

The challenge of empowerment: the implementation of territorial space use control under the marketing of collective commercial construction land in Beijing

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Abstract: The marketing of collective commercial construction land is an important way to realize the empowerment of collective land return rights and promote the integrated development of urban and rural areas. However, Beijings pilot project has encountered multiple challenges in the implementation of territorial space use control. Build "control define land development" analysis framework, on the basis of national spatial use control "planning-construction-governance" chain, the local government control of land development into planning, implementation permission, management supervision and so on three dimensions, clear the influencing factors of its operation, thus explain the market challenge and its formation mechanism. It is found that although the entry of collective land promotes the empowerment of the nominal development right of collective land, the exercise of local government control causes three weakening of the actual development right of collective land. The weakening of this power lies in the dilemma of the local government under the transformation of development concept, the priority orientation of local finance under the constraint of construction indicators, and deepening the penetration of government supervision under the resource feedback of rural areas. Put forward the implementation path and supporting policies of the control of territorial space for urban and rural integration.

Key words: market entry of collective commercial construction land; control of territorial space use; planning and implementation; control right; land development right; Beijing

The partys 20th report emphasizes the requirements of "adhering to the integrated development of urban and rural areas and unimpeded the flow of factors between urban and rural areas", and defines the important strategic position of integrated urban and rural development. As a key factor of production to ensure urban and rural development, land allocation of rights, institutional arrangement and corresponding spatial governance have a profound impact on urban-rural integration and high-quality development. Under the background of urban and rural land system, collective land in the plight of limited rights for a long time, until 2015 collective operational construction land market pilot, collective construction land construction rental housing in 2017, the land administration law of the Peoples Republic of China in 2019 corresponding provisions of the revision — "general land use planning, urban and rural planning for industrial and commercial operational purposes, and the registration of the collective operational construction land, land ownership can through transfer, lease to the unit or individual use", just gradually promote the national level of collective land also can assign process.

The marketing of collective construction land for commercial purposes (hereinafter referred to as "marketing of collective land") is an important way to promote the integrated development of urban and rural areas. Under this background, the establishment and implementation of territorial space use control have a profound impact on the coordination of the relationship between ecological protection and development and utilization, as well as the fair distribution of

land rights and interests between urban and rural areas and townships. According to statistics, by the end of 2018, 33 collective land pilot counties (cities, districts) across the country has completed more than 10,000 plots, however, as one of the pilot areas of Beijing Daxing District, from the determination of the pilot to the completion of the end of October 2022, a total area of 87.5hm²^①In addition, most of the market land parcels are low-profit functions, so it can be seen that the implementation progress of the market is relatively slow and the enabling effect needs to be improved. How to explain the challenges of entering collective land market from the perspective of the implementation of territorial space use control? What is the formation path and mechanism? The above problems need to be studied and discussed urgently.

At present, the research on collective land market entry mainly measures the degree of integration of urban and rural construction land market^[1], Discuss the collective land market to the rural development^[2], Farmers land and property income increased^[3]And the impact of urban land-use efficiency^[4]. A few studies have discussed the impact of collective land entering the market on territorial space planning^[5], The spatial planning method under the background of market entry^[6]And its facing the challenges and countermeasures^[7]. However, most of the relevant studies stay in the technical surface of the planning compilation, and rarely have an insight into the essential challenges and formation mechanism of its compilation and implementation from the deep governance perspective. In this paper, the collective land market progress relative lag of Beijing daxing, for example, starting from the "power-rights" relationship, build "control" define land development analysis framework, deeply analyze the collective land market under the background of national land use control challenges and its formation mechanism, and put forward for urban and rural integration of national space use control implementation path and supporting policy optimization Suggestions.

1. Analysis framework construction: the control right defines the land development right

1.1 Connotation of land development right and control right

Land development right (land development rights) refers to an important right to change the use of land, increase the intensity of land use, and thus obtain the benefits of social and economic development^[8]. Although China has not clearly defined the land property rights at the legal level, it has been hidden in all kinds of spatial planning and supporting management systems formulated around the space control [9]. Under the urban and rural dual land management mode in China, the development right of collective land has been fuzzy, incomplete and weakened for a long time. "Collective land entering the market" is actually a strengthening of the development right of collective land. With the promotion of this land system reform, collective land has been expanded from the construction of rural residential buildings, enterprise construction, public facilities and public welfare undertakings in the past, to various operational construction except commercial housing, and the right to use it can be transferred legally.

