

Provisions of Guangdong Province on the Administration of the Market for Transactions in State-owned Construction Land Use Rights

(Promulgated by Decree No. 304 of the People's Government of Guangdong Province on October 23, 2023)

Article 1 These Provisions have been formulated for the purposes of strengthening the administration of the market for transactions in state-owned construction land use rights in Guangdong Province, standardizing transactions in state-owned construction land use rights, and improving the market-based allocation of land resources, in accordance with the *Land Administration Law of the People's Republic of China*, the *Urban Real Estate Administration Law of the People's Republic of China*, and other laws and regulations, and in light of the actual situation in Guangdong Province,.

Article 2 These Provisions are applicable to the administration of the market for transactions in state-owned construction land use rights within the administrative region of this Province.

For the purpose of these Provisions, the market for transactions in state-owned construction land use rights includes the primary market where the government provides state-owned construction land use rights in exchange for compensation by means of transfer, leasing, capital contribution, or contribution for shares, as well as the secondary market where holders of state-owned construction land use rights trade said rights by means of assignment, leasing, or mortgage.

Article 3 The market for transactions in state-owned construction land use rights shall adhere to the principles of being unified, open, fair, competitive, efficient, and standardized.

Article 4 Forms of transactions in state-owned construction land use rights include public bidding, auction, listing, and contracting. Where public bidding, auction, or listing is adopted, priority shall be given to online transactions.

Article 5 The competent department of natural resources of the provincial people's government is responsible for establishing a unified province-wide dynamic monitoring and supervision system for the land market, and engaging in dynamic monitoring of the market for transactions in state-owned construction land use rights. The competent departments of natural resources of people's governments at the municipal or county-levels are responsible for organizing and implementing transactions in state-owned construction land use rights.

The competent department of natural resources of the people's government at the county level or above shall strengthen the supervision and administration of the market for transactions in state-owned construction land use rights.

Article 6 The operational service organizations of public resource trading platforms and land transaction organizations (hereinafter referred to as "transaction organizations") shall establish sound management systems and work specifications, and provide the necessary venues, information and services for transactions in state-owned construction land use rights.

Article 7 The competent department of natural resources of the municipal or county-level people's government may delegate the handling of the following matters to transaction organizations:

- (1) Managing and maintaining land market transaction platforms;

- (2) Preparing public bidding, auction, and listing documents;
- (3) Verifying the conditions related to land to be traded, transaction conditions, and qualifications of bidders;
- (4) Issuing bid-winning notices, signing transaction confirmations;
- (5) Collecting, summarizing, publishing, and sharing information on the supply and demand of, and transactions in, state-owned construction land use rights;
- (6) Other matters whose handling may be delegated in accordance with relevant national and provincial regulations.

Assignors or lessors may delegate the handling of matters specified in Items II, III, and IV of the preceding paragraph to transaction organizations.

Delegated transaction organizations shall accept guidance and supervision from the competent departments of natural resources of the people's government at county level or above.

Article 8 The competent departments of natural resources of the municipal or county-level people's government shall, in conjunction with the relevant departments, formulate a land supply plan, and submit this plan to the people's government at the same level for approval before organizing its implementation.

The land supply plan shall include the locations, boundaries, spatial limits, areas, planned usage, current situations, planning conditions, land use terms, time of land supply, way of land supply, form of transactions, land prices and payment method, construction time, and regulatory requirements of the land parcels to be supplied.

Article 9 After the base price of the bid, reserve price of the auction and the minimum price of the listing for state-owned construction land use rights have been determined, confidentiality shall be maintained before the opening of the bid and the end of the auction and listing.

Article 10 Bidding rules shall be included in the public bidding, auction, and listing documents.

Public bidding, auction, listing, and contract documents for industrial land shall also include industrial development commitment letters or agreements on the industrial supervision of project land.

Article 11 Public bidding, auction, and listing announcements shall include the following contents:

- (1) The name, address, and contact information of the supplier and its delegated transaction organization;
- (2) The location, boundaries, spatial limits, area, planned usage, current situation, planning conditions, land use term, construction time, and regulatory requirements of the land parcel;
- (3) Requirements for qualification to bid and methods of applying for qualification to bid;
- (4) The time, location, and method for obtaining the supply documents;
- (5) The time, location, time limit, and bidding method for public bidding, auction, and listing;
- (6) Standards and methods for determining the successful bidder;
- (7) Bid, bid security deposit, and bid increase rate;
- (8) Land prices and payment method;
- (9) Other matters requiring announcement.

