Analyzing effects of Land Use Rights on Urbanization in P.R. China

(Case study in Jintai district of Baoji city)

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Analyzing effects of Land Use Rights on Urbanization in P.R. China

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by

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Abstract

Urbanization is increasingly taking place in many cities of P.R. China. Cities are usually growing under the government control mechanism by acquiring land from the surrounding villages. This research focuses on aspects of land use rights on urbanization, and its main objective is to analyze the situation of the villagers’ land use rights and land acquisition process for urbanization.

In order to achieve this objective, this research consists of critical theoretical studies on urbanization and land use rights including land acquisition procedures in China using the available scientific literature followed by the conduct of field work with intensive interviewing stakeholders such as residents/householders, villager leaders, developers and government authorities. Six villages are selected within Baoji city. Analysis of these primary data and secondary data land use spatial patterns are carried out using spreadsheets and GIS software.

The findings of this research study firstly show that urbanization takes place primarily in development of infrastructure with varied spatial land use structures and population migration for economic opportunities. Secondly under such regulatory framework, current land acquisition has affected the villagers’ land use rights and left them without compensation with land conflicts. The research further reveals the loss of opportunity in protecting collective land ownership and land use right systems in converting the collective owned land to the state-owned land.

At the end, this research offers the innovation pattern of the rural collective land property as improvement for protecting the villagers’ land rights during urbanization in China.

Key words: urbanization; land use right; land tenure
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1. Introduction

1.1. Background

Rapid urbanization in globalization poses enormous challenges to attain a high quality of life, livable neighborhoods, and a sense of moving forward within cities in sustainable manner. Urbanization happens so quickly but the policy structures designed for a rural society adjust too slowly, and urban managers often lack requisite skills and training (Masika 2003). With poor management and planning, cities are often initially overwhelmed by problems of congestion, pollution, unclean water and sprawl, as well as the development of urban slums, breeding poor health, crime and social unrest (Henderson 2007). This was the experience of many Latin American cities in the 1970s and 1980s, as described in the writings on Brazilian favelas. By the time Latin America was fully urbanized in 1990, the policies and institutional reforms needed to integrate former migrants into local society were long overdue (Seto 2006).

Urbanization is predominant a developing countries’ affair. It is estimated that 93 percent of the future urban population growth will occur in the cities of Asia and Africa (Forum 2006). Over the past 25 years, the urban growth rate in the developing world was 3 times higher than the rural growth rate. Over the next 25 years, the urban growth rate will be 25 times higher than rural growth rate (Sietchiping 2007).

Between 1952 and 1978, the level of Chinese urbanization grew from 12.5% to 17.9%, with an increase of only 5.4 percentage points over the 26-year period. According to the figure above, by the end of 2004, the level of urbanization reached 41.8%, 23.9 percentage points higher than the level in 1978, representing about 1 percentage point increase annually. Since the late 1990s, urbanization has entered a stage of rapid development, with an annual increase rate of nearly 1.5 percentage points (China(CPC) 2005).

Urbanization is not only regarded as a city expansion process, but also it is looked as an outcome
of social, economic and political developments. Because of the rapid urbanization in China, the urban land use structure has changed greatly either under government control absorbing the rural areas or villages developing urban characteristics themselves under the influence of a large city (Jing 2008). Although Chinese government at various administrative levels plays a key role in integrating urban and rural development in an appropriate and sustainable manner, but the contradiction or gap between urbanization and land utilization is currently getting obvious and tense. It is often argued that urban land use in China is not reasonably structured as there are too much unused land, and proportion of industrial land is too big while land for transportations and greenery are too small (Zhang 2004). These problems attribute to the lack of appropriate legal regulatory framework for city general planning and implementation procedure in compliance with the real needs of rural-urban society.

One of important measures to tackle the above problems is to reinforce land management making transparent land laws for the cities or towns (Lai 1995). The Chinese government adopted a series of policies and laws to address these above issues in land rights. Four of them are particularly important to the rural population. In 1993, the central government issued a policy directive that extended farmers’ land-use rights to a continuous and fixed term of 30 years. In 1998, the 30-year policy was embodied in formal law for the first time as a result of the adoption of the revised Land Management Law. The law explicitly mandates that land be contracted to the farm households for a term of 30 years. In 2002, the National People’s Congress enacted a Rural Land Contracting Law devoted entirely to the relationship between collectives’ land-ownership rights and farmers’ land-use rights. In 2007, China adopted a Property Law, the first comprehensive civil property code in modern Chinese history. The Property Law characterizes farmers’ rural land-use rights as property rights or rights in rem (as opposed to the contractual rights defined by previous laws), providing greater protection for the farmers’ land rights (NPC 2007). In view of these laws, land use right allocation could have dramatic effects on the city planning and administrative procedures. The land use rights could be allocated for the good benefits and interests of city environment and citizens. So it is interesting to observe the effects of land use rights on urbanization in China.

1.2. Justification

As stipulated by the Constitution of China, there are two types of land ownership in China namely State-owned Land and Collective-owned land. Collective-owned land is rural land collectively owned by the groups of farmers. Urban land and all other unspecified land are owned by the State. In China, there is no privately owned land, but individual or companies can hold land use rights on State-owned land or Collective-owned land.

With regards to urbanization in China, it generally refers to a process that the Non-State-owned land (e.g. land owned by collective units) is turned into State-owned land as needed for non-agricultural use. Along with the acceleration of urbanization, it is more obvious that this mode with a strong color of planned economy can hardly ensure that the basic land rights of peasants (or rural population) staying in the peri-urban areas (Huang 2006). They face multiple threats to their land rights both from the local government and the village officials; the most prominent threat is urbanization, and rural lands are expropriated for the urban uses during the
urbanization. It is also important that the benefits of rural regions and peasants (with appropriate compensation) are achieved while the developing pattern of urbanization with reasons (Guixin 2007). It can be showed that a lot of farm land has been changed to construction land in the urbanization. That means many peasants lost their lands and they are also without their works. Peasants losing land equals to losing the essential living elements (Zhao 1998).

It is argued that the current land allocation system and laws of protecting peasants' benefits or rights have lagged the realism of economic development. The Land use plan of utilizing land for the cities, villages and market towns strictly need to follow laws and rules on land. It needs to be built based on the obligation system of protecting land rights and it also needs to use the Real Right Law to protect land rights of peasants (Gouldb 2005).

Despite a series of central laws and policies, in practice, peasants or rural population who lose their land typically receive little or no compensation corresponding to their rights and interests. This is closely related to another source of insecurity of land rights in the persistent “readjustment” or “reallocation” of landholdings that are administratively conducted by the village officials (Prosterman 2007).

China is a developing country with a large population. For a rather long time, “hukou” registration system has been used to control flows of population from the rural to the urban areas. It is based on urban-rural dual social system, which is now the unique characteristic in Chinese Urbanization. Peasants who are migrating, working and living in urban society are still called “Peasants workers (or migrant workers in some literature)” as they do not have “hukou” in urban areas. Therefore citizenization of “peasants workers” which means they also have “hukou” in urban is the key signal to “we have completed the process of urbanization (Chan 1996).

Hukou is basically a resident permit given by the government of China. It is issued on family basis. Every family have a hukou booklet that records information about the family members, including name, birth date, relationship with each other, marriage status (and with whom if married), address and the employer (Zhang 2006).

So, in the above environment, insecurity of land use rights has become a complex issue, and the opportunities for expropriating lands with unfair compensation for the peasants are increased by both rapid growth of urban areas and misconception of the hukou system.

1.3. Prior works

A lot of articles have been written by many researchers about land information, urban land use, and urbanization and land property rights. Some of them are relevant to this research.

Some significant contributions can also be seen a published book in 2007: “China economic research and advisory programme”. In this book, it analyzed distinctive features of China’s urbanization; it also showed that we should strengthen rural property rights. A current problem is that migrants are discouraged or prohibited from disposing of their leaseholds when they move to cities. When such leaseholds are, instead, rented out, those renting have less financial
incentive to invest in the land. The retention of rural leaseholds by migrants to cities is viewed as some form of economic security for them, as if migrants could return to farming when the cities faced some kind of crisis. But a migrant who left a village as a teenager and returned 15 years later would not know how to farm. There is no personal security from the forced retention of these leaseholds. As noted the portability of rural wealth helps the integration into urban society of those who migrate. Finally the book provides policy options for urbanization in the next decade. The results can be described like a) remove barriers to the flow of rural surplus labor to cities, b) invest in rural labor, migrants, and their children, c) improve living conditions of migrants, d) avoid the emergence of over-crowded mega-cities, e) promote efficient use of natural resources, f)encourage efficient land use and reduce urban sprawl, g) reforming the urban administrative hierarchy (Henderson 2007).

Another article on “Land reform in rural China since the mid-1980s” pays particular attention to the land property right. The clarification of land property rights has proved to be still at an early stage. So far farmers have had insufficient property rights. In the farmers' land property rights as the contract term progresses to the due date there will be great uncertainty among farmers and an expectation of loss of productive capacity. This will tend to perpetuate the problem of underinvestment in land and fixed assets. In the example, the land shares are just paper entitlements, which lack the real attributes of shares in a joint stock company. In particular, farmers cannot get compensation for their shares even when they move to a city and are no longer active in their village. This lack of incentive tends to make farmers reluctant to leave their village. Thus, surplus agricultural labor continues to grow in villages, slowing down the progress of rural industrialization and urbanization.

As the inadequacy of property rights hinders the reform process, further clarification of farmers’ land rights will undoubtedly be a key issue. However, this area is still very controversial. Study is urgently needed on the nature and extent of land property rights that should be granted to farmers and protected. Otherwise, it is likely that the reform process will continue to be frustrated and may well stall. This issue also raises questions about the role of central and local governments. To date the central government has tended to stand back and leave decisions to the local authorities. However, the latter are calling for a clear general statement of policy; there would seem to be some justification for this position, as the issues are clearly of fundamental national importance (Chen 1999).

Another paper is a “The Hukou System and Rural-Urban Migration in China: Processes and Changes” written by Kam Wing Chan and Li Zhang concluded the hukou system reforms. The reality in the reform era has posed many challenges to the state to continue exercising tight control of rural-urban migration and micro-manage its outcomes. On the one hand, there is no significant change in the nature of the hukou system. The hukou system reforms in the 1980s and 1990s have been characterized by conditionally opening urban residency to rural people and relaxing, One’s socio-economic eligibility is still linked with his/her hukou status. On the other hand, economic reforms since the late 1970s have changed the previous multi-layered control structure in which the hukou system was an integrated part, thus weakening the effectiveness of the hukou system on monitoring and controlling the mobility of the population.
Under the economic reforms, job openings and the distribution of daily necessity control are no longer monopolized by the state. There are many jobs in the non-state sector, and almost all daily necessities are amply available on the market today. State-subsidized welfare for urban people has been reduced. The ongoing economic reforms and hukou system reforms have generated a series of new dilemmas in the administration of population distribution and rural-urban migration with many important consequences (Zhang 2005).

Zhu Keliang and Roy Prosterman wrote the article about “Securing Land Rights for Chinese Farmers”. In this article; it is mentioned that Farmers in China face multiple threats to their land rights from local government and village officials. The most prominent one is land expropriation or acquisition through eminent domain to satisfy demands of industrial growth or urban expansion. Despite a series of central laws and policies, in practice, farmers who lose their land typically receive little or no compensation.

Further in the article, it is mentioned that China adopted a Property Law in March 2007 that aims to strengthen the security of farmers’ land rights, and the next key step will be full implementation of the law. It is calculated that securing rural land rights would bring more than half a trillion dollars of value to the farmers. Implementing the property law requires major institutional and legal measures on several fronts that China must tackle in the immediate future (Prosterman 2007).

Much of this literature address aspects of urbanization concerned with land use, however, not enough attention has been paid to the adoption of new land law.

1.4. Research Problems

Although the Chinese government enacted a series of land laws to protect land uses rights of the people as described in the section 2, the citizens or peasants who live in the rural areas are facing many problems, some of them are:

Peasants are facing multiple threats to their land use rights from the local governments and the village officials.
The land use rights in the persistent readjustment or reallocation of land holdings are insecure.
People who loose their land receive little or no compensation corresponding to their use rights and interests.
Peasants are loosing their land and jobs due to the rapid change of farm lands into construction land.
The peasants are not aware enough about the policy and administrative procedures of the government.
Peasants do not have enough opportunity to participate in decision making process.
Many actors or stakeholders are involved in the urbanization.

In this research study, it is intention to look at the problems on regulatory framework consisting of a) land laws and land use allocation in term of equity, participatory and accountability for different organization at county and local levels, and b) procedures for acquiring
collective-owned land for urbanization. Since there are many actors or stakeholders involved in the urbanization, the main research problem for this study focuses on the analysis on the effects of land use rights in urbanization in China.

1.5. Research objectives

The main objective of this research is to analyze the effects of land use rights in urbanization in China. In order to achieve this research objective, the following sub-objectives are formulated.

a) To describe regulatory framework of urbanization and land utilization in terms of equity, participation and accountability.
b) To analyze effects of land use rights as defined in new land laws in relation with regulatory framework.

1.6. Research questions

Based on the research objectives defined above, the following questions are proposed to answer for fulfilling each sub-objective.

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<th>Questions</th>
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| a) To describe regulatory framework of urbanization and land utilization in terms of equity, participation and accountability. | Q1. What are the policies about urbanization and land utilization?  
Q2. What is the regulatory framework for governing the policies?  
Q3. How are laws and administrative procedures organized?  
Q4. Are land utilization practiced in terms of equity?  
Q5. How to enhance peasants’ participation in decision making process? |
| b) To analyze effects of land use rights as defined in new land laws in relation with regulatory framework. | Q6. Who are the stakeholders accountable for regulatory framework?  
Q7. How are land use rights implemented in rural area?  
Q8. How does new land laws control land use rights in land utilization?  
Q9. What are the difficulties faced by rural-urban dwellers?  
Q10. How does a local government / village official tackle these problems / difficulties? |

1.7. Research methodologies

The research will be done in five steps: proposal phase, literature review, data collection (including collection of primary data and secondary data), GIS data analysis, and thesis writing.
Step 1: Proposal Phase

In the first step, background, problems and objectives of the research are described using limited source of literature review. Then research questions which are to be answered for achieving the research objectives are outlined. This phase aims to give the main direction and the scope of research.

Step 2: Literature review

This step will form basis to support activities of all research phases as continuous work. So it will consist of selecting and studying relevant literature that will become the bases of the research, and will be used to support the initial research design and subsequent works. So literature about the research process, as well as literature about urbanization, land use rights and regulatory framework was searched and studied throughout the research.

Step 3: Data collection

In order to carry out this research, the case study approach will be used. Case study area will be a settlement called Baoji, which is located near Xi’an City. Two kinds of the relevant data for this research will be collected during field work.

Primary data
Secondary data.

Some relevant secondary data such as remote sensing image of the case study area will also be collected for starting collection of primary data, which is important to develop the fieldwork plan, and finally it will be used again in the analysis phase.

Primary Data

Interviews are the main source of data; this method is selected because the research questions pursue understanding of residents’ actions and it also helps to gain the interviewee trust by reducing his or her scepticism. Two types of interview will be used such as structured and semi structured.

i) Structured interviews

The Structured interviews will mainly be used to get the opinions of Baoji resident. This approach is the best alternative because it is easier to gain the interviewee trust, and also because the residents’ low educational level didn’t allow using other method.

The structured interviews will be conducted in face to face interviews and carried out only with a portion of Baoji population. The sample will be designed as a random stratified sample using RS image with 90% of confidence and 10% margin of error.
Questionnaire will be designed based on literature review, own experience and research questions. It will have open and closed-ended questions, only some open-ended questions will be used to let interviewee freedom when the questions search opinion. The closed-ended questions will mainly be used.

ii) Semi Structured interviews

These interviews will be used to get local government and village official’s opinions. In this way interviewees have freedom to answer the questions, and the interviewer has freedom to include new questions as they arise in the interview. The interviewees are members of Baoji (local government office) and cadastral offices, and representative of village officials to get their opinions regarding the settlement situation and the new land law.

Secondary data

The secondary sources will be provided by Baoji cadastral office as well as local government office. The sample cadastre data will be collected in digital as well as hardcopy format. The digital data can be subdivided into spatial (i.e. digital map data) and descriptive data collected by cadastre office during the field survey and land transaction in Baoji.

Field work will be carried in following four phases:
- Preparation including design of questionnaires both for residents and officers of cadastral office and local governments including village officials.
- Execution of field work including visits and interviews
- Preliminary analysis
- Reporting field work results

Step 4: Data analysis

Primary and secondary data will then be used for the analysis. The analysis begins presenting a snapshot of the situation of Baoji city in 2008. These snapshot used the secondary data collected, digital and documents, and they are compared to show the Land use right changes. Spatial data analysis will be performed using GIS software. Then, the identification of the process will be followed to document changes and the causes of those changes are based on the data gathered on structured interviews.

All questionnaires will be reviewed and check for completeness and consistency, and then they are returned to the responsible interviewer who solve the problems by inference or recall of the interviewer. While semi structured interviews are transcribed and used later in the analysis. The structured interviews are input to the statistical software package where analysis will be performed by using statistics and presented to respond the research questions in the form of bar chart, histogram, pie chart, etc.

Step 5: Thesis writing
A final thesis with the complete study will be written gradually, so that there is an understanding of the process followed and the findings.

1.8. Conceptual Research framework

The framework of this research is depicted in the following figure no.2. The figure shows that the data will be collected from secondary and primary sources in the fieldwork and the data will then be analyzed using GIS and statistical software to answer the research questions.

1.9. Resource requirements

The following resources for this research are required.

**Hardware**

i. Personal Computer with XP Window operating system connected to Internet
ii. Laser Printer and papers
iii. Voice recorder for interviews
iv. Hand held Camera

**Software**

v. Microsoft Office
vi. SPSS for statistical analysis
vii. ArcGIS software

**Data**

The primary data will be collected through interviews as described above. The following secondary data such as maps, high resolution images, and other necessary data such as land laws and documents concerning procedure, etc are collected from cadastral office, local government office and Prof Ma:

### 1.10. Brief description of fieldwork area

For this research work, Baoji city is chosen as my fieldwork area, because this city is a part of research project areas conducted by Prof. Zhimin Ma. So it is hoped that data collection will be easy and quick. Baoji is a city located in the southwest Shaanxi province, China. It has a population of 3,760,000 according to the 2001 Census, making it the 25th largest city in China; it is 162 km long from east to west and 159 km long from north to south. Its whole area, 8.8% of Shaanxi, is 18172 k㎡.

![Figure 1-3 Location of Baoji city within Shaanxi province of China](http://en.wikipedia.org/wiki/Baoji)

Baoji city lies in a valley opening out to the east and surrounded on three sides by hills. Its location is strategic, controlling a pass on the Qinling Mountains between the Wei Valley and the upper Han River. Passing through Baoji is the ancient North Silk Road, the northern most routes of about 2600 kilometers in length, which connected the ancient Chinese capital of Xian to the West over the Wushao Ling Pass to Wuwei(Guozhen 2002).

Detail information about the situation on land use and regulations will be obtained during the
fieldwork period.

1.11. Structure of thesis

Chapter 1 - Introduction: This chapter concerns about introduction of research work. It presents a general background of research problems with the support from various literatures. Then the objectives and questions are presented, and finally, it presents the methodology used and gives an overview of the structure of the thesis.

Chapter II - Theoretical Background: This chapter outlines the conceptual framework, it presents the theoretical background related to the study by reviewing relevant literature on the main issues discussed and it helps to define the basic concepts used in the research.

Chapter III - Land use rights and land acquisition in China: This chapter explains land use rights and gives the content and the general characteristics of land acquisition in China. It includes the relevant land use rights and the compensation system for land acquisition.

Chapter IV - Situation Analysis of land use rights in urbanization in Baoji - This chapter describes the findings and analysis made. It explains the research methodology which includes data collection in the fieldwork; it is used to show the causes of those changes and the way they have been done. At the same time, the effect of land use rights in urbanization in Baoji will be analyzed using quantitative methods. The study areas will be compared combining with spatial pattern feature, social-economic feature, and land use feature toward urbanization.

Chapter V - Innovation patterns of the rural collective land property- After the fieldwork, it is found some problems about land right system in rural areas, so this chapter further elaborates the loss of collective land ownership system and land use right system, and offers the innovation pattern of the rural collective land property as improvement for urbanization in China. And the innovation pattern is from the results of the fieldwork and literature studies together.

Chapter VI - Conclusions and Recommendations: This chapter finally concludes the outcomes of the research. It provides the conclusions and recommendations
2. Theoretical background

2.1. Introduction

This chapter outlines the conceptual framework and presents the theoretical background related to the study by reviewing relevant literature on the main issues required for the research.

In this chapter, the concepts and their relationship on urbanization and land use rights are defined to understand the research context; consequently, this chapter provides the fundamental definitions on urbanization, spatial growth, rural/urban migration and effects, factors causing urbanization, regulatory framework for urbanization, land acquisition processes, relationship between urbanization and land rights. So, the research questions two and four are answered.

