leading Group for Comprehensively Deepening Reform. The meeting deliberated the "Opinions on the Pilot Reform of Rural Land Expropriation, Collective Operational Construction Land Entering the Market, and Homestead System Reform". The Third Plenary Session of the 18th Central Committee of China clarified the direction and tasks of rural land system reforms. These three reforms involve a series of important systems such as the rural collective economic organization system and the villager autonomy system, and are related to the process of urbanization and agricultural modernization. It's necessary to always maintain, realize, and develop farmers' rights and interests as the starting point and goal, and adhere to the three bottom lines of keeping the public ownership of land unchanged, not breaking the red line of cultivated land, and not damaging the interests of farmers, so as to advance reform pilots in an orderly manner on this basis.

In 2014, the Central Committee of the Communist Party of China and the State Council issued the "Opinions on the Pilot Reform of Rural Land Expropriation, Collective Operational Construction

Land Entering the Market, and Homestead System Reform" (ZBF [2014] No. 71). Starting from the beginning of 2015, three pilot projects of rural land system reform were carried out in 33 counties and cities in China. All the pilot work will be completed by the end of December 2017, and the pilot projects later are extended for another two years to 2019. This is a major reform trial. After the trial, the experience of the trial will be comprehensively summarized and upgraded to the level of the Chinese government to provide practical experience for the readjustment of the land system and the revision of related laws such as the Land Management Law. Previously, the design and operation of the land system could not solve some of the existing problems, such as the excessively wide scope of land expropriation that infringed on collective interests in the land expropriation system, and the low compensation standard for land expropriation affected farmers' livelihoods and mass incidents; regarding collective operational construction land, the transfer of collective operational construction land is blocked and can't have the same right and price as state-owned land; in terms of homesteads, homesteads are idle and wasted, the circulation of homesteads is blocked, the invisible market is prominent, and the value of land property can't be highlighted, etc. All these widespread practical problems inevitably require the reform of the land system.

II. THE STATUS QUO OF CHINA'S RURAL "THREE LANDS" REFORM

China's rural "three lands" reform, in terms of reform of rural collective operational construction land entering the market, requires to explore and improve the land property rights system, grant rural collective operational construction land transfer, lease, and share equity capabilities, clarify the scope and channels of rural collective operational construction land entering the market, and establish and improve market transaction rules and service supervision systems. Regarding the reform of rural land expropriation, it is proposed to explore and reduce the scope of land expropriation, and improve the reasonable, standardized and diversified guarantee mechanism for land-expropriated farmers. Regarding the reform of the rural homestead system, it is required to improve the protection and acquisition of homestead rights and interests and explore the implementation of paid use in cases of exceeding standard occupation of homesteads and multiple houses, and farmers who have settled down in cities voluntarily withdraw or transfer their homesteads within the collective economic organization.

A. Substantial progress has been made in the pilot reform of the land expropriation system

Dingzhou, Hebei, takes the protection of farmers' interests as the starting point, clarifies the scope of land

acquisition, reconstructs the land acquisition procedures, and plans to include all the land acquisitions for all projects in the city into the scope of the reform pilot. Yucheng, Shandong, explored and formed a farmers' benefit protection mechanism of "one hosting, two improvements, and three guarantees", which effectively enhanced the sense of gain of land-expropriated farmers. The paragraphs 1 to 4 and 6 in Article 47 of "Land Administration Law of the People's Republic of China", stipulate that: "Whoever expropriates land shall compensate according to the original purpose of the expropriated land". Compensation fees for expropriated farmland include land compensation fees, resettlement subsidies, and compensation fees for ground attachments and young crops. The land compensation fee for expropriated cultivated land shall be six to ten times the average annual output value of the cultivated land in the three years preceding the expropriation. The resettlement subsidies for expropriated cultivated land shall be calculated according to the number of agricultural population to be resettled. The number of agricultural population to be resettled is calculated by dividing the amount of cultivated land expropriated by the average amount of cultivated land per capita of the expropriated unit before land acquisition. However, considering that with the rapid economic and social development, the current land acquisition compensation regulations have been difficult to adapt to the requirements of the development of the times, Yiwu, Zhejiang, has adopted the following measures: on the one hand, it calls for higher compensation for expropriated land, and since July 1, 2014, the compensation standard for land acquisition has been increased to 56,000 yuan per mu; on the other hand, it requires reducing the scope of land requisition, standardizing land requisition procedures, and improving a reasonable, standardized, and diverse social security mechanism for land-expropriated farmers. Through deepening the reform of the land requisition system in various pilot areas, the scope of land requisition has been further reduced, the land requisition procedures have become more standardized and perfect, and the compensation and shared value-added benefits of land-expropriated farmers have increased significantly.

