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RESEARCH ARTICLE

Dualist Land Regime, the *Hukou* System and the Welfare of Migrant Workers in Chinese Cities

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Abstract

Why is China's household registration system so resilient, and why are migrant workers consistently excluded from equal urban welfare? By disaggregating the *hukou* and land components of the rural–urban dualist regime, this article argues that dualist land ownership, formalized in China's 1982 Constitution, perpetuates the *hukou* system and unequal welfare rights. On the one hand, dualist land ownership results in an abundance of low-cost, informal housing in urban villages. This reduces the cost of short-term labour reproduction and diminishes migrants' demands for state-defined urban rights. On the other hand, dualist land ownership enables local governments to amass significant revenues from land sales. The prominence of land-based revenues prompts local governments to link urban welfare rights with formal property ownership and residency, obstructing substantive reforms to the *hukou* system. For comparison, this article highlights Vietnam, a communist country with a unitary land ownership system, which has made greater strides in reforming its household registration system.

摘要

中国的户籍管理制度为何如此牢固，移民打工者为何被持续排除在平等的城市福利之外？通过拆分城乡二元制的两个组成部分：户口和土地，本文提出，1982 年中国宪法所确立的土地二元所有制，是户籍制度和福利权利不平等得以持续存在的原因。一方面，土地二元所有制导致城中村出现大量低价的非正式住房，这降低了短期劳动力再生产的成本，减少了打工者对国家定义的城市权利的需求。另一方面，土地二元所有制使地方政府能够从土地出让中获得大量收入，土地出让收入的重要性促使地方政府将城市福利权的分配与公民的正式产权和居住状况绑定，从而阻碍了户籍制度的实质性改革。作为比较，本文讨论了越南这个共产党领导的国家，它拥有非二元、统一的土地所有制，并在户籍制度改革上取得了更多进展。

Keywords: *hukou*; land; housing; welfare rights; migrant workers; urban villages

关键词: 户口; 土地; 住房; 福利权; 移民打工者; 城中村

Why are many working-class migrants in Chinese cities still denied equal access to welfare benefits, despite multiple initiatives by the central government to reform the household registration (*hukou* 户口) system?[1] Drawing on materials collected during 13 months of fieldwork in Guangzhou and neighbouring cities from 2021 to early 2022, this article demonstrates that the dualist land ownership regime perpetuates China's unequal *hukou* and welfare system. This dualist ownership allows the Chinese government to maximize land sale revenues while minimizing the costs of short-term labour reproduction in cities. The resulting fiscal gains and economic advantages reduce the local governments' motives to reform the *hukou* system or offer welfare benefits to migrant labourers. As a complementary perspective, this article presents the case of Vietnam, where a unitary land ownership system has facilitated more significant advancements in household registration reforms but

1 Chan, Kam Wing 2021; Friedman 2022.

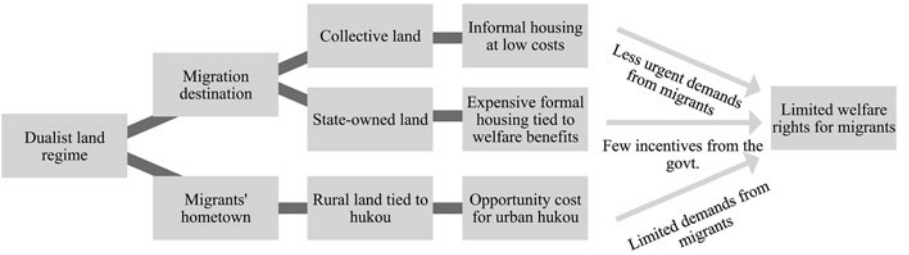

Figure 1. Dualist Land Regime and Urban Welfare Rights for Migrants in China

has limited the government's capacity in welfare provision. While the Chinese government is *unwilling*, the Vietnamese government is *unable* to provide substantial benefits to all migrants.

Explaining the Persistence of the *Hukou* System in China

Much has been written on China's *hukou* system. The system's resilience and enduring impacts on migrants have been widely recognized. From previous research, we know how the *hukou* system has evolved and how it continues to affect migrant workers.[2] But few studies have provided explicitly causal arguments about *why* the system is so resilient and its impacts so persistent after decades of economic reforms. Very recently, some researchers have employed subnational analysis[3] and individual experiments[4] to explain how the variations in local conditions, government incentives and migrants' preferences have shaped *hukou* reforms. Still, these studies cannot explain why (mainland) China, by and large, moves slowly on household registration reform and provides limited welfare rights for migrant labourers in comparison to Taiwan or Vietnam.[5]

By examining the different institutions related to the *hukou* system, this article argues that dualist land ownership plays a pivotal role in sustaining the *hukou* system and the disparities in welfare rights between migrants and urban residents. Under the dualist land regime, the state owns urban land, and collectives own most of the land in rural and suburban areas. Prior research has often suggested that dualist land ownership (or collective ownership of rural land) is inextricably linked to the *hukou* system.[6] However, a detailed exploration of the origins of dualist land ownership reveals that its formalization in the 1982 Constitution had distinct motivations that were not necessarily tied to the *hukou* system.[7] Later, starting in the 1990s, contrary to the constitution makers' initial goal of minimizing conflicts with peasants by leaving rural land to village collectives, this dualist approach resulted in extensive land expropriation[8] and significant land sale revenues for the Chinese government.[9]

