

The Institutional Reform of Rural Residential Land in China Based on the Comparison with Vietnam

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Key words: Rural land management; The institutional comparison; The reform of rural residential land system; Vietnamese rural residential land system

SUMMARY

The paper intends to supply the reference and comparison for the reform of the rural residential land in China through the comparison research between China and Vietnam. By the literature and comparison methods the paper compares the background of the institutional reform, the structure of the property, the legal system, the value orientation and the features of the reform. The result was concluded that the further reform should construct the serious of laws system, more depending on the market economic mechanism and more focus on the rural residential land plan, balancing the fairness with efficiency, taking the reference of Vietnamese the land use tax.

摘要

通过比较中越两国农村宅基地管理制度，以期为中国当下的农村宅基地管理制度改革提供参考和借鉴。文章通过对中越两国农村宅基地管理制度改革背景、产权结构、法律体系、价值取向、管理特点等方面进行比较，认为中国农村宅基地管理制度存在着产权主体弱化，权能不完整，农村宅基地管理重公平轻效率，缺少完整法律体系和精细化管理思维等问题，所以，下一步中国农村宅基地管理制度改革应当建立和完善相关法律体系，完成确权发证工作，进一步引入市场经济手段，加强农村地区居民点规划，平衡公平与效率的价值取向，采取地区差异化改革措施。

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1.INTRODUCTION

The pilot reform of rural collective land (*sankuaidi* in Chinese) has been meeting the deadline since it was complemented by the government since 2015. The feedback of every pilot site in different areas of China is indicated that marketization of profitable collective constructive land has been established easily, which has taken a huge step in development and innovation. On the contrary, the pilot reform of rural residential land (RRL) has been promoted slowly. The reason is that marketization of profitable collective constructive land is belonging to rural construction land, the success or failure of the reform will not exert more influence on peasant's own life, but the institution of RRL is the most valuable property which is closely linked to the peasant household's living conditions, endowment ensures and their own welfare^[1]. Therefore, pushing the process of pilot reform is more difficult, for instance of certain field, compensable use and retreat system of RRL. Obviously, the consequence of this process is not been satisfied to all peasant household. Whereas as for the nearing country-- Vietnam, RRL system reform had been operated by the Vietnam's government since 'The innovation and open' in 1988, they have saved up a plenty of beneficial experience and some flaws came out. Under the same socialist system and the similar reform history between China and Vietnam. The paper Summarized and compared the RRL system of both countries, which could provide a new inspiration and reference for our China RRL reform.

2.OVERVIEW OF RRL MANAGEMENT SYSTEM IN CHINA

The initial purpose of the RRL system in China was that endowing the RRL to peasant households that ensure their guarantee of living welfare and social security. In other words, government allot the proper acreage of RRL to each peasant for constructing self-built houses without any cost, so as to make the peasants have their own shelter coming to the reality. There is no doubt that this action is distinct product of planning economy^[2].

After the founding of the republic shortly, China had formulated a strategy of "give priority to the development of heavy industry". However, the reality of the country is the serious lack of production factors such as capital and technology. Hence, the decision maker chose to reach the goal of rapid industrialization by establishing a dual urban-rural system and accomplishing the accumulation of original capital with the "scissors difference" between industry and agriculture. According to the macro policy, rural land collectivization has gradually started. From the mutual aid group, the primary society and the senior society to the establishment of the people's commune, the transition from private ownership to collective ownership has been carrying out, and rural collective ownership was established. Finally rural collective ownership and state-owned land ownership constitute the main structure of the property rights of the "urban-rural dual system" in China. In this process, the farmers' own construction land has gradually been transformed into the collective ownership. The notion of 'residential land ownership' and 'rural

residential use rights' firstly came out on the 《Notification: Supplementary provisions on the issue of RRL for commune members》 in 1963. RRL is belong to the rural collective labor team, and there is no permit for rent and sale. Commune members also has qualification to use and live the attachment such as buildings and trees are belonging to the commune member in perpetuity which could be sold and rented in 《Notification》. It marks the start of primary establishment of the RRL system in China, and has formed the fundamental structure of “One household, two systems, separation of premises; Free acquisition、 long-term use”^[3].

The RRL management system is established on the fundamental institution of planning economy, in accordance with the 《Property Law》、 《Land Administration Law》 and a series of notification, jointly constituting China's current RRL management system.