2.2 What is urbanization

Urbanization refers to the process of formation and development of cities and towns. It displays multiple characteristics from the environmental and development aspects, including physical, social, institutional and demographic parts. The urbanization involves changes the human life and the life style, as a result of fertility rate change society. Very obvious density and inflation non-agricultural population, belongings, with specialized. This is a complex process, the system transforms for central individual and the family, but influenced by diversified factors, including the exchanging and concentrating of the two major systems: physical and social infrastructure. This is also the process all-around transformation and the change by the tradition to the modern society.

Urban geographers tend to research the spatial structure as the essential characteristic urbanized advancement. Cities are regarded as centers of management, mediators of trade, nodes of transportation and intermediaries in the pervasion of technology, information, and ideas. In the wording looked, urbanization refers to the process of “to become the city”. Therefore, it unified the consultative replenishment sociology, the economy and the spatial structure.

Indeed “becoming urban” results in inter-related changes of people. Thus urbanization is the process of transformation that has the impact of geographical areas when they become urban, during the urbanization, more and more area's lands and the people become included in cities, suburbs, and towns. Urbanization also refers to an advancement of cultural and sociological change caused by the change of rural life styles into urban. Therefore, urbanization causes a far-reaching change in the way man uses his environment. It is an expansion of the market economy and trade which are driving forces in the diffusible process and urbanization starts and proceeds in many different ways according to the geographical, economic and geopolitical position of the area (Timar 1992). Various geographical qualification, nature and culture, therefore, founds a great each scenery and the city.
Urbanization is the process that the countryside resident migrates to urban and shifts to citizens. The process that rural population migrates and is concentrated to urban areas, and change to citizens, refers to urbanize the success (Guixin 2002).

### 2.3. Spatial growth of urbanization

In the ordinary circumstances, it is known that spatial growth of a city is regarded as its socio-economic configuration, population scale and geographical circumstance. The development of a city is the whole outcome of reciprocity of several factors: society, economy, polity, geography, and demography. During them political factor may have the minimal bodeful feature. But in the certain circumstances, the policy possibly has a formidable influence urbanized advancement city in certain time.

The land use change takes place in the process of urbanization. To comprehend land use change in urban areas is a key aspect of planning for continual development. It also helps in designing plans to refute the negative effects of such changes. According to the literature review, simulation of future spatial urban patterns can offer insight into how our cities can develop under chagrining social, economic, and environmental terms.

The land utilization change has the major impact on living conditions for human beings. The land utilization change's whole world of the present and the recent overwhelming majority was the human behavior result, the active main purpose lies in the revision or the transformation land cover for the purposes of production and the settlement (Clark in 1997). Nowadays, the development of cities plays very important part in economic development in developing countries. Locally, enhancement in population and development in city economy demand more and more land to uphold such growth of a city, but in the region or in the global scale, there is no such infinite land area for city growth. Since a city very often is the development cost massive arable land, will cause many people, if there exists no enough farming land to supply enough grain, it would threaten human beings’ surviving. Therefore, it will be the very important study tendency of the urban expansion and the estimate future situation.

A simple land use change may result from a very complicated process, some part of which might not be simulated in mathematical simulation way. However, in the view of statistical method, it is possible to find some tendencies, a land utilization change city. Consequently, to find some model to proximate the process of urban expansion (Raynold 1998).

In this research, land use change and road pattern are used for analyzing dynamic change of spatial pattern. Therefore, the concept of pattern relates to logically ordering or regular arrangement in geo-space. The land use maps from two villages in Xi’an city in China are shown as figure 2-1, 2. From road and settlement pattern, the change can easily be identified (Jing 2007).
Houcun village: From figure 2-1, we can see the settlement boundary of village almost has no change, and also the main road still continues to use the old one. From 2000 to 2007, land use of surrounding areas has dramatically changed. In 2000, the most surrounding areas are unused. In 2007, however, the unused land turns to be green land. And there is no farmland surrounding. The texture of alley, however, has some changes. Some of them linked each other; some of them are divided into smaller ones (Jing 2007).

Wayaobao village: From figure 2-2, the most changes are about the road constriction. We can see from figure that there are two new highways are built up bear the village. Resulting from constructing new roads, the road patterns of these two years have many changes. The number of small road is deceased from 2000 to 2007. In addition, more agriculture land turned to be construction land already during these years. And also lots of agriculture land is starting transforming to construction land. The number of agriculture land is decreased sharply. There is only 12% agriculture land left in 2007 (Jing 2007).
2.4 Rural/urban migration and effects

2.4.1. Overview rural-urban migration

Migration is a form of geographical or special motion between one geographical unit and another. Internal migration arrives at rural-rural, rural-urban, urban-urban and urban-rural move. Migration is continuing and repeated process rather than a sole event. Because of these facts, this is weighs with difficulty and studies. Migration time also differs, it can be periodic, seasonal characteristic, or long-term migration (Bilsborrow 2001).

Migration is the primary cause for swift growth of super-cities. Migration has continued for several centuries and it is normal phenomenon. When taking into consideration urbanization rural-urban and urban-rural and rural-rural migrations are very important. Urban-urban migration means that people move from one city to another. This is quite common, for example, in Nigeria (Nwajiuba 2005).

2.4.2. The factors of rural-urban migration

The driving forces of rural to urban migration are commonly characterized by push and pull factors.

2.4.2.1. Push factors

Falling off commodity prices, high rates of population growth, lack of employment, limited opportunities, need to support a more widespread family, the ordinary factors to rural people are the conditions that make their earning of living impossible, land destroy, lack of enough not equal land distribution, aridity storms, floods, and clean water shortages. These serious shortcomings cause the agriculture, the livelihood of rural people, hard and sometimes despair. Lack of modern resources, firewood shortages, religious conflicts, local economic slides, are also major reasons for moving to the urban areas (Hare 1999; Huang 2003).

2.4.2.2. Pull factors

Pull factors include money economy, the employment prospect, better education and lifestyles, entertainment and social facilities, changing expectation and the existence of family support network. High industrial wages in urban areas are one of the great scenic spot for rural people. People will continue to migrate to cities as long as they expect urban wages to surpass their current rural wages. Employment opportunities, higher incomes, joining other rural refugees, freedom from unfair lifestyle, access to better health care and education, are the “bright lights” for countryside resident. One of the main reasons for people to move to the urban areas is that the situation in the rural areas is very difficult. Along with the income level already was the impossible life. In this case, even if the wages is low, has the attraction in the countryside area compared to the non-existing salary in the countryside area (Hare 1999).
Besides the push and pull factors, the effects of other personal and household characteristics, such as age, gender, education level, family size, and etc, are always the behalf of economists and are carefully examined.

2.5. Regulatory framework for urbanization

2.5.1. The description of regulatory framework

The rapid rate of urbanization in developing countries has been the matter of many papers, books, workshops, reports, and development policies. It is noted that the speed of urbanization is high, but public sectors have not offer this rapidly urbanizing population with the essential services and infrastructure, including planned land, for orderly development (UNCHS 1996).

The regulatory framework is conceived as frame proposed under three broad headings, namely administrative procedures, including the institutional set up, planning standards, and planning regulations (Payne 2004).

1) Administrative procedures set out the way and the organizations through which the public authorities and the citizens have to go, to achieve their purpose of supplying or obtaining land, with the aim of finishing time, land owners are acknowledged for the legitimate owner and the developer land.

2) Planning standards regulate how the settlement should look like in “quality”. They include plot light-sized, least the facade and the lowest depth, and road widths, and provisions for public sector and society and economic uses.

3) Planning regulations are rules that allow or rejection conspiratorial activity, on the plot or in an area; or subscribe the bright way the plot can be developed or used. They include land use/district controls, plot-use restrictions, and building setbacks.

2.6. Land acquisition

Land acquisition in developed countries is mainly used as a tool to protect or maintenance opening space and parks, to protect natural ecological systems such as forest and wetland, to resume damaged environmental systems, to develop and manage water resources and supply, to provide access to public, to enhance public land management, and to protect land for conservation easements. Land acquisition has been used as a policy instrument to correct market failures in urban development, to achieve environmental and social objectives, or to help to execution land utilization plan (Ding 2005).

2.6. 1. Land acquisition process (example in Finland)

In order to learn the experience of land acquisition process in other countries, this chapter uses Finland as examples. As it has the advanced experience of participant of landowners. From
learning these advanced experiences, we can get the idea of how we can involve the peasants as stakeholder in the process in China to understand land acquisition process.

When land acquisition is necessary for public need in Finland ((for example to complete a project for highways, main roads, airports, military areas, nature protection areas etc.) it is possible to choose different ways to make progress. These are:

- Voluntary purchase,
- Compulsory purchase or
- Land consolidation (adjusting).

Voluntary purchase means transaction or switching of land. Compulsory purchase means acquisition of land area with right of ownership or right of use. Land arrangements mean new types of land reallocation and are intended to replace the old system's division. Nowadays in Finland several land consolidation projects, including the package which redistributes, has been executed. These projects and implementation natural conservation programmer and improvement road and railroad safety.

2.6. 1.1. The current situation of land acquisition process and stakeholders

In the acquisition process it is essential on the one hand to have a clasp between government officials and on the other hand an impartial and fair treatment for landowners and other interested sides. During the process it is possible to seek a result, which conforms an acquisitor and at the same time produces as little as possible disadvantages for the landowner (Wekwete 1994.).

When the project person in charge—National Land investigates of Finland, starts the process. The first inspects the possibilities for voluntary agreement and then the possibilities for land arrangement (land exchange or redistribution of land). If these options are impossible the purchase procedure will start (Chan 2003).

The acquisitor prepares a plan (at least a overall plan) for a project. The plan will be presented to landowner and will officially be accepted by a national responsible representative. The plan consists of: New domains, which will be needed for a project; a proposal how disadvantages for landowners are generally possible to avoid or compensate; a time-table; and a cost estimate. The acquisitor starts the process by asking the local land survey office to carry out the project of land consolidation. The land survey office nominates a land surveyor, who requests the bailee project. The surveyor prepares a project plan with the acquisitor and experts.

The first step of the process is an opening meeting. The acquisitor, landowners and other interested sides including supporting experts (e.g. forest surveyor) will be called into the meeting. If possible, the inspection of the objects is a period after or, at soon opening ceremony. In the beginning of the meeting and inspection the landowners can tell about their views of present circumstances, which enable the surveyor to appraise situation before acquisition.
decisions. The landowners can tell what kind of solution they regard as the best solution for themselves. The main issue, however, is that the needs of the acquisitor will be guaranteed.

The committee valuates the object, disadvantages and damages using the support of experts for each alternative choice of implementation.

The next step is to consult landowners and the acquisitor about the different execution possibilities. The committee anticipates the result of voluntary agreement with the help of consultation, which can be a sale agreement, land exchange or land arrangement. Land arrangement includes distribution of the rights on the reorganization land (e.g. right of way) and an exchange or redistribution.

If implementation of voluntary agreements is impossible, the investigation committee will prepare to force to plan. The committee introduces the plan for interested parties and decides about the land arrangement (rights and parcels). It is possible to complain oppose this decision to the land court.

If there have not been found any solutions to get to the acquisition process by a voluntary agreement or by compulsory reallocation plan during the land consolidation process there are good principles and motions to start purchase procedure. In such a case an acquisitor will start separate expropriator advancement.

When the land court has done its considerations about the case, the investigation committee will make final decisions, which will include at least decisions on real property formation, through power and compensations. The land surveyor will also register the changes in cadastre. After completion the acquisitor can take a new domain in possession and carry on the project.

The general goal is that the duration of the process is possible to carry out in two years. The experience has shown, that about 95 % of cases are possible to solve in the land arrangement process and only approximately 5 % of the cases go to the acquisition advancement.

2.6.1.2. Landowners’ participation

In the land acquisition process in Finland, the landowners are participated in the whole process.

Before the implementation of the land purchase process, the plan (at least a overall plan) for a project prepared by the acquisition should be submitted to landowners.

Then on the first step of the land acquisition process, there will be a opening meeting where the landowners can tell about their opinions of present circumstances and can tell what solution they regard as the best solution for themselves.

During the process, the landowners are consulted about different operational practice possibility, there are three choices: voluntary agreements, compulsory purchase and land consolidation.
2.7. Conceptual framework on relationship between Urbanization and Land Rights

Urbanization will be the developing country’s internal affairs. There was the appraisal said that 93 percent of the future urban population growth will happen in the cities of some countries. The land taking occurs during the urbanization. The government takes over for use the land to use in the non-agricultural use through taking over for use the authority, possibly is most obvious and the most controversial countryside question in the modern days. Farmers often cannot obtain the suitable procedure, owing to insufficient compensation as well as a lack of procedural transparency (Zhu Keliang et al. 2006). Accordingly, farmers are facing an more and more big threat of losing their land and livelihoods to urbanization and nonagricultural development. First, a large amount of rural land is taken or expropriated by governments for personal or the commercial use. Second, lacks the proper procedure to prevent the farmer to express their opinion. Finally, full is important, compensates the farmer to lose the land often is not full (Ling 2003).

Why are land rights so important? The question goes to the heart of poverty alleviation and income growth in the countryside. The land is the only greatest property is in the world countryside poor person. Moreover, the land is the most basic property and the best social welfare going out farmer. Implementing secure land rights not only causes farmers to invest more, but has also been shown to promote the rural land-transfer market which further promotes agricultural combined earnings and the whole economic growth. In a developed land market, such as exists in comparable developing countries like India and Indonesia, the average value of one hectare of agricultural land with full private restriction is about $5,000. However, Chinese farmers have 30-year use rights instead of full private ownership. When economic value's 30 year use tenure in office starts, is probably 75 % to 95 % of the value of full private ownership. All the differences lie in land rights. One of the key characteristics of safeguard land rights is that the farmers has the effective written matter, confirms these rights (Prosterman 2007).

If the government proposed the similar energy to issue documentation of land-use rights, tens of millions of additional rural families will likely receive possibly proper documentation that will enhance the land use security greatly, and start investment.

The next table shows us the relationship between land right and urbanization.

<table>
<thead>
<tr>
<th>Land right</th>
<th>Urbanization</th>
<th>Before urbanization</th>
<th>After urbanization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land ownership</td>
<td>Collective owned land</td>
<td>Converting collective owned land to state owned land</td>
<td></td>
</tr>
</tbody>
</table>

Table 2-1 The relationship between land right and urbanization in rural areas
Land use right

The influential role in Chinese countryside is land contracting rights. Land contracting rights (Chengbao in Chinese) are the rights for the members of countryside collective economic organizations (CEOs) to contract land owned by the CEOs or other owners for cultivation or similar uses. The term of rights to use collective land for cultivation or similar goal is: The term for cultivated land is for 30 years, for lawn it is from 30 to 50 years. The form of Land contracting rights is “Household responsibility contract system”.

Land use rights can transfer, subcontract and stock, lease, mortgage, etc.

- Land use rights transfer: The village committees and other agriculture economic organizations offer the collective land use rights to land users in a certain term; the users pay the fare for using the land.
- Land use rights subcontract and stock: The land owners and users join the stock in the form of the value of the land use according to the laws.
- Land use rights lease: the collective land users as lessors, supply the land use rights to lessees, and get the rent.
- Land use rights mortgage: the land users as mortgager depend on the legal land use rights and won't transfer the way of possession, afford debt surety to creditors.

2.8. Concluding remarks

Urbanization is growing rapidly in many countries. The growth rate of population is high in developing

Spatial growth of a city is regarded as society, economy, polity, geography, and demography. The land use change and road pattern take place in the process of urbanization.

Migration is a form of geographical or special motion between one geographical unit and another. It happened between rural-rural, rural-urban, urban-urban and urban-rural move. The driving forces of rural to urban migration are commonly characterized by push and pull factors too.
The regulatory framework of urbanization is conceived as frame proposed under three broad headings, namely administrative procedures, including the institutional set up, planning standards, and planning regulations

What we can learn from the example in Finland of land acquisition process is how the landowner (in China is peasants) act during the whole process. In Finland the landowners are given certain right to participate the process. Before the land acquisition process, the project plan is presented to the landowners and the landowners can attend the opening meeting at the beginning of the process, during the process they are consulted about the different implementation possibilities.

During urbanization, the land ownership has changed from collective owned land to state owned land. In addition, the land use right also has many changes, before urbanization, the main role of land use right is land contracting right. The form of Land contracting right is “Household responsibility contract system”. After urbanization, land use right changes a lot, it can transfer, subcontract and stock, lease, mortgage, etc.
3. Land use rights and regulatory framework of Urbanization in China

3.1. Introduction

In chapter two, it has provided the theoretical background related to the urbanization in worldwide. So in chapter three, we need to pay attention to the situation in China.

To understand the research context, concepts and their relationship should be defined. Such as land tenure systems: state owned land and collective owned land, land use rights, land administration systems: land policies and laws, land registration system, hukou system, land acquisition and compensation, urbanisation: the related laws and the role of stakeholders, land rights analysis in rural areas: rural collective land use rights, land contracting rights, household responsibility contracting rights, farmers' property rights. The research question one, three, five, six, seven are solved in this chapter.

3.2. Land Tenure Systems in China

Land tenure is the relationship, whether defined legally or customarily, among people, as individuals or association, related land. Land tenure is a system, like the rules created by social norm behavior. Rules of tenure define how property rights to land are to be allocated in societies. They define how access is granted to rights to use, control, and transfer land, including related to responsibilities and restraints. Simply speaking, land tenure systems determine who can use who use what resources how long, as well as in what condition (Yun 2002).

Land tenure is an important part of social, political and economic developments. It is multi-aspects, bringing into play social, and technical, economic, legal and political structures which are often neglected but should perform to consider. Land tenure relationships may be are clear with coercible in a formal court of law or adopt the traditional structures in the public. Alternatively, they may be relatively poorly defined with ambiguities open to acquisition (Yun 2002).

These are the two kinds of land tenure in China: state owned land and collective owned land. The state owned refers to the land to belong to the state this does not permit the transfer land ownership this kind of land. The collective means countryside community has the land, is authorized with all member's countryside community equal share collective all lands. all land in China is owned by the state or by collectives (Weidong 2001).

Before introducing ‘open door’ policy in 1978, people were permitted to own personal land after the establishing of new China in 1949. But the system of private ownership of land quitted said finally in 1966. (Li 2003).
After the introduction of the ‘open door’ policy in 1978, China has adopted a land use rights tenure system which is similar to the leasehold tenure system in Western countries. It states that land and buildings /improvements should regard as two independent entities. According to People’s Republic of China land control law's in 1986 (PRCLAL), and revised in 1998, all city's land belonged to the national all countryside land to belong to the farmer collective to possess. The land user may use the land and the building and improve it. Along with the land employment right system, was our country only after 1986, in was at this time all land use regards as the assignment, the user may continue to use their payment year land use tax, or the transfer land employment right (LUR) integrated “naturally “the payment batch of place premium. The land ownership and the land employment right (LURs) possible to separate, the land ownership was still the country and LURs is possibly shifted Local government's law to represent the country

The report also pointed out that the land and the building regard as two independent entities. The land user may use own land and the building, including improves it, but the dominion land still grasped in this country or the farmer collective possesses. In view of the fact that in the characteristic the earth term (limitation system, the personal land ownership does not exist in China. As for forces to take over for use the land the attention, gains the authority in fact only to obtain LURs.

The table below shows the current situation related to Chinese land tenure system

<table>
<thead>
<tr>
<th>Type</th>
<th>Land in cities and towns</th>
<th>Land in rural areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ownership</td>
<td>State</td>
<td>Different collective organizations</td>
</tr>
<tr>
<td>Usership</td>
<td>Individual organization</td>
<td>Individual collective organization</td>
</tr>
<tr>
<td>Way of obtaining Usership</td>
<td>Allocation/Granting</td>
<td></td>
</tr>
<tr>
<td>Transfer</td>
<td>Only acts on granted parcels</td>
<td>No</td>
</tr>
<tr>
<td>Way of the ownership change</td>
<td>Only acts on granted parcels</td>
<td></td>
</tr>
<tr>
<td>Mortgage</td>
<td>Only acts on granted parcels</td>
<td>No</td>
</tr>
<tr>
<td>Lease</td>
<td>1. Yes, to granted parcels</td>
<td>Yes, under certain conditions</td>
</tr>
<tr>
<td></td>
<td>2. State owned lands without users can be leased under certain conditions</td>
<td></td>
</tr>
</tbody>
</table>

3.2.1. State Owned Land

State-owned land is taken by the government. The whole property in cities is state-owned, but a large portion of land in towns is still not. The most term of use rights to residential property is 70 years. Such rights can be traded freely among private citizens, the prices determined by the value of market. The system of state ownership of land didn’t give any restraints on the towns’ development.
3.2.2. Collective Owned Land

Collective land areas have the part of housing improvement and the agricultural land. In these two kind of situations, members of the collective are given use rights to concrete land. All village land is collective, and a big part of land in rural areas, including land within the built-up district countryside area, is also a collective.

Collective land cannot be traded freely, as only a member of the collective can obtain the right of use in the collective to it. Although use rights of collective land are sometimes exchanged in individual exchange transaction, the change does not have official written and the preservation or approves legally. When collective land is developed, it must be turned to state land first; owners of use rights may obtain compensation.