During the public bidding, auction, or listing announcement period, if changes in the content of the announcement occur, the competent departments of natural resources of the municipal or county-level people's government shall promptly issue a supplementary or revised announcement via the same channel of issuance as the

original announcement. If major changes affecting land prices, such as changes in land use conditions, have occurred, the announcement period shall be recalculated from the date of issuance of the supplementary or revised announcement. If a supplementary or revised announcement is issued, applicants who have already registered should be promptly notified.

The period between the date of issuance of the announcement of a public bidding, auction, or listing and its date of commencement shall be not less than 20 days.

Article 12 Upon determination of the successful bidder, the competent departments of natural resources of the municipal or county-level people's government shall issue a bid-winning notice to, or sign a transaction confirmation with, the successful bidder. Within 10 days of this, a contract for compensated use of the state-owned construction land use rights shall be signed with the successful bidder.

The competent departments of natural resources of the municipal or county-level people's government shall enter information concerning the contract for compensated use of state-owned construction land use rights into the land market dynamic monitoring and supervision system within 10 days of the contract's signature.

Article 13 The competent departments of natural resources of the municipal or county-level people's government shall publish transaction announcements and results on China Land Market Network (landchina.com), the National Public Resources Trading Platform (Guangdong), and other media and trading platforms within the prescribed period.

The publicized transaction results shall include the assignee or lessee, land location, planned usage, area, way of land supply, parcel number, price, planning conditions, land use term, and regulatory requirements.

Article 14 For transfers of state-owned construction land use rights via trading, exchange, donation, capital contribution, assets disposition, or merger or splitting of legal persons or other organizations, the process shall be handled in accordance with procedures for the assignment of state-owned construction land use rights.

Article 15 Where the assignment of state-owned construction land use rights obtained through transfer, lease, capital contribution, or contribution for shares requires the registration of real estate, the competent departments of natural resources of the municipal or county-level people's government shall verify the legality of the assignment and the performance of the transfer conditions stipulated in the contract for compensated use.

Article 16 Where the assignment of state-owned construction land use rights obtained through allocation, an application must be submitted to the competent departments of natural resources of the municipal or county-level people's government. After being reviewed by the competent departments of natural resources of the city or county people's government, it shall be submitted to the people's government at the same level for approval.

After the municipal or county-level people's government approves the assignment, the holder of the state-owned construction land use right shall publicly trade the right to be assigned. Where the land usage conforms to the *Land Allocation Catalogue*, the nature of the allocation can be retained. Where the land usage does not conform to the *Land Allocation Catalogue*, on the premise of compliance with national spatial planning, the assignee shall sign a transfer contract with the competent departments of natural resources of the municipal or county-level people's

government and make a supplementary payment for the land.

Article 17 Where the state-owned construction land usage rights obtained through allocation comprises a lease for over five years, or is partially used for leasing and can be divided, the holder of the state-owned construction land use right shall complete the transfer, lease, and other formalities for compensated use of the land in accordance with the law.

Article 18 Where the state-owned construction land usage rights obtained through allocation are mortgaged, the proceeds from the lawful realization of the mortgage shall first be used to pay the land transfer fees of the state-owned construction land use rights.

Article 19 Where the state-owned construction land use rights obtained through lease, the lessee may, with the approval of the competent departments of natural resources of the municipal or county-level people's government, or as agreed in the lease contract, assign, lease, or mortgage the rights after payment of rent and completion of development and construction in accordance with the relevant regulations.

Article 20 Where state-owned construction land use rights acquired through assignment are to be sold, if the land is being used for housing construction projects, and less than 25% of the total development investment has been undertaken, advance notice of real estate transfer registration may be processed in accordance with the law, and formal registration formalities may be completed when the investment and development meet the assignment conditions.

Idle land that should be reclaimed according to the law shall be handled in accordance with the relevant national and provincial regulations.

Article 21 The holder of state-owned construction land use rights may divide or merge the said rights provided the relevant state-owned construction land fulfills the conditions of independent parcels and conforms to national spatial planning. If supplementary payment for the land value is required due to adjustments to land use terms or planning conditions, such supplementary payment shall be made in accordance with the law.

Article 22 The competent departments of natural resources of the municipal or county-level people's government shall strengthen the monitoring and supervision of land prices in the market for transactions in state-owned construction land use rights, improve the government's land price publication system, and regularly update and publish benchmark and indicative land prices.

Article 23 Members of staff of the people's government at or above the county level, and of its competent departments of natural resources who, during the administration of the market for transactions in state-owned construction land use rights, neglect their duties, abuse their power, or engage in malpractice for personal gains, shall be punished in accordance with the law. Where the said actions constitute a crime, criminal liability shall be investigated in accordance with the law.

Article 24 These Provisions shall come into force as of January 1, 2024. The *Provisions of Guangdong Province on the Administration of the Market for Transactions in Land Use Rights* shall be repealed simultaneously.