This article argues that the dualist land ownership also supports the persistence of the *hukou* system. Figure 1 details their relationships. In the city (i.e. the destination of migration), massive informal housing on collective-owned land in and near city centres, originating from the dualist land regime, provides affordable living options for migrants. These living arrangements reduce migrants' short-term reproduction costs and their urgent demands for state-defined urban rights. The housing built on state-owned land is costly and limited. The massive revenue the

2 Cheng and Selden 1994; Chan, Kam Wing, and Zhang 1999; Solinger 1999; Alexander and Chan 2004; Wang, Fei-Ling 2005; Zhang, Li, and Wang 2010; Guo, Zhonghua, and Liang 2017; Chan, Alexsia, and O'Brien 2018; Friedman 2022.
3 Zhang, Jipeng, Wang and Lu 2019; Vortherms 2023.
4 Cai, Meina, Liu and Wang 2020; Pizzi and Hu 2022; Vortherms and Liu 2022.
5 Siu and Unger 2020; Shi 2021.
6 Andreas and Zhan 2016; Chan, Kam Wing, and Wei 2019; Chuang 2020.
7 Xu 2005, 399, 404, 417, 426; Peng 2018, 165–68.
8 Guo, Xiaolin 2001; Cai, Yongshun 2003.
9 Tao et al. 2010; Rithmire 2017; Liu and Zhang 2020.

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government receives from selling land disincentivizes it from reforming the *hukou* system. Instead, governments use the *hukou* system to tie welfare benefits to formal property ownership and residency to boost property prices. Meanwhile, in the hometowns of migrants, the collective ownership of rural land pressures migrants to maintain their membership (i.e. *hukou*) in the village. It reduces the incentives to fight for urban *hukou* and systematic reforms.

Previous research has demonstrated how the land regime in migrants' hometowns reduces their demands for urban *hukou*.[10] In this article, I focus on the dualist land system in the destination cities and how it shapes *hukou* reforms. To corroborate my argument, I present evidence collected during fieldwork in Guangzhou and neighbouring cities in the Pearl River Delta 珠江三角洲 (PRD hereafter) from December 2020 to January 2022 and in Ho Chi Minh City (HCMC) from May to September 2022. I conducted 75 semi-structured interviews with migrant workers, college graduates, NGO staff, trade unionists, village cadres and villagers, local researchers, government officials and real estate employees in China and 26 interviews in Vietnam. I also engaged in participatory observation while living in two urban villages and a gated community in Guangzhou. One of the two villages is Creek Village, where I lived for over eight months.[11] In addition, I collected more than 60 gazetteers and yearbooks, over 1,000 policy documents regarding the welfare policies of migrants and land administration in China, and about 100 documents in Vietnam. I used NVivo to code transcripts and interview notes. Throughout my fieldwork, I continually cross-referenced policy documents with interview notes to contextualize interviewees' experiences and understand policy implementation on the ground.

The Household Registration System and the Welfare of Migrant Labourers in China

In China in 2021, the number of people who were residing in a town other than the one where their *hukou* was registered (*liudong renkou* 流动人口) reached 385 million.[12] Over the past four decades, the impacts of household registration status on migrants' access to welfare have diminished in several realms. With regard to pensions and medical insurance, China now has one system for employees and another for residents without formal employment. The insurance for residents without formal employment is tied to where their *hukou* is registered; however, the compensation is much lower than that offered by employment-based insurance, which is not tied to *hukou*.[13] Regardless of whether employees have a local *hukou* or not, their employers are obliged to contribute to their endowments and insurance.[14] As a result, disputes over employee insurance programmes, but not resident insurance programmes, became a significant cause of collective labour actions in the 2010s.[15]

The impacts of the household registration system linger, mainly in the realms of education and subsidized housing.[16] This article highlights how the dualist land regime shapes the housing situation and education rights of migrants and their children and perpetuates the *hukou* system in China.

Housing for Migrants in China

Like migrants around the globe, finding a place to live is one of the first things Chinese migrants do when moving to a city. However, the specific housing available to migrants and how that housing is connected to migrants' welfare rights vary across countries and are often shaped by each country's

10 Andreas and Zhan 2016; Gu et al. 2020.

11 Creek Village is a pseudonym. Pseudonyms are also used for interviewees throughout the article.

12 This statistic does not include those who migrate within and across urban districts (*shixiaqu*) in each municipality. See National Bureau of Statistics of China 2022.

13 *China Labour Bulletin* 2021.

14 This does not negate the substantial disparities in employment-based insurance and pension benefits between migrants and local residents, since locals often have superior jobs compared to migrants.

15 Chan, Chris King-Chi, and Hui 2023.

16 Zuo 2019; Siu and Unger 2020.

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land regime. China's dualist land ownership system provides ad hoc solutions for migrant workers that meet their immediate needs at a low cost in urban villages, tempering their imminent demands for state-defined urban rights.