There are successive challenges of collective land in rural areas. First, the way to supply compensation for acquisition is the problem as use rights are not the free sale. Market prices can only be possible to make sure of the comparison with similar issues on state land, which is difficult in reality because of different types of organizations is located in the cities state-owned land. Generally compensation includes only the improvements on the land (constructions). Between the debate compensation for acquisition land leads to conflicts between farmers and government. In addition, without use rights to the land, farmers lack the drive investment to improve their homeland. These improvements include increasing buildings to deal with demand to rent the public building farmer to be very difficult to obtain the loan, the house repair or other goals in any situation, because they do not have the genuine attached gauge.

![Diagram of land ownership types](image)

**Figure 3-1 The types of land ownership**
3.3. Land use rights

In the early 1980s, China set up Special Economic Development Zones (SEDZs) in the littoral regions. The ‘Land-use rights system’ as well as the tax-free was the privileges given to these districts. It allowed foreign investors to obtain the land by leasing land in the long time.

Investors paid up-front land-use rights fees and rents. This was a basic change in land policy. Land Administration Law passed in 1986 was a most remarkable change to land policy. It legalized personal organizations and individuals to access the state-owned land to attempt to develop the land market development in China. The State Council proclaimed “The Provisional Regulation on the Granting and Transferring of the Land Rights over State-Owned Land in Cities and Towns” in 1991 provides a substantial legal guidance to the Land Administration Law. Now land users were permitted the hiring, the transfer, the renting and the mortgage land-use rights (Valletta 2001). After that, similar land-use rights have spread throughout the states.

Before economic reform began in China, the traditional way for most state-owned business, government organizations to get land-use rights is suitable in the government and obtains assigns land.

Table 3-2 The types of land-use right

<table>
<thead>
<tr>
<th>No.</th>
<th>Category name</th>
<th>Concept</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Allocated land-use right.</td>
<td>The acquisition of a land-use right itself was free, eliminating compensation to farmers if the land comes from farmland. The compensation rate is on the independent market value land specific position nearly.</td>
<td>An allocated land-use right is not transferable and cannot be hired or mortgaged. Now, possessors of allocated land-use rights are required to pay a land-use fee each year.</td>
</tr>
<tr>
<td>2</td>
<td>Granted land-use right.</td>
<td>An innovative way of extending land-use rights was found as result of the market economy. This is a granted land-use right. The holder of a granted land-use right needs to pay a massive land-grant fee to the government for gaining it.</td>
<td>Within the term of a land-use right, the possessor of granted land-use right has a “the user jurisdiction” similar to that of an owner. The land is transferable, and can be hired and mortgaged.</td>
</tr>
</tbody>
</table>
Unlike the possessor of allocated land-use right, usually the land user with a granted land-use right is not need to pay a land-use fee each year. Where (in some cities specially) both the allocated land user and granted land user are given to pay a land-use fee, the amount paid by granted land user to be much smaller.

3.4. Land administration Systems in China

3.4.1. Land policy issues

After 1949, the land reform initiates, reducing the social not equal confiscation to be rich, then redistributes for the poor person. By 1958, all land was either state-or collectively possessed. Urban land was state owned whereas plants crops were collectively owned. This type of land ownership structure remains and continues to the present day and continues to play the influential role, the urban development support reform time.

Land policy has gradually changes from 1978. Changes included the adoption of the land leasehold system-land-use rights, land-taxation and use fees, farmland protection, land administration, and regulations on land markets (Wiebe 1998).

As the land in China belongs to the state, corporate entities and individuals do not own land though they may own the property surpass the land, the Chinese management legal structure including the standard land employment right and the property rights building and the property. Under the land-title system there is no private land ownership. Land is owned by the state or rural collects in terms of agricultural lands (rights are obtainable through bidding or going on the market advancement), granted land-use rights (or administrative examination government, and through contract and countryside collective) and non-granted land-use rights (Zu Hong 1990).

Granted land-use rights provide security of tenure and more flexibility to the land-use rights of the land, in contrast to the non-granted land-use rights that lack these important attributes. Nonetheless, one of the problems facing the system is that land-use rights are granted mostly based on agreements and not over market organizations, thus realizing the feasibility of achieving competitive pricing over land is the futile effort. This caused the land employment right the price which awarded to be lower than the market value to create the loss the country (Yu H.Y., 2005).

As China is facing a vast increase in populations, insufficiency of land in the country becomes apparent. The continuous constructions is specially unceasingly is the city expands in the countryside and the urban area goal destroys the land resource without doubt. Though the land administration law has already abused controls over the misapply of land, more can
obtain diligently in the applicable legislation and organization's land resource (Zen, F., 2004).

3.4.2. Land management laws

China’s land reform has been important but path is full safeguard, marketable and long-term land rights for all farmers are still a long one. China will be able to duplicate this kind of experience, if the government could effectively and carries out it to favor farmer's policy and the law recently faithfully. The Chinese government adopted a series of laws, some of them are especially important.

- In 1993, the Central authority has published a policy instruction, the extended farmer land use right to a non-interrupt and the fixed deadline are 30 years. This was first time, farmers’ land use rights have substantial lengthens, and afterward it has some kind of degree actual execution situation at least.

- In 1998, the 30-year was embodied in formal law for the tie as a result of the adoption of the land management law. This law is clear about the duty that land be contracted to peasant households for a term of 30 years. At the same time, China started the huge movement to implement the new policy, including issuance of land rights documentation to farmers and widespread propaganda 30 year time rights.

- In 2002, the Notional People’s Congress established a rural land contracting law to devote completely to the relationship rights and farmers’ land use rights. The RLCL clarified the content of land use rights and provided the law remedial treatment any offendences.

- In 2007, China adopted a property law, the first synthetically folk property code in modern Chinese history. Reality of laws characteristic farmers’ rural land use rights as property rights or real rights (but is not contract right legal limits front), supplying the better protection small peasant household's land right.

3.4.3. Land registration system

Land registration and authentication system are a basic system needed according to our country's law. After surveying and registration of these lands the People’s governments at or above county level has no alternative t but issue land certification to the landholders/users.

There is several important information or data that are registered during land registration. The following are the main data concerning:

- Characters of land rights such as state owned land use rights, collective land use rights and other rights on land (mortgage and lease).
- Source of land rights. It includes sources how state land ownership, collective land
ownership, owned land use rights, collective land use rights and other rights are obtained.

- Land parcel location and relative location of neighbouring parcels.
- Land parcels areas
- Land use aim (classification of land)
- Land grading and land price. According some regulation, the urban city land classified two classes: grade or rank.
- Land use conditions such as: areas occupied by building, floor area ratio, building density, building types.

3.4.3.1. Types of land registration in China

Land registration in China is divided into initial land registration and change land registration.

Initial land registration, it is also called whole registration, is the universal land registration covering the complete area in a region. This develops the civil administration area. The physical boundaries or land parcel boundaries are based on the foundation administrative boundaries. In cities and towns, the boundary units following level are country, province, district, and city-street to prevent. In rural areas its small unites derives from the country, province, district, county, township and village. In two kinds of situations, the smallest units are a land parcel.

Change land registration, it is in fact land registration that insists for land registers and provides services to the users, owners and individuals who have the land rights, when status such as land rights or land utilization has changed. Any modification must register in the local cadastre office in this local basis “the management law” in China (Ning 2006).

Change land registration includes all registration. It includes:

1) Setting up the rights (ownership, use, and other rights) of the parcel.
2) Changing the rights (ownership, use, and other rights).
3) Changing the name, address, land use and so forth.
4) Ending of land registration of a parcel by issuing new certificate.

The difference between initial land registration and change land registration lies in the following:

a) The former covers the complete area in region while the latter refers to several parcels when changes in region.

b) The initial land registration is one-time, after initial land registration the change land registration becomes a tradition.

3.4.3.2. Procedure of land registration
The main overall procedure of the land registration consists of six steps as follow and detail explanation is given.

- Application. The obligee of land submits land tenure to the land registration administration
- Investigation. There are two types of investigations in land registration cadastral survey and property investigation.
- Confirmation. To verify obligees of land right which use right, ownership right or other rights on land.
- Land registration. The people’s government at or above county level are responsible for the land registration and develop. In charge of fill in the land registration book and the property card.
- Certification. Offering the certifications.

3.5. The hukou system

3.5.1. The hukou system – two types of classification based on registration

In China, everyone registers with his or her local authority through the hukou system. The household registration system needs each citizen to register in one time, and only one place of the frequent inhabited area. It involves two related part compositions: registration place and type of registration. The place of hukou registration revises a person to his/her parents’ registration place, simultaneously, while the type of registration divides each member as having either agricultural (countryside) or non-agricultural (urban district) status.

There are aculeate different rights and privileges and extremely strict conditions for transforms rural to urban status which are implied in the huko. Transferring has a strict application process from one place to another. A person who lives outside whose place his/her hukou registration address was (now is still) called a ‘temporary resident’. The hukou system has two aspects, namely agricultural households (nongye hukou) and urban resident households (chengshi jumin hukou). The system has long been used to limit the immigration, especially from countryside to urban area.

Municipal authorities still use household registration as a foundation for offering urban services and maintaining infrastructure. To local township dwellers and perpetual migrants, urban facilities are either priced low or free provides. On the other hand, the immigration without local hukou are very limited or basic is unable to obtain local the school, city welfare programs, state sector jobs, or the social housing system. The city labor market's high limit, the majority immigration's employment opportunities little may take local resident. Most migrant children can not enter urban public schools, although a small number of people to do this, is higher than the disbursement to be suitable obviously compared to the expense for the local child (Jianshuo 2004).
3.5.2. Agricultural versus Non-Agricultural Hukou

Migrants coming to small towns may be divided into three parts:

➢ Those with agricultural hukou from a village under the town jurisdiction;

➢ Those with agricultural hukou from a village without the town jurisdiction;

➢ Those with non-agricultural hukou of another town, county, or city. Based on opinions in the six study towns, hukou is not an essential question in small towns. This is largely because social benefits associated with urban hukou status in small towns are very least to begin with.

Although the reform of the hukou system is ongoing, the hukou continues to be the primary form of identity for the local population. Preconditions to change one’s hukou from agricultural to non-agricultural typically include one or many as follows: ownership of a house, proof of job, relatives living in the town, and so on.

3.6. Land acquisition in China

In China, forces to take over for use the land are known as ‘zhengdi’. As stated above, land occupiers/users do not have the land; accordingly, all compulsory land acquisitions in China are in fact “compulsory land makes a fresh start” in which only land use rights and any buildings on the land are taken by the gaining authority. ‘Zhengdi’ was authorized by the Constitution of the People's Republic of China in 1978, and was revised in 1993. The following figure summarizes forces to take over for use the land in our country in recent years (Chan 2001).

![Figure 3-2 Land acquisition in China 1995-1999](image)
In 1995, about 812 km\(^2\) of land was acquired by the government for various aspects of developments. In 1996, the amount of obtained land quantity had increased to approximate 1,018 km\(^2\), an area nearly the size of Hong Kong. Since a substantial amount of the land acquired was farmland, the loss factor high farmland has shocked the central authorities, and restrictions were afterward imposed to reduce the loss of farmland. In 1997, the amount obtained land quantity dropped to about 519 km\(^2\), and in 1999, the amount of land acquired was about 340 km\(^2\) (ZhuLi 2003). Although this is a drop tendency, its amount to is taken over for use every year the land was still very huge.

Considering forces to take over for use in the land to play the vital role to provide land for urbanization, the State Council has issued Order No. 15th, which needs local authorities to have resources to establish a land acquisition/reserve system. At present, 241 cities in 12 provinces have established a land acquisition/reserve organization (Keng 1996).

### 3.6.1. Types of land acquisition

#### 3.6.1.1. Acquisition of Farmland

Farmland will possibly be forced to acquire for construction use. Before any acquisition, approval for returning farmland to construction land must obtain first. any acquisition of farmland needs to authorize beforehand for the transformation farming to the non-agricultural use. In addition, acquiring farmland of the following categories needs the approval of the State Council (Ding 2004).

1. Basic farmland;
2. Arable land other than basic farm and more than 35ha;
3. All other land exceeding 70ha.

#### 3.6.1.2. Acquisition of Urban Land

On the land building cover, the urban planning might force the procurement the urban building Destroy relocation act of administration in 2001 (UBDRAR) for urban development plan. The UBDRAR requires that destroy and relocation of buildings must conform to the relevant city plan and be beneficial to urban renewal, ecological environmental improvement, and the protection of cultural property, after that, no action of destroy and relocation may carry on, only if a permission to obtain the administrative department. The unit that has obtained a destroy to move away permit to be called destroy and the moving person (DRP), but all people, whose buildings are affected by the destroy and relocation are known as human destroy and relocation (PSDRs). The DRP and PSDRs are equal in gain the authority and un-depended persons, separately in the Western Europe law of restitution (Ding 2005).
3.6.2. Procedures of Land acquisition process

Nowadays, the land acquisition takes place among three main stakeholders: the State, the developer and the subordinate township government of the collective-owned land. The procedures are done by massive government departments.

The activities of land acquisition in China are described as following:

1. The developer submits the application form and all related documents to the Bureau of Land and Resource at the county first-level.
2. After preview, if all documents are complete, the documents are transmitted to the Service Department of the municipality, if not, all documents will be returned to the developer.
3. The Service Department will be receiving documents to the developer and do the transmission document to the Land Use Department.
4. The documents will be preliminary reviewed in Land Use Department and then transmit to the Bureau of Land and Resource at province level.
5. After inspection, the instruction of land acquisition will obtain by the Bureau of Land and Resource at the province first-level and all documents are returned to the Service Department.
6. According to instruction, land administrative bureau and resources, in province first-level, cadastre city organization's investigation group, and investigation land.
7. Surveyors submit results to the Cadastre Department of the municipality, and then the achievement report will be submitted to the Service Department of the municipality.
8. The developer will discover that causes the payment the service department. (Here the payment should be paid before the land is acquisition because two reasons: 1. the government need the money to organize the activities; 2. this is the guarantee from the developer. If after acquisition, the developer can not pay for the use of land, how the government processes the land and farmer who is losing the land? )
9. The developer pays for the land.
10. After the payment of land, all the documents and the achievement report will be delivered to the Land Acquisition Department of the municipality.
11. Land Acquisition Department checks the area of the land and issue the land ownership description to the Land Use Department of the municipality.
12. And then the plan of land acquisition will be issued by the Land Use Department to the Land Acquisition Department.
13. The Land Acquisition Department will post the announcement to inform the peasants that their land will be acquired by the government.
14. After the announcement, a special group of people will be sent to the collective to investigate the land, to compute the average income of the land in order to sketch the standard of the compensation.
15. Then the Land Acquisition Department will designate the representative to discuss with the subordinate township government which has direct jurisdiction over collective-owned land administration; the contract of land acquisition will be signed.
16. The compensation according to the contract will be announced to the peasants at last by the Land Acquisition Department.
17. Issue the certificate of use right to the developer for the future construction.

Appendix 9 shows us the main workflows about turning collective owned land to state owned land.

3.6.3. Land compensation

3.6.3.1. The basic principle of the land compensation

The compensation for land expropriated follows the basic principle of ensuring not reducing living standards of peasants whose land is expropriated.

The standard of current land compensation fee for the farming land expropriated is six to ten times the average annual output value of three years prior to acquisition, which is improved a bit to compare three to six times stipulations in “Land Administration Law” issued in 1998. In order to guarantee that the living standard does not reduce farmer's land is expropriated, the standards of placement subsidy per head of agricultural population to be resettled is four to six times the average annual output value of three years prior to acquisition of the cultivated land, which is advanced in comparison with two to three times stipulations in “Land Administration Law” issued in 1998. The publication of “The Decision of the State Council on Deepening Reform and Strictly Management Land” is on October 21, 2004, but also requests in the local people's county level above government to take the practical measure to ensure the living standard do not reduce farmer's land expropriated. In view of the fact that the land compensation and the placement subsidy payment basis present law is insufficient to maintain the original living level, and are insufficient to pay social securities because of land expropriation, the placement expense will possibly increase authorization, people's province, self-control region and city (Guozhen 2002).

3.6.3.2. Compensation Provision for the Acquisition of Land use rights

Land use rights were created in the late 1980s. The compensation above the rule to discuss has not been suitable specifically for the acquisition land use rights. The government has the right to take back land use rights subject to compensation that is based on the unexpired term of years, the actual development, and uses on the scene. The People’s Republic of China land administrative law (PRCLAL) also provides for the renew of land use rights if the related land is required for a public interest or urban redevelopment plan. However, the PRCLAL does not provide the detailed compensation. It only mentions that the land use rights possessor should obtain the suitable compensation. The law does not define the meaning of ‘suitable compensation’; and there is not any sign to indicate the just compensation appraisal.(Chan 1999).

3.6.4. Empowering public on land acquisition

“Regulations on Land Requisition for State Construction” issued in 1982 starts to aggravate
compulsory archery target land expropriation. The rule stipulates that “the unit whose land is requisitioned and other units concerned should reach an agreement on land area which will be requisitioned, compensation and resettlement measures and sign a elementary agreements”, but “they are unable to prevent it”. “Land Administration Law” revised in 1998 regulates that, “for requisition of land by the State, the local people governments at and above the country level shall make an pronouncement and organize the performance after the approval according to the legal procedures”, “the dispute about land compensation and resettlement can not influence the enforcement of the plan for land requisition”. “Land Administration Law” newly revised in 2004 regulates that the government should make an announcement, but the statement is made after the approval of land expropriation. The scope of land expropriation, standards of compensation and the plan for resettlement have been finalized, the pronouncement is only to tell peasants whose land has been expropriated to go through the land registration for land expropriated in a specified place. Actually, after announcing, and the peasants only can accept passively. The present land expropriation compensation under the law, is not a negotiations country (government) and the farmer, but is not the basis “the market price. The land compensation fees, placement subsidy and compensation for attachments to and green corps on the land is only of a compensation or allowance nature and is not the complete market price. Therefore, the compensation standard for land expropriation is not the decide price land ownership(Brown D. 1996 ).

3.7. Urbanization in China

3.7.1. Recent Rapid Urbanization in China

At present, China’s urbanization level is high and the urban population is big. Nobody may deny that China’s urbanization advancement itself would be a great contribution to the urbanization.

Before the 1980s, rural-urban migration was generally constrained or even attacked because of politics. However, from the introduction of the open-door policy in the early 1980s, China has been going through a rapid and continuing urbanization process (xiaojiang 2006).

Besides the open-door policy and the economic reform, China’s fast urbanization is also due to the following reasons.

➤ The wide spreading of the transport infrastructure that facilitates easier migration and development of industry.
➤ More education opportunities in the cities
➤ The rapid development of information technology and modern media which create new jobs

3.7.2. The role of stakeholders in urbanization

In the current land acquisition process, the main stakeholders involved are the developer who are handing the collective-owned land for future use, the departments of the government that
doing the related procedures of the acquisition, the subordinate township government who is authorized to represent the farmer conclude and sign contract with the government about the acquisition and the compensation and other stakeholders as utility companies, media, court, the top level financial organ.

In the current process, the peasants are outside the process and the only time that they appear is on the announcement of government to be informed that their land will be acquired and at the end of the process for compensation information. In the improvement process, farmers benefit counterparts participation, they display crucial role entire process. This is helpful in reducing between farmer's dispute and the government, thus after improvement living conditions farmer, his/her land by government (Dandan 2008).

3.7.2.1. Participation of peasants

At the beginning of the acquisition, the government should announce the blueprint of the plan on the land to the peasants to let them know the reason why government needs to acquire the land and also gives the activity which they the time prepare. The special commissioners should assign the collective. The peasants can participate into the process, for example, the peasants can ask them related questions to the acquisition and also give the comments according to the user's demands.

During the process of acquisition, the government should organize the Land Public Hearing Meeting. Not all the peasants can attend this meeting, but has a representative of each family should at least to be authorized to attend. On this meeting, the farmer may with in the government negotiations official's question compensation (e.g. the reckon of the compensation), the future life and the material benefits that they can enjoy after losing land.

Adding the peasants as the stakeholders in the land acquisition process, except the reduction of conflicts between peasants and government, it will definitely strengthen the transparency of the procedures. In addition, but also raised the living standards, who is the farmer loses the land, creates one stabler and a prosperous society.

3.7.2.2. Participation of other stakeholders

Except from including peasants as the stakeholder in the process other stakeholders are the same as in the current land acquisition process.

The land developer is the party who is applying the collective-owned land for the future construction. He has to prepare all involved documents for acquiring land but is different is present, and he has to set out the detailed blueprint of the land use for the government for explicit explanation to the peasants. In the past's process, he will get the certificate for using the land.
The villages and towns government represents the entire group. He has to submit the certificate of the collective-owned land to the government and may also sign the contract and government's compensation and other related matters.

When there are some disputes related to the lands, the court will get the information about land from the Land acquisition process as the evidence.

Utility companies apply the alignment information to the Land Acquisition process for the easy future construction.

Media receive the information on the Land acquisition process for publication.

Financial institutions apply the mortgage information to the Land Acquisition process for knowing the financial information of the land.

For the validity of the whole process, the Land acquisition process should submit all relevant documents to the Bureau of Land and Resource at province level and get the permission for the land acquisition.

Service Department of the municipality will provide the documents that they received from the developer.

Land Use Department will make the plan for the whole process.

Cadastre Department will provide the achievement report of the survey.

Land Acquisition Department of municipality will provide the area and contract information and also receive the demands of the peasants from the process.