2.1 Acquisition of RRL

According to the regulation of 《Land Administration Law》, RRL is belong to the peasant collectives, rural residents apply to the collective organizations for free land, and one rural resident could only own one piece of residential land, and the acreage of land could not exceed the standards set by the provinces, autonomous regions, and direct-controlled municipality's government (Tab.1), supposing peasants sold or rent their residential land, they have no qualification to apply for another allocation.

Tab.1 Area standard of rural residential land in some provinces China

Region	Laws and Regulations	Provisions
Beijing	《Several Provisions on Strengthening the Management of Rural Villagers' Building Land》 (2007)	It shall be determined by the district and county people's governments according to the situation of the administrative region, the maximum area of villages in the suburbs shall not exceed 166.67 m ² ; The maximum area of other areas cannot exceed 200m ² .
Heilongjiang	Land Management Regulations (1999)	The housing sites of newly built houses for rural villagers shall not exceed 350 m ² per household. The housing bases of urban suburbs and township governments as well as the provincial agricultural, forestry, animal husbandry and fishery farms shall not exceed 250 m ² per household.
Shanxi	Guidelines for the preparation of village construction planning (2005)	For the construction of houses in villages in mountainous or hilly areas, the area of each house shall not exceed 180 m ² ; For houses built in plain areas, each household shall not exceed 130 m ² ; Special circumstances shall be approved by the relevant departments of the county, and each household shall not exceed 200 m ²
Zhejiang	Implementation of 《Law of the People's Republic of China on Land Administration》 (2000)	The area standard of the house site (including the annexe and the courtyard land), using the cultivated land, The maximum area shall not exceed 125 m ² ; the maximum use of other land shall not exceed 140 m ² . In mountainous areas, the use of wasteland and barren slopes shall not exceed 160 m ² .

Guangdong	Implementation of 《Law of the People's Republic of China on Land Administration》 (2008)	Plain areas and urban suburbs below 80 m ² ; hilly areas below 120 m ² ; mountainous areas below 150 m ² . In areas where conditions permit, the sloping land should be fully utilized as rural residential land to promote peasant apartments.
Shannxi	Implementation of 《Law of the People's Republic of China on Land Administration》 (1999)	The suburbs of urban shall not exceed 133 m ² per household, and the plateau and valley shall not exceed 200 m ² per household, mountain areas and hilly areas shall not exceed 267 m ² per household

2.2 Planning of RRL

Rural residential construction should be according to township integrated land use planning and make full use of original RRL and vacant land in village in provision with article 62 of 《Land Administration Law》, there is no more detailed planning requirement. On the same condition, In the 《Urban and Rural Planning Law》, the township and village planning is only a rough description in Article 18, and it is required that the planning area should comprehensively consider as the production of houses, roads, water supply and drainage, power supply, garbage collection, livestock and poultry breeding places. There is no specific detailed planning requirements for the layout of the land for living service facilities. As a matter of fact, for a long period, town and Village planning has become a shadow zone for planning. In many areas, there is no corresponding town and village planning just only rough planning, so it is impossible to form effective management of rural land use.

2.3 RRL transfer

Rural residential ownership is belonging to the rural collective organization, rural resident is only entitled to RRL use right, therefore, the transfer is a vital safeguard to realize the utility of RRL. The principle in the 《Property Law》 regulates that RRL tenure is been given the nature of usufruct. the RRL owners have the land tenure transfer, profits and disposing. On the other side, the original intention of the design of rural residential institution is guaranteeing peasant living condition at the extreme^[4], in practice the right to use the RRL could not be freely transferred in the market. The transferee of rights could only be an internal member of the same collective commune, and the peasant house could not be sold to urban residents, nor could the urban residents be allowed to build houses on the collective land. At the same time, according to Article 37 of the 《Guarantee Law》 and Article 148 of the 《Property Law》, the right to use the house site shall not be mortgaged. Moreover, peasant is unable to mortgage the use right of RRL, so that the right to use the RRL is been more and more weaken and become a “sleeping wealth” of peasants^[5].

3. RRL SYSTEM IN VIETNAM

3.1 Basic system of land management in Vietnam

The 《Land Law》 is the fundamental law of land management in Vietnam. The latest version is the 《Land Law》 amended in 2014. According to the Vietnam 《Land Law》 (2014), the land is owned by the all people, and the central government exerts ownership of the land on behalf of the land owner. Any private or company could only obtain land use rights, which are obtained by land

distribution and land lease. Land use rights could be exchanged, transferred, leased, subleased, inherited, donated, mortgaged, and funded. Vietnamese land management implements strict land use control. According to the land use plan, it is not allowed to arbitrarily change the land use purpose, especially the agricultural land, even if the farmer wants to turn the rice field into a fish pond, etc.^[6]. At the same time, it also implements land registration, land reclamation, expropriation, land benchmark price publicity, land mediation and other systems.