According to the China Migrants Dynamic Survey, in 2017, 62.9 per cent of migrants lived in rented accommodation, 18.9 per cent of migrants lived in homes they owned, and 11.9 per cent of migrants lived in accommodation provided by their employers at no additional charge.[17] Various types of accommodation are available through the rental market in Chinese cities. College graduates and white-collar workers with relatively high incomes often rent rooms in high-rise apartment buildings. If migrant workers with limited salaries stay in high-rise apartments, it is usually in crowded rooms stacked with multiple bunk beds,[18] or they live in basements or civil air defence shelters.[19]

A large proportion of migrant labourers reside in urban villages (*chengzhongcun* 城中村), particularly in the PRD. According to the Bureau of Migrant Services of Guangzhou Municipality, 4.95 million out of the total 9.96 million migrants lived in urban villages in Guangzhou in 2019.[20] The proportion is even higher in Shenzhen: according to one estimate, more than 70 per cent of the total population in Shenzhen live in urban villages.[21] The proportion can only be higher for migrants. In Beijing, a large proportion of the city's migrants lived in informal urban villages some distance from the centre until many of these villages were demolished following a fire in Daxing district 大兴区 in 2017.[22]

China's Dualist Land Regime and the Birth of Urban Villages

Urban villages are a unique feature of Chinese cities, resulting from China's dualist land ownership system. These living areas are termed villages because, even though they are located at or near the heart of a metropolis and are surrounded by modern architecture built on state-owned "urban" land, the villages themselves are built on collective-owned "rural/suburban" land. The distinctions between rural/suburban and urban land were clearly defined in the 1982 Constitution and 1986 Land Administration Law (LAL). Until the most recent revision of the LAL in 2019, any organization or individual in need of construction land had to apply for state-owned (i.e. urban) land, with a few exceptions. Collective land is primarily used for agriculture and villagers' residences. When land is required for urban expansion, in most cases rural/collective land must first be expropriated by the state and then converted into "urban" land.

China experienced rapid urbanization of its coastal areas following the economic reforms of the late 1970s and 1980s. To secure land for construction, city governments had to expropriate the rural/suburban areas on the city's outskirts that belonged to village collectives. The rural land in these villages included farmland, villagers' residential land, and land for township and village enterprises and other public facilities. The Constitution and related regulations granted city governments authority to expropriate collective land in the name of "public interest." Compensation rates, which were calculated according to the yields of agricultural products from the farmland as per the LAL, were paltry, particularly for agricultural land.[23] But since the villagers could only earn a limited income from the farmland, it was relatively easy for local governments to expropriate farmland with the cooperation of village cadres. The municipal government in Guangzhou had expropriated

17 National Health Commission 2018, 167.
18 Harten, Kim and Brazier 2021.
19 Huang and Yi 2015.
20 He 2019.
21 Jiao 2020.
22 Pils 2020.
23 Peng 2018, 37.

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nearly all of the farmland in Shipai Village 石牌村, an urban village less than two miles from the future Zhujiang New Town 珠江新城, Guangzhou's central business district (CBD), by 1996.[24]

It was a different story when it came to the expropriation and demolition of villagers' residential property and land: city governments had to consider villagers' housing and resettlement needs and offer a satisfactory resettlement plan to avoid petitions and protests. Compared to farmland, the economic and political costs of expropriating rural residential land were thus much higher. Consequently, in the urban sprawl of many Chinese cities, particularly in the PRD, most farmland near the city centres has been expropriated, while residential land has often been left untouched.[25] This asynchronous expropriation of different types of land has given rise to the phenomenon of the urban village, where villagers' "rural" residential land and houses are surrounded by high-rise buildings, shopping malls and parks built on "urban" land that has been expropriated by the government and used for urban construction.

Urban Villages and Affordable Housing for Migrants

But how did the residential land retained by the villagers and village collectives eventually become home to millions of migrants? This was also a consequence of the dualist land regime. An amendment to the Constitution in 1988 legalized the transfer of land-use rights. However, under the collective ownership of rural and suburban areas, those outside of the village cannot legally acquire the rights to use the land. Houses built on rural residential land and sold to non-villagers have become known as "small property" houses. Non-villagers, including urban residents, can only buy these houses informally or illegally and have few and precarious property rights compared to villagers or individuals who purchase homes on urban land. Consequently, the purchase prices of houses built on rural residential land are significantly lower.[26]

The effect of the dualist land system on rent is, however, minimal. Tenants often only need a place to stay and do not care about the house's legal status, except for some cases in the last decade, as discussed in detail below. In order to meet the pressing accommodation needs of migrants, local governments allow houses built on both rural and urban land to be rented out, and properties built on rural land have a similar legal status to those on urban land in the rental housing market. For example, as early as 1987, the Guangdong provincial government issued a set of regulations concerning rentals in suburban areas that covered the leasing of private houses owned by both urban residents and villagers as well as buildings owned by collectives.[27] In 1996, the regulations on house leasing in Guangzhou covered both the rental of commercial housing on urban land and private housing built on rural residential land. Moreover, the Shenzhen government issued specific regulations on rental housing built on rural land.[28] Although the land laws strictly prohibit the transfer of rural land and housing, rural housing has a legal status in the rental market similar to that of properties built on urban land.