B. Pilot projects to increase efficiency and capacity of collective operational construction land entering the market

In Deqing, Zhejiang, the local market entry has been normalized, and the adjustment to the market entry has been gradually promoted. A unified construction land market has been preliminarily established in urban and rural areas, which has realized land efficiency increase, farmers' income increase, collective growth, industrial upgrading and grass-roots governance strengthening. Based on the long-term transfer of collective

construction land, Nanhai, Guangdong, has made new explorations on the distribution of land value-added income among the Chinese government, collectives and individuals in accordance with the requirements of the central government. Pidu, Sichuan, has vigorously promoted the entering-market sample expansion and efficiency. So far, 29 transactions have been completed. At the same time, a special plan for the use of rural collective construction land has been completed. Zezhou, Shanxi, has achieved full coverage in terms of entry channels, entry methods and market entry uses. Meitan, Guizhou, combined the realities of rural industry, rural tourism, and ecological county construction, and coordinated and promoted the entering-market of collective operational construction land and achieved significant results. Farmers are the main force to promote the development of various rural reforms. The fundamental purpose of rural land system reform in Zhejiang Province is to insist on reform for farmers, rely on farmers, share the fruits of reform by farmers, and realize the maximization of social interests. In the process of exploring the reform of collective construction land, under the premise of compliance with planning, use control and legal acquisition, Deqing, Zhejiang, allows the transfer, lease, and shareholding of the right to use stock rural collective operational construction land, and implements the same access to the entry of the market, the same right and the same price as the state-owned construction land use right. As one of the pilot areas with the largest number of collective operational construction land entering the market in China, as early as June 2016, Deqing, Zhejiang, had entered the market with 45 cases, covering an area of 396.63 mu, with a price of 103.87 million yuan. As of December 2018, Deqing, Zhejiang, has entered the city with 183 collective operational construction land, covering 1,347 mu. Farmers and rural collective economic organizations have gained net income of 270 million yuan, benefiting more than 180,000 farmers, covering 65% of the population.

C. Comprehensive and in-depth advancement of the pilot reform of the homestead system

Yujiang, Jiangxi, has promoted the whole county as a whole. By the end of May this year, 1,040 natural villages in the county will comprehensively carry out a pilot homestead system reform. Pilot areas such as Jizhou in Tianjin, Yiwu in Zhejiang, Jinjiang in Fujian, and Pingluo in Ningxia are actively exploring and vitalizing the use of idle farm houses and homesteads to increase farmers' property income while ensuring housing for farmers. The main comrades in charge of the Yiwu Municipal Party Committee and Government of Zhejiang Province have personally grasped the reform and actively and steadily handled the problems left over from history. The homestead management information system was developed and put into use in

Wujin, Jiangsu and Jinjiang, Fujian. Yicheng coordinated three pilot reforms to stimulate endogenous motivation, boldly innovate, actively practice, and strive to create a "Yicheng model" that can be promoted, replicated, and revised in China, and has achieved remarkable results. The first is to consolidate the basic work and activate the "primary power" of reform; the second is to dare to break through the difficulties and demonstrate the "innovative power" of reform; the third is to highlight industrial support and stimulate the "endogenous force" of reform; the fourth is to persist in villagers' autonomy and strengthen the "cohesion" of reforms; the fifth is to share the fruits of reform and gather the "centripetal force" of the masses. The third paragraph of Article 62 of the "Land Administration Law of the People's Republic of China" stipulates: "The land for residential use of rural villagers shall be reviewed by the township (town) people's government and approved by the county-level people's government". In the process of this homestead reform and exploration, Yiwu, Zhejiang, formulated the "Interim Measures for the Democratic Management of Rural Land" to standardize the approval and supervision system for homesteads, optimize the approval process for homesteads, include the paid use and withdrawal of homesteads, income distribution, and farmland protection into the scope of village democratic decision-making, fully delegate to lower levels the power of examination and approval for subdivision of homestead, and entrust towns and streets to directly review, approve and implement the decentralization of approval authority for homestead. Since the decentralization of homestead approval authority, all towns and streets have handled 61,380 rural private housing approvals, which has greatly improved the efficiency of homestead approval and farmers' enthusiasm for building houses. In addition, Yiwu took the lead in establishing China's first rural homestead benchmark land price system. Since the first issue of China's rural homestead mortgage loans in December 2015, up to now, 24 financial institutions in the city have issued a total of 7,029 farmers' housing mortgage loans, with a loan amount of 3.409 billion yuan, accounting for more than 1/3 of the total number of pilot areas in China.