3.2 Management system of RRL in Vietnam

In 《Land Law》 (1993), Rural residential land and urban residential land has been specifically classified, and setting up a concrete management system to supervise the RRL.

3.2.1 Acquisition of RRL

According to the 《Land Law》 (2014), land for building houses of household or individual is allocated by the state, who must pay the land use tax and use indefinitely. The quota for the acreage of the residential land is determined by the provincial people's congress. The quota standard must conform to the local actual conditions and customs. In the regulation of 《Land Law 》 (1993) is that each family in the countryside could use the land for building houses according to the government's regulations for different regions, however, it could not exceed 400 m². Where the plenty of multi-generational families or natural conditions are special, the residential area could be more, but not more than twice the standard of the region. According to the Vietnamese 《Land Use Tax Law》 (2004), the payment of the right to use the RRL is charged by the historical stage, acquisition method and area of the RRL. Given Decree No.120 of 2010, if the family or individual could not immediately pay the RRL tax, the lack of tax on the use of the tax will be written into the land use right certificate in written form, and the debt must be paid in installments within five years.

3.2.2 The project of RRL

RRL must be situated in the residential area which is limited by the urban planning and land use planning. There are detailed and specific planning requirements for rural settlement planning in the Vietnamese 《Building Code》 : site selection must be kept away from industrial waste, disease-prone infections, floods, tornado areas, natural resource development areas or human remains. It is strictly forbidden to plan and construct in historical and cultural sites, scenic spots and national defense areas. The area of rural residential region should accord with the local actual conditions. The process of picking site should be accord with the planning of public service facility, ensuring the production and living of rural residents is convenient, and the living environment is hygienic and modern.

Tab.2 Plan area of rural residential area

Land type	Floor space (m ² /person)	Residential land
Residential land (RRL)	>=25	
Service facility land	>=5	
Land for public transportation and technical facilities	>=5	
public lawn	>=2	

Each residential area should be divided into a residential area (RRL), a village (social) center, a production service area, a social service facility area, and a technical service facility area, ensuring relevant transportation, production, leisure, entertainment, activities and other supporting facilities, the buildings should be coordinated with local culture, history, folk customs and habits. Each RRL should be built within the scope of the residential land, including the main house and affiliated facilities (kitchen, warehouse, auxiliary production area), access, garden, grain storage, firewood, garage, fence, pond, etc. Making farmers' daily production and life more convenient. The 《Building Code》 also provides detailed planning for greening, transportation, water supply, drainage, solid waste and electricity in rural residential areas. The area of each RRL must strictly abide by the local government's regulations on the size of the RRL. The state should adopt policies to create conditions for rural residents to make full use of existing RRL and strictly control the planning and construction of new residential buildings on agricultural land.

3.2.3 Management of RRL

(1) land register. According to Vietnamese 《Land Law》 regulation, Land users must obey the duty of land register, the government gives the land users a certificate granting and do the registration job. Any peasant or individual who use the land for a long period of time should provide relevant legal documents before October 1993 that they shall be issued a certificate, and the peasant or individual who is unable to provide relevant documents and materials, if they actually live in the local area for a long time and the agricultural and forestry production is engaged and their social and economic conditions are difficult, the local township people's congress will also issue the certificate after confirming the situation.(2) land use variation. Vietnam land management carries out the land-use regulation system, by this way, no matter agriculture land's classification and function being altered or none resident land transfer to the resident land, all these shall be approved by the competent authorities. (3) the compensation of land reclaim. For the reason of national defense or public welfare, the government has authority to reclaim the land use right, which needs to compensate the land users, if the land user has one more houses in the collective, village or town, it is inevitable to compensate the land users by monetary compensation; if land users have no houses in the collective, village or town, government should reallocate residential land and house, if these people making choice that do not want the land or the house, monetary compensation is the vital tool to balance the justice.(4)Paid use of land. According to Vietnamese 《None-agriculture Land Use Tax Law》 (2012)all of urban and rural residential land are two objects of taxation. It is allowed that one person is able to possess more RRL, but according to the quota standard of RRL, it is necessary to tax on the excessive area.(5) the transfer tax of RRL. According to 《Land Use Rights Transfer Tax Law》 (1994), the RRL use right is transferred or inherited within the same family, which are exempt from land transfer tax. The amendment to the law in 1999 emphasized that the transfer of land use rights in among grandparents, adoptive parents, children, brothers and sisters are subject to tax exemption. Subsequently, in 2007, the Vietnamese government promulgated the 《Individual Income Tax Law》 , which regulates the income from the transfer of land use rights as a personal income for unified taxation management. The tax on RRL transactions is 25% of the value-added income of the transfer, if the original purchase price of the RRL and the transaction-related expenses could not be clearly divested, it will be levied at 2% of the transaction selling price. At the same time, on the basis of the 《Land Use