3.7.3. The purpose and supporting laws

According to the Article 10 of Constitution of People’s Republic of China-- Land in the cities is owned by the State. Land in the rural and urban suburb areas is owned by collectives except for those portions which belong to the State in accordance with legal rule; house sites and privately farmed plots of cropland and hilly field land are also to the collective to possess. The country may serve the public benefit, obtains the land the public use according to the legal rule. Here mentioned the land is the land which the collective has.

Article 43 of the Law of Land Administration of the People’s Republic of China said that anyone or any organization who wants to use land for construction should apply the State-owned land legally.
Using both of these two laws, only the State-owned land can be used for the purpose of public interest. Everybody doesn’t have the right to buy, sell and transfer the collective owned land. The only method to use the collective-owned land is through land acquisition (Ding 2003).

3.7.4. Effects of land use rights

Before the economic reform commenced in 1979, all rights of land were authorized to the state, therefore nobody truly owned any amount of rights land concerned. Therefore there was no land market. The land allocation has the need economic activity to Danweis, but these Danweis does not have the right to sell, rent, or mortgage transfers the land, meaning that Danweis had no rights of land uses. In the economic reform since 1979, a system of land use rights was established, so developers can acquire these rights from the state at prices stipulated for economic activities. Land markets thus appeared. The emerging land markets created huge rights initially entitled to the state and wealth was derived from such rights. The allocation of these rights and thus wealth through the disrobement of rights created tensions among peasants, governments, and developers. The hot topic is that when the land markets are established, how to solve the question of how the land acquisition practice would impact the status of society fairly and uses the land effectively (M.Stein 2003).

3.8. Land rights analysis in rural area in China

i) *Rural collective land use rights*:

Rural collective land use rights has some characters, such as land use rights’ transfer, subcontract and stock, lease, mortgage, implement, take back.

- Land use rights transfer
  It means that village committees and other agriculture economic organizations offer the collective land use rights to land users in a certain term; the users pay the fare for using the land. But only the land use rights can be transferred, the land still belongs to collective, so it can’t be transferred by individuals. According to some related contracts, we can’t change the purpose of land, so the land users could only work on the development and management of agriculture. Land use rights transfer includes: sale, interchange, donate, inherit.

- Land use rights subcontract and stock
  It means that land owners and users join the stock in the form of the value of the land use according to the laws. There are some regulations that the land use rights subcontract and stock should follow: It must follow the related law, it must assess the price of land, making the agreement of subcontract, it must getting the permission before using the land, it must compensate properly for the former land users, it must transact the procedure of registration.

- Land use rights lease
  It means that the collective land users as lessors, supply the land use rights to lessees, and get the rent. Some characters are described as: It is for the land management lease, the aim is to get the rent. Land use rights lease is for the purpose of agriculture, if it is for other purpose, it should follow some certain conditions.
Land use rights mortgage
It means that the land users as mortgager depend on the legal land use rights and won't transfer the way of possession, afford debt surety to creditors. When the debtors can't fulfil the debt, the creditors have rights to sale the land use rights. There are some differences between collective land use rights and state use rights. First, the mortgagers of collective land use rights are the collective land users. Second, when the creditors' sale the collective land uses rights, the land ownership might be transferred; there is the possibility for land acquisition.

Land use rights implement
After authorizing the use of collective land legally, and receiving the "Collective Land Use permit", the land users may obtain the land use right legally, when the land users exercise the right, they should also fulfil certain obligations: a) The land must defer to authorized the purpose of land, it cannot arbitrarily oversize land area or change land use. b) During the period of land using, the land users have the duty to obey national and the social public interest needs. c) During the period of land using, the land users must deal with the neighbourhood relations correctly.

Land use rights take back
The reclamation of land use rights in accordance with the law is the reasons for terminating collective land use rights.

The reclamation conditions:
a) For public construction needs.
b) Not according to land with authorized purpose.
c) Because of abolished, migration reasons to stop the use.

The reclamation ways:
a) Free reclamation: land use rights contract has expired, the land user no longer requests an extension, land use rights shall cease and be taken back unpaid by the collective economic organizations.
b) Compensation reclamation: According to public interest's needs, the state and the collective may take back the land use right ahead of time, and give the compensation to the land users.
c) Compulsion reclamation: Because the land users didn’t develop, use, manages land according to the deadline of contracts, the land management departments will confiscate the land use rights.

ii) Land contracting rights:
Brief description:
Land contracting rights (Chengbao in Chinese) are the rights for the members of countryside collective economic organizations (CEOs) to contract land owned by the CEOs or other owners for cultivation or similar uses. Armed with land contracting rights, land users, often farmers, are authorized to enter into contracts with CEOs or other owners to possess, use and profit from
collective land (in certain circumstances, State-owned farming land, forest land and lawn) for a fixed period of time.

The term of rights to use collective land for cultivation or similar goal is: The term for cultivated land is for 30 years, for lawn it is from 30 to 50 years, and for forest land it is from 30 to 70 years. The term for special woods possibly may be especially longer, subject to pass through from the government authority in responsible for forestry.

Land contracting rights display influential role in Chinese countryside. Chinese law requires that all villagers are authorized to obtain land contracting rights to encourage them to increase agricultural products. Chinese law further stipulates that farmers can only transfer land contracting rights under very few circumstances to maintain social stability.

Therefore, all collective land is divided into small pieces and it has hindered the farmer inevitably to the land investment.

**Land contracting rights features:**
a) The collective land ownership is the foundation and the premise of the land contracting rights. The land contracting right is entrusted and relied on collective,
b) The land contracting right is one kind of derivation of land ownership, as soon as setting up, it has independent property rights.

**Land contracting rights main issues:**
The agricultural benefit is low, the land load bearing bears heavily, affects the circulation. The market Intermediary organization owes perfectly, the mechanism is imperfect. The land circulation's spontaneity, the capriciousness, blindness is big, affects the cash paid circulation system. To solve these problems, in the Land contracting rights circulation, should implement the classified instruction, urge the land order circulation, respect the public opinions, determine the circulation way reasonably, standardize the strict circulation procedure, build the circulation environment positively.

**Land contracting rights circulation forms and principles:**
Land contracting rights circulation form are: rent, exchange, transfer, stock and so on. Land contracting rights circulation principles:
a) Consultation on basis of equality, voluntary compensational.
b) Shall not change the land ownership and agricultural purpose.
c) The duration of the circulation should be limited to the contracting period.

**iii) Household Responsibility Contracting rights:**
The form of Land contracting rights is “Household responsibility contract system”. It was initiated by a group of farmers in a hamlet in China in the early 1980s. The system has two main features. First, since farmland is still owned by the collectives, agricultural collective land ownership is invariable. Next, production and management are entrusted to individual farming households through long-term contracts. During the contract period the farmers pay taxes to the
state and the collective reserve payment reserves to local authorities simultaneously maintain
own crops.

iv) Farmers’ property rights
The 3rd plenary session of the 17th central committee of the Chinese communist party
concluded “assignment” “direction” “demand” which is in relation with the rural development
reform as the five points. They are: setting up the new system, strengthening the basic
agriculture, increasing the income of the farmers, protecting the farmers’ property rights,
accelerating the peace of rural areas.

It emphasized many times that we must protect the farmers’ property rights and makes it as an
important part. What are the farmers’ property rights? In other words, what kinds of contents
should farmers’ property rights include?

The farmers’ property rights should include three parts below:

First, farmers’ land property rights, what are farmers’ land property rights? That means:
perfecting the ability for land contract and management rights, protecting the rights of process,
use, income that farmers should have. We also could say that land property rights are the
important part of New Property Law. This is a very important decision about property rights
since the 1978s’ of “Household responsibility contract system”. There are three characters of
rural land system in China: hierarchy, boundedness in community and control under different
levels of government. Social security function is a main reason to the flow the rural land
contract right compared with remnant property rights. Only when contract right on land
becomes composition of property rights, it can display as an independent asset with exchange
value. Upon disposing right of land the rural households can trade freely their land contract
right in terms of independent exchange value. The complete property rights of land contract are
ultimately with market mechanism formation about rural land contract right. On the basis of
distinct collective ownership of countryside land, the property right of the land contract right,
which is the basis of the creation of mechanism, should be steadily improved.

In recent 30 years, farmers have taken the use rights and management rights, but for
management rights, it has the very strict limitation, that is the land could only be used for crops,
it can’t be used for others. So we can see that farmers only have some part of rights for
management rights.

The land is the most important issue for farmers, The 3rd plenary session of the 17th central
committee of the Chinese communist party have made the latest decision:” strengthening the
transfer, manage, service of land contract and management rights, establishing the markets for
transferring land contract and management rights, allowing farmers to transfer land contract and
management rights in the way of subcontract, lease, interchange, transfer, stock and so on,
develop many types of moderation scale of management, it has four meanings, the first one, the
land transfer is the behavior of the markets. Second, the form of land transfer includes many
aspects. Third, land transfer is based on paying the resource. Fourth, the purpose of land transfer
is not only for the crops production. This kind of management can’t change the function of land; the key point of land transfer is farmers’ property rights should get the permission from authorities.

Second, farmers have the rights for commonality production, what is that? That means increasing the process of a new pattern of town-village system, enlarge the coverage of commonality production in rural areas, making the construction of the whole areas, promoting the increase of the farmers.

Third, farmers’ land property rights should include two aspects, one is perfecting rural democracy management system, and another one is strengthening rural social management. Rural democracy management system means villagers can transact own affairs according to the laws, the village committees are organized through self-management, self-education, self-service, and carry out democracy vote, democracy decision-making, democracy management, democracy supervise. Strengthening rural social management is another part of farmers’ land property rights. It should include the village committees have right to transact the public affairs, mediate civilian dissension, assist the maintenance of social peace. The can develop all kinds of cooperating economy to promote the development of social democracy market economy. Farmers have the rights to migrant freely, work in the cities and get the fair income.

The 3rd plenary session of the 17th central committee of the Chinese communist party take the farmers’ land property rights as very important consequence, expressed the theory of “new pattern of town-village system”.

3.9. Concluding remarks

Through the discussion above, we can come to the following concluding remarks:

Land tenure is an important part of social, political and economic developments. These are the two types of land tenure in China: state owned land and collective owned land. Also, there are two types of land use rights: allocated and granted land-use right, and we give some detail description in this chapter.

Since the New Chinese government was found in 1949, a number of deliberately designed policies and tactics have guided Chinese cities development.

There are two types of land registration systems in China: initial and change land registration, most of the cities has been covered by their initial land registration. Thus change land registration is important phase as changes are made during this process.

Hukou system is a unique feature in Chinese policy systems. This system leads to formation of urbanizing villages. Due to this system, surplus labours are bounded to their land.

Land acquisition plays an important role in supplying land for urbanization, there is different description. The land acquisition takes place among three main stakeholders: the State, the
developer and the subordinate township government of the collective-owned land. There are some important parts of land compensation during land acquisition. In the land acquisition process in China, the peasants are not involved as the stakeholders. Everything is done by the government and peasants have no right to suggest, ask or even attend. This causes the increasing of the conflicts between peasants and the government. Also the bureaucracy, imperfect relevant laws and other matters cause the massive outflows of the collective-owned land and a lot of social problems. Some strategies must be taken to improve the existing process to create a stable social environment.

Only the State-owned land can be used for the purpose of public interest. The only method to use the collective-owned land is through land acquisition. That means land acquisition method is appropriate to do a kind of conversion: it is about converting collective owned land to state owned land, and it should follow the procedures of land acquisition process.

There are some characters about rural collective land use rights, such as land use rights' transfer, subcontract and stock, lease, mortgage, implement, take back. Land contracting rights (Chengbao in Chinese) are the rights for the members of countryside collective economic organizations (CEOs) to contract land owned by the CEOs or other owners for cultivation or similar uses. The form of Land contracting rights is “Household responsibility contract system”. It was initiated by a group of farmers in a hamlet in China in the early 1980s. The 3rd plenary session of the 17th central committee of the Chinese communist party take the farmers’ land property rights as very important consequence, expressed the theory of “new pattern of town-village system”.

As an outcome of China’s rapid urbanization, urbanizing villages is very famous phenomenon in China. The dichotomy between rural and urban policies, and China’s urban land policies lead to the emergence and prevalence of urbanizing villages.

As government controls on social and economic affairs are further relaxed, ideas of equality and efficiency will contribute more to Chinese national development and urbanization policies.
4. Situation analysis of effects of Land Use Rights in Urbanization in Baoji

4.1. Introduction

In the previous chapters, we concerned about land use rights and the regulatory framework of urbanization in China and other country. So we focus on the case study in Jintai district of Baoji city in China in this chapter to analyze the current situation about land use rights during urbanization.

For a comprehensive evaluation on the effects of Land Use Rights in Urbanization, a city namely Baoji City has been chosen for this research study. Methodology used for evaluation is generally quantitative in nature with analytical thinking approach. The main purpose of this chapter is to describe three main parts: fieldwork and primary data collection, methodology for analysis of primary data including processing secondary data and images that are collected. As a result it also compares the temporal change of study areas, with respect to land use rights from farmers and spatial pattern.

4.2. Fieldwork and data collection

The fieldwork is conducted in Jintai district of Baoji city in China. The increase speed of urbanization in Baoji is dramatically high. There are many urbanizing villages around Baoji city. The main aim of the fieldwork is to understand the current situation of the land use rights in urbanization in Baoji. Fieldwork consists of one month preparation specifically designing field questionnaire at ITC, and four weeks’ duration (from mid-September) in Baoji including traveling time to China. Since there are very good collaboration with Land administration Bureau of Baoji and Chang’an University, the access to key local governmental officers and local residents is easy and provides insights into the urbanization. Therefore, Baoji city is chosen for this research as case study.

4.2.1. Purposes of Fieldwork

The main aim of fieldwork is to collect data which are related to investigation in the effects of land use rights in urbanization, by means of interviews to the stakeholders including local government officers, and to look what happened about land use rights in the villages. This provides knowledge in organizations’ environment, culture and purposes; such as government departments to develop professional judgment and contacts in urbanizing or growth of cities.

The interviews during the fieldwork have two purposes a) to get a cross-section of opinion about land use rights in urbanization, and b) to identify sources of primary and secondary data.
for the first-hand information.

4.2.2. Fieldwork preparation, study areas and methodology

In order to achieve the above purposes, the fieldwork is divided into the following three tasks:

Task1: fieldwork preparation concentrates on preparation and design of various questionnaire forms for interviewing various stakeholders. Various appointments are made during this phase. And the maps which can reflect the urbanization process are prepared.

Task2: fieldwork and data collection consists of actually interviewing stakeholders using questionnaire.

Task3: this task lay down the findings/results of task2 (during the fieldwork in China, the first week of October, and from mid-October to mid-November).

a) Fieldwork preparation

Before fieldwork, in consultation with the research supervisors about possible projects and study area, the questionnaires are designed and the study area is chosen. In the meantime, the methodologies for collecting data are chosen.

Design questionnaires: The questionnaires are designed for different groups namely the authority group (including the village leaders and different government departments), the residents and householder groups, and developer group. All the questions are designed with semi-structure questions on the basis of the theories and policies considering land use rights in urbanization. See all questionnaire forms in Appendix 3--7.

This questionnaire is intended to be an outline for a one-hour interview. The interviewees do not need to fill it out in advance. The format is flexible as it also contains open type of questions to get respondents’ views. This research is interested in the interviewees’ views as an individual, which may or may not fully reflect those of your community or organization.

The questions include detail to indicate the types of information which the investigator needs to prepare analyzing the effects of land use rights in urbanization in Baoji city.

Fieldwork Study area: Baoji is located in the west of Shaanxi province, it is the joint point of Xi’an, Lanzhou, Yinchuan and Chengdu, Xianyang is to its east and Hanzhong is to its south. The administrative division of Baoji has three districts, they are Weibin, Jintai, Chencang district, Baoji has nine counties, and they are Fengxiang, Qishan, Fufeng, Meixian, Longxian, Qianyang, Linyou, Fengxian, Taibai counties.
Jintai district is located in Baoji city; it is near Chencang district and Weibin district. It is famous as the architecture named “Jinguantai”. The whole area of Jintai district is 52 sqkm. The population is 3.66 million, the agriculture population is 1.22 million, and the urban population is 2.44 million. Jintai district contains four zones; they are Panlong town, Jinhe rural area, Linyuan rural area, Xiashi rural area. The study area will be chosen in Panlong town, Jinhe rural area, because the level of the urbanization of the two zones is higher than others’. By considering the data resources, and development speed, In Panlong town, Nangao (the location of the town government), Panlongshan (the centre village) and Xinzhuang (the basic village) have been taken as the study areas. In Jinhe rural area, Shiqiao village (the location of the town government), Yangjiapo and Niushimiao (the centre village) have been taken as the study areas. And another important reason is that we have good relationship with the Land Management Bureau of this District. They can give the support when interviewing authorities and village leaders. The figure 4.2 shows location of villages in the study area. Every village is given a number as follows.

- 1: Village name is Niushimiao,
- 2: Village name is Xinzhuang,
- 3: Village name is Yangjiapo,
- 4: Village name is Shiqiao,
- 5: Village name is Nangao, and
- 6: Village name is Panlongshan.

All these six villages are well connected to city center by infrastructure.
Figure 4-2 Study areas of Jintai district

b) Fieldwork Methodology

Organizations: During the fieldwork periods, Baoji Land Bureau, Baoji government offices and Baoji cadastral offices, Baoji City Construction Bureau, Baoji Statistic Bureau, and Shaanxi provincial library have been visited. In addition, local residents were also interviewed. The detail information about each organization is given in Appendix1--2.

Fieldwork methods: These include collection of primary and secondary data. Primary data collection includes on-spot inspection and semi-structured interviews using questionnaires. The questionnaires were formulated for different groups, and were set to be the Close-ended style Questions and Open-ended style Questions to gain the information. Four assistants were employed for interviewing the residents in all six different villages. The village interviews took more than one week. Finally, totally 200 responses were obtained. After checking and choosing the useful answers, 175 responses for these four villages can be used in analysis.
The significant secondary data in this research is the land use data, land rights situation, and social-economic background. The obtaining of this data had followed a scientific and systematic method in both fieldwork and image processing. It was contributed by the long-term hard working of members in Baoji Land Bureau and planners in Baoji City Planning Bureau. Authorized by Baoji Urban Planning and Land Administration Bureau, the results and some related data could be used in this research.

Besides the results of field interviewing and survey, there were several spatial and non-spatial data used in this research. The most important of them are described below.

- **Land Use Plans of Baoji**: Land Use Plans of Baoji, which were granted by the provincial Land Resource Administration Bureau. In the history of Xi’an, there were two editions of Land Use Plans published in 1997 and 2003.
- **The maps of village layout planning of Jintai district**: The maps refer to the location of Baoji, Xi’an city in Shaanxi province, the nearby cities, provinces of Baoji city, and the location of Jintai district in Baoji city. There are details about Jintai district. For example: the current situation of location of each rural area and town, the current traffic situation, the current infrastructure, the industry layout map. Jintai district has three rural areas named Xiashi, Linyuan, Jinhe, and one town named Panlong. So, during the fieldwork, the researcher also get the maps of the current situation of location of each village in Panlong town, the current situation of location of each village in Xiashi, Linyuan, and Jinhe rural area. The researcher also gets some other map. In this research, some related maps are used.
- **The eleventh ‘five year’ plan of Jintai district**: Jintai district layout compendium which was granted by the central government was the legal document guiding the development of the city in aspects of spatial structure, economic and social development, environment protection, energy utilization, etc. They give the basic principles, which have to be respected by the sub-level plans and regulations.
- **Land related document**: In the field work, the important documents are collected from local government, cadastral office, and land bureau about the procedure, policies, laws and conflict of land acquisition, the compensation system of land acquisition, land relocation, the real rights law of the peoples’ republic of china, the issuance of land contracts and certificates, land contracting law in rural area, they are used in the research.
- **Social and economic data**: Social and economic data such as population, GDP, etc. were the important factors of analyzing the urbanization or efficiency of land use. The sources of these social and economic data were statistics yearbook, official reports and literatures, including: Baoji Statistics Yearbook 2005, Economic and Social Development Report of Baoji City 2005-2006, etc.
- **Interviews**: Interview, in this research, is one of the main tools to understand the motivations, mechanisms, and characteristics of the urbanizing village’s development. Interviews were not only taken in government offices, but also in urbanizing villages. The interviewed include urban planners, officials, property developers, and residents living in villages.