Territorial space planning and control are an important way to realize the allocation of land development right^[10]Its essence is the exercise of control right (control power) by local and even central government, which aims to correct the failure of land use market and avoid negative externalities^[11]. The relevant research on control right originated in the field of enterprise economics, and its connotation is interpreted as a decision-making right to use and dispose of scarce resources such as enterprise finance and human resources exclusively^[12-13]。 Control right expresses the authority relationship in the organization, which is not only applicable to the

analysis of enterprise economics problems, but also has a strong political and economic implication. Based on this, Zhou Xuguang applied control to the study of organizational relations of national governance^[14]. Cao Zheng, Xu Chenggang and other scholars understand control as a kind of social power, which includes social resources and state functions, thus expanding the application scope of control to macro-political and economic scenarios^[15-16]。

On this basis, the academic community tries to clarify the relationship between the control right and the property right. The incomplete contract theory points out that in reality, any contract cannot take into account all the possibilities of the relationship between or within organizations, so that the contract is incomplete, and the residual control beyond the clear provisions of the contract becomes an important factor to determine the incentive of the participating parties and their corresponding behaviors^[17-19]. Based on this, Xu Chenggang pointed out that he believes that the owner of the assets owns and does not have the final control of his assets, and decides whether he owns the property right^[16]. Cao Zheng further emphasized the definition of control on property rights in the traditional public economy and the difference of control degree of social members^[15]. He pointed out that the control and right of income distribution of public assets in the traditional public economy is exercised by administrative officials at all levels under the name of the state, which enables the higher officials to have the larger right to use and profit of public assets, namely the so-called hierarchical property rights. Although in the public ownership economy after the reform, the definition of property right shows the trend of diversified and existing assets, it still retains the characteristics of defining property right to a large extent^[15]. For China's land resources, the institutional foundation of public ownership of land has laid the keynote for local governments to always master the substantive control of local land. This resource control mode makes local governments have extensive and in-depth influence on economic development^[20]. Land space use control is an important way for local governments to realize the operation of land control in the allocation of land resources.

1.2 Control right to define the process of land development right and its profit and loss

In the process of defining property right, control property right has experienced a change from complete to incomplete. The property right has all the rights and can exercise the rights according to its own will, and when the property right has only one or more rights of the item, or has all the rights, but needs to exercise the rights under certain constraints. In the control of territorial space use, local and even central governments exercise the control right of land development, and realize it through two ways: use control and development intensity control. This kind of government regulation is necessary from the perspective of public interest, but for the subject of property right, it is a kind of incomplete property right and real interest loss^[21]。

In order to further clarify the control operation of control in the use control of territorial space, Zhou Xuguang is used for reference^[14]. The control right is divided into three dimensions: target setting right, inspection and acceptance right, and incentive distribution right. By sorting out the whole process of "planning-construction-governance" of territorial space use control, the control right is divided into planning right, the right of implementation permission, and the right of governance supervision. At the present stage, with the absence of village collective subjectivity guarantee channels and the low planning compensation standard, governments at all levels operate through the control of land space use, which actually constitutes the restriction on the rural collective exercise of collective land development right, leading to the incomplete of

development right. See Figure 1.

Specifically, in the legislation of the National Peoples Congress to complete the rights of land development and the central and provincial governments through the main function zoning, provincial national spatial planning of land development right to make certain restrictions, on the basis of local government in the remaining discretion space, through the "planning-construction-governance" the whole chain of rural collective land development to guide and control. Local governments operate through the planning rights in the system field, and implicitly embed the land rights in the way of land planning, land acquisition and storage, and "increase and decrease link"^[22], Through the implementation of the license and management supervision right operation, further realize the exercise of collective land development right and even the control of income distribution. The implementation space of farmers property rights does not lie in the clarity of property rights and their game ability, but depends on the income space left for farmers under the implicit embedded operation of local governments^[22]. Therefore, the local governments control over collective land development will have a far-reaching impact on the actual exercise of collective land development right. When the local government selectively eases the control, the rural collective may gain the income of land development through the opportunistic means of informal development; when the local governments control of the collective land development right is enhanced and the compensation conditions are not in place, the rural collective may face the risk of equity damage.

The control intensity of local government to the development right of collective land will change everywhere and in time, and there are many factors affecting its control intensity. Relevant studies show that local governments development and control of rural collective land will be affected by multiple institutional factors such as macro development strategy, land management system, fiscal and tax system, and performance assessment indicators^[23-25]And depends on the main body relationship between the government, the collective and market^[26-27]. This series of elements affects the actual control of local governments over the development right of collective land in the process of territorial space use control, leading to the integrity change of the development right of collective land (Figure 2), and then shapes the way and characteristics of collective land use.

1.3 Definition The evolution of collective land development right

Collective land property rights in China between the reform and opening up to 2008 the process of deepening, and in 2015 collective commercial construction land market pilot, collective construction land construction rental housing pilot 2017, in 2019 revision of the land administration law of the Peoples Republic of China clear scope of land expropriation, promote the establishment of unified urban and rural construction land market, opened the prelude to the collective land right can assign. However, in terms of planning arrangement, implementation permit and governance supervision, local and even central governments have increasingly strict constraints on the development of rural collective land, and the control of the development right of collective land is constantly strengthened.