Right Transfer Tax Law》, it is emphasized for the first time that if only individuals with only a single RRL or house are engaged in land use rights. Personal income tax is exempted when the land and its attachments are transferred. It could be seen that for the income of RRL transactions, tax collection management should be carried out. However, if it is only used for inheritance and transfer within the family, there is no huge interest in speculative speculation, and the government will impose tax exemption on it. (6)Price management. Since 2014 the Vietnamese government has been publishing the benchmark land price every five years. The price of rural house sites will be assessed by the provinces according to the assessment method stipulated in 《Land Law》. The price standard is are divided into different levels based on the traffic road grade (national road, provincial road, county Road), the rural market, the distance from town (collective) center.

Tab.3 The residential land use tax

Tax level	Taxation area (m ²)	Tax rate (%)
1	Within the rated area	0.03
2	Less than three times the rated area	0.07
3	More than three times the rated area	0.15

4.COMPARISON OF THE MANAGEMENT SYSTEM OF RRL BETWEEN CHINA AND VIETNAM

4.1Background of system reform

China and Vietnam, both of which are belong to the socialist system, sharing the same ideology and similar institutional environment. Comparing the management system of the RRL in both countries is inseparable from the comparison and introduction of the background of the land system reform between the two countries. Looking back on the history of the changes in the modern land system of the two countries, the two countries have gained independence from the anti-imperialist and anti-colonial revolution and carrying out land reform, distributing the land originally concentrated in the hands of a few to the poor peasants, and then imitated the Soviet Union to construct collective farms (community), the land private ownership gradually transited to collective ownership, then after a period of planned economic system, the strategy of reform and opening was lunched in the 1970s to 1980s, and the rural land system was adjusted to mobilize farmers' enthusiasm for production, increasing labor productivity, introducing market economy system to realize rational use of land resources. However, the difference is that China achieved national reunification in 1949 and started socialist construction in very early time. The degree of rural land collectivization is relatively higher and the lasting time is longer. Many institutional structures have been formed completely, Correspondingly in 1945 Vietnam began to resist the colonial revolution. In the northern liberated areas, land reform was carried out earlier. The collective farms were larger and the land was more collectivized. However, because the country has not been unified, the land reform could only be confined to the liberated areas until 1975. Vietnam achieved national reunification, and the collective ownership of socialist land's reform movement was promoted to the south. However, after a while in 1980 the Constitution announced the nationalization of land, the rural land contract system was formed in 1981. On the whole rural collective ownership's history in Vietnam is shorter and the system inertia is smaller. On the other hand, although both of China and Vietnam have carried out reform and opening up strategy, they have begun to strengthen the management of land resources and implemented reforms on rural land. However, Chinese reforms are mainly to cross

the river by feeling the stones(looking before the leaping), and carry out reforms gradually which was based on their own national conditions, abandoning the "shock therapy" advocated by the West, the land system is also carried out from rural contracted land to urban construction land, and the land reform in Vietnam is mainly carried out by Western land management experts and scholars. The top-level system design is implemented thoroughly, "sweeping approach (finding a single solution)"^[7].

4.2The structure of property right

From the perspective of land ownership, the land system of both countries is public ownership of land which belongs to all people. Citizens could only have the land use right. The difference is that the 1980 Constitution of Vietnam revised and declared the nationalization of land and the subject position of land property only be exercised by government representatives. The ownership of rural land by collective organizations is abolished. The land of Vietnam could only be owned by the state and it is a unified land ownership. The Chinese Constitution (1982) is also a paper that declares that urban land belongs to the entire people and suburban and rural land still belonging to collective ownership, which builds the dual ownership of China land. This difference between the unified and dual land ownership leads to many differences in the management of RRL in both countries, because there is a difference between collective land ownership and state land ownership. The connotation and extension of the concept of "rural collective" is vague and it is not an independent civil subject ^[8], at the legal level, the subject of rural collective property is vacant, causing the sprawl, illegal occupation and other problems.