At present, the efforts to coordinate the advancement of the three pilot projects have been continuously increased, the overall, systematic and synergistic nature of the reform has been significantly enhanced, and the comprehensive benefits of the reform have become increasingly apparent. According to preliminary statistics, at present, 27 pilot areas have formulated and issued relevant policy documents in accordance with the requirements for overall planning and promotion of reform pilots, and 18 pilot areas have conducted practical exploration. Judging from the pilot tasks of newly-added collective operational

construction land entering the market, most of the pilot areas have completed the fishing survey and formulated a series of systems and measures to regulate market entry. On December 20, 2016, Lu County, Sichuan Province successfully auctioned a parcel of land, which became the first parcel of land in China to enter the market for collective operational construction land after the coordinated promotion of three pilot projects. Liuyang in Hunan, Huangyuan in Qinghai, Yicheng in Hubei, and Yining in Xinjiang and so on have also completed 11 collective operational construction land entering the market. Judging from the newly-added pilot tasks for the reform of the land expropriation system, the pilot areas are intensively working on work planning and system design, and some pilot areas with faster progress have begun to implement it. Changyuan, Henan, selected 19 parcels of lands with about 860 mu, and the land acquisition announcement has been issued. From the perspective of the overall planning and promotion of the pilot tasks, Deqing, Zhejiang, uses the method of simulation analysis, according to the current land acquisition compensation and resettlement policies and the market value-added income distribution model, to analyze and calculate the land acquisition and land supply data during the "12th Five-Year Plan" period, and explore a path suitable for Deqing to coordinate the two reforms. Horinger, Inner Mongolia, explored to increase the overall promotion of land acquisition and market access reforms, and organized exploration of reserved land to enter the market, so that land-expropriated farmers could fully share the land value-added benefits. From the perspective of coordinating the promotion of the three pilot projects and other reforms, at present, all the pilots have been included in the comprehensive new urbanization pilot, 14 have been included in the rural reform pilot area, the 15 homestead system reform pilots have all been included in the farmers' housing property rights mortgage loan pilot, and fewer pilot areas have been included in the pilot reform of the rural collective property rights system. Several types of pilot projects have been jointly promoted and coordinated with each other, and have achieved good reform linkage effects. Jinzhai, Anhui, has superimposed and promoted the reform of the homestead system with policies such as removal for poverty alleviation and relocation, reservoir migration, and renovation of dilapidated rural houses, realizing an organic combination of reform of the homestead system and poverty alleviation.

III. PROBLEMS IN CHINA'S RURAL "THREE LANDS" REFORM

A. Problems in the process of land acquisition

1) The land acquisition procedures are not strict:

The land acquisition procedure in China's rural areas mainly consists of four stages, namely business

identification, scope determination, compensation determination, and completion of acquisition. Although on the surface, there will be no problems at these stages. However, the simplification or lack of this procedure will lead to problems such as not reviewing the land use in rural land acquisition and the approval department not considering the actual public interest and focusing on the interests of the applicant or the local government. This makes land acquisitions that violate the public interest very common.

In the practice of land expropriation, it is also very common to not start from the existing land expropriation steps or procedures. The focus is on the following aspects: the first is that there is a phenomenon of transcending approval and illegal land grants; the second is that a legal identity is used to conceal an illegal cloak, and public benefit land is used for the purpose of commercial land to obtain economic benefits; the third is that the land is first occupied and then requisitioned.