① In terms of planning, the spatial planning types that collective land development needs to follow change from a single overall land use planning to taking into account the requirements of urban and rural planning and layout, and then to meeting the use control of "three districts and three lines".② On the implementation license, about the requirements of rural collective land development gradually tightened, in 2008 the law of the Peoples Republic of China on urban

and rural planning law has been clear about the rural collective land development needs to apply to the relevant departments for the rural construction permit, in 2020 the land administration law of the Peoples Republic of China the revision of further requirements for permanent basic farmland to construction land for examination and approval by the State Council.^③ On governance supervision, in 2006, our country established the national land supervision system, 2020 further defined institutions authorized by the State Council for land supervision and refine its supervision scope, strengthening on the subsequent management of management, but only on the historic issues represented by Guangdong provinces and part of the processing plan, for the majority of the rest of the provinces and cities related solutions for a long time.

Therefore, although the nominal right of collective land development right in the right allocation has been strengthened in recent years, the control right of local governments in the planning arrangement and implementation permit, and the control right of the central dispatched agencies in the governance supervision all show the characteristics of increasing intensity (Figure 3). This "one big and one small" change makes the realization of rural collective rights and interests highly uncertain, which depends on the performance of local governments and central government agencies in the actual operation of control rights.

2. Challenges and causes of the planning and implementation of Beijing collective commercial construction land under the market

2.1 Overview of collective market entry for commercial construction land and control of territorial space use

Daxing District is close to the south of the central urban area of Beijing. Influenced by the radiation of the central urban area for a long time, the scale of collective business construction land, the development level of rural collective economy and the rural per capita income level in the district all show a significant spatial differentiation feature of "high in the north and low in the south" (Figure 4). Under the development requirements of reducing quantity and improving quality in Beijing, the planning and implementation of collective commercial construction land in Daxing District adopts the method of "demolition and combination and overall planning at town level". After full demonstration, "Research on the Pilot Planning of Collective Commercial Construction Land in Daxing District" constructed the implementation toolbox of "demolition 5 construction 1 compressed market mode" or "Lao Jun 50m² bottom line guarantee mode", and adopted two spatial arrangement channels of "on site into the market" and "transfer into the market". Among them, "transfer to the market" refers to the release of construction land indicators into the industrial concentration areas or other designated market concentration areas (Figure 5). On this basis, the "town-level overall planning" mode of land value-added income distribution is formed, and part of the index classified into the "district-level collective commercial construction land market index overall planning reserve" is "district-level pooling", and the sharing of land value-added income is guaranteed through the joint venture of the village collective at the town level and even the district level.

By the end of October 2022, daxing district collective construction land market project, a total of 17 cases, area of 87.5hm², mainly distributed in daxing district north location condition is good, land market demand relatively strong six towns, including YingHai town, west red town, yellow town, old town, north Zang village and Wei Shanzhuang town, including the town of collective construction land market area is the largest, accounting for 40.7% of the total area.

2.2 Challenges of planning and implementation under the background of collective market entry for commercial construction land

Although the collective purpose of construction land market is to the rural collective and farmers also right can assign, daxing district related space planning also trying to guarantee village share market dividend in the form of land development right transfer, but city, district, town level government in the process of planning and implementation of control operation leads to the collective land actual development rights through three times (figure 6), planning and implementation face the challenge of limited collective rights and interests.

2.2.1 Exercise of planning right: a weakening of the development right of collective land

In terms of planning, the spatial arrangement and scale of land supply required to be followed for the marketing of collective commercial construction land are mainly decided by the district government and controlled by the municipal government, and the rural collective lacks the right to speak in it. The district government organized the compilation of the Study on the Pilot Planning of Collective Commercial Construction Land in Daxing District, and issued a series of policy guidance for the market implementation. At the same time, the index plan of collective commercial construction land entering the market is compiled every year and incorporated into the city's annual land supply plan. However, in the face of the tight scale of land supply, the collective land market index is limited in the annual plan. In addition, in the process of organizing the relevant spatial planning compiled by the district government, the spatial distribution and land use scale of the collective operational construction land available into the market are limited within the system field. Specifically, the land located in the core area and with good location conditions is mostly used for state-owned development, while the land located in the edge position and with relatively poor location conditions is mostly retained with the collective nature and used for the market transfer. The above planning arrangement under the exercise of the planning right has caused the first weakening of the collective land development right.