From the perspective of land tenure, Chinese RRL is residential land that peasants apply to collective economic organizations for free use. Vietnamese RRL is allocated to peasants by the state. Peasants of both countries only have the RRL use right, and the ownership belongs to the collective economy organization and country. Obviously RRL in China is obtained without compensation, and there is no cost in the preservation phase. The right to use RRL in Vietnam is paid for by farmers, and a stepped fee system is adopted for the use of RRL. Therefore, Chinese use rights of RRL is more reflected the nature of the planned welfare of socialism country, while Vietnam system reflects the nature of economic resources. Two different value-oriented use rights have different effects on the utilization and management of the RRL.

From the power of property rights, the RRL use right in Vietnam enjoys relatively complete capabilities. Peasants have full rights to exchange, transfer, lease, sublease, inheritance, donation, mortgage, etc. And they also could freely dispose of the RRL, forming a "Weak ownership, Strong use right" system which is a complete bundle of rights similar to private land. In contrast to China, the peasants enjoy the RRL use right according to the 《Property Law》, but the power of benefit and disposition is restricted by the government passing 《Land Administration Law》 and relevant government administrative documents, so that the RRL use right could not be freely transferred which could only be restricted in members of the same collective commune and is not allowed to be mortgaged. Therefore, its power is incomplete, so other social entities as "rational economic people" have launched a pursuit of the value of incomplete property rights of RRL falling into the public domain ^[9].

4.3 RRL Management

For the management of RRL, both countries have completely different types of institutional systems. To brief summarize, the management of RRL in Vietnam is more marketized and legalized, while the management of Chinese RRL is planned and regulated, so that causing the situation of different management and utilization of RRL in two countries.

Firstly, the construction of the legal system framework. 《The Land Administration Law 》 is the basic law of land management in China. It includes some basic systems for the management of RRL, but the content is relatively abstract and empty. In addition, the law has not been revised since 2004, and the legal norms have been greatly fallen behind the practice development, the management of the RRL is more dependent on some government notifications, opinions and other normative documents for management and regulation. On the contrary, Vietnam's RRL management system is designed by western countries, with a focus on legal management and a relatively complete legal system. It not only provides detailed provisions on the acquisition, use, recovery, and collection of homesteads in the 《Land Law》, but also have related supporting laws such as 《Architectural Code》, 《Land Use Tax Law》, 《Non-Agricultural Land Use Tax Law》, 《Personal Income Tax Law》, etc., Supplementing by government documents and other normative documents, together constitute the Vietnamese RRL's legal system of management making the management of the RRL more law-abiding, and having strong authority, institutional continuity and operability.

Then, the value orientation of RRL management. Vietnam's RRL management pays more attention to the use of economic means to achieve management objectives, focusing on the allocation efficiency of market resources. In the stage of obtaining the RRL, the land use tax is distributed to the peasants in a paid manner, which is essentially the act of buying the RRL by the peasants paying the government funds. Moreover, for peasants who have difficulty in purchasing RRL for one-time payment, the government also allows them to take the form of installment payment. In the preservation phase, a step-by-step tax collection system is implemented. In the transfer phase, transactions for the purpose of investment profit are according to the individual income tax management, these systems fully reflect the market efficiency of Vietnam's RRL management, economic resources to adjust resource allocation, being conducive to the rational allocation of RRL resources, making the intensive use of RRL. However, the management of China's RRL still has a strong sense of planned economy. The peasants apply to collective economic organizations to obtain RRL allocation free of charge. In the stage of possession and circulation, they are free to use, but being restrict circulation why it is lack of paid withdraw mechanism of RRL, and the system is designed to be fair value orientation, which ignores the efficiency orientation of the market mechanism. The contradiction between this value orientation could no longer adapt to the current economic and social status of urban and rural integration development, resulting in the reality that peasants have more than one piece of RRL, over-occupied and more occupy the RRL in China. However, it is undeniable that things have two-sidedness, and the free marketization of Vietnamese RRL makes the transaction price of RRL completely determined by location and market supply and demand. The price difference of RRL is huge. Taking the results of the 2014 land price framework as an example, the highest RRL price is 29,000,000 VND/m² (about 8,700 RMB) in the Red River Delta. The lowest price is only 15,000 VND/ m² (about 4.5 RMB) in the central highland area of Central Vietnam. The high land prices have made it impossible for many peasants in Vietnam to

guarantee their housing security, and even carried huge debts, resulting in a group of “land-profit”. However, the way of the distribution of unpaid welfare in China and the restrictions on the transfer of RRL have made the peasants' living fairness guaranteed and become the "stabilizer" of China's social and economic development. Therefore, how to balance the two values has become the core proposition of institutional reform.