<p>| Table 4-1 Secondary Data collected during the fieldwork |</p>
<table>
<thead>
<tr>
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<th>Data</th>
<th>Year</th>
<th>Format</th>
<th>Source</th>
</tr>
</thead>
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<td>Village layout planning of Jintai zone, Baoji city</td>
<td>2007-2020</td>
<td>JPG</td>
<td>Baoji Land Bureau</td>
</tr>
<tr>
<td>2</td>
<td>The current situation of Panlong town</td>
<td>2006</td>
<td>JPG</td>
<td>Baoji Land Bureau</td>
</tr>
<tr>
<td>3</td>
<td>The layout planning of Panlong town</td>
<td>2007-2020</td>
<td>JPG</td>
<td>Baoji Land Bureau</td>
</tr>
<tr>
<td>4</td>
<td>The current situation of Jinhe area</td>
<td>2006</td>
<td>JPG</td>
<td>Baoji Land Bureau</td>
</tr>
<tr>
<td>5</td>
<td>The layout planning of Jinhe area</td>
<td>2007-2020</td>
<td>JPG</td>
<td>Baoji Land Bureau</td>
</tr>
<tr>
<td>6</td>
<td>The current situation of Linyuan area</td>
<td>2006</td>
<td>JPG</td>
<td>Baoji Land Bureau</td>
</tr>
<tr>
<td>7</td>
<td>The layout planning of Linyuan area</td>
<td>2007-2020</td>
<td>JPG</td>
<td>Baoji Land Bureau</td>
</tr>
<tr>
<td>8</td>
<td>The current situation of Xiashi area</td>
<td>2006</td>
<td>JPG</td>
<td>Baoji Land Bureau</td>
</tr>
<tr>
<td>9</td>
<td>The layout planning of Xiashi area</td>
<td>2007-2020</td>
<td>JPG</td>
<td>Baoji Land Bureau</td>
</tr>
<tr>
<td>10</td>
<td>The grade of villages in Jintai district</td>
<td>2000--2006</td>
<td>shape file</td>
<td>Baoji Statistic Bureau</td>
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<td>11</td>
<td>The village dimension framework in Jintai district</td>
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<td>shape file</td>
<td>Baoji Statistic Bureau</td>
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<td>The table of layout planning of Panlong town</td>
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<td>shape file</td>
<td>Baoji Statistic Bureau</td>
</tr>
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<td>13</td>
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<td>shape file</td>
<td>Baoji Statistic Bureau</td>
</tr>
<tr>
<td>14</td>
<td>The table of layout planning of Xiashi town</td>
<td>2007-2020</td>
<td>shape file</td>
<td>Baoji Statistic Bureau</td>
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<td>The table of layout planning of Linyuan town</td>
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<td>shape file</td>
<td>Baoji Statistic Bureau</td>
</tr>
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<td>16</td>
<td>Gross Domestic Product</td>
<td>2001--2006</td>
<td>shape file</td>
<td>Baoji Statistic Bureau</td>
</tr>
<tr>
<td>17</td>
<td>Population, population density and population development in</td>
<td>2000--2005</td>
<td>shape file</td>
<td>Shaanxi provincial library</td>
</tr>
</tbody>
</table>
Deficiency of fieldwork: Thanks to the supervisors and staff in different departments, much useful data has been obtained. Nevertheless, there are also some deficiencies in fieldwork. Because of these deficiencies, some constrains cannot be avoided in this research.

Firstly, there has been difficulty in getting information on equity in land rights transfer; moreover this kind of information only can be obtained from local residents and householders. The government officials cannot tell the accurate situation. In addition, the village leaders do not want to answer such questions. Therefore, the information about compensation and equity is insufficient and difficult to collect.

Secondly, not every villager could be interviewed, as interviewing is time-consuming procedure. Although the questions were designed for approximate a hour duration, it was always time consuming to meet local residents.

Thirdly, the quality of data depends upon the quality of the interviewer. In an interview situation, the quality of the data generated is affected by the experience, skills, and commitment of the interviewer.

The following table 4.2 shows the number of samples whose were interviewed during the fieldwork. Total number of useful questionnaires collected from local residents and householders is 175 while total number of village leaders, developers and government authority officials is 17.
c) Methodology for analysis work

The research study starts with the qualitative measure, but the relationship between land use rights and urbanization is the complex issue, as a consequence, the explanation and the appraisal of land use rights during urbanization based solely on qualitative knowledge is completely very difficult. It should adopt various considerations. Data is collected mainly through semi-structured interview in which has carried out in some villages and related government offices, the essential idea of setting up questionnaires is that facilitate and collect useful data for assessment and activity design, seek to an understanding which land issue are most related to land use rights and urbanization, and what programmatic intervention perhaps most related to land conflicts, in addition, data is collected from wide scope of written documents.

- Urbanization Ratio, GDP and Income analysis: The urbanization ratio is used to demonstrate the urbanization level, which is the ratio of the non-agricultural population quantity to the total population number per area. In addition, the researcher uses the per capita gross domestic product as an indicator to show the urbanization level. The per capita GDP is an important indicator of the level of economic development. To a certain extent, the increase of per capita GDP reflects the development trend of a city. Moreover, Baoji is becoming more and more attractive during urbanization because of economic development, when the village residents hold more and more money, they pay attention to their life quality.

- Land use structure change and spatial pattern analysis: The spatial pattern analysis should be done. In land cover and land planning/use aspects, to look for the change in study areas, through the house density, settlement shape, house material, road pattern, etc. Land use is the projection of complex urban socio-economic activities on a land system. The structural and functional characteristics of land use reflect the outcomes of socio-economic processes. (Kronert 2001).

- Land acquisition and compensation analysis: The urbanization goes with land acquisition and compensation, so land acquisition and compensation analysis should be done, the current situation of land acquisition process is discussed. Also the stakeholders involved in the process are mentioned.

- Land conflict analysis: Land conflicts often have widespread negative influences on economic, social, spatial and ecological development. The land conflict is limited as a social fact in which at least two sides are involved, the roots of which are divergent interests over the property rights to land: the right to use the land, to manage the land, to produce an income from the land, to remove others from the land, to transfer it and the right to compensation for it.

- Land rights analysis: Land rights should be done to look for the change in study areas, through land ownership, land use right, land transfer and land system, etc.
4.3. Analysis of fieldwork data and Findin,

- The urbanization ratio is used to demonstrate the urbanization level, which is the ratio of the non-agricultural population quantity to the total population number per area (Wang F 1997 May). It can be indicated by formula:

\[ \text{urbanization \_ ratio} = \frac{\text{the \_ number \_ of \_ non \_ agricultural \_ population}}{\text{the \_ number \_ of \_ total \_ population}} \times 100\% \]

The present urbanization level of our country has already been up to 24.85% (collective land rights study report during redevelopment of urbanizing village in Baoji, 2006). Under this circumstance, urbanization level of Baoji is increased year by year from 21.27% in 1996 to 24.85% in 2006.

![Figure 4-3 Urbanization ratio of Baoji](Collected from Baoji Statistics Bureau)

4.3.1. GDP analysis

Nowadays, we know there is a close relationship between economic development and urbanization. Therefore, the data about gross domestic product from Baoji statistic Bureau should be collected.
The area of Baoji increased from 3530.89 km$^2$ in 2001 to 3582 km$^2$ in 2006. Total accumulated land is 51.11 km$^2$, the average annual increase is 10.22 km$^2$. In recent years, Baoji’s GDP grew from 1950801 yuan in 2001 to 4769300 yuan in 2006. The average annual increase is 12.4%. The rapid economic growth and urban expansion have very close relations. GDP is an important indicator of the level of economic development. To a certain extent, the increase of GDP reflects the development trend of a city.

### 4.3.2. Income source analysis

From interviews, there are four main ways for making the income of village residents. That can be shown as below:

*Figure 4-5 Sources of income*

Because of economic development, Baoji is becoming more and more attractive. Moreover, many people lived in surrounding areas want to migrate in Baoji city. Nevertheless, the price of real estate is high in Baoji; most people cannot afford the apartment. Therefore, these people choose to live in villages. Hiring house in these villages is much cheaper than buy a house in city and this kind of house are always near the city center or have good transportation conditions.
Comparing the income situation about six study areas, it is easy to say that, the average income level of the village residents is increased from 2005 to 2006. In village 1, the average income is 1878 yuan per year in 2005, but in 2006, it is increased to 2200 yuan. In village 2, the average income is 2300 yuan per year in 2005; the number is increased to 2443 yuan in 2006. In village 3, the average income is 2000 yuan per year in 2005; it is increased to 2261 yuan in 2006. In village 4, the average income is 1678 yuan per year in 2005, but in 2006, it is increased to 2160 yuan. In village 5, the average income is 2167 yuan per year in 2005; the number is turned to 2452 yuan in 2006. In village 6, the average income is 2375 yuan per year in 2005, but in 2006, it is increased to 2480 yuan. In generally, although rural residents find some ways to collect more money than before, it is also a big gap of income between urban residents and rural residents, although some rural people work in city.

For reason of different income levels, village’s residents have different consumption ways, but in generally, the proportions of food consumption in total consumption between these villages are almost the same. Nevertheless, for other aspects, such as consumption of clothing, entertainment and education, there is gap between these villages. The reason is simple to explain, when the village residents hold more and more money, they pay attention to their life quality.

4.3.3. Spatial pattern analysis associate with land use structure

Spatial pattern analysis focuses on the physical aspect, so the land use structure classification should be used. By using IKONOS image of 2000 and image from Google Earth of 2007, to extract the information of road pattern, village settlement boundary, and the land use structure type of surrounding areas, the results are shown as figure7-12. From road and settlement pattern, the change can easily be identified.
Village 1: From figure 4-7, we can see the settlement boundary of village 1 almost has no change, from 2000 to 2008. The most changes are about the road constriction. Resulting from constructing new roads, the road patterns of these years have many changes. The number of small road is increased from 2000 to 2008. Land use of surrounding areas has dramatically changed. In 2000, the most surrounding areas are farmland. In 2007, however, some farmland turns to be construction land. The new constructions exist, some of them linked each other; some of them are divided into smaller ones.

Village 2: From figure 4-8, the shape of this village changed a little bit more. The most changes are about the road constriction. We can see from figure that some new roads are built up bear the village. Because of the new roads, the road patterns of these years have many changes. From 2000 to 2008, land use of surrounding areas has dramatically changed. In 2000, some areas are unused. In 2008, however, the unused land turns to be constriction land, and the new constrictions linked each other.

Village 3: From figure 4-9, we can see the settlement boundary of village 3 changed a little bit more, and also the main road still continues to use the old one, the number of small road is increased from 2000 to 2008. The new constrictions linked each other. There are also more agriculture land surrounding. Meanwhile, from 2000 to 2008, the agriculture land is decreased sharply, and the green land is increased.

Village 4: From figure 4-10, we can see the settlement boundary of village 4 almost has no change, and also the main road still continues to use the old one, the number of small road is increased from 2000 to 2008. The new constrictions linked each other. And there is still agriculture land surrounding in these years.

Village 5: From figure 4-11, we can see the settlement boundary of village 5 almost has no change, and also the main road still continues to use the old one, the number of small road is increased from 2000 to 2008. From 2000 to 2008, land use of surrounding areas has dramatically changed. In 2000, the most surrounding areas are unused. In 2008, however, the unused land turns to be green land and construction land, the construction land are divided into smaller ones. There is still agriculture land surrounding in these years.

Village 6: From figure 4-12, we can see the settlement boundary of village 6 almost has no change. The most changes are about the road constriction. We can see from figure that there are new roads are built up bear the village. Resulting from constructing new roads, the road patterns of these years have many changes. The number of small road is increased from 2000 to 2008. The new constructions exist, some of them linked each other; some of them are divided into smaller ones. There is still agriculture land surrounding.
Figure 4-7 Comparison patterns in village 1 (Niushimiao)

Figure 4-8 Comparison patterns in village 2 (Xinzhuang)
Figure 4-9 Comparison patterns in village 3 (Yangjiapo)

Figure 4-10 Comparison patterns in village 4 (Shiqiao)
From figure 7-12, we can see the spatial pattern have much change, especially in surrounding areas. The land use structure of surrounding areas is changed so much. Main changes are that agriculture land turns to construction land, and new road are built up near villages. The boundary of villages has not changed so much. For the villages which are surrounded by the
well planned new construction land, it is illegal to build up house outside of the village. Because the well planned construction land belongs to state. And housing areas of villages still belongs to collective community. For the villages which are surrounded by agriculture land, due to farmland protection policy, the original villagers are not allowed occupied farmland to build up constructions at random. In addition, most changes are also happened “inside” of the village, such as the residents’ activities, and villagers’ lifestyle. These activities’ changes lead to change of land use structure.

The land use structure of surrounding areas is changed so much. Main changes are that agriculture land turns to construction land. The boundary of villages has not changed so much. For the villages which are around by the well planned new construction land, it is illegal to construct house outside of the village. Because the well planned construction land belongs to state. And housing areas of villages still belongs to collective community. Around the village agricultural land, due to farmland protection policy, the original villagers are not allowed taken farmland to establish constructions to be stochastic. In addition, the majority changes are also occurred “inside” of the village, such as the residents’ activities, and villagers’ lifestyle. These activities’ changes cause change of land utilization structure.

Land use structure is the relation between lands with different uses (Thinh et al.2002). It may also express as the spatial functional disposition of land. The land use structure of a city could help us to understand that a urban the function structure, and its development phase is therefore in and so on, It also gives clues in finding the causes of some social and economic problems.

From interview and observation, the land use structure of the six villages can be shown as below table:

![Figure 4-13 Comparison of agriculture land and non-agriculture land proportion](image)

From village 6 to village 1, the agriculture land reduced from 80.64% to 45.18%. Meanwhile, non-agriculture land increased from 18.06% to 53.32%. What are original villagers doing in their
non-agriculture land? In their recollection, when the village residents start to rent their house to people who from the outside of this village, there are little other business ran by villagers. But with more and more people moving into this village to rent house, the villagers started to run another kind of business, like selling commodities for daily use, or running a clinic and so on to improve the village the attraction. Therefore, original villagers change their traditional activities to commercial activities in these villages.

<table>
<thead>
<tr>
<th>Village No.</th>
<th>Useful response</th>
<th>Shop</th>
<th>Clinic</th>
<th>Restaurant</th>
<th>Rent</th>
<th>Kindergarten</th>
<th>school</th>
<th>Others (barbershop, mendery…)</th>
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<tbody>
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<td>1</td>
<td>25</td>
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<td>9</td>
<td>2</td>
<td>10</td>
<td>23</td>
<td>1</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>6</td>
<td>26</td>
<td>7</td>
<td>2</td>
<td>7</td>
<td>24</td>
<td>1</td>
<td>1</td>
<td>4</td>
</tr>
</tbody>
</table>

What are original villagers doing in their non-agriculture land? In their memories, when the village residents start to rent their house to people who from the outside of this village, there are little other business ran by villagers. But with more and more people moving into this village to hire house, the villagers started to run another kind of business, like selling issues or running a clinic and so on to improve the attraction of villages. Therefore, original villagers change their traditional activities to commercial activities in these villages.

4.3.4. Land acquisition and compensation analysis

Land collection: it must be for the public interests, and based on the associated laws. Land collection will not change the land ownership; the behavior depends on for public power to get land use rights in a certain period.

Land acquisition: it must be for the public interests, and based on the associated laws. Land collection will change the land ownership; the behavior depends on for public power to get land ownership forever in instead of giving compensation. Land acquisition is only limited to collective owned land.
The purpose must be for the public interests
The behavior must be for public power
It must according to associated law
It must compensate the peasants according related regulation

It is for the land use rights, the country uses the land in force in the urgent situation, so the land use rights is transferred temporarily, after that, the land use rights will returned to the owners.
The standard of compensation of land collection is lower than land acquisition; the standard of compensation of land collection should include the compensation for the land itself.

It is for the ownership, the country deprives the land ownership from owners, the result is that the property is transferred and no collective ownership rights exist forever.
The standard of compensation of land acquisition is higher than land collection; the standard of compensation of land acquisition should include compensation for the land itself, for improvements to the land and for crops growing on the requisitioned land, for resettlement subsidies.

Table 4-5 Ownership of land

<table>
<thead>
<tr>
<th></th>
<th>Village 6</th>
<th>Village 5</th>
<th>Village 4</th>
<th>Village 3</th>
<th>Village 2</th>
<th>Village 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>State land</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Collective land</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
</tr>
</tbody>
</table>

These six villages are collective-owned. That means the residents in these villages are holding rural hukou and all land are managed by village communities. There are some questions in questionnaire about land acquisition in the study villages. This part shows us result.

The villagers are no satisfied with the government's a series of measures about the process of urbanization, the villagers react strongly particularly for the issue of employment and compensation after land acquisition.

a) Government "levy low and sell high," Farmer expressed the dissatisfaction. At present, the land acquisition is based on the agricultural production marginal revenue payment compensation settlement allowance, but land transactions to society according to the auction market price, forming a huge price disparity. For this "levy low and sell high," Farmers express that it is difficult to accept. According to calculations show that with the price compared to land less farmers get little compensation. If the land-levying cost price is 100%, the land income distribution pattern is approximately: The Local government
accounts for 20% -30%, the enterprise accounts for 40% - 50%, the village-level organization accounts for 25% -30%, the farmers only account for 5% -10%. Increment income generates from the cost price to the sale price. The majority of increment income is gained by brokers or the local government.

b) Transparency of land acquisition work is not high and the lack of fairness impartiality. There is not enough propaganda and notice about land acquisition in some of the township or village committee. The government does not solicit the suggestions from farmers truly, resulting farmers are is not clear about information about land acquisition, including the goal of planning, work procedures, land use and so on.

c) Many farmers are worried and concerned about the future life. Farmers will be at the unemployment condition basically on the issue of employment after land acquisition. From statistical data in the questionnaires, we can see before the urbanization, the proportion of villagers engaged in agriculture accounted for 40% -50%, so the agriculture was the local pillar industry . After the urbanization, the proportion of jobless population increases, the villagers almost lost his job. Government has not given the enough attention to the issue of employment after land-levying; the following work has not been put in place.

On the question of compensation, the villagers are unsatisfied regarding the compensation amount. Demonstrated according to the questionnaires, the proportion of unsatisfied and quite unsatisfied is 13% and 78%. 77. 6% those who lose the land worry that there is no protection of life. Certain amount of social security may help resolve the worries of landless farmers; it is also the important symbol for enjoyment of the residential treatment. The following reasons are: First: some villagers have new house on the acquisition land, so they need to buy new land to build house, but the soil-rent value needs 100,000-200,000 Yuan generally, which is quite high comparing to the compensation fee. Second, some villagers take into account the various costs, such as illness, their children to college, as well as basic living expenses and so on, in the present unemployment's situation, possibly surpasses compensate fee the limit which can undertake, the villagers can not accept.

Therefore, we have some findings during fieldwork. First, the future for urban planning must be more reasonable, the attention should be paid to listen to the views of local villagers especially, not because some of the engineering achievements to sacrifice people's interests. Only in this way can work out most of the actual situation in accordance with local policy in line with the government's aim of serving the people.

Second, there must be good communication with the government and the people. Who do not understand the government policies must be explained, so that the villagers understand government's procedure, but cannot use some too strong method to force the populace to obey, will otherwise cause government's image to suffer injury, and even lead to an unexpected disaster.

Third, must strengthen to cadres at all levels' surveillance dynamics, to prevent and curb each kind of corruption the occurrence, it will not only enable the smooth implementation of government
policies, but also to protect the interests of people, strengthening the people's trust in government's trust and it is good to build a good harmonious society.

Fourth, government must pay attention to the issue of re-employment, strengthen villagers' employment training work. When refers to the government expropriation of rural land, the government should set aside the appropriate space in the outlying villages to conduct unified planning, construction, "the bottom of the upper apartment store" of commercial space, made available to the villagers as a business source of income. Thus, regarding not other vocational skill's farmers, we can fully address their source of income; the current rural urbanization during the transition period is very useful.

4.3.5. Land conflict analysis

The land conflict may be limited as a social fact in which at least two sides are involved, the roots of which are divergent interests over the property rights to land: the right to use the land, to manage the land, to produce an income from the land, to remove others from the land, to transfer it and the right to compensation for it (Wehrmann 2006).

i) Types of land conflicts analysis in rural area

In order to understand and solve successfully land conflicts, the researcher designs some questions about land conflict; in addition, it is important to realize the many different types of land conflict existence. We find that there are two predominant types of land conflicts which are described in the table.

<table>
<thead>
<tr>
<th>Classification</th>
<th>Conflicts Types</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ownership Conflicts</td>
<td>a) The Ownership of Land use right conflicts due to the inheritance</td>
</tr>
<tr>
<td></td>
<td>b) Ownership conflicts because of land registration</td>
</tr>
<tr>
<td></td>
<td>c) Ownership conflicts of isolated land between collectives or collectives and state.</td>
</tr>
<tr>
<td>Rural Land Contracting Conflicts</td>
<td>d) Rural land contract inheriting conflicts</td>
</tr>
<tr>
<td></td>
<td>e) Levy compensation form contracted rural land conflicts</td>
</tr>
<tr>
<td></td>
<td>f) Individual’s (persons or companies) illegal occupation of collective / Individual land</td>
</tr>
<tr>
<td>Land Use Rights Conflicts</td>
<td>g) Land use conflicts between human/cultural and natural use</td>
</tr>
<tr>
<td></td>
<td>h) Land use right conflicts between the public utilization and private land use right</td>
</tr>
<tr>
<td></td>
<td>i) Land Expropriation conflicts without enough compensation</td>
</tr>
</tbody>
</table>

Some information for each type of conflict is described:
a) Ownership conflicts linked to inheritance

d) Rural land contract inheriting conflicts
That means inheritance conflicts often happen within families, villages, communes’

b) Ownership conflicts because of land registration
This kind of conflict often happens in the two situations. First, some people declare the identical property, because i) no land registration exists, ii) it is under the extreme conditions, iii) it has been destroyed. Second, due to unequal knowledge and financial means only the well-off register land – even that of others

c) Ownership conflicts of isolated land between collectives or collectives and state.
For instance, first, peculiar case of conflicts due to illegitimated transformation from the collective land to national construction land. Second, unclear and opaque division of state land by decision resulting in unintended confiscate of individuals and collectives.

f) Individual’s (persons or companies) illegal occupation of collective/ individual land.
This kind of conflict includes: i) illegal lease of idle collective land by private person, ii) private person leasing or renting the property of another person, iii) illegal taking of collective land by an individual or companies for personal use (under usual support of corrupt public officials)

g) Land use conflicts between human/cultural and natural use
Such as not sustainable land uses: conversion of forests into construction land

h) Land use right conflicts between the public utilization and private land use
Such as conflicting interests in common property by individual and public

e) Levy compensation form contracted rural land conflicts
i) Land Expropriation conflicts without enough compensation
For example: first: Expropriation of landholders without (enough) compensation to use the land to make public use. Second: replacement of landholders without giving them adequate land and/or enough rights to it. Third: between land owners and the state in case of compensation or tax revenue

ii) Causes of land conflicts
It must have a clear and profound understanding of the special nature of the especially conflict, the roots of the conflict and the actors involved (including their standpoints, manners, behavior, interests, demands and motivations), as well as their relations with each other. According to the conflict complexity, frame conditions and the historical development of the conflict may possibly be determined as well.