2) Incomplete land compensation mechanism: At present, China's land management laws and regulations only specify the upper limit of resettlement subsidies and land compensation fees, and there is no clear inferior limit. This has caused developers, grassroots organizations and local governments to blindly reduce compensation fees in the actual implementation process, which has seriously damaged the legitimate rights and interests of rural farmers. At the same time, another important reason for the contradiction in compensation is that farmers' expectations of compensation standards are too high. As far as the current compensation standards are concerned, they are inconsistent with the current social consumption level. The influence of two factors makes it difficult for land compensation to meet the needs of farmers, and has a greater impact on the reform of the rural land system.

Land compensation is generally calculated on per capita basis, while house compensation is mainly calculated on the basis of the quality and area of the house. Generally speaking, these standards should be equal for everyone, and only in this way can the principle of fairness be reflected. However, in the actual process, a variety of different standards have been produced. Taking land compensation as an example: in survey, there are five or six different standards including 112,000/person and 170,000/person; as housing compensation involves the issue of housing quality, although the government has a rigid standard, how to measure quality in actual implementation has become a major issue. It's unknown that how many different standards exist in reality, but if this problem can't be effectively solved, the dissatisfaction of the people will grow.

In addition, the scope of compensation for land acquisition is narrow. In the process of land acquisition and compensation, the focus is to include land compensation fees, compensation fees for ground attachments, resettlement compensation fees and young crop compensation fees. It can be seen from this that land acquisition compensation is mainly limited to some direct losses related to the acquired land, but indirect losses and all incidental losses are not compensated, and the compensation scope becomes smaller. In addition, land acquisition compensation fees are very low. According to the current per capita income of farmers, compensation fees can only keep the pot boiling for 3 years. Because of the low compensation fees, people who depend on the land for their living can't have a secure life.

3) *Low participation of land-expropriated farmers:* According to regulations and normal land acquisition procedures, before land acquisition, the subject of land acquisition should inform the villagers of various matters concerning land acquisition through collective disclosure, including the scope and purpose of land acquisition, compensation for land acquisition, etc. Farmers should have the right to be heard, the right to know, and the right to put forward opinions when these affairs conflict with their own interests. In survey, most of the land-expropriated farmers said that they didn't feel any autonomy when they their lands were levied. It was the village collective and the government that had the power to decide. "没商量" ("no ifs and buts") were the three most common words they said. This reflects the serious inequality between the rights of farmers, collectives and the government.

B. Problems in the transfer of rural collective operational construction land entering the market

With the continuous development of urban-rural integration and the continuous improvement of rural infrastructure, basic conditions, and ecological environment, the value of the right to use rural collective operational construction land has become increasingly prominent, and the demand has also increased. Rural operational construction land for various purposes continues to emerge in the invisible land market to meet the needs of urban and rural construction land. However, due to the relatively lagging laws and regulations of the Chinese government on land, a series of problems have emerged in the pilot transfer of rural commercial construction land entering the market.

1) *Low utilization rate of rural collective construction land and serious idle waste:* Because rural collective construction land can't be the same rights and prices as state-owned land, the conditions for entering the market are hindered. Since the introduction of rural

collective construction land into the market, some areas have been actively experimenting to promote the introduction of collective construction land into the market. However, in the actual operation process, the entry of homesteads into the market is mainly affected by location factors, and most of the collective construction land is located in the suburban junction, or even further away. Therefore, the responsiveness of entering the market is not high, and collective construction land with poor location is difficult to enter the market, and the utilization rate is low and wasteful.

2) *The incomplete law have become a restrictive factor in the circulation of rural operational construction land into the market:* Although some regions have formulated corresponding pilot implementation plans for the entry of rural collective operational construction land into the market, the reality of entering the market presents a problem of lack of clear legal support. First, the construction land for collective operation has not been clarified by laws and regulations and can only be understood literally. As long as it is collectively operating construction land, it is considered to be rural collective operating construction land; the second is the lack of clear legal provisions to protect the actual value of the right to use rural collective operational construction land. All kinds of enterprises are skeptical and generally not enthusiastic about transactions. They still tend to purchase state-owned construction land use rights with legal basis; the third is that banks have great prejudice against the mortgage financing of rural collective operational construction land use rights. In the process of actual mortgage financing of enterprises, banks are usually unwilling to offer loans to rural collective construction land enterprises, and are skeptical of their market value and legal status of circulation.