Thus, while the dualist system has limited the exit options for villagers (for instance, selling rural properties at reasonable prices), it allows them to collect land rent. With the economic reforms and the massive influx of migrant workers, there was a tremendous demand for housing in cities. Owing to urban sprawl, villages once located on city peripheries found themselves close to city centres. Although the government had expropriated most of the farmland, residential land remained in the hands of the villagers. To profit from this situation, villagers demolished their old houses and built multi-storey buildings on the small plots of residential land that had been allocated to them for personal use.

24 Shipai Villagers' Committee 2003, 15–17.
25 Wilson 2023.
26 Lai et al. 2017.
27 People's Government of Guangdong Province 1987.
28 Editorial Committee of Records of Guangdong 2014, 469.

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Since the rural residential land and property could not be legally sold to non-villagers, the quality and comfort of the properties and neighbourhood held little importance for the villagers. Instead, they prioritized maximizing the built-up area of the residential land and renting to as many people as possible. Hundreds, if not thousands, of multi-storey buildings sprang up in each urban village. For instance, from the late 1990s to 2004, villagers in Tangdong village 棠东村 in Guangzhou built around 400 new buildings with a total construction area of 160,000 square metres. Most of these newly built houses were six to eight storeys high, with more than one suite on each floor – and most were built without any official permission from the government.[29]

By using every available piece of land to build houses on – often without much consideration for the surrounding environment, architectural aesthetics or legal construction permits – urban villagers have inadvertently provided migrants with relatively low-cost housing in cities. These buildings offer basic amenities, such as electricity, piped water, independent kitchens or cooking areas and toilets, at much lower prices than apartments built on state-owned urban land. For instance, in 2021 it cost 500 to 1,000 yuan per month to rent a studio flat (*danjian* 单间) with a bedroom, a cooking area and a toilet in Guangzhou. An apartment with one bedroom, a living room, a kitchen and a toilet in an urban village near a subway station cost 800 to 1,500 yuan per month. In comparison, it was two to three times more to rent an apartment on urban land in a similar location.

Migrants Living in Urban Villages

Although living conditions in urban villages are far from ideal, the low rents, independent living spaces, proximity to city centres and overall convenience attract many migrants. Some tenants are middle-aged or elderly migrant workers, often accompanied by their families. Others are young individuals fresh out of school, embarking on their adventures in the city.

Yanni, one of my interviewees, has lived in urban villages since childhood. She was born in a village in the west of Guangdong province in the 1990s. When Yanni was in fourth grade, her family moved to Guangzhou, finding accommodation in an urban village. Her father worked on a construction site. During the interview, Yanni told me that her father had an affair, which strained her parents' relationship. Her father seldom came home, leaving her mother, who worked in a nearby toy factory, to care for the children. The affordable rent in the urban village, coupled with its proximity to city factories, enabled Yanni's mother to earn a living and raise her two children.[30]

Migrant workers in the manufacturing industry are not the only group of tenants in urban villages. Hui graduated from college in 2008, which was a difficult time, especially for an English major, to find work. She joined her sister and moved from Hubei to Guangzhou to seek employment. After searching for several months, she found a job in a factory in a remote town in Guangzhou. She stayed at the factory for about two years, during which time she shared a dorm inside the factory with three young female colleagues. Despite the low cost of living, she found life monotonous at the factory and dormitory. As she recalled, there was little to do at the weekends for her and her roommates, other than hanging out in the centre of a nearby town. The most "modern" place in the town was a fast-food restaurant, Kentucky Fried Chicken, exemplifying how dreary life was in the town. Attracted by the prosperity of big cities, as she put it, she moved to an office job in Zhujiang New Town, then the newly built CBD in Guangzhou. In 2011, she and her then future husband rented a room with a cooking area and a toilet for 350 yuan per month in an urban village near the CBD.[31] Like Hui, many young college graduates from rural areas find that urban villages provide an affordable place to stay in the city after graduation.

29 Tangdong Villagers' Committee 2006, 127–28.
30 Interview with Yanni, Guangzhou, March 2021.
31 Interview with Hui, Guangzhou, February 2021.

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Min was in her mid-20s when I interviewed her in 2021. With an annual salary of nearly 300,000 yuan, she earned more than most of her college classmates. But even with a relatively high income, Min had lived in several urban villages and gated communities in the PRD. In 2015, when she was still a college student in Hunan, she started an internship in Shenzhen. She rented a room in an urban village close to the city centre. The place was divided into a bedroom, a toilet and a small kitchen and cost her 1,500 yuan per month. Over the next several years in Shenzhen, she moved seven times for different reasons, including rent increases, conflicts with housemates, poor living conditions and long-distance commutes. When living in gated communities, Min had to share apartments with others to save money; when she lived in the urban villages, she could afford her own apartment as the rents were much lower.[32]

The proximity to the city centres of many urban villages in Guangzhou and Shenzhen, and the abundance of informal housing they offer, allow migrants to live near their workplaces and avoid long commutes. In addition, the relatively low rent enables migrants to rent enough space for them to live with their families. This allows migrants to meet their immediate labour reproduction needs on limited incomes. In turn, the government can keep labour costs low and has less pressure to offer formal welfare benefits to migrants.