2.2.2 Exercise of implementation licensing right: the secondary weakening of collective land development right

At present, the collective commercial construction land used in Daxing District is mostly distributed in the northern green isolation area, and the nature of the land is determined as the green separation industrial land. According to the relevant land use regulations in Beijing, the green separation industrial land is allowed to be used for a variety of operational functions except for commercial housing development. However, the collective land marketing projects approved by construction are mostly land use functions with low profit and high public welfare. The statistics found that during October 2015 to 2022, collective land market project, for the development of rental housing collective construction land area accounted for 49.2%, another 21.0% of the land development property rights and municipal public service facilities, the development of land transfer price is relatively low, enterprise investment return cycle is long, the characteristics of low tax contribution. Only 29.9% of the remaining land is used for the development of commercial business functions with higher one-time land transfer prices or industrial storage functions with long-term stable tax revenue. In contrast, 43.6% and 15.2% of the state-owned construction land transferred in Daxing District during the same period were used for commercial housing and commercial functions with higher land transfer income, 40.3% were used for industrial storage functions, and only 0.9% were used for public welfare for the construction of municipal public service facilities (Figure 7). In the planning and construction

examination and approval link, the district government weakened the real world twice through the operation of the implementation licensing right in the control right Collective land development in the boundary

2.2.3 Exercise of governance supervision rights: three weakening of collective land development rights

On the organization mode, the collective operational construction land market take the township mode as a whole, namely the township government organization and coordinate villages collective economic organizations in land use rights, and through "an authorization, authorized" form township land associated company, the company is responsible for the collective operational construction land approval, development, demolition, planning and construction, market transactions, contract signing, operation management and income distribution, etc. In addition, daxing district government in order to ensure each county-rural can participate in pilot land reform and share land income dividends, even in the district range start using "district regulation" way to consolidate "township as a whole" collective construction land for commercial market work, through the establishment of district control index database, district as a whole capital pool and district land associated company to coordinate village interests. Although the pooling of township and even district level guarantees the land value-added income of the collective commercial construction land in the market, the survey finds that the local government is actually deeply embedded in the operation of town-level joint companies, and the rural collective subjectivity is significantly weakened.

Specifically, in order to guide the orderly development of the company, the township government officials are currently the person in charge of the township-level land venture company. Although the intervention of the township government stems from the original intention of the government to temporarily assume the guiding role in the initial stage, the cognition of many rural cadres and villagers has been differentiated from the original intention of the government. They believe that these collective operational construction land has been transferred to the township government, which is responsible for the operation and management. Therefore, the rural collective only gets dividends every year and no longer has the actual control of the land. Thus, although the collective commercial construction land market makes the rural collective owned land can be legally used for more non-agricultural use development, and therefore have the possibility of the land value considerable income, but the implementation of the rural collective feel in fact public power penetration and the threat of rural independent development space compression, form the collective land development right actual exercise of the third weakening.

2.3 The formation mechanism of the planning and implementation challenges under the market entry of collective operational construction land

Beijing daxing district collective commercial construction land market under the national space use control has brought the collective land development three times weaken the challenge of the collective land development rights are not fully display, and market policy (including promote urban and rural integration, promote rural revitalization) has a deviation, lead to the difference of nominal empowerment and actual right. The challenges under the implementation of these plans lie in the dilemma of balancing the local government under the transformation of development concept, the priority orientation of local finance formed under the constraint of construction indicators, and the deepening of government supervision under the feedback of

resources in rural areas.

2.3.1 Multiple goals under the transformation of development concept

In 2012, the party's 18th National Congress marked our country into the key period to build a well-off society in an all-round way and deepen the reform and opening up, speed up the transformation of the pattern of the development of economic development crucial period, the party's 19th National Congress plan to comprehensively deepen reform, put forward the "mechanism of urban and rural integration system and policy development system", and the ecological civilization construction rise to the national strategic position, then the party's 20th National Congress again emphasized the importance of two goals. In addition, the first urbanization work conference held by the central government at the end of 2013 even put forward requirements for the development of big cities, clarifying "strictly controlling the size of megacities". How to promote the integration of urban and rural construction land market to promote the integration of urban and rural development and ensure the effective fiscal and tax mode while strictly controlling the effective operation of local finance under the current fiscal and tax model? This multi-goal development requirement has become a major challenge for the capital Beijing in recent years.

2.3.2 Priority guidance of local finance under the constraint of construction indicators

The Beijing Urban Master Plan (2016-2035) puts forward the standard of adhering to the construction of the best area, optimizing and improving the capital functions, and orderly relieving non-capital functions. At the same time, it clearly puts forward the goal of "double reduction" of population scale and construction scale. In this context, how to effectively use the limited construction land index has become a big problem for local governments to complete the allocation of space resources. Although the Beijing municipal government is gradually reversing the dependence of the 18th CPC National Congress on land finance, and the proportion of land transfer revenue in local fiscal revenue has decreased (Figure 8), the severe economic situation at home and abroad in recent years has intensified the local financial pressure, and strengthened its path dependence on land finance again. Therefore, although the central government put forward the "collective operational construction land market" pilot requirements, but in the face of limited construction land index, local governments still tend to index for state-owned land, especially the commercial housing and commercial business land for auction, thus obtain considerable non-budgetary revenue to maintain the local fiscal operation. The pilot projects of "collective commercial construction land into the market" often adopt flexible implementation methods. Through the control of planning and implementation permission, the projects with relatively poor location conditions, low land transfer income and low profit rate are entered through the collective land. The way of the city is real