3) *Income divergence has become a difficult point in the pilot project of rural collective operational construction land entering the market:* Since the entry of rural collective operational construction land into the market is still in the pilot stage, there is no clear legal definition and mature experience in income distribution, so the income distribution lacks theoretical basis and practical experience, and the connotation, distribution subject, and distribution method of income distribution are still in the exploratory stage. Although the proportion of income distribution in the existing pilot projects is determined by the participation of local governments, collectives and farmers' representatives, due to the lack of a unified and complete income distribution system, the participation of collective organizations and farmers' representatives becomes formalistic and still is dominated by governments'

income. It is difficult to balance the interests of the government, collectives and individual farmers. Within collective economic organizations, marriages, births and deaths have caused changes in the population of collective economic organizations, leading to serious differences in the distribution of benefits of rural collective operational construction land entering the market, and the driving of interests has led to conflicts among various subjects.

4) *Lack of a unified circulation platform, and "recessive dealings" disrupt the entering of market:* Against the current background and legal conditions, China only has a unified trading platform and a fixed trading venue for the trading of state-owned construction land use rights. With the continuous development of urbanization, especially the continuous improvement of rural infrastructure and basic conditions, the demand for construction land is increasing, and the value of the right to use rural collective construction land has become increasingly prominent. However, China still doesn't have a unified trading platform for rural collective operating construction land, which has prompted "recessive dealings" of rural operational construction land. First, the rural operating construction land with legal origins of right, clear boundaries, and clear themes needs to be transferred due to mismanagement, bankruptcy, merger, reorganization and other reasons, but the lack of a unified trading platform leads to recessive dealings. Second, the huge value-added space drives the use of collective construction land to be frequently introduced into the "black market" for circulation.

5) *Most don't comply with planned use control:* The legal transfer of the right to use rural commercial construction land should meet four conditions. One is to obtain it in accordance with the law, the second is that the subject is legal, the third is that the property rights are clear, and the fourth is that it conforms to the plan. Most of the current overall land use planning were revised in 2005-2010, and the pilot project of entering the market for rural collective operational construction land began in 2015 in 33 pilot counties in China. Therefore, when the plan was revised, the nature of collective construction land was not distinguished in the use control of the overall land use plan, and it was not even closely linked with urban and rural planning, and village and town planning. As a result, a large number of collective operating construction land didn't conform to the plan in terms of use, and the circulation was restricted by the planned use control.

C. Problems in the circulation of rural homesteads

The year of 2018 is the last year in which the Standing Committee of the National People's Congress authorized the State Council to select 33 cities and counties within China as the extension of the pilot reform of the "three lands". Since the pilot reform, China has implemented a series of reform measures with regard to the "three lands" policy, centering on rural land expropriation, collective operational construction land entering the market, and homestead system reform as the core content. And phased results have been achieved in the pilot reform areas. The reform of the "three lands" policy is closely related to the circulation of rural homesteads. The reform document of the rural homestead system proposes that "farmers who settle in cities are allowed to voluntarily withdraw or transfer their homesteads within the collective economic organization, and establishing a collective internal circulation mechanism for homesteads so that farmers can transfer and lease them within rural collective economic organizations" and other policies. Such policies have given room for reform in the circulation of rural homesteads and injected vitality into the circulation of rural homesteads. In the process of implementation, in order to solve the problem of the circulation of rural homesteads, it is necessary to clarify the laws and regulations related to the circulation, revitalize the large number of idle homesteads in rural areas, and integrate new problems and new plans in the "three lands" reform pilot areas. Based on this, it can not only guarantee the vital interests of farmers, but also improve the rural living environment. Based on the above problem orientation, it's needed to analyze the problems and propose corresponding solutions to provide reference for the current implementation of rural homestead transfer measures.