Unitary Land Ownership and Rental Housing in Vietnamese Cities

In Vietnam, a unitary land ownership system limits the supply of informal housing in the city centre. The 1980 Constitution of Vietnam established unitary land ownership, with all land being owned by the entire people, who are represented by the state. Post-1986 economic reforms saw land-use rights allocated to individuals, while ownership stayed with the state. Unlike in China, the unitary land ownership in Vietnam blurs the lines between rural, suburban and urban land. The transferability of former "rural" land disincentivizes villagers and land users to maximize the living areas to host more migrants in urban cores. Instead, most of the rental housing is located in suburban areas.[33] A 2022 report from Ho Chi Minh City's Department of Construction indicated that rental housing (*nhà trọ*) housed 1.5 million workers in HCMC. However, in core city districts like Districts 1 and 3, rental housing capacity accounted for less than 5 per cent of the total population, while in suburban areas, it reached 30–40 per cent.[34] This stands in contrast to the cities in the PRC, where many urban villages are located in close proximity to the city centres. The geographical distribution of affordable housing leads to higher commuting costs for migrants in Vietnam.

Dualist Land Regime and School Enrolment of Migrant Children in China

Although the dualist land ownership system in China boosts the supply of rental housing in urban villages, it also leads to extremely high property prices on state-owned urban land. By limiting the transferability of collective-owned land and the houses built on that land, local governments have become major suppliers and are able to monopolize the primary urban land market. To pump up housing prices and thus gain more revenue from selling land, local governments in destination cities often use the *hukou* system to tie migrant children's access to schooling to formal property ownership and residency. The massive land sale revenues that derive from the dualist land regime block substantive reforms of the *hukou* system.

In China, securing a place for children in urban public schools has long been a challenging, if not impossible, task for migrants. Often, these children are left with only two options: to attend private

32 Interview with Min, Guangzhou, March 2021.

33 Jullien 2021.

34 Sở xây dựng, Uỷ ban nhân dân TPHCM 2022. The population of each district is from the census of 2019. See General Statistics Office of Vietnam 2020, 35–36.

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schools in the city or remain in their parents' hometowns for free public education. The limited access to urban public schools compels many migrants to leave their children behind in their hometowns. According to the 2020 Census, 66.93 million children were left behind in the place where their *hukou* was registered while one or both of their parents migrated elsewhere.[35]

As early as 2001, the State Council ordered local governments in destination cities to bear the primary responsibility of accommodating migrant children in public schools.[36] The central government has, however, provided few resources for policy implementation. Lacking incentives and resources, many local governments have been reluctant to provide education for all children of migrants. Rather, they have devised various policies to offer educational opportunities selectively.[37] Migrant children are categorized into a hierarchical system of access to public school according to whether they and their parents have local *hukou*, legally own property, or rent formal or informal housing. Analysis of this hierarchical system reveals these efforts are motivated by the desire to maximize land sale revenues.

Hukou, Property Ownership and Access to Schooling

In most cities in China, the most important condition for securing a place in public school remains having a local *hukou*. However, property ownership has become more and more critical. In Guangzhou, having the *hukou* of the host city almost guarantees that the child can go to public school there; which specific school they can go to, however, is less determined. School places are allocated based on the "nearby enrolment" policy. In principle, the straight-line distance between the residence of a student and the school should not exceed three kilometres; however, priority is given to children with local *hukou* and whose parents own property in the neighbourhood.

In the Tianhe district 天河区 of Guangzhou, for example, the first group to be allocated school places are the so-called "students of the section" (*diduan sheng* 地段生), whose *hukou* is registered to property owned by their parents (*renhu yizhi* 人户一致) in an area adjacent to a specific school. Those with Guangzhou *hukou* who do not own property in the city must first prove they have a "stable and legal place of residence" in the district, as discussed below. These children are called "students for arrangement" (*tongchou sheng* 统筹生) and are allocated a place after all "students of the section" have been given school places. As a result, it is not certain to which schools students will be assigned.[38]

The prioritization of property owners in the allocation of school places stems from the importance of land sale revenues and the property market to local governments.[39] Many migrants aspire to buy an apartment in the hope of enrolling their children in public schools. However, the extremely high property prices of formal housing preclude most migrants from buying apartments near the urban villages in which they live; they are forced to go to peripheral districts or neighbouring cities with lower housing prices.

Boying's husband owns a small trading company, and the family earns several hundred thousand yuan a year. Compared to most other migrant families in Creek Village, Boying's family has a relatively high income. But they still could not afford to buy an apartment near the urban village, where house prices were as high as 60,000 yuan per square metre. So, instead, they bought an apartment in a suburban district, where prices were about 15,000 yuan per square metre. Owning the apartment meant that they could send their daughter to the public school in the gated community. Boying explained that "it was definitely for the school that we bought that apartment."[40]

35 National Bureau of Statistics of China, UNICEF China, and UNFPA China 2023, 9.
36 Ruan and Luo 2023, 133.
37 Friedman 2022.
38 Tianhe District Bureau of Education 2021.
39 Wang, Mengqi 2018.
40 Interview with Boying and Xianlan, Guangzhou, March 2021.

