

## A press conference on the policy interpretation of the "Implementation Rules for the Flexible Supply of State-owned Construction Land Use Rights in Dongying City" was held

2023 year 03 month 31 23 31 | News Editor: sysmanager

Dongying City held a press conference on the policy interpretation of the "Implementation Rules for the Flexible Supply of State-owned Construction Land Use Rights in Dongying City"

On the morning of March 2023, 3, Dongying City held a press conference on the policy interpretation of the "Implementation Rules for the Flexible Supply of State-owned Construction Land Use Rights in Dongying City", and Hao Baoguo, director of Dongying Land and Mineral Development Service Center, introduced the Implementation Rules for the Flexible Supply of State-owned Construction Land in Dongying City (hereinafter referred to as the "Implementation Rules"), the background and main content of the promulgation.

### 1. Background to the promulgation of the Detailed Implementing Rules

Reforming the supply mode of industrial land and strengthening the guarantee of land factors is of great significance to building a more complete market-oriented allocation mechanism for land factors and promoting stable economic growth and high-quality development. For a long time, industrial land has been transferred according to the highest period, and there have been problems such as single supply mode, mismatch between supply period and active period of enterprises, and high land use costs. In particular, some industrial projects are affected by factors such as technological upgrading and changes in market demand, and the benefits of land per acre are significantly reduced, resulting in inefficient utilization, and even disorderly transfer, private change of use, etc., this part of the land government acquisition cost is high, it is difficult to achieve secondary development and utilization before the expiration of the land use right, resulting in the real need for high-quality projects subject to land elements are also difficult to land. In order to effectively solve the problems existing in the current industrial land allocation process and realize the efficient use of land, according to the national and provincial policies, the city actively explores the market-oriented allocation mode of industrial land combining leasing and adjusting the supply period, and establishes a land supply model of long-term leasing, first lease and then concession, and flexible term supply.

### 2. Main contents of the Implementing Rules

The flexible supply of industrial land in our city adopts public methods such as bidding, auction and listing, mainly including three types: long-term leasing, first lease and then transfer, and flexible term transfer.

#### (1) Scope of application

Flexible supply is mainly implemented within the scope of flexible supply of state-owned construction land such as industry, warehousing, and public services, as well as other industrial land specified in documents at or above the provincial level. Among them, public service land includes energy, environmental protection, pension, education, culture, sports, water supply, gas supply, heating facilities, public health, parking facilities, public charging and swapping stations, etc. Where mixed-use land (excluding commercial, recreational and commercial residential land) adopts flexible supply, it can be determined according to the dominant use.

#### (2) Supply period

Long-term leases are generally not less than 5 years, the maximum period is 20 years, and the term can be renewed upon expiration; The lease period generally does not exceed 5 years, and the total lease period does not exceed the statutory maximum period; The flexible term shall not exceed the statutory maximum period.

#### (3) Land prices

In order to reduce the cost of enterprise land, the pricing mechanism of industrial land has been further improved for different years and different supply methods, under the premise of ensuring that it is not lower than the cost of land acquisition. For long-term leases, the annual rent may be fixed at not less than 50% of the assessed price of the parcel for a 2-year assignment; Lease first and then transfer, the rent is determined by the term amendment according to the ratio of the lease period to the highest term, and after the transfer, the rent paid is offset against the transfer price; For flexible term transfer, the transfer price shall be corrected by not less than the ratio of the flexible term to the highest term.

#### (4) Land renewal

If the lessor or transferor agrees to renew, the rent or transfer fee of the land to be renewed shall be assessed according to the point of application, and the lease or transfer procedures shall be handled by agreement. If the supply is provided by lease first, let later, one year before the expiration of the lease stipulated in the contract, the county or district government and the administrative committee of the development zone shall be responsible for organizing relevant departments to conduct assessment and evaluation, and if the assessment and evaluation are passed, the lessee may apply for transfer, and the natural resources and planning department and the land user shall directly sign a transfer contract; If the assessment and evaluation are not qualified and rectification is not in place before the expiration of the lease contract, the right to the use of the land shall be withdrawn without compensation, and the above-ground buildings, structures and their ancillary facilities shall be handled in accordance with the lease contract and the performance supervision agreement.