1) *The authentic right registration development of rural homestead is lagging behind:* The authentic right registration of real estate is related to the property interests of the national economy and the people's livelihood. Only the authentic right of homestead rights can provide more favorable legal protection for the property of farmers. From the analysis of the implementation effect of the "three lands" pilot area, there is still a certain lag in the authentic right registration of the transfer of rural homesteads. The separation of real estate and land in the "three-rights separation" has resulted in different authentic right registration departments. That is: the registration of rural houses is under the supervision of the real estate department, and the registration of homesteads is under the responsibility of the land resources department. For the time being, no effective joint supervision has been formed, which has affected the authentic right

registration of real estate to a certain extent. In addition, in terms of rural revitalization strategies, the circulation of rural homesteads is restricted by law. At the moment, the transfer of rural labor force and the lack of revenue motivation for the circulation of homesteads have caused many rural homesteads to fall into disrepair for a long time without management. However, in urban-rural areas, the transfer of homesteads has brought many profit drivers. Irregular homestead transfers are common. In turn, many illegal "small property houses" and "multiple houses in one household" have emerged, which caused certain resistance to the authentic right registration of rural homesteads.

2) *Single funding channel for rural homestead transfer*: In 2018, the Chinese government further implemented new measures in the pilot area of the "three lands" and launched a system of transferring value-added income adjustment funds to taxes. The document "Interim Measures for the Administration of the Collection and Use of the Land Value-added Income Adjustment Fund for Rural Collective Operational Construction Land" clearly states that from the end of 2015-2017, the land value-added adjustment fee shall be collected at 20%-50% of the value-added income of the land for entering the market or retransferring rural collective operating construction land. To a certain extent, it provides more sources of funds for the circulation of homesteads in the "three lands" pilot area. However, from the perspective of China's overall situation, promoting rural homestead transfer only through land value-added income and special government funds seems to have a single source of funds, and the stamina for the circulation reform of rural homestead will appear insufficient. The government can establish a corresponding financing guarantee mechanism, broaden funding channels in various ways, attract social capital to participate in investment, and revitalize the reserve resources for the circulation of homesteads.

3) *The planning and circulation of rural homesteads lack strengthened management*: According to relevant statistics, China has about 190,000 square kilometers of rural collective construction land, of which homesteads account for about 130,000 square kilometers. In recent years, China's rural land development has been changing rapidly, and the rural living environment has undergone major changes. However, due to the complex geographic conditions in China's rural areas, in the process of implementing the new rural construction plan, in addition to the implementation of the "increasing and decreasing linkage" and "shanty town reconstruction" measures in the urban-rural integration area, which are consistent

with urban land use planning, the vast majority of rural homesteads in China lack reasonable planning for housing construction, and it is difficult to form large-scale centralized development. Rural illegal construction is quite common. Some grassroots governments and related departments have different degrees of absence, dislocation and offside in rural housing construction and homestead management. In addition, there is insufficient control over planning permits and homestead approval management in rural construction. Only by changing the previous extensive management of rural homesteads and the indiscriminate building of houses in rural areas can it promote the construction of new rural areas and ensure that the circulation of homesteads proceeds in an orderly and legal manner.

IV. CONCLUSION

A. Land acquisition

The first is public interest and development of large scope of lands. Public interest is difficult to define entities and needs to be controlled by procedures. Therefore, how to regulate land acquisition procedures requires specific plans. At the same time, the levy on a large scope of lands is a descriptive concept and has no normative significance. The new law doesn't have specific restrictions on the levy on a large scope of lands. Therefore, how to reflect the levy on a large scope of lands in local regulations and policies is an important issue. The focus is on the specific meaning and operation path of the development of large scope of lands, and how to advance it in practice is an issue that need to be paid attention to when designing policies. On the premise that the development of large scope of lands conforms to the connotation of public interest, the specific operations of the development of large scope of lands can be based on the experience of developed countries: one is expropriation, involving the exercise of public power; the other is land reserves. If you take the road of land reserve, the government can't unilaterally determine the property interests of the other party, but rather act as a coordinator, coordinating the interests of residents, farmers and developers. This is one way out for the development of large scope of lands.

The second is compensation for land acquisition. In addition to the traditional compensation items for land expropriation, the new law emphasizes residential compensation for farmers. The expropriation of rural land involves more objects of expropriation of land and houses on the ground than the expropriation of houses on state-owned land. Therefore, it is necessary to design a compensation plan for the expropriation of houses on rural land. Otherwise, the design of the expropriation system expected by the new law will not be fully successful. At the same time, whether the standards and

definitions of the expropriation and compensation design should be embodied in welfare social security or emphasizing the property rights of farmers is the logical starting point of compensation, and the corresponding standards and realization paths are also different. According to the overall orientation of this round of land system reform, the property and market nature of land should be gradually released. Therefore, the expropriation compensation is mainly considered in accordance with the current value of the property and the value of the future market promotion, which will help promote the implementation of the land acquisition system. The "Regulations on Expropriation and Compensation of Houses on State-owned Land" has established a relatively mature market price formation and evaluation mechanism, which can be used for reference.