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Xianlan, Boying's friend, made a similar home purchase decision. She and her husband bought an apartment in Zhongshan 中山市, about 100 kilometres from Creek Village.[41] Both Boying and Xianlan wanted to buy an apartment so they could enrol their children in a public school in the city and keep the family together. Several years before, Boying had suggested taking her daughter back to her husband's hometown and caring for her there if she could not get into public school in Guangzhou. Her husband refused, saying children should stay with their parents and not be "left behind." Despite the difficulties, they wanted the family to stay together. Hearing our discussions, Xianlan's four-year-old daughter murmured, "I don't want to be a left-behind child." Xianlan comforted her, saying, "You are certainly not a left-behind child."[42]

According to Jie, a social worker in the urban village, there are similar cases of migrants purchasing apartments in the suburbs or neighbouring cities to guarantee a school place for their children.[43] Yet the option of buying a flat, even on the urban fringes, is beyond the reach of most migrant workers and they must find other ways to keep their children with them in the city and secure a place for them in public schools, if possible.

Going to Public School without Local *Hukou*

It has always been hard for migrant workers without urban *hukou* to send children to public schools in cities. Previously, resourceful migrants might bribe an official or the school head to enrol their children. In recent years, the process has been formalized in many cities through the implementation of a points-based system. Previous research has analysed how the points-based system reinforces unequal access to welfare benefits and schooling among migrants and their children.[44] Few studies have, however, thoroughly examined how the system is connected to land sale revenues and the dualist land system, which is the focus of this and the following section.

The points-based system is a measure to attract migrant workers without systematically changing the *hukou* system. In 2009, Zhongshan, a neighbouring city of Guangzhou, experimented with the points-based system. Based on their points, migrants could apply for a local *hukou* (*jifen ruhu* 积分入户) or send their children to public schools without a local *hukou* (*jifen ruxue* 积分入学). Since then, this policy has been rolled out to other cities and now most cities in the PRD employ a points-based systems to allocate public school places to migrant children.[45] The policy differs across municipalities and even districts. But the typical requirement is that migrants need a local residence permit. In addition, they may need proof of employment, proof of residence, and/or social insurance from the host city or district. Meeting these requirements does not guarantee a place in a public school – there is an annual quota and parents must compete with other families for a place at a school.

Each district and municipality has its own complicated points calculation system, but the most important factors are linked to the parents' "contribution" to the city – points are awarded according to educational background, technical skills, amount of social insurance paid, patents owned or innovations created by the parents, amount of tax paid, years of residence in the district, blood donations and other volunteer work. In 2016, the central government put local governments under pressure to enrol migrant children mainly based on the parents' residence permits and to simplify the procedures and materials required for the application. Many cities have therefore increased the points migrants can accumulate over time – for example, by basing them on how long migrants have held residence permits and how many years they have paid social insurance.[46]

41 Ibid.
42 Ibid.
43 Interview with Jie, Guangzhou, March 2021.
44 Dong and Goodburn 2020; Friedman 2022.
45 Ruan and Luo 2023.
46 Ibid.

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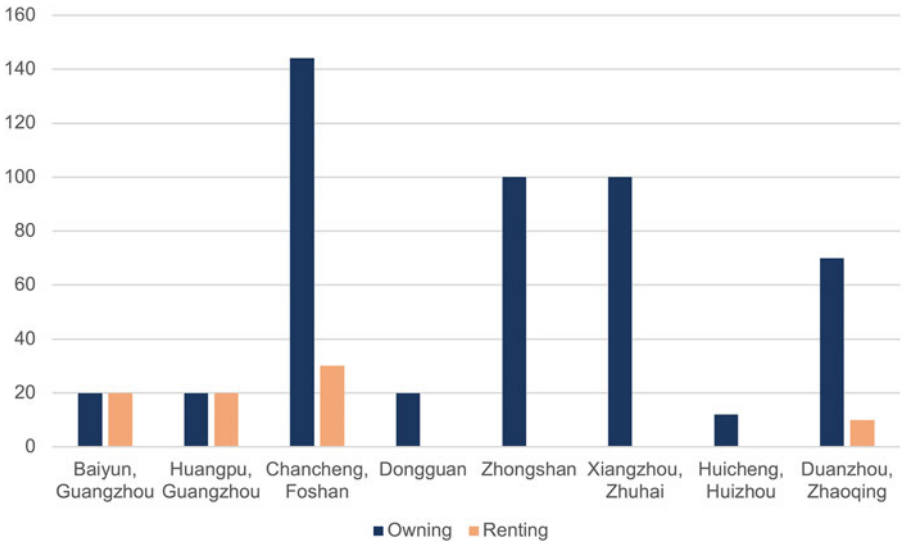

Figure 2. Points for Owning and Renting a Property in the PRD in 2022

Still, many local governments continue to prioritize migrants who are young, well-educated, have formal jobs and who pay more taxes.