Looking from the different analysis angle, they can also be distinguished by political and economic, socio-cultural, demographic, legal/ judicature reasons.

The causes of land conflicts from interview are described. First, political and economic causes, such as lack of political stability and continuity, political corruption, national capture and land plundering. In addition, evolution of land markets and increasing land prices are important too. Second, it is about Socio-cultural causes, such as unregistered land transactions. Third, the aspect of demographic causes exist, such as strong population growth and rural remove. Fourth, there are legal and juridical causes. For example, the official law is the insufficient
In addition, economically efficient land markets can also cause land conflicts: Even if not one perfect, the economical effective land market can prevent land conflicts as land market forces itself do not lead to the society and the ecology optimization land use patterns. This is because they often neglect the negative influence of environmental degradation (transformation forest and agricultural land turns into construction land) and the influence on the poor of being squeezed out of the land market by so-called market evictions. In addition to secured property rights, In addition, guarantees for an ecology and social sustainable land market are needed, including:

• Land management (land use planning, land use rules, land consolidation, land readjustment and land banking), and
• Ethical principles.

Usually the organizations regulating the land market are unable for the normal work, but even when they do, land conflicts still frequently occur.

iii) Consequences of land conflicts:

Land conflicts often have widespread negative influences on economic, social, spatial and ecological development. Especially true in developing countries and countries in transition, where land market systems are weak, opportunities for economic gain by illegal motion are widespread and many poor people are unable to obtain the land. Land conflicts can bring the disastrous consequences on individuals as well as on association and even entire country. Land conflicts also increase social and political unstable.

Land ownership conflicts have negative influences on individual families as well as on the national economy. They increase costs, slow down investment, can cause the damage of property for a conflict party and reduce tax income (land tax, trade/business tax) for country or city. The lower the transparency in land markets, the less equal is information being disseminated, as well as the weak composition and the management structure is, the more possibility it is that land conflicts occur. People therefore need to spend massive time and money on seeking for information and monitoring agreements/contracts. This means that land conflicts are related to soaring transaction and agency costs or vice versa, namely (relatively) soaring transaction and agency costs indicate a high probability of land conflicts.

4.3.6. Land rights analysis

Questionnaires involve current countryside aspect of land ownership, land contracting right, land use right, land transfer and so on.
**i) Land ownership**

Table 4-7 Understanding on rural land ownership

<table>
<thead>
<tr>
<th>Options</th>
<th>No. of respondents out of 175</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>What is the collective? the boundary is not clear, therefore the collective is fuzzy concept</td>
<td>91</td>
<td>52</td>
</tr>
<tr>
<td>Collective land is indeed for all the villagers</td>
<td>65</td>
<td>37</td>
</tr>
<tr>
<td>Collective land is owned by leaders of villages</td>
<td>19</td>
<td>11</td>
</tr>
</tbody>
</table>

52% farmers believed that the boundary of the rural land collective ownership is unclear. It is a fuzzy concept. Some farmers point out that rural land is for villagers truly, but the basic unit of political power are excessively many to the farmer collective land right's intervention, but the grassroots political power intervene the collective land rights too much.

Table 4-8 Under the existing laws and policies, the problems of rural collective land ownership

<table>
<thead>
<tr>
<th>Options</th>
<th>No. of respondents out of 175</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The collective land ownership power is incomplete, is not in the complete significance ownership</td>
<td>131</td>
<td>75.0</td>
</tr>
<tr>
<td>The collective land ownership object limits are unclear, state and collective land ownership limits are unclear, between the collective land ownership also has the unclear scope</td>
<td>99</td>
<td>56.3</td>
</tr>
<tr>
<td>Rights and obligations of collective land ownership is not clear, lack of operation</td>
<td>89</td>
<td>50.9</td>
</tr>
<tr>
<td>Collective land ownership is for multi-level, the main body is undefined</td>
<td>88</td>
<td>50.0</td>
</tr>
<tr>
<td>The main representative of the collective land ownership, such as the village group, legal status is unclear</td>
<td>88</td>
<td>50.0</td>
</tr>
<tr>
<td>Other</td>
<td>6</td>
<td>3.6</td>
</tr>
</tbody>
</table>

The rural collective land ownership need to be further defined. Some farmers have the same comments on rural land ownership. 58.9% farmers think rural land ownership power is incomplete, 58.9% farmers point out rural land ownership object limits are unclear, 50.9% of them consider rural land ownership’s rights and obligations is not clear, lack of operation. According to the number of choice population sorting, the detail information I described above.

Table 4-9 The suggestion on rural collective land ownership reform

<table>
<thead>
<tr>
<th>Options</th>
<th>No. of respondents out of 175</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>According to the existing pattern of possession of agricultural</td>
<td>103</td>
<td>58.9</td>
</tr>
</tbody>
</table>
land contracting, delegate land use rights to farmers permanently, farmers become final, complete owners for land property rights, and they may inherit, transfer, mortgage and trade land.

Carrying on revises on the existing laws and policies | 100 | 57.1

Government establishes a comprehensive land management files, it is in charge of land registration for farmers. Fulfill transfer registration formality if the land ownership exchanges through the transfer and the transaction, so that local government and rural organizations and their representative have no right to dispose of land for farmers for a unilateral because of any excuse or reason.

Other | 23 | 13.4

Farmers have different opinions about rural collective land ownership reform. According to the number of choice population sorting, 58.9% farmers think land use rights should be given to farmers permanently, 57.1% farmers say the reform should carry on revises on the existing laws and policies, etc. Moreover, in order to perfect countryside land ownership system, the key point is to enhance the farmers’ ability to maintain the land rights and interests, simultaneously, to provide the effective relief method for farmers in the law.

**ii) Land use right**

<table>
<thead>
<tr>
<th>Table 4-10 Farmer land use rights limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Options</td>
</tr>
<tr>
<td>Creditor right</td>
</tr>
<tr>
<td>Property right</td>
</tr>
<tr>
<td>Usufructuary right</td>
</tr>
<tr>
<td>Other</td>
</tr>
</tbody>
</table>

The current nature of land use rights is not yet clear. The investigation showed that only 22.9% farmers consider land-use rights should be “property rights”, 37.7% farmers think that it should be usufructuary right, 34.3% farmers think that it is also only creditor rights.

<table>
<thead>
<tr>
<th>Table 4-11 Rural land use rights constitute</th>
</tr>
</thead>
<tbody>
<tr>
<td>Options</td>
</tr>
<tr>
<td>Self-use and management right</td>
</tr>
<tr>
<td>When the contracted land is expropriated in accordance with the law, the occupier is entitled to obtain the corresponding compensation.</td>
</tr>
</tbody>
</table>
95.8% farmers think rural land use rights constitute should include self-use and management right includes subcontract, transfer, lease and other rights. 85.0% farmers choose the option: when the contracted land is expropriated in accordance with the law; the occupier is entitled to obtain the corresponding compensation. 85.0% farmers point out that it includes exclusive possession right includes mortgage, inherit, rights guarantee. 53.1% farmers think the institute should make priority of land contracting right.

<table>
<thead>
<tr>
<th>Options</th>
<th>No. of respondents out of 175</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjust the land during contract period</td>
<td>150</td>
<td>95.8</td>
</tr>
<tr>
<td>Government invades the rights of farmer</td>
<td>149</td>
<td>85.0</td>
</tr>
<tr>
<td>Land acquisition happens with deregulation</td>
<td>96</td>
<td>54.9</td>
</tr>
<tr>
<td>Governments take back land nominally</td>
<td>93</td>
<td>53.1</td>
</tr>
<tr>
<td>Farmers do not have to the ability of using the law to safeguard their own rights and interests</td>
<td>59</td>
<td>33.6</td>
</tr>
<tr>
<td>Farmers do not have legal &quot;two certificates&quot; which can prove they have the right of land use</td>
<td>50</td>
<td>28.3</td>
</tr>
<tr>
<td>Other</td>
<td>5</td>
<td>2.7</td>
</tr>
</tbody>
</table>

Many issues about farmers land use rights related to the land system design defects. The investigation shows that the main aspects about the difficulty to give farmers long-term and secure land use rights are four points which are indicated in the first four options. The percentage is over 50% in the four options.

<table>
<thead>
<tr>
<th>Options</th>
<th>No. of respondents out of 175</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>At least 30 years</td>
<td>38</td>
<td>21.8</td>
</tr>
<tr>
<td>50 years</td>
<td>13</td>
<td>7.3</td>
</tr>
<tr>
<td>70 years</td>
<td>16</td>
<td>9.1</td>
</tr>
<tr>
<td>No deadline but permanent land use right to farmers</td>
<td>91</td>
<td>51.8</td>
</tr>
<tr>
<td>Other</td>
<td>17</td>
<td>10.0</td>
</tr>
</tbody>
</table>

21.8% farmers think the term of land use rights should be at least 30 years, 7.3% and 9.15 farmers think the term should be 50 years and 70 years separately. Most farmers (51.8%) think land use right should be a nimble use right, which could have greater flexibility in accordance with the wishes of both sides, or it should be in accordance with the socio-economic
development in rural areas and reality of industrial development, take democracy decision for collectives and farmers (1/2 majority).

Table 4-14 To solve the contradiction about “Not only need stable land-use rights, but also require an average of possession of land”

<table>
<thead>
<tr>
<th>Options</th>
<th>No. of respondents out of 175</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through land use right compensated transfer, gradually realize land regulation marketability</td>
<td>123</td>
<td>70.6</td>
</tr>
<tr>
<td>In defining the main property, strictly limit “the collective” member's boundary, and limit &quot;contracting right&quot; groups</td>
<td>117</td>
<td>67.0</td>
</tr>
<tr>
<td>Before giving the farmers long-term and protected right, we need to adjust land finally. Land allocation must forecast that farmers’ future land requirement</td>
<td>61</td>
<td>34.9</td>
</tr>
<tr>
<td>Other</td>
<td>13</td>
<td>7.3</td>
</tr>
</tbody>
</table>

The rural land-use rights should be stabilized mainly through the land use right compensated transfer and property right limitation. The percentages of the two options are 70.6% and 67.0% separately. 34.9% farmers consider land allocation must forecast that farmers’ future land requirement before giving the farmers long-term and protected right.

Table 4-15 To solve the contradiction about “Increasing population not increasing land, reducing population not reducing land”

<table>
<thead>
<tr>
<th>Options</th>
<th>No. of respondents out of 175</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Using a standardized land use right transfer market method to replace the administrative adjustment method</td>
<td>119</td>
<td>68.2</td>
</tr>
<tr>
<td>Accelerating the rural non-agricultural industries and urban development to expand non-farm employment opportunities</td>
<td>97</td>
<td>55.5</td>
</tr>
<tr>
<td>Reassigning land resources to address the legitimate additional population land</td>
<td>73</td>
<td>41.8</td>
</tr>
<tr>
<td>Retained mobility land must be strictly used for legitimate distribution of the population</td>
<td>64</td>
<td>36.4</td>
</tr>
<tr>
<td>Carrying on legitimately adjustment before implementing the land contracting relations long-term invariable policy</td>
<td>51</td>
<td>29.1</td>
</tr>
<tr>
<td>Considering a variety of factors (such as demographic change), to take land distribution prediction method</td>
<td>46</td>
<td>26.4</td>
</tr>
<tr>
<td>Other</td>
<td>14</td>
<td>8.2</td>
</tr>
</tbody>
</table>

68.2% farmers think to solve this contradiction; the good method is to depend on standardized land use right transfer market. 55.5% farmers think it is useful to accelerate the rural non-agricultural industries and urban development to expand non-farm employment.
opportunities. 41.8% and 36.4% farmers think separately it is important to follow the option three, four, etc.

<table>
<thead>
<tr>
<th>Table 4-16 Flaws of &quot;Rural Land Contracting Law&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Options</strong></td>
</tr>
<tr>
<td>The land can’t be adjusted during the contract period, but it is stipulated that the land can be made limited adjustment in certain “the special situation”, which caused land use rights unstable</td>
</tr>
<tr>
<td>It provides for settlement of land dispute arbitration mechanism, but management has not been promulgated any specific provisions of such a mechanism, leading to the resolution of land disputes is very difficult</td>
</tr>
<tr>
<td>Carrying on strict limit on the land mortgage</td>
</tr>
<tr>
<td>Rural land is contracted to farmers, whose rights belong to all members of the family, which co-owner of such rights should be addressed to individual members of partition, but the law does not require about it, the fact that caused it difficult for women to share equally in the land use rights</td>
</tr>
<tr>
<td>The contracted land are not permitted to buy and sell</td>
</tr>
<tr>
<td>Other</td>
</tr>
</tbody>
</table>

Flaws of the rural land contracting law can also reflect the issues of land use rights. 52.7% farmers point that the flaw of land contracting law is about the land adjustment and stipulation 47.3% farmers choose the aspect of settlement and management of land dispute. 43.6% farmers choose limitation on the land mortgage. 36.4% farmers the parts about land use rights, 21.8% farmers think the contracted land is not permitted to buy and sell.

<table>
<thead>
<tr>
<th>Table 4-17 The suggestion on rural collective land use rights reform</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Options</strong></td>
</tr>
<tr>
<td>Strengthen rural land collective ownership, weaken land-use rights</td>
</tr>
<tr>
<td>Strengthen land-use rights weaken rural land collective ownership</td>
</tr>
<tr>
<td>Both should be strengthened</td>
</tr>
<tr>
<td>Other</td>
</tr>
</tbody>
</table>

About the land use rights reform, we should strengthen and protect the farmers land use rights at the new stage. 4.5% farmers think land collective ownership is more important, 67.3% farmers think it if right to strengthen land-use rights weaken rural land collective ownership. 15.5 farmers choose both should be strengthened.
### iii) Land transfer and land system

#### Table 4-18 The main issues about land transfer

<table>
<thead>
<tr>
<th>Options</th>
<th>No. of respondents out of 175</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Irregular distribution of income, farmers are not effective in protecting the rights and interests</td>
<td>148</td>
<td>84.7</td>
</tr>
<tr>
<td>The issues of violations is more serious during land transfer</td>
<td>125</td>
<td>71.5</td>
</tr>
<tr>
<td>Government administrative intervention is big</td>
<td>106</td>
<td>60.4</td>
</tr>
<tr>
<td>The land management behavior is short-term, the collective construction land value can not be completely apparent</td>
<td>52</td>
<td>29.7</td>
</tr>
<tr>
<td>The transfer dispute is frequent</td>
<td>44</td>
<td>25.2</td>
</tr>
<tr>
<td>Other</td>
<td>5</td>
<td>2.7</td>
</tr>
</tbody>
</table>

The first three options which have large portion are the main issues about land transfer, 84.7% farmers concern about irregular distribution of income, 71.5% farmers choose the issues of violations. 60.4% farmers think government administrative intervention is big. 29.7% farmers think the land management behavior is short-term, the collective construction land value can not be completely apparent. 25.2% farmers consider the transfer dispute is frequent.

#### Table 4-19 The main causes about land transfer

<table>
<thead>
<tr>
<th>Options</th>
<th>No. of respondents out of 175</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The lack of clear land property rights</td>
<td>126</td>
<td>72.1</td>
</tr>
<tr>
<td>Land resource are scarce because of state monopoly, the growth of rural land market development is lagged</td>
<td>104</td>
<td>59.5</td>
</tr>
<tr>
<td>The lack of a reasonable system of land transfer prices</td>
<td>103</td>
<td>58.6</td>
</tr>
<tr>
<td>The lack of the effective management and supervision for collective construction land transfer in government</td>
<td>85</td>
<td>48.6</td>
</tr>
<tr>
<td>The lack of intermediary organizations in land transactions</td>
<td>52</td>
<td>20.7</td>
</tr>
<tr>
<td>Other</td>
<td>8</td>
<td>4.5</td>
</tr>
</tbody>
</table>

From here we can see the detail information about the main causes of land transfer. 72.1% and 59.5% farmers think the main causes are the lack of land property rights and land resource separately, 58.6% and 48.6% farmers think the main causes are a reasonable system of land transfer prices and the lack of effective management and supervision for collective construction land transfer separately. 20.7% farmers think the main cause is the lack of intermediary organizations in land transactions.

#### Table 4-20 The current rural land system problems
64.6% farmers think the land system problem is about rural collective land ownership. 63.7% farmers think the problem is about the irregular land acquisition system. 48.7% farmers consider rural land transfer mechanisms are not perfect. 33.6% and 24.8% farmers think the problem is about the implementation of farmers land rights and development of the land markets separately. 23% and 22.1% farmers think it is about farmers’ land use rights and the system which is based on land contracting law separately. 7.1% farmers think the problem is that state implements strict limits on rural land.

Table 4-21 The key measures to maintain the farmers’ land rights and interests

<table>
<thead>
<tr>
<th>Options</th>
<th>No. of respondents out of 175</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural collective land ownership is not clear</td>
<td>113</td>
<td>64.6</td>
</tr>
<tr>
<td>Irregular land acquisition system</td>
<td>111</td>
<td>63.7</td>
</tr>
<tr>
<td>Rural Land transfer mechanisms are not perfect</td>
<td>85</td>
<td>48.7</td>
</tr>
<tr>
<td>The implementation of farmers land rights are not guaranteed</td>
<td>59</td>
<td>33.6</td>
</tr>
<tr>
<td>Development of the land markets are incomplete</td>
<td>43</td>
<td>24.8</td>
</tr>
<tr>
<td>Farmers’ land use rights are incomplete</td>
<td>40</td>
<td>23.0</td>
</tr>
<tr>
<td>The system which is based on land contracting law is imperfect</td>
<td>39</td>
<td>22.1</td>
</tr>
<tr>
<td>State implements strict limits on rural land</td>
<td>12</td>
<td>7.1</td>
</tr>
<tr>
<td>Other</td>
<td>5</td>
<td>2.7</td>
</tr>
</tbody>
</table>

The key measure to maintain the farmers’ land rights and interests is about the related law and policy and executive regulation which 88.5% farmers choose this option. Another key measure is to encourage organizations development; the third one is to improve farmer’s awareness.

Table 4-22 The suggestion on the rural land system reform

<table>
<thead>
<tr>
<th>Options</th>
<th>No. of respondents out of 175</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carrying on the property rights structure changes to traditional collective land ownership</td>
<td>53</td>
<td>30.3</td>
</tr>
</tbody>
</table>
Reform the rural land system to protect farmers’ land rights is not violated. 30.3% farmers point the reform should focus on carrying on the property rights structure changes. 17.4% farmers think the importance of reform is to give the property rights to farmers. 16.5% farmers consider it is good for the reform to stabilizing and improving the land contracting system.

### 4.4. Concluding Remarks

The urbanization ratio is used to demonstrate the urbanization level; the present urbanization level of our country has already been up to 24.85%. Under this circumstance, urbanization level of Baoji is increased year by year from 21.27% in 1996 to 24.85% in 2006. The present urbanization level of our country has already been up to 24.85% (collective land rights study report during redevelopment of urbanizing village in Baoji, 2006). Under this circumstance, urbanization level of Baoji is increased year by year from 21.27% in 1996 to 24.85% in 2006. Because of economic development, Baoji is becoming more and more attractive. Comparing the income situation about six study areas, it is easy to say that, the average income level of the village residents is increased. Village’s residents have different consumption ways because of different income levels. Based on data analysis, we find economic activities play a vital role in urbanization process. The more commercial activities in village, the higher development level of village. Moreover, the residents’ activities change is more important than spatial pattern change in urbanization.

Spatial pattern analysis associate with land use structure, spatial urbanization requires multiple data sources with high spatial resolution. But the spatial pattern doesn’t change so much of these six villages. The essential of urbanization is the process of population economic activity and life style non-realization, and the content includes population section structure, industry structure, and life style urbanization. Therefore, the other indicators should be used, such as economic situation.

Land acquisition is for the ownership, the country deprives the land ownership from owners, the result is that the property is transferred and no collective ownership rights exist forever. These six villages are collective-owned. The villagers are no satisfied with the government's a series of measures about the process of urbanization, particularly for the issue of employment and compensation after land acquisition. For example: government follows "levy low and sell high"; Transparency of land acquisition work is not high and the lack of fairness impartiality; Many farmers are worried and concerned about the future life. In addition, the villagers are unsatisfied regarding the compensation amount also.