In addition, in the future land expropriation, the exercise of public power must be regulated to ensure that public power runs on the track of procedures; at the same time, a corresponding private rights system must be constructed. Public rights can be restricted through private rights enforcement. In particular, it is necessary to establish a comprehensive governance system for members of rural collective economic organizations, and complete the construction of the rules for the empowerment and exercise of rights of members of collective economic organizations. At the same time, in practice, some collectives propose that compensation should be reserved for the collective, especially in the context of the development of collective economic organizations and the reform of the property rights system, it should be clarified at the level of regulations and policies, and can't be completely resolved through collective autonomy.

B. Collective operational construction land into the market

The increase of collective operational construction land into the market in the primary supply market will play a certain role in breaking the original government monopoly. But the following problems need to be solved:

The first is the issue of planning. It is necessary to consider how to prevent the government from using the planning power to let collective construction land enter the market in name only. Second, the "collective" in the market for collective construction land is relatively virtual. Because the collective economic organization is not sound or the capacity of the collective economic organization is problematic, many places will entrust an actual implementation entity into the market instead of the original rural collective economic organization or the land owner. There may be flaws in this commissioning process and subsequent transactions. Therefore, how to realize the government's supervision

of this "virtual subject" requires specific policy norms to guide.

First, it is necessary to redefine "collective ownership" and collective economic organization, and develop and improve it into an economic organization that can enter the market. It can't still be understood as the traditional form of social security that is self-sufficient and "integration of politics and economy" with village groups as the unit. In system construction, it's necessary to respond to the special requirements of collective land. The first is the main body and organizational form of entering the market. Rural collective economic organizations are not the same as the state's market entry entities, which will inevitably lead to different market entry procedures. Second, the tax system must be different. The third is the supervision method: the two roles of the government on state-owned land are integrated, but the original supervision method on collective land is not feasible.

C. Homesteads

The right to use the homestead is the most trivial and difficult part of the next reform. First, it is difficult to solve the inherent deficiencies of the right to use the homestead with the "three-rights separation" structure. Because the right to use the homestead has its own identity, if the inherent deficiency can't be resolved, the subsequent system design will be difficult. There is a fundamental difference between the "three-rights separation" of homestead and the "three-rights separation" of contracted land, that is, the right to contract management itself is allowed to be transferred, and the homestead itself is not allowed to be transferred. In this regard, from the reform samples of Deqing and Yiwu, it is to transplant the land assignment and transfer system of state-owned land to collective land. That is, the collective takes back the right to use the homestead, and then signs a terminable construction land use right with a third party instead of the right to use the homestead. This is the collective assignment and transfer. The right to use homestead is the right to use collectively assigned land, turning it into the right to collectively transfer the land to realize free circulation.

The second is paid acquisition and free trading of homesteads. Homestead is a scarce resource, and its allocation should be carried out through the market. It is necessary to set a terminable construction land use right on the right to use homestead, but this idea needs to be systematic and standardized. The premise of establishing a construction land use right with a time limit on the homestead use right is that the homestead use right is a property right or real right. Therefore, the construction of the right to use homesteads into pure property rights should be promoted as soon as possible.

Third, several key issues have been induced after the homestead reform. One is the survival and development of farmers themselves. On the one hand, the state promotes urbanization, and on the other hand, it restricts the details of the marketization of land value. It needs to go forward and set up relevant systems and many doors. How to open this door and who has the key are issues that need to be explored. Second, on the issue of compensation for the withdrawal of housing sites, the subject of compensation for withdrawal is collective economic organizations. However, the current situation is that the rural collective economic organizations are relatively wealthy because they have other sources of income. However, in larger remote areas, collective economic organizations have no money, and compensation fees will eventually fall on the government. Who will make up for the withdrawal of the compensation mechanism and how to make up need to be planned as a whole with an implementation program.

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