Given that local governments reap substantial profits from selling urban land, they are motivated to prioritize property owners within their cities. The migrants' housing situation affects the number of points they can accrue and, thus, their chances of enrolling their children in public schools. Generally, owning a formally recognized property built on state-owned urban land rewards parents with more points than if they were simply renting a property. Figure 2 illustrates the number of points a migrant parent could amass by purchasing or renting a property in various districts or municipalities within the PRD in 2022.[47] In most districts and cities, tenants either get zero points for renting, or else fewer points than property owners for the same specific item. For example, in Dongguan 东莞市 and Zhongshan, property owners can claim an extra 20 points and 100 points compared to renters, respectively, accounting for 4.88 per cent and 6.68 per cent of the total number of points one applicant can accumulate.

Shenzhen has a more sophisticated system that differentiates between children. All children beginning elementary and middle school are categorized according to their *hukou* status and family property ownership. For example, in Longhua district 龙华区, which is known for its manufacturing industries and migrant worker population, children are divided into six groups, as shown in Table 1. Applicants are then further ranked within each category – for instance, according to how long the family have owned or rented property. Children in Group 1 are allocated school places first. Any remaining spaces are then offered to children in Group 2, and so forth.[48] The children of migrant parents without a Shenzhen *hukou* and who do not own property within the district (Group 6) have very little chance of securing a place in a public school.

Guangzhou was one of the first cities to experiment with the policy of "equal rights for property buyers and renters" (*zu gou tongquan* 租购同权) in 2016 and this was reflected in its points system.[49] According to its points policy, in force from 2018 to 2021, one could accumulate two points

47 Dongguan and Zhongshan do not have district-level administrative units. For other cities, I chose districts with large numbers of migrant children.

48 Longhua District Bureau of Education 2022.

49 Ruan and Luo 2023, 144–45.

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Table 1. Categories of Children for School Enrolment in Longhua, Shenzhen, 2022

Group No.	Conditions
Group 1	*Hukou* in Longhua + guardian's property ownership in the school district
Group 2	*Hukou* in other districts of Shenzhen + guardian's property ownership in the school district
Group 3	*Hukou* in Longhua + renting a home in the school district
Group 4	*Hukou* in other districts of Shenzhen + renting a home in the school district
Group 5	*Hukou* outside Shenzhen + guardian's property ownership in the school district
Group 6	*Hukou* outside Shenzhen + renting a home in the school district

each year for "legally leasing a property." The maximum number of points allowed for this item was ten, the same number awarded to those who owned a formal property.[50] However, the definition of "legal lease" has changed over time, and migrants who rent informal housing in urban villages are now in an inferior position in the system, as detailed in the following section.

Informal Housing and Access to Schooling

While the points-based system often distinguishes between property owners and renters, it also draws a line between those who rent formal and informal properties. As such, the system discriminates against migrants living in urban villages and other informal housing.

As mentioned above, migrants can accumulate points according to how long they have held residence permits and have paid social insurance locally. In Guangzhou, migrants can also gain points by registering their rental contracts. Therefore, for those migrants without the benefit of a good educational background, property ownership or tax payments, early preparation is the only way to accumulate some points and hopefully make up the gap. From 2018 to 2021 in Guangzhou, applicants could claim three points for having a residence permit for the municipality for a year. They could also claim two points for each year they had rented a house there, with a cap of ten points, and one point for each type of social insurance they had paid per year.[51] This still left migrants living in urban villages and other informal housing at a disadvantage for several reasons.

First, living in an urban village can create difficulties for some migrants when they apply for a residence permit, which is the minimum requirement for a school place. The criteria for a obtaining a residence permit differ across Guangzhou. For example, it is relatively easy to obtain a residence permit in Creek Village, as each landlord in that area has a roster, which is issued by the village office, for tenant registration. After living in a room for six months, a tenant can take the roster to the office in charge of migrants and tenants and apply for a residence permit. In some other places, however, it is much harder to secure a residence permit.

In 2021, Hui was living in an urban village just five miles from Creek Village. She had failed to secure a residence permit since moving to Guangdong in 2008. In early 2021, she was paying 950 yuan per month for a 24-square-metre room in which she, her husband and her two children were living. But they could not apply for residence permits because of the legal status of the building. As she said, "[Living there] one can't apply for a residence permit, and I don't know what's happening. It seems that [the landlord] has not paid taxes. Even if I live here, I can't get a residence permit. The police station will not stamp [my application]."[52] Without a residence permit, she could not apply

50 Bureau of Migrant Services of Guangzhou Municipality 2018. Property owners in Conghua and Zengcheng, two suburban districts, could get an extra 5 points on top of the 10 points for all property buyers. It was a measure to boost the property market in the two districts.