In China, The farmer possesses the land use right based on leased contracts. The inequality of land distribution and lacks of adequate legal or institutional protections result land conflicts.
between the farmer and collective or between collectives. Land conflicts, fluctuating economical development and farmer’ land rights in the countryside are threatening. Briefly; there are ownership conflicts, rural land contracting conflicts, land use rights conflicts. The causes of land conflict can be distinguished by political and economic, socio-cultural, demographic, legal/ judicature and economically efficient land markets reasons. Land conflicts often have widespread negative influences on economic, social, spatial and ecological development.

Land rights analysis is about three parts: land ownership, land use right, land transfer and land system. From this part, we can see the extent that villagers understand land rights, and give more attention for land rights, such as land policies and laws (land contracting law), institutional Reform (land right system and land ownership), land transfer, land system problem etc. Good Governance is important in protecting land rights (Rule of law, Transparency, Decentralization Effectiveness, Efficiency and Accountability, Equity) and government should also consider complementary policies to create new economic and social opportunities to farmers.
5. Innovation patterns of the rural collective land property

5.1. Introduction

Through the findings from the fieldwork about land rights analysis, it is found that there are some problems about rural collective land right system, such as the slow transfer, the unstable land contracting rights, the neglected land other rights, the difficulty to link up with modern land market effectively, the imperfect coordinated measures about land right system reform. These problems can be solved through further reform of the land right system.

So this chapter uses the related principle of new property law as described in the previous chapters to carry on the analysis “the land right system” with the depth reasons for the conduct of local government, and discusses changes in Chinese current system of basic land rights. The discussion focuses from a legal perspective to standardize local government planning process.

This chapter further elaborates the loss of collective land ownership system and land use right system, and offers the innovation pattern of the rural collective land property as improvement for urbanization in China. So from this chapter we can solve research question eight and ten.

5.2. Reflection on land right system and planning behaviors of local government

Impartial judgment and public benefit protection are the basic value options of urban planning. In practice, the chapter four indicates that local government planning process did not follow this point and instead makes the government benefits as the maximal one. This led to the loss of land use control in reality. From the point of land right system, incompleteness of current land ownership system is a critical defect. It also reveals that the existing land use right system does not seem to match with land ownership system in China.

5.2.1. The loss of collective land ownership system

In China, our collective land ownership seems rather incomplete, as it reflects in the following three aspects.

Fuzzy or Misty concept about the ownership: The legislation claims that the land ownership in rural areas belong to collectivities. But the notion of collectivity is not clear to the group of farmers, as there are no explicit limits on the land rights of the collectivity and the relations among the members of collective. In other word, the relationship between rural land and collectives are not well defined so that ownership can really be exercised in term of holding and use of land by the collectives. So the collective land ownership is manifested by lacks of its understanding and management by both the collectives supported by the State.
The inequality between collective and state land ownership: In above scenario, when urbanization occurs, the State has only one option. That is, the collective land gets converted to the state land”. This is one choice that the local government could use and get the collective land ownership through compulsory land acquisition.

According to law related to compulsory land acquisition, the standard of the compensation is mentioned, but it is by far below the original living level. Additionally the land and labor markets regulations can not protect the standard of compensation in resettlement for the displaced citizen. So it means that there is a crucial function of the administrative power between land acquisition and land utilization in urbanization.

The loss of the political power of collective land ownership: In setting of collective land ownership there are three main conceptual problems about its uses. Firstly, collective land can not be used directly for the real estate development which has enormous economic benefits. Secondly, the collective land must be converted to the State land before any kind of development. Transfer payments is usually higher than the acquisition costs, which lead to the limitation of the usufruct of collective land ownership. Third, collective land can not be traded freely or in any other forms to transfer. But if land acquisition takes place for urbanization, the collectives are forced must obey it (economically also) as the land acquisition is public power.

5.2.2. The loss of collective land use rights system

Chinese land use rights have the nature of the property rights and the legal characteristics, which refers legally the land of the possessor, the use, a range of benefits and penalties under certain conditions. Since the 1980s, the countryside has implemented the household contracting responsibility system i.e. the urban land based on the principle which separates the land ownership and the use right may be sold or transferred legally. Thus it has formed the marketability system which the land use rights can be sold by paying, and it has entrusted with the land use rights new connotation as one kind of independent property right.

The state-owned land use right refers to the citizens and the legal persons to obtain the state-owned land in accordance with the law to enjoy the rights of possess, use, benefit and punishment in the scope of the allowed laws. The urban state-owned land use rights are mainly made primitively by land use rights sell, namely, according to the principle which separates the land ownership and land use right. The authorized the city or county-level people's government as the administrative regions country as landholder's representative formulates the land use rights by a certain number of years, uses and other conditions, remises the land users to hold, use, management, and disposable collection monetary fund, therefore is called paid sells, is also all the compensation for the use of land.

Obviously, in the entire state-owned land use rights acquisition process, the local government has had leading power and the decision-making power in fact on behalf of the state. This has caused the local government to monopolize the land primary market, reduced the market transparency, attenuated the market mechanism, and urged the local government to produce the expansion impulsion to seek their own benefits maximization, resulted in low efficiency of land
resource allocation and utilization.

5.3. Innovation pattern of the rural collective land property

Looking at the above discussion in the section 5.2, the transformation of the traditional land ownership system has brought local government planning following an option only i.e. following standard land acquisition during planning and implementation phases of urbanization.

This research argues that this type of standard should be avoided. Innovation pattern of transformation in the rural collective land property need to follow the reflection of New Property Law. It means that the uses of rural land are required to be based on the rural collective land ownership, land use rights and other kinds of land rights as responsibilities and obligations on both sides (collectives and State) as perceived by new land laws.

5.3.1. Making land use rights with a new connotation

Land use rights are divided into three types: urban construction land use rights, rural homestead land use rights and agricultural land contract rights.

To the farmers, making rural homestead land use rights and agricultural land contract rights as land use rights not only can be established both property rights, but can also be put in the land markets. This approach realizes the economic value of land to speed up the development of urbanization. Therefore, during the land acquisition, the farmers can protect their own rights and interests depending on the legislations and laws, and it is also clear about the boundary of the local governments planning behavior.

5.3.2. Clarifying further the legal attributes about land use rights

Through the New Property Law, establishing the Chinese land-use rights to have the Chinese characteristics usufructuary rights, makes one item to be completely independent of the state-owned land ownership, has the civil law nature. It avoids the rights of local government administration directly involved in the transfer of land use rights, thus restrains Local authority's plan behavior to a certain extent. It is important to realize the land effective and reasonable utilization through the market operation.

5.3.3. Breaking the Local authority to monopolize the land primary market, re-construct the land market.

The land primary market in China forms with that the local authority on the behalf of the country to take the land acquisition from collective land to state-owned land, and then transfer the use rights to the land users. The local authority which is the only principal is in the monopolistic position in reality in the land primary market. Because our country legal regime is not perfect, it causes the Local authority to have the quite big freedom in the concrete operations process to decide after considerable discretion. The present land expropriation system the excludes farmers from land markets, it deprives the rightful interests of farmers; moreover, it can arouse the local authority to pursue the benefit maximization. Therefore, to
break the situation of local authority in monopolizing the land primary market to re-construct a city-countryside, land market is an important element of innovation pattern of the rural collective land property.

5.3.4. The direction of the innovation pattern

There are four steps that would make the direction creative, clear and innovative for collective land ownership.

Firstly, the refinement of land property rights will be more conducive to improve the land for the efficient use of spatial resources.

Secondly, the clarity of land property rights will be more conducive to the protection of land rights, especially the farmers of land property rights will obtain more effective protection.

Third, land requisition system must be reformed, the scope of land requisition will be strictly limited, namely it must for the political needs for public purposes, compensation for farmers will tend to monetary of the market price or the form of shares that must fulfill the fair compensation.

Fourth, the land registration system should be further improved; the coverage will be greatly expanded. The use of advanced technology will enable the land information to collect, collate, transfer, inquiries more convenient, so as to service better for government decision-making, for social services, for the protection of the transaction services safely.

5.3.5. The idea of the innovation pattern

- Basing on the land ownership

It can make the legitimate rights and interests of rural collective land owners and land users obtain the effective protection. It can cause the rural collective land property rights to achieve the property right is defined truly, the attribute of the power is legitimate, the power and responsibility is clear and unified. At the same time, it also should achieve the land ownership rights gradually, the right of use, the right of management separation, to make the state, the collective, the individual benefits obtain the protection legally.

- Strengthening the collective land use rights

First, giving further implementation of the "Land Management Law", in order to better protect the legitimate rights and interests of farmers, and mobilize their enthusiasm in production, promoting sustained development of the agricultural and rural economics. "Land Management Law" stipulated explicitly the land contracting management deadline is 30 years that is a piece of land which is contracted by farmer in 30 years can’t be exchanged at will for other lands, and the farmer should manage in 30 years on the same land. Some questions which appear regarding
the household contracting system should be taken the reasonable measures to solve to make the contracting system more rational and scientific.

Second, refining and strengthening the authority of land use rights. Land use rights are the main content of the rural land property system. At present in Chinese rural areas, land use rights mainly reflect in land contracting rights, which provide the legal safeguard for the implementation of property rights of land use rights

- Improving other rights of land

In China, the land other rights generally refers to land rights outside the range of land ownership and land use rights. In other words, those who do not belong to the land ownership and use rights, but in land laws it needs to be recognized and protected, this kind of land rights are land other rights.

Some part of land other rights include: a) Easements: it is a kind of right that uses other peoples’ land to meet their own needs. Such as the right-of-way, drainage rights and so on. b) Surface rights: it refers to the rights for building, planting on other people's land. Such as constructing the workshop, the housing, planting trees and so on. c) Underground rights: It refers to install underground pipeline, the electric cable, construct underground facilities under other peoples’ land. Such as subway, tunnel and so on. d) Airborne rights: the rights to construct facilities over other peoples’ land. Such as bridges, high wire lines. e) Rental rights: It refers that the lessor provides the land to the land tenant for using and the land tenant rents and holds the land according to contract about payment of rent.

Innovation pattern means that based on the rural collective land ownership, take land use rights as hard core, other kinds of property as complementarily, and state regulator’s rights as limitation.
In appendix 8, we can see the Chinese Land Right Certificate.

5.4. Concluding Remark

Some of the existing problems about rural collective land right system are the slow transfer, the unstable land contracting rights, the neglected land other rights, the difficulty to link up with modern land market effectively, and the imperfect coordinated measures about land right system reform.

To standard local government behavior is one of the fundamental ways to transfer the current land right system. Specifically, that is, drawing on the principles of new property law, building land usufruct property rights system at the core of land use rights, to guarantee the land right system's effective implementation thus achieves the standard of local government planning purposes.

Innovation pattern means that based on the rural collective land ownership, take land use rights as hard core, other kinds of property as complementarily, and state regulator's rights as limitation.
6. Conclusions and Recommendations

This chapter presents the conclusions of this research and recommendations for the further research.

6.1. Conclusions

Like in many countries of the world, land is a special issue in China. It is not only used to produce goods or possess as property but it is also the foundation for people’s life and the most important essential factor of environment resources.

- Concerning about the first research objective: to describe regulatory framework of urbanization and land utilization in terms of equity, participation and accountability.

The thesis reviewed regulatory framework of urbanization and land utilization through the current situation and the literature study. The regulatory framework of urbanization is conceived as frame proposed under three broad headings, namely administrative procedures, including the institutional set up, planning standards, and planning regulations. The urbanization takes forms in terms of physical feature, land use feature, population feature and economic feature.

According to the article 10 of Chinese constitution land in the cities is owned by the State. Land in the rural areas is owned by Collectives except for those portions which belong to the State in accordance with the law; house sites and privately farmed plots of cropland and hilly land are also owned by Collectives. The State may, in the public interest, requisite land for its use in accordance with the law. No organization or individual may appropriate, buy, sell or lease land or otherwise engage in the transfer of land by unlawful means.

Land acquisition in China is the transfer of ownership from the Collective-owned land to State-owned land. It is the need of the public interest to transfer the land according to the rules of the laws and the procedure after paying the compensation to the collective and peasants by the government. It is also an important measurement to guarantee the national public utility services.

Current land acquisition affects the benefits of the Collective and peasants. If there is no reasonable land acquisition process to balance the benefits of all parties, it causes the dissatisfaction of the people or even affects the social stability.

According to regulations and the 1998 Land Administration Law (LAL), the government provides the compensation to village residents. The government pays collectives and peasants a compensation package for agricultural land including three components: Compensation for the land itself, compensation for improvements to the land and for crops growing on the requisitioned land, and compensation for resettlement subsidies.
Concerning about the second research objective: to analyze effects of land use rights as defined in new land laws in relation with regulatory framework.

The peasants being a stakeholder must be involved in order to carry out land acquisition process. Spatial pattern analysis associate with land use structure, spatial urbanization requires multiple data sources with high spatial resolution. But the spatial pattern does not change so much on all these six villages. The essential of urbanization is the process of population economic activity and life style non-realization, and the content includes population section structure, industry structure, and life style urbanization.

Land rights are the most important part in this thesis, it also given some detail information about land rights in rural areas. There are some characters about rural collective land use rights, such as land use rights’ transfer, subcontract and stock, lease, mortgage, implement, take back. Land contracting rights (Chengbao in Chinese) are the rights for the members of countryside collective economic organizations (CEOs) to contract land owned by the CEOs or other owners for cultivation or similar uses. The form of Land contracting rights is “Household responsibility contract system”. It was initiated by a group of farmers in a hamlet in China in the early 1980s. The 3rd plenary session of the 17th central committee of the Chinese communist party take the farmers’ land property rights as very important consequence, expressed the theory of “new pattern of town-village system”.

A land conflict can be defined as a social fact in which at least two parties are involved, the roots of which are different interests over the property rights to land: the right to use the land, to manage the land, to generate an income from the land, to exclude others from the land, to transfer it and the right to compensation for it. The thesis also described many different types of land conflicts that exist and causes, consequences of land conflicts.

After the fieldwork and literature review, we can see it has a great various of changes or problems about land use rights during urbanization, such as the slow transfer, the unstable land contracting rights, the neglected land other rights, the difficulty to link up with modern land market effectively, and the imperfect coordinated measures about land right system reform. So chapter five further elaborated the loss of collective land ownership system and land use right system, and offers the innovation pattern of the rural collective land property as improvement for urbanization in China. Innovation pattern means that based on the rural collective land ownership, take land use rights as hard core, other kinds of property as complementarily, and state regulator’s rights as limitation.

6.2. Recommendations

- Limitation of the research

This research depends on the study areas chosen and on data from only the six villages only. Therefore, the results might have location restrictions. Sometimes, the results might not be suit for everywhere in China. The further research might be required focus on suitability of these results in other urban areas of China.
Due to the limitation of the time and cost, so many limitations in the research have been observed. For instance, the main research objective has been narrowed. Also, about the resource requirements, Cadastral digital data are considered at the beginning, but it has not been fulfilled.

- **Considerations for further research**

In the conclusion of research, land tenure is the fundamental causes of forming the effect of land use rights during urbanization. And it is also the main factor of improving urbanization. Nevertheless, land tenure have undergone many reforms in Chinese history, and it is a very complex process. The further research of this unique system should be carried out.

From findings mentioned in chapter five, the innovation pattern of the rural collective land property is introduced. The further research of innovation pattern implementation are recommended.
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Appendix 1
<table>
<thead>
<tr>
<th>objectives</th>
<th>questions</th>
<th>information requirements</th>
<th>data source</th>
<th>method</th>
</tr>
</thead>
</table>
| To describe regulatory framework of urbanization and land utilization in terms of equity, participation and accountability. | Q1. What are the policies about urbanization and land utilization? | - Guiding principles  
- Objectives  
- Sustainable land use planning process  
- Protection of farmer’s land use rights  
- Allocation and compensation  
- Procedure for changing land use | - Policies and regulations from Local governments, Land and resource department  
- Scientific literature | - Collect policy documents and regulations  
Study and Review documents |
| | Q2. What is the regulatory framework for governing the policies? | - Rules, regulations and government decisions  
- The current restrictions on land use rights  
- Governing standards and administrative procedures  
- Existing laws and guidelines for governing property the policies  
- Customary practices of land management and policies. | - Field work  
- Policies and regulatory framework from Local governments and land and resource department  
- Scientific Literature from Journals | - Literature Review about regulatory framework  
- Interview |
| | Q3. How are laws and administrative procedures organized? | - Laws and administrative procedures  
- Laws and administrative procedures | - Field work  
- Online sources  
- ITC library  
- Local government land and resource department. | - Literature Review about laws and administrative procedures  
- Interview |
| | Q4. Are land utilization practiced in terms of equity? | - Rules, regulations of land use planning | - Field work  
- Online sources | - Literature Review about land utilization  
- Interview |
| | Q5. How to enhance peasants’ participation in decision making process? | - Literature about decision making  
- Implementing laws and regulations governing | - Field work  
- ITC library  
- Online sources | - Literature Review  
- Interview |
<table>
<thead>
<tr>
<th>Q6. Who are the stakeholders accountable for regulatory framework?</th>
<th>Farmers</th>
<th>Farmers</th>
<th>Field work</th>
<th>Literature Review about regulatory framework.</th>
<th>- Field work</th>
<th>- Literature Review about regulatory framework.</th>
<th>- Interview</th>
<th>- SPSS analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Farmers</td>
<td>- Settlers</td>
<td>- Unemployed youth</td>
<td>- People living in planned settlements</td>
<td>- Using property to enhance accountability</td>
<td>- Field work</td>
<td>- Literature Review about regulatory framework.</td>
<td>- Interview</td>
<td>- SPSS analysis</td>
</tr>
<tr>
<td>Q7. How are land use rights implemented in urban area?</td>
<td>- Protection of farmer’s land use rights</td>
<td>- Rules, regulations of land use rights</td>
<td>- Implementation of the Land-Use Framework</td>
<td>- Field work</td>
<td>- Literature Review of documentation, and existing rights,</td>
<td>- Online sources</td>
<td>- Interview</td>
<td>- SPSS analysis</td>
</tr>
<tr>
<td></td>
<td>- Rules, regulations of land use rights</td>
<td>- Implementation of the Land-Use Framework</td>
<td>- Field work</td>
<td>- Literature Review of documentation, and existing rights,</td>
<td>- ITC library</td>
<td>- Interview</td>
<td>- SPSS analysis</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Rules, regulations of land use rights</td>
<td>- Implementation of the Land-Use Framework</td>
<td>- Field work</td>
<td>- Literature Review of documentation, and existing rights,</td>
<td>- Local government and land resource</td>
<td>- Interview</td>
<td>- SPSS analysis</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Rules, regulations of land use rights</td>
<td>- Implementation of the Land-Use Framework</td>
<td>- Field work</td>
<td>- Literature Review of documentation, and existing rights,</td>
<td>- Local government and land resource</td>
<td>- Interview</td>
<td>- SPSS analysis</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Rules, regulations and government decisions concerning laws.</td>
<td>- Developing and promoting the adoption of a unified national legal framework for new land laws</td>
<td>- Detail about new land laws</td>
<td>- Field work</td>
<td>- Collect policy documents and regulations</td>
<td>- Procedures and regulations local government</td>
<td>- All ministries, departments and agencies of government:</td>
<td>- Collect policy documents and regulations</td>
</tr>
<tr>
<td>Q9. What are the difficulties faced by rural-urban dwellers?</td>
<td>- Identify, survey and title land</td>
<td>- Identify, survey and title land</td>
<td>- Field work</td>
<td>- Interview</td>
<td>- Field work</td>
<td>- Interview</td>
<td>- GIS analysis</td>
<td>- Collect policy documents and regulations</td>
</tr>
</tbody>
</table>
| Q10. How does a local government / village official tackle these problems / difficulties? | - Rules, regulations and government | - Activities | - Standards in practice. | - Field work | - Interview | - Field work | - Cadastral office | - Local government | - Interview | - GIS analysis

To analyze effects of land use rights as defined in new land laws in relation with regulatory framework.
Appendix 2

Interview schedule of authority part for fieldwork

Objectives of the fieldwork: To collect data that I need for my research
Places: Baoji City, Jintai District
Dates: 11 October – 30 October 2008
Questionnaire code:

<table>
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<th>Questionnaire</th>
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<td>Questionnaires for farmers/peasants</td>
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<td>Questionnaires for officers</td>
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<td>Questionnaires for developers</td>
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<td>6 - 8 Oct</td>
<td>Chang'an University</td>
<td>Prof. Ma (supervisor) Ms Yang (advisor)</td>
<td>-Discussion on MSc. Research Proposal</td>
<td>Collection of necessary digital data, images and other information regarding policies and procedure</td>
<td>Not applicable</td>
<td>Not applicable</td>
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<tr>
<td>6 - 8 Oct</td>
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<td>-Discussion on field work plan and questionnaires</td>
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<td>-Collection of data from Prof. Ma project</td>
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<tr>
<td>9 - 10 Oct</td>
<td>Shaanxi Land Resource Bureau, Xian</td>
<td>Director of Land use planning</td>
<td>-Collecting policy documents, laws and regulations on urbanisation and land utilization</td>
<td>Basic statistics on lease and administrative allocation of land use right of state-owned land utilization</td>
<td>-What are the policies about urbanization and land utilization? -What problems are you faced in this policies?</td>
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<td>9 - 10 Oct</td>
<td>Shaanxi Land Resource Bureau, Xian</td>
<td>Director of Land registration</td>
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<td>9 - 10 Oct</td>
<td>Shaanxi Land Resource Bureau, Xian</td>
<td>Director of Land Information system</td>
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<td>11 - 12 Oct</td>
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<td>13 – 14 Oct 2008</td>
<td>Local Government, City Planning Bureau, Baoji City</td>
<td>Officers Director</td>
<td>Collecting land use planning documents and land-use map</td>
<td>1997-2010 Baoji land use plan map, 2005 Baoji present land-use map, and 2006 Baoji present land-use map.</td>
<td>-What is the relationship between land use rights and urbanization? -What is the difference between current land use and land use plan in my study area? -How are laws and administrative procedures organized? -Are land utilization practiced in terms of equity? -How to enhance peasants’ participation in decision making process? -Who are the stakeholders accountable</td>
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<td>15 – 16 Oct 2008</td>
<td>Local Government: Construction Bureau, Baoji City</td>
<td>Officers Director</td>
<td>Collecting land use planning documents and land-use map</td>
<td>Land use planning detail</td>
<td>- Questionnaires</td>
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<tr>
<td>16 – 17 Oct 2008</td>
<td>Baoji Land and Resource Bureau, Baoji City</td>
<td>Director of Land and Resource Bureau, Director of Cadastre management section</td>
<td>Collecting new property law documents, Collecting regulatory framework about urbanization documents, Interviewing on registration of property.</td>
<td>Collection of necessary information regarding new property law regulatory framework and registration.</td>
<td>- When developers want to build up a new property, what actions they must do in your department? -What is the regulatory framework for governing the policies? -What is the process of registration of property? -How long do we need when we register a new property?</td>
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<td>18 – 19 Oct 2008</td>
<td>Checking completeness of data collected from all above organisations (Saturday and Sunday) in Hotel</td>
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<td>Preparation of Interviewing farmers/peasants in Hotel</td>
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<td>2008</td>
<td>Farmers/peasants in Baoji City, Jintai District</td>
<td>Farmers/peasants -Interview</td>
<td>Collection of necessary data and information.</td>
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<td>21 – 25 Oct 2008</td>
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</table>
Appendix 3

Questionnaire for Analyzing effects by Land Use Rights in
Urbanization in People’s Republic of China

For Authorities-- Baoji government offices & Baoji cadastral offices

INTERNATIONAL INSTITUTE FOR GEO-INFORMATION SCIENCE AND EARTH OBSERVATION

Lv Yue
Department: GIM, ITC
& Chang’an University
E-mail: lv20655@itc.nl
Date: October.2008

Purpose of the Scoping Interviews
The interviews have two purposes:
1. To get a cross-section of opinion about the need for the research project.
2. To identify sources of data and get first-hand information.