2.3.3 Strengthen the government supervision and penetration under the resource feedback in rural areas

With resources and rights feeding back to the countryside, the national and local powers are deepening to the rural sinking to prevent the abuse of resources and rights. Specifically, since the sixteen years the third plenary session of the overall urban and rural development as the first of the national five overall development strategy, all kinds of agriculture and favorable projects, financial funds to the rural tilt, at the same time the party and the government further through organization and personnel system arrangement to strengthen the construction of village-level organizations (especially the rural party branch), including village cadres by the municipal, district government financial spending, and village cadres administrative management, the role of village

cadres in the grass-roots government "agent" and the rural collective "head" swing between [28]. With the promotion of the integration of urban and rural construction land market in recent years, local governments have strengthened the supervision of rural collective and their asset management in various ways. Beijing collective land in the market of "township as a whole" mode is both village fair innovation, at the same time through the township government personnel and township land associated joint way to effectively enhance the government supervision of the rural collective assets operation, but the high embedded inevitably brought the problem of rural collective subjectivity weakening.

3. Suggestions on optimizing the planning and implementation path and supporting policies for urban and rural integration

It is the consensus of the planning and management of major developed countries in the world to use the legal power in line with the public interest. However, at the same time, the use control is mainly aimed at land users and developers, so special attention should be paid to "procedural justice" and policy incentive [29]. While China's control-oriented planning tools and use control means are increasingly abundant, it should also emphasize its trend of [30] to adapt to the deepening reform of the market economic system.

In the face of collective commercial construction land market under the background of collective land development right suffered three weakening realistic challenges, should give priority from the top design, by optimizing the fiscal and taxation system, performance appraisal system, rural governance system system arrangement, form incentive compatible and conducive to the development of urban and rural integration system environment, to break the multiple goals on the root of the path. On this basis, the focus on the links of territorial space use control —— planning, implementation permission, governance supervision —— proposed optimization countermeasures as follows, aiming to promote the self-restraint of local government control, strengthen the rural collective right return power, and re-highlight the subjectivity of villagers and village collective.

3.1 Establish a positive and negative list for collective land entering the market, and retain the flexible space for use selection

First of all, a positive and negative list of collective land development projects at the municipal level should be formulated, land demand for rural revitalization should be guaranteed first through the positive list, and potential risks brought by land use projects should be avoided through the negative list. Second, suggest area in the annual land use plan and the comprehensive improvement of land to save the construction land to arrange a certain proportion of the market land, special for agricultural products processing, cold chain logistics warehousing, leisure agriculture, agricultural production services, rural electricity, rural entrepreneurial innovation services such as rural new industry new forms and industrial integration development, as well as the rural infrastructure, pension services and other projects. Thirdly, for the administrative regions that use the development of the stock construction land to support the rural revitalization industry, the land use is intensive and the demand is large, the municipal government will give the reward to increase the construction index in the next year.

3.2 Streamlining administration, delegating power and strengthening regulation to form a green channel for collective land to enter the market

On the basis of clarifying the positive list and drawing the negative bottom line, local

governments should restrict the functional arrangement, land site selection and project approval overcontrol in the process of collective land development projects, so as to reserve more independent space for the market to participate in collective land development. Based on this, to promote collective land development examination and approval "and decentralization, combining the pipes, optimize service", for the rural revitalization of leading role of larger project, should be in project, planning, site selection, pre-examination, project plan approval link to establish a "green channel", shorten the time limit, improve the operation efficiency and service quality.

3.3 Using leading enterprises in the land to fully highlight the subjectivity of villagers / village collective

Compared with local governments, which highly intervene in the management and operation of rural collective economic organizations in collective land entering the market, the research suggests to further clarify the power boundary of local governments, and instead leverage local leading enterprises to give full play to the subjectivity of rural collectives. From Beijing changping district zheng village village, dongyang, Zhejiang province, jiangyin jiangyin ChangJiang Village rural development experience can be found, rural talents developed in the type of leading enterprises often through the villagers participation and local form strong benefit coupling mechanism, at the same time, local feelings actively promote village CunMao reshape and rural public welfare investment work, effectively drive the comprehensive revitalization of the country. At the same time, leading enterprises often have a keen sense of market smell, and have a strong ability of resource allocation and utilization. Therefore, it is suggested to establish a mechanism of "cross-village coordination and common prosperity" based on the basis of checking the number and distribution of leading enterprises driven by leading enterprises. Led by leading enterprises, it will coordinate the development planning of surrounding villages, promote the reconstruction of rural space, and promote the centralization of residential space in many surrounding villages. The saved land can be used for industrial development and the construction of public welfare facilities, and define the space scope for the market entry of collective operational construction land and independent development and construction.

explanatory note

① Data source: based on the statistics of the collective construction land market announcement published on the website of the Beijing Municipal Commission of Planning and Natural Resources.