51 Bureau of Migrant Services of Guangzhou Municipality 2018.

52 Interview with Hui, Guangzhou, February 2021.

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for a public school place for her children via the points-based system. Consequently, she and her husband had to pay private school fees of nearly 20,000 yuan per child each year.[53]

Second, aside from the residence permit, proof of a legal and stable residence is also crucial for accumulating points for a public-school application. In order to demonstrate such proof, tenants must register their rental contracts in advance. Before 2021, to register the contract in Creek Village, migrants needed to take a copy of their landlord's ID card, the tenant-registration roster and their own residence permits to the village office. The staff there would give the tenant a contract template on which tenants would record the location and type of room they rented and the amount they paid per month. Taxation on rental income was not high, about 100 to 200 yuan a year, and was paid direct to the village office. Landlords could dodge these payments as long as they did not report the rental lease to the village office. Only if tenants needed proof of residence did they go to the office and register the rental contract. Thus, tenants paid all the taxes.[54]

If a landlord was willing to provide ID and the tenant-registration roster, obtaining proof of residence was not difficult. However, that situation changed during my fieldwork. In July 2020, a new regulation on rental properties was passed in Guangzhou. It required that "the ownership certificate of the house or other materials that prove the legal status of the house" be presented to register the rental contract.[55] This new regulation caused enormous problems for tenants who needed to register their rental contracts in order to enrol their children in public schools. Since many houses in urban villages were built without approval from the government, they are, strictly speaking, illegal.

Peiyan and her family lived on the third floor of a six-storey building; the housing certificate, however, listed only one floor, meaning the floors above were built illegally. In previous years, she had registered her rental contract without trouble; however, owing to the new regulation, she was unable to do so in 2021.[56] During the last few months of my fieldwork in Creek Village, the issue was repeatedly raised in daily conversations with migrants in the village, and parents scrambled to find a way to register their rental contracts.[57]

Shenzhen has an explicit policy that differentiates between various housing types and prevents those living in informal housing from accumulating points. Before 2019, tenants in the city could obtain one of two types of rental certificate: a "red booklet" or a "blue booklet." Only those who rented formal housing with a legal property certificate were eligible for the red booklet, which meant that they could accumulate points for the years they rented the property. Those who lived in informal housing that had no legal certification received the blue booklet, which proved that the applicants did live in the area and were eligible to submit an application; it did not, however, entitle them to accumulate points, no matter how long they lived there.[58] This regulation aggrieved tenants and, in 2019, the Shenzhen government replaced the blue booklets with grid-based residential registration. Nonetheless, the differentiation between these two groups of tenants remains.[59]

In summary, a dualist system of formal and informal housing has emerged, largely as a result of the dualist land ownership system. Individuals are ranked according to their contributions to local governments' land sale revenues, with urban property owners at the top, followed by their tenants, residents of legally constructed urban village housing and then finally the tenants of dwellings built without legal permits at the bottom. This hierarchical categorization affects migrants' access to urban *hukou* and public schools. The local governments' heavy reliance on land sale revenues

53 Interviews with Hui, Guangzhou, February 2021 and January 2022.
54 Interview with a migrant worker, Guangzhou, March 2021; interview with a migrant and owner of a "small property" house in Creek Village, Guangzhou, March 2021.
55 Standing Committee of the People's Congress of Guangzhou 2020.
56 Author's field notes, Guangzhou, August 2021.
57 Author's field notes, Guangzhou, January 2022.
58 Shenzhen Bureau of Education and Office of Housing Leasing Administration 2016.
59 Ruan and Luo 2023, 142–43.

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hampers genuine reforms of the household registration system and leads to unequal access to welfare benefits and school places in particular.

Land Regime, Hộ Khẩu Reform and Access to Schooling in Vietnam

In contrast, Vietnam's unitary land ownership system has reduced the government's monopoly of the urban land market, as "rural" land can be sold to non-villagers for construction. As there is less opportunity to profit from the urban land market, there is less incentive for the Vietnamese government to leverage the household registration (*hộ khẩu*) system to inflate property prices. Consequently, Vietnam has implemented reforms to its household registration system, such as allowing renters to apply for permanent residency, with their landlord's approval, and granting the children of temporary residents the same schooling rights as permanent residents.[60] However, local governments lack the land to build more schools and so city schools are oversubscribed, with as many students as possible enrolled into each class. In some areas, students are even offered half-day schooling so that double the number of students can be accommodated. In autumn 2021, elementary schools in HCMC and Hanoi had an average of 39.4 and 39.6 students per class, respectively, surpassing the national average of 31.9. The student-to-teacher ratios were also higher in HCMC and Hanoi, at 30.6 and 28.9, compared to the national average of 24.1.[61] In comparison, primary schools in major Chinese cities maintain student-to-teacher ratios close to or even below the national average. Their different land regimes have meant that while the Chinese government is unwilling, the Vietnamese government is unable to provide high-quality education for all children of migrants.

Concluding Remarks

By placing land at the centre of the analysis and introducing Vietnam as a comparative case, we gain a better understanding of why the household registration system in China has been so resilient and why migrant labourers are continually excluded from welfare benefits in Chinese cities. Stemming from China's dualist land regime, a dualist housing and welfare regime has been created and sustained. This system minimizes the financial burden for local governments and reduces the cost of short-term labour reproduction. However, this model is not sustainable in the long term, as evidenced by the recent downturn in the property market and the growing negative impact on human capital and public welfare. How the Chinese government addresses these challenges will be crucial for the country's future.

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60 Siu and Unger 2020.

61 Tổng cục Thống kê 2022, 780–95.

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