#### (5) Regulatory measures

If flexible supply is adopted, before signing the contract, the bidder shall sign a performance supervision agreement with the county or district government or the administrative committee of the development zone where the land plot is located, clarifying the project input and output, construction requirements, liability for breach of contract and penalty measures, etc., among which the conditions for lease transfer and transfer must also be clarified if the supply is leased first and then transferred. Each county and district government and the administrative committee of the development zone are responsible for organizing relevant departments to register, count, track and check the effectiveness of matters stipulated

the performance supervision agreement in accordance with the principle of "who proposes and who supervises", and include relevant circumstances in the creditworthiness system. The holder of the right to the use of the land shall use the land in strict accordance with the planning conditions agreed in the contract, shall not change the use without authorization, and shall strictly prohibit the use of land supplied flexibly for commercial real estate development. Where the land use period expires and the land user does not apply for renewal or the application for renewal is not approved, as well as the enterprise identified as a "restricted development" enterprise by the evaluation reform of "mu production benefit" or the county or district government or the administrative committee of the development zone as low-efficiency land, the right to the use of the land shall be recovered without compensation, and the above-ground buildings, structures and their ancillary facilities shall be handled in accordance with the contract and the performance supervision agreement.

Comrade Hao Baoguo, director of Dongying Land and Mineral Resources Development Service Center, Comrade Lan Bo, deputy director of Dongying Land and Mineral Resources Development Service Center, and Comrade Jiang Zhenxia, responsible person of the Natural Resources Development and Utilization Section of the Municipal Bureau of Natural Resources and Planning, answered reporters' questions

I. What is the significance of the implementation of the flexible supply system for industrial land?

Hao Baoguo: The implementation of flexible supply can effectively solve the problem of mismatch between land use period and enterprise active period for the government, accelerate the revitalization of inefficient land, alleviate the contradiction between land supply and demand, and reverse the situation of shortage of land factors and idle resources; For enterprises, by clarifying the pricing mechanism and apportioning the cost of land use over different years, it can effectively solve the problem of relatively high land price under the maximum period transfer method, reduce the initial land acquisition threshold and one-time land use cost of enterprises, reduce the burden on small and medium-sized enterprises, save more funds for project construction, product research and development, and improve enterprise vitality and market competitiveness. Up to now, the city has flexibly supplied 102 cases of land, covering an area of 4194.2 mu, with a total land price of 46 million yuan, involving industry, warehousing, public facilities, etc., and the rent is mainly paid in installments and one-time payment two modes, and the total land price has decreased by about 60%, effectively alleviating the financial pressure of enterprises.

Second, after the implementation of flexible supply, how to choose the specific industrial land supply method in the next step?

Rimbaud: The establishment of the city's flexible supply system has changed the original model of supplying land according to the legal maximum number of years, and in addition to the traditional 50-year supply of industrial, warehousing, public service and other land, three modes of long-term lease, first lease and then transfer, and flexible term transfer have been added. For example, long-term leases are generally not less than 3 years, and the maximum period is 5 years; The term of lease shall generally not exceed 20 years, and when converted to transfer, the total period of concession shall not exceed the maximum legal period of transfer of the land; The flexible term is transferred within the statutory maximum period, and the transfer period is determined comprehensively according to the life cycle of the enterprise. In terms of specific land supply methods, there are currently no mandatory requirements, and county and district governments and development zone management committees can reasonably determine the mode of use and service life based on national industrial policies, industrial development trends, and enterprise land needs, and encourage enterprises to adopt flexible supply methods to obtain land use rights.

Third, the land supply mode has changed, will it have an impact on the later real estate registration and project construction procedures? Can land be transferred, leased or mortgaged normally?

Jiang Zhenxia: According to the Regulations for the Implementation of the Land Administration Law, leasing is also a way to use state-owned construction land for a fee, which is a supplement to the transfer method. The lease contract signed after the land transaction has the same legal effect as the transfer contract. After paying rent or paying the transfer fee as agreed in the contract, the land-using unit may apply for real estate registration in accordance with the law and go through the project construction procedures in accordance with the procedures.

On land use rights. For long-term leased land, the lessee may transfer, lease or mortgage the legally registered land after paying the land rent and completing the development and construction in accordance with the regulations, with the consent of the natural resources and planning departments of the city or county or in accordance with the contract. Land leased first and then transferred, subleased or mortgaged during the lease period before the completion of development and construction; After the transfer, it enjoys the right to use the state-owned construction land transferred. Unless otherwise agreed in the contract, land transferred with a flexible term may be transferred, leased or mortgaged in accordance with law.

**0546 Real Estate Network (Dongying Real Estate Network):** The flexible supply of state-owned construction land use rights in Dongying City, mainly for industrial enterprise land, will effectively alleviate the problem of capital competition for land use of these industrial enterprises, reduce the burden of enterprises, and allow many enterprises to focus more on products and improve the competitiveness of enterprises!

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