图 1 控制权界定土地发展权的过程

Figure 1 The process of defining land development right

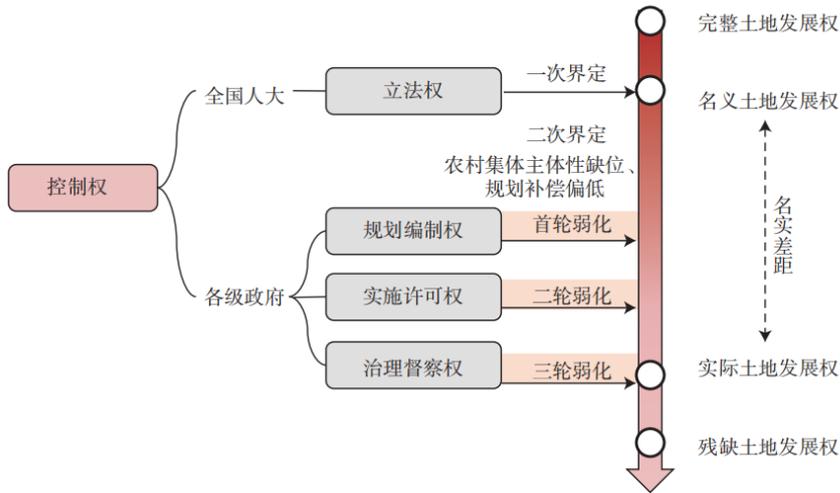


图 2 国土空间用途管制中控制权对土地发展权的影响

Figure 2 Impact of control right on land development right in the control of territorial space use

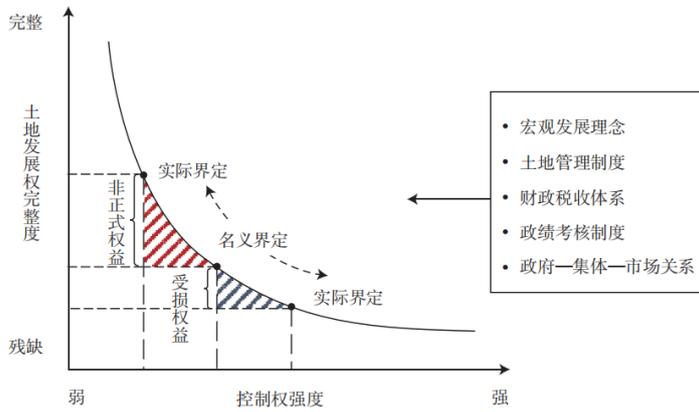


图 3 改革开放以来集体土地发展权及央地政府控制权的变迁历程

Figure 3 Changes of collective land development right and control right of central and local government since the reform and opening up

重要文件	1982年 《村镇建房用地 管理条例》	1986、1988年 《中华人民共和国 土地管理法》 颁布和修订	1998年 《中华人民共和国 土地管理法》 修订	2004年 《中华人民共和国 土地管理法》 修订	2006年 《国务院办公厅 关于建立国家土地 督察制度有关问题 的通知》	2008年 《中华人民共和国 城乡规划法》 颁布	2008年 《全国土地利用 总体规划纲要 (2006—2020年)》	2015、2017年 集体人地和 集体租房试点	2017年 党的十九大报告	2020年 《中华人民共和国 土地管理法》及 《中华人民共和国 土地管理法实施条 例》修订	
权利配置	个人建房和社 队企业、事业 单位建设用地 国家建设用地 除外	农村村民住宅建 设、乡(镇)村企业建设、 乡(镇)村公共设施、 公益事业建设、城镇 非农业户口居民建 住宅等乡(镇)村建设 国家为公益征用除外	兴办乡镇企业和 村民建设住宅 或者乡(镇)村 公共设施和公益 事业建设 国家为了公益征 用除外	延续上版。 “国家为了公益 征用”改为 “国家为了公益 征收或征 用”	——	——	——	2015年，集体经 营性建设用地实 行与国有土地同 等人市、同权同 价的试点 2017年，集体土 地建设租赁住房 试点	——	(一) 乡镇企业、乡(镇) 村公共设施、公益事业、 农村村民住宅等乡(镇)村 建设； (二) 符合两规且依法 登记的集体经营性建设 用地。土地所有权人可以 通过出让、出租等方式 交由单位或者个人使用	
限制权能	限制权能				再度限权			还权赋能			
规划编制	集体土地开发 应遵循村镇建 设规划和用地 标准	集体土地自主开 发遵循乡(镇) 村建设规划	国家实行土地用途 管制制度……集体 土地自主开发遵循 村庄和集镇规划 和乡(镇)土地利用 总体规划	延续上版 要求	——	要求遵循 乡规划、村庄 规划	落实城乡建设 用地空间 管制制度， 划定“三界 四区”	符合规划 和用途管制	实行“国土空间 用途管制”，完成 生态保护红线、 永久基本农田、 城镇开发边界 三条控制线划定	征地范围缩小，集体土 地自主开发范围扩大至 土地利用总体规划、城 乡规划确定为工业、商 业等经营性用途，并经 依法登记的集体经营性 建设用地	
遵循土规和村规	遵循土规和村规				遵循多规			多规合一			
实施许可	个人建房涉及 占用耕地、 园地，由县级 人民政府审批； 除此以外， 公社管理委员会 审批，企业建设 由县级以上 人民政府审批	1986年版：农村居民建 住宅使用耕地，由县级 政府审批；使用其余用 地，由乡级政府审批。 乡(镇)村企业建设由 县级以上人民政府审批。 乡(镇)村公益事业建 设、城镇非农业居民建 房由县级政府审批。1988年 版：乡(镇)村公益事 业建设由县级以上政府 审批，其他不变	村民建房由县级政府 审批，农村集体兴办 企业、乡(镇)村公 益事业建设由县级以 上地方政府审批。依 据规模细分审批机关， 大型基础设施建设项 目由国务院审批， 所有土地开发遵循土 地利用年度计划安排	延续上版 要求	——	农用地转用 审批手续后， 由城市、县 人民政府城 乡规划主管 部门核发乡 村建设规划 许可证	——	按照2008《中华 人民共和国城乡 规划法》和 2004年《中华 人民共和国土地 管理法》要求	——	村民建房由乡(镇) 人民政府审批，农村 集体兴办的企业、乡 (镇)村公益事业建 设由县级以地方政府 审批。依据建设规 模，涉及农田类型细 分审批机关，永久基 本农田转为建设用地 需由国务院审批	
明确审批机关	明确审批机关		审批要求收紧			审批要求再度加强					
治理监督	督察缺位		明确地方督察规定		完善土地执法 督察体制，建立 国家土地督察 制度，设立国家 土地总督察， 向地方派驻土地 督察专员，监督 土地执法行为			建立国家督察体制			细化督察制度
督察缺位	督察缺位		明确地方督察规定		完善土地执法 督察体制，建立 国家土地督察 制度，设立国家 土地总督察， 向地方派驻土地 督察专员，监督 土地执法行为			建立国家督察体制			细化督察制度