Finally, the management system of RRL. The management of RRL in Vietnam pays more attention to differentiation, which is essentially a refined management thinking, making the management system more operable and scientific^[10]. In the planning of residential areas, there are detailed standards for various types of land use. Such as transportation, water supply, power supply, drainage, greening and other auxiliary planning have detailed legal descriptions and engineering construction standards, and dealing with historical problems in the registration and certification of RRL. According to the historical stage, there are clear rules for different treatment methods. In the paid use tax collection standards, detailed regulations such as different areas of taxation standards and tax rates are also given. In the transaction taxation, non-speculative profitability Personal transactions are tax exempted, etc. In contrast, China's RRL management system is relatively extensive and simple, or it is a "one size fits all" type of mandatory regulation, ignoring historical, regional, and individual differences, or empty. The ambiguous concept stipulates that policies could stay on paper and could not be put to the ground. In short, this management system hinders the effective management of the implementation of the RRL by the state. It should strengthen guidance and foster such refined management thinking in the reform of the RRL system.

5. CONCLUSION AND DISCUSSION

Comparing the management system of the RRL between China and Vietnam have showed significant reference for the reform of RRL system in China. This article introduces the system of acquisition, planning and management of RRL in Vietnam, and then compares the three aspects of institutional reform background, property rights structure and RRL management, which provides reference for the management of RRL in China.

Firstly, strengthening the construction of the legal system. China is experiencing the period of development and transformation. It is undoubtful that a modern country with rich, strong, democratic and developed should management by law. Compared with the legal system framework of Vietnam's RRL, China's legal system of RRL management is low-level and not comprehensive, Therefore, the reform of the “three types of land” system for collective construction land should be adopted, and the 《Land Administration Law》 should be revised and improved as soon as possible. For RRL, planning, paid use, and withdraw mechanism of the base management list the legal provisions with operability, establishing the authority of legal management, making the reform and management of the RRL system more legal.

Secondly, the management system of the RRL in Vietnam has the characteristics of “authentication registration, planning first, paid use, free trade”. This kind of RRL system has realized the reforms envisaged by some scholars in China. The rural collectives no longer distribute RRL without compensation. The RRL is paid for purchases and could be freely traded. This would give the peasants the right to freely dispose of them, but it does also appeared what scholars are worried about, the huge difference in the value of RRL transfer, the difference between the highest and lowest benchmark price of RRL is more than 1900 times in Vietnam, which easily leads to the

emergence of “land-profit” class, because Vietnam has not experienced the stage of township economic development. It could not provide a buffer for the transformation of the rural economy. After the reform and opening up strategy, the rural collective economic organizations is withered away. The income of farmers could only rely on doing works in big metropolis, the income growth is slow, and the RRL becomes a paid purchase, which directly leads to the huge burden to peasants for building houses. So we must rise our attention. In the process of reform of RRL in China, the government should balance the value orientation of fairness and efficiency, implement differentiated reforms according to the differences in urban and rural development levels, minimizing the cost of reform, and ensure the smooth implementation of reforms.

Thirdly, comparing with the refined management of RRL in Vietnam, especially the detailed planning of RRL, the planning and management of RRL in China has been in a vacant state, which cause some problems such as illegal construction and over occupation. Many rural land problems such as construction and occupation of cultivated land have led to the continuous outflow of rural population, but the growing area of rural construction land has threatened the red line of cultivated land protection, resulting in waste of land resources and hindering the process of urban-rural integration. The smooth development of RRL system reform and the effective management of the future RRL should be based on the planning of the RRL. The government should make large-scale village-level planning across the country, strengthening village-level planning management and implementation, which is the a solid foundation for the reform of the RRL system.

Fourthly, the management of Vietnamese RRL relies more on economic means, which are worth learning by China. For example, if the peasants have difficulty in paying in full once for RRL, they could choose to pay in installments to ease the pressure on peasants to pay a large plenty of money. In the preservation of RRL, a step-by-step and fee-based charging system shall be implemented: according to the different area to collect different tax, making the use of tax policy to regulate the use of RRL. In the RRL transactions phase, it is managed according to personal income tax, except from the transfer between relatives, the inheritance could be free of tax, etc. These above system could have a reference for the reform of RRL system in China.

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BIOGRAPHICAL NOTES

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