Personal interviews are a good way to introduce the consultant members of the study team to officials and leaders of organizations, and to learn the best ways to engage the public in the preparation and review of the research.

This questionnaire is intended to be an outline for a one-hour interview. You don’t need to fill it out in advance, the format is flexible.

We are interested in your views as an individual, which may or may not fully reflect those of your community or organization.

The questions include detail to indicate the types of information which the study team needs to prepare analyzing the effects of land use rights in urbanization in Baoji city.
A2. Checklist for discussion with Baoji government offices & Baoji cadastral offices
His name and position:

1. What is the regulatory framework of urbanization?
2. What are the actions that the government did to control the urban growth?
3. What kind of information do you manage in relation to urbanizing villages?
4. What is procedure of applying new construction land?
5. How to acquire land use rights for farmers?
6. Did the participation (selection of codies and persons, information policy, including into the decision making process) help to find good solutions and produce acceptance?
7. If a landowner doesn’t participate in acquisition meetings in their village, what should they do?
8. What about compensation for loss of use of the land during urbanization?
9. If the landowner is not satisfied with the proposed expropriation cost, what will the government do?

*Thank you very much for your time and co-operation!*
Questionnaire for Analyzing effects by Land Use Rights in
Urbanization in People’s Republic of China
For Authorities—Baoji City Construction Bureau

INTERTATIONAL INSTITUTE FOR GEO-INFORMATION SCIENCE AND EARTH OBSERVATION

Lv Yue
Department: GIM, ITC
& Chang’an University
E-mail: lv20655@itc.nl
Date: October, 2008

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We are interested in your views as an individual, which may or may not fully reflect those of your community or organization.

The questions include detail to indicate the types of information which the study team needs to prepare analyzing the effects of land use rights in urbanization in Baoji city.

A3: Checklist for discussion with Baoji City Construction Bureau
His name and position:

1. In your own opinion, what is the main cause that contributes to urban growth?
2. What is the different between current land use and planning land use?
3. What is the relationship between urban plan and urbanization?
4. Are there people in villages holding residents permit?
5. When developers want to build up a new property, what actions they must do in your department?
6. Which areas are changed so quickly in these years? What is the reason?
7. In your opinion, what is the main reason that lead to present land use is different with the plan?

Thank you very much for your time and co-operation!
Prupose of the Scoping Interviews
The interviews have two purposes:
5. To get a coss-section of opinion about the need for the research project.
6. To identify sources of data and get first-hand information.
Personal interviews are a good way to introduce the consultant members of the study team to officials and leaders of organizations, and to learn the best ways to engage the public in the preparation and review of the research.

This questionnaire is intended to be an outline for a one-hour interview. You don’t need to fill it out in advance, the format is flexible.

We are interested in your views as an individual, which may or may not fully reflect those of your community or organization.

The questions include detail to indicate the types of information which the study team needs to prepare analyzing the effects of land use rights in urbanization in Baoji city.

A1. Checklist for discussion with land use plan section of Baoji Land Resource Bureau
His name and position:

1. What is the role of this department in land acquisition?
2. What is the process of land acquisition?
3. How long does it cost to acquisition of land?
4. Does it conflict when land acquisition take place? If yes, what conflict? How to deal with this problem?
5. What are the advantages and limitations of public policy on land acquisition?

Thank you very much for your time and co-operation!

Appendix 6

Questionnaire for Analyzing effects by Land Use Rights in
Urbanization in People’s Republic of China

For Developers

INTERTATIONAL INSTITUTE FOR GEO-INFORMATION SCIENCE AND EARTH OBSERVATION

Lv Yue

Department: GIM, ITC
& Chang’an University

E-mail: lv20655@itc.nl

Date: October, 2008

Purpose of the Scoping Interviews

The interviews have two purposes:

7. To get a cross-section of opinion about the need for the research project.
8. To identify sources of data and get first-hand information.

Personal interviews are a good way to introduce the consultant members of the study team to officials and leaders of organizations, and to learn the best ways to engage the public in the preparation and review of the research.

This questionnaire is intended to be an outline for a one-hour interview. You don’t need to fill it out in advance, the format is flexible.

We are interested in your views as an individual, which may or may not fully reflect those of your community or organization.

The questions include detail to indicate the types of information which the study team needs to prepare analyzing the effects of land use rights in urbanization in Baoji city.

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Basic Details

<table>
<thead>
<tr>
<th>Name of the Interviewer</th>
<th>Date of interview</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Address</th>
</tr>
</thead>
</table>

1. What is your occupational classification?

□ Government employee
Private sector employee
Self employed
Others
2. What interest/right do you own in land/property?
Land/property owner
Tenant
Caretaker
Other
3. How did you come into contact with the landowners?
Through government
Through an agent
Through a professional Surveyor
Through friends/other landowners in the area
An advertisement
Other
4. How long did you to get the land construction permission?
Immediately
One month
Six months
One year
More than one year
5. Do you own other property elsewhere in the city?
Yes
No
6. Have you secured your rights/interest to your land?
Yes
No
7. How are you able to secure your rights to the land?
By registration
Developing the land
Others
8. Have you registered you interest/rights to the land?
Yes
No
9. If not why is your land not registered?
10. For what reason did you buy the land?
Residential development
Commercial/Industrial/Recreational development
As an investment
Others
11. How long did it take you to develop your land?
Less than 2 years
2--5 years
5--10 years
More than 10 years
12. Do you have any problems with the community in the development of your land?
Yes
No
13. If yes, what problems do you face?
14. Why did you have such problems?

Thank you very much for your time and co-operation!

Appendix 7

Questionnaire for Analyzing effects by Land Use Rights in Urbanization in People’s Republic of China
Propose of the Scoping Interviews
The interviews have two purposes:
9. To get a cross-section of opinion about the need for the research project.
10. To identify sources of data and get first-hand information.

Personal interviews are a good way to introduce the consultant members of the study team to officials and leaders of organizations, and to learn the best ways to engage the public in the preparation and review of the research.

This questionnaire is intended to be an outline for a one-hour interview. You don’t need to fill it out in advance, the format is flexible.

We are interested in your views as an individual, which may or may not fully reflect those of your community or organization.

The questions include detail to indicate the types of information which the study team needs to prepare analyzing the effects of land use rights in urbanization in Baoji city.

**Section A - Basic Information**

<table>
<thead>
<tr>
<th>Name of the Respondent</th>
<th>Gender: M/F</th>
</tr>
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<tbody>
<tr>
<td>Address</td>
<td></td>
</tr>
<tr>
<td>Date of interview</td>
<td></td>
</tr>
</tbody>
</table>
Section B - Details of Land Users and rights

1. Are you land user/owner of this land parcel?
   □ Yes (go to Q4)          □ No

2. If no, what is your relationship with the land owner?
   □ Relatives           □ Tenant (go to Q. 3)

3. Where is the land/building owner living?
   □ In this building /land □ Another location within this settlement
   □ Outside this settlement

4. Detail of Household Head

   | Gender     |           |
   | Age        |           |
   | The level of education |           |
   | Occupation/job     |           |

5. What is rural land ownership?
   □ The boundary is not clear, therefore the collective is fuzzy concept.
   □ Collective land is indeed for all the villagers.
   □ Collective land is owned by leaders of villages.

6. What do you think are the problems of rural collective land ownership?
   □ The collective land ownership power is incomplete, is not in the complete significance ownership.
   □ The collective land ownership object limits are unclear, state and collective land ownership limits are unclear, between the collective land ownership also has the unclear scope
   □ Rights and obligations of collective land ownership is not clear, lack of operation
   □ Collective land ownership is for multi-level, the main body is undefined
   □ The main representative of the collective land ownership, such as the village group, legal status is unclear
   □ Other

7. What is the suggestion on rural collective land ownership reform?
   □ According to the existing pattern of possession of agricultural land contracting, delegate land use rights to farmers permanently, farmers become final, complete owners for land property rights, and they may inherit, transfer, mortgage and trade land
   □ Carrying on revises on the existing laws and policies
   □ Government establishes a comprehensive land management files, it is in charge of land registration for farmers. Fulfill transfer registration formality if the land ownerships exchanges through the transfer and the transaction, so that local government and rural organizations and their representative have no right to dispose of land for farmers for a unilateral because of any excuse or reason.
   □ Other
8. What are the limits about farmer land use rights?
□ Creditor right □ Property right □ Usufructuary right □ Other

9. What are the constitute about rural land use rights?
□ Self-use and management right
□ The occupier is entitled to obtain appropriate compensation if the contracted land is taken lawful
□ Exclusive possession right
□ Surplus product distribution right
□ Priority contract right
□ Other

10. What do you think are the difficulties to give farmers long-term and secure land use rights?
□ Adjusting the land during contract period
□ Government invades the rights of farmer
□ Land acquisition happens with deregulation
□ Governments take back land nominally
□ Farmers do not have to the ability of using the law to safeguard their own rights and interests
□ Farmers do not have legal "two certificates" which can prove they have the right of land use
□ Other

11. What do you think is the best choice about term to give farmers land use rights?
□ At least 30 years
□ 50 years
□ 70 years
□ No deadline but permanent land use right to farmers
□ Other

12. What measures do you think are good to solve the contradiction about “Not only need a stable land-use rights, but also require an average of possession of land”?
□ Through land use right compensated transfer, gradually realize land regulation marketability
□ In defining the main property, strictly limit “the collective” member's boundary, and limit "contracting right” groups
□ Before giving the farmers long-term and protected right, we need to adjust land finally. Land allocation must forecast that farmers’ future land requirement
□ Other

13. What measures do you think are good to solve the contradiction about “Increasing population not increasing land, reducing population not reducing land”?
□ Using a standardized land use right transfer market method to replace the administrative adjustment method
□ Accelerating the rural non-agricultural industries and urban development to expand non-farm employment opportunities
□ Reassigning land resources to address the legitimate additional population land
□ Retained mobility land must be strictly used for legitimate distribution of the population
□ Carrying on legitimately adjustment before implementing the land contracting relations long-term
invariable policy

14. Can you buy and sell in the local rural contracting land?

- Yes, we can
- No, we can’t
- I don’t know

15. Can the local farmers carry on the stock cooperation on the rural land contracting right?

- Yes, we can
- No, we can’t
- I don’t know

16. Can you redeem the debt and mortgage in the local rural contracting land?

- Yes, we can
- No, we can’t
- I don’t know

17. Has land contracting rights transfer changed land ownership nature?

- Yes, it has
- No, it hasn’t
- I don’t know

18. Has land contracting rights transfer changed agricultural use?

- Yes, it has
- No, it hasn’t
- I don’t know

19. Do you need to sign the written contract when carrying on the land contracting?

- Yes, we need
- No, we needn’t
- I don’t know

20. Is there the land contracting right of transfer market in the locality?

- Yes, there is
- No, there is not
- I do not know

21. Has the local management department issued the rural land contracting right certificate?

- Yes, it has
- No, it hasn’t
- I don’t know

22. What solutions do we have to solve land contracting dispute’s?

- Co-ordination between the litigant
- Intermediary organizations mediation
- Village committee or civil administration government office mediation
- Asking rural land contracting arbitration facilities for adjudication
- People's court prosecution

23. Is it need to get the agreement from government that the litigant adopt the land transfer?

- Yes, it is
- No, it is not
- I don’t know

24. Can government adjust the contract willfully during the period of land contracting?

- Yes, it can
- No, it can’t
- I don’t know

25. Has the contractor used the contract land but not carried on the contract agreement?

- Yes, it has
- No, it hasn’t
- I don’t know

26. Can the successor inherit legally about income that is earned by the contractor?

- Yes, he can
- No, he can’t
- I don’t know

27. When the government doesn’t agree the contractor to transfer land, does the government need to
write the reasons to the contractor within seven days?

☐ Yes, it does  ☐ No, it doesn’t  ☐ I don’t know

28. Does the government have the behavior to hinder the contractor to transfer land legally?

☐ Yes, it does  ☐ No, it doesn’t  ☐ I don’t know

29. What is the suggestion on rural collective land use rights reform?

☐ Strengthen rural land collective ownership, weaken land-use rights
☐ Strengthen land-use rights weaken rural land collective ownership
☐ Both should be strengthened
☐ Other

30. What do you think are the main issues about land transfer?

☐ Irregular distribution of income, farmers are not effective in protecting the rights and interests
☐ The issues of violations is more serious during land transfer
☐ Government administrative intervention is big
☐ The land management behavior is short-term, the collective construction land value can not be completely apparent
☐ The transfer dispute is frequent
☐ Other

31. What do you think are the main causes about land transfer?

☐ The lack of clear land property rights
☐ Land resource are scarce because of state monopoly, the growth of rural land market development is lagged
☐ The lack of a reasonable system of land transfer prices
☐ The lack of the effective management and supervision for collective construction land transfer in government
☐ The lack of intermediary organizations in land transactions
☐ Other

32. What do you think are the current rural land system problems?

☐ Rural collective land ownership is not clear
☐ Irregular land acquisition system
☐ Rural Land transfer mechanisms are not perfect
☐ The implementation of farmers land rights are not guaranteed
☐ Development of the land markets are incomplete
☐ Farmers’ land use rights are incomplete
☐ The system which is based on land contracting law is imperfect
☐ State implements strict limits on rural land
☐ Other

33. What do you think are the key measures to maintain the farmers’ land rights and interests?

☐ Formulating and revising the related law and policy, and releasing corresponding executive
regulation
☐ Encouraging the development of various types of farmers organizations to maintain farmer land rights and interests
☐ Improving farmers’ awareness of legal standards and the protection ability
☐ Other

34. What do you think are the suggestion on the rural land system reform?
☐ Carrying on the property rights structure changes to traditional collective land ownership
☐ Giving the property rights to farmers
☐ Stabilizing and improving the land contracting system
☐ Other

Section C - Public Participation

35. Has your land been acquired?
☐ Yes ☐ No

36. If yes, what kind of compensation do you get?
☐ currency compensation ☐ land compensation
☐ the social security service increases ☐ the currency compensation and the land compensation
☐ other

37. Do you think the standard of land acquisition is reasonable?
☐ is very reasonable ☐ is reasonable ☐ unreasonable ☐ is very unreasonable

38. From what kind of land can you get a greater profit, present independent use land or acquired land?
☐ present independent use land ☐ acquired land ☐ almost ☐ unclear

39. Your existing land generally are served as
☐ housing rental ☐ development of farming ☐ does not make any use ☐ other _______

40. What do you think about the society old-age insurance system?
☐ it has the necessity, it makes the safeguard for own later life
☐ no need to spend too much ☐ it does not matter

41. What do you think about the village employment security system?
☐ it plays an important role for increasing villagers’ employment opportunity
☐ just a little use, it not really solves the employment problem
☐ no use ☐ do not understand the employment security system
42. At present, income of village residents is from?

- □ private business
- □ working outside of village
- □ distribute bonus from collective
- □ rent house

43. Are you satisfied with land acquisition compensation fee from government?

- □ I am satisfied, the compensation fee are more than the original land's income
- □ the compensation fee is similar with the original land's income
- □ is unsatisfied, the compensation fee is less than the original land's income.
- □ is quite unsatisfied, a huge price disparity between the compensation fee and the original land's income, no source of livelihood.

44. After the land acquisition, which kind of government's job placement are you more willing to choose?

- □ is placed into factory
- □ accepts the employment settlement allowance

45. Who told you about the land expropriation process?

- □ Municipality/local government
- □ Friends
- □ Newspapers
- □ Others________

46. What kind of activities do you think the government should take to improve the land acquisition?

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Section D - Land conflicts

47. Do you have any problems/conflicts related to your land?

- □ Yes
- □ No

48. Are the problems/conflicts related to?

- □ Ownership
- □ Rural Land Contracting
- □ Land Use Rights
- □ Others: __________________________

If you choose Ownership, what types of ownership do you have?

________________________________________________________________________
________________________________________________________________________

If you choose Rural Land Contracting, what types of Rural Land Contracting do you have?

________________________________________________________________________
________________________________________________________________________
If you choose Land Use Rights, what types of Land Use Rights do you have?

---

Since when do you have the problems/conflicts? _______ Years

With whom?
- □ With a community
- □ with an institution
- □ With other people, relation: _________ others: _________

49. What do you think are the causes of the problems/conflicts?

---

50. If you have or you would have land problems/conflicts, would you visit a government agency or talk to any persons so that they help you with the problem?
- □ Yes
- □ No

To whom do you often visit about land problems/conflicts?

---

What are the consequences of land problems/conflicts?

---

51. Do you think you will have any problem in the future?
- □ Yes
- □ No

Which problem?
- □ On property rights
- □ on boundaries or area
- □ On land use
- □ others: _________

With whom?
- □ With a community
- □ with an institution
- □ With other people, relation: _________ others: _________

Why do you think you will have any problem in the future?
Section E - Social-economic

52. What is the average monthly rent per room?

53. Do you have lease agreement with the tenants? □ Yes □ No

54. If yes what is the lease period?

55. How often pay the rent?
□ Once a month
□ Quarterly
□ Every six month
□ Annually
□ Other (Specify)

56. Do you satisfy with the current use of this parcel?
□ Fully satisfied □ Moderately satisfied □ Not satisfied

57. If not satisfied, what are the reasons for it?

58. What are the families monthly earnings (¥)
□ <1000
□ 1000--2000
□ 2000--3000
□ 3000--4000
□ >4000

59. How many members of the family are employed?

60. What were the reasons to start the business in this parcel?
□ Other income source was not enough to maintain my family
□ Location of this plot is more suitable for this business
□ To utilized the remain vacant space of the plot
□ Other (specify)

61. The main channels to obtain outside news and information?
□ TV □ Radio □ Internet □ Book □ Newspapers □ other.

62. Modernization of values:
□ Anyone with a happy family life
□ Intellectuals or knowledgeable persons
Successful businessman
Anyone with a secure job
Anyone who is powerful
Anyone who live in urban regions
Others

Thank you very much for your time and co-operation!

Appendix 8

Chinese Land Right Certificate
Appendix 9

The workflows about turning collective owned land to state owned land
registration of land application

The land resources bureau receives on-the-spot investigation

field survey and make cadastre material

signing land-levying agreement requests authorization

signing the contract for land sell

announcement of land registration

first trial from land cadastral department

authorization form the bureau leaders

approved certification