图 4 2014 年大兴区集体经营性建设用地分布 [6]

Figure 4 Distribution of collective operational construction land in Daxing District in 2014 [6]

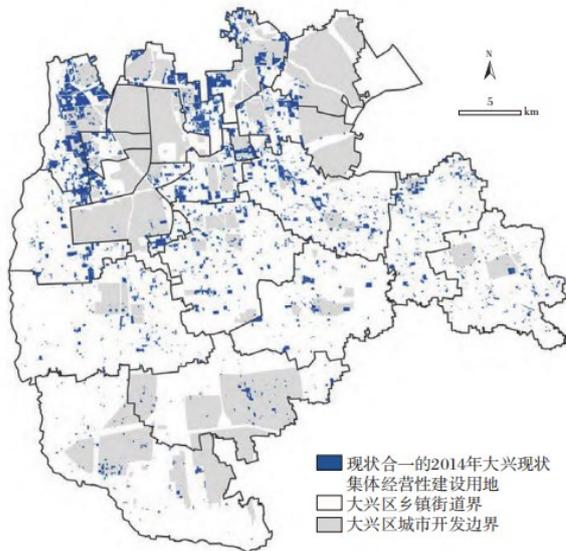


图 5 2030 年大兴区规划建设用地分布 [6]

Figure 5 Distribution of planned construction land in Daxing District in 2030 [6]

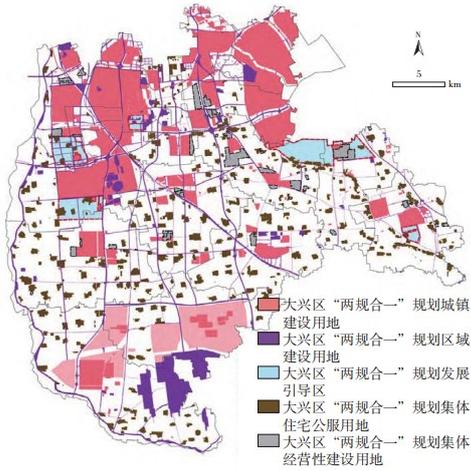


图 6 集体经营性建设用地入市背景下的规划实施流程

Figure 6 Planning and implementation process under the background of market entry of collective operational construction land

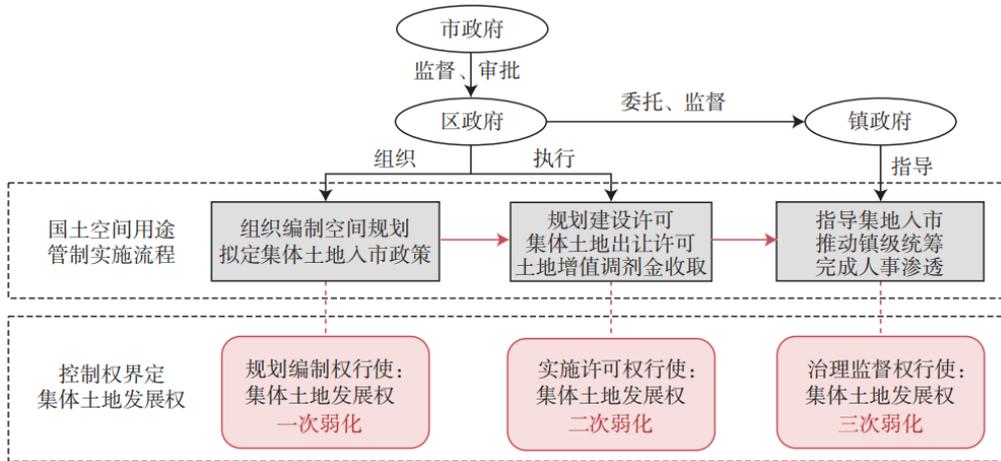


图 7 大兴区集体土地入市分布及国有、集体土地出让的用途结构 (2015—2022 年)

Figure 7 Distribution of collective land in the market and the Use structure of state-owned and collective land Transfer in Daxing District (2015-2022)

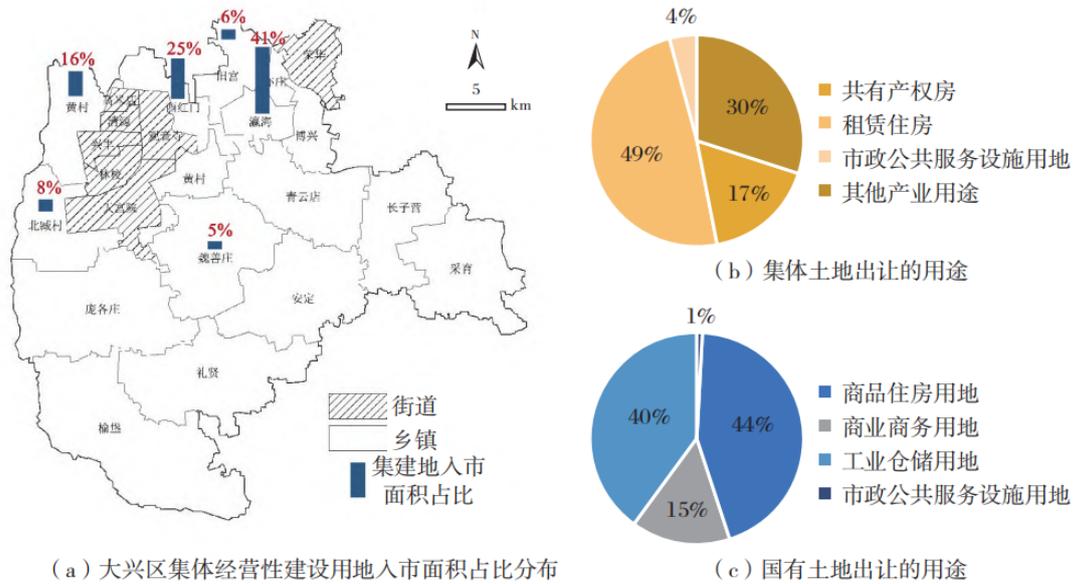
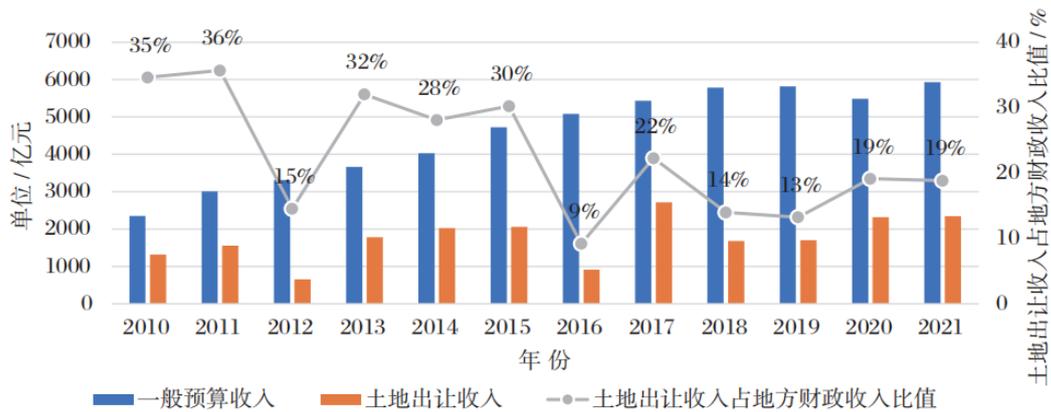


图 8 北京市土地出让收入与地方财政收入关系的变化 (2010—2021 年)

Figure 8 Changes in the Relationship between Land Transfer Income and Local Financial Revenue in Beijing (2010-2021)



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