

**YANGON UNIVERSITY OF ECONOMICS
MASTER OF PUBLIC ADMINISTRATION PROGRAMME**

**A STUDY ON LAND ADMINISTRATION OF THE GENERAL
ADMINISTRATION DEPARTMENT IN THANLYIN AND
KYAUKTAN TOWNSHIPS, YANGON REGION**

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EMPA –18 (14th Batch)**

AUGUST, 2018

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**A thesis submitted as a partial fulfillment towards the requirements for
the degree of Master of Public Administration (MPA)**

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ABSTRACT

This study focuses on Land Administration of the General Administration Department in Thanlyin and Kyauktan Townships, which is located in Thilawa SEZ for the period 2007 - 2017. This thesis assesses the granting of the lease for Industrial and Commercial Purpose as a part of Land Administration by the General Administration Department. According to the study, some lands that got the lease of Industrial and Commercial purpose are found as monopoly form in land priority ownership right and land value market along with the appreciation of land value. The lack of checking or monitoring of business operation by respective ministries or departments, also leads to the said form of monopoly and cause of intentionally getting lease with another purpose other than the business they applied for. It is found that standard values used for calculation are outdated, and it is an unreasonable value for the present time and current market value. With the exception of Master Plan of Government or any other SEZ project, the lease of a huge plot should not be granted for private interests by means of Industrial and Commercial purpose. Another point is that there was a lack of communication between applicants and respective departments. It is also found that the leased area is more than the required area of the business. The land areas applied for, by same businesses are many times larger than that necessary for these businesses. The laws applied are very effective and useful in land administration although, terms, conditions, limitations, revenue rates and fines do not fit the current situation and also referenced laws overlap with each other. Formal service delivery of related departments according to their respective directions, rules, regulations and laws are required for business competition.

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CHAPTER I

INTRODUCTION

1.1 Rationale of the study

Myanmar is in the midst of rapid economic and social change, with dramatic consequences for land tenure. Under the military regimes that ruled Myanmar since 1962, the state has been the main landowner, either directly or (after 1988) via proxy companies. In the current reform process, smallholders are reclaiming their legal land rights. At the same time foreign investment is flooding the country, placing all previous land use arrangements under increasing pressure.

Yangon is by far the most populous city in Myanmar although estimates of the size of its population vary widely. Yangon Region is composed of 4 Districts and 45 Townships. Among 45 Townships, 33 are under land administration of YCDC and 12, the outer area of YCDC are under the land administration of GAD.

Yangon is the country's main centre for trade, industry, real estate, media, entertainment and tourism. The city represents about one fifth of the national economy. It is Lower Myanmar's main trading hub for all kinds of merchandise – from basic foodstuffs to used cars although commerce continues to be hampered by the city's severely underdeveloped banking industry and communication infrastructure.

Much of the country's legal imports and exports go through Thilawa Port, (*Myanmar International Terminals Thilawa* – MITT) is located just 25 kilometres from Yangon, the largest city in Myanmar and the country's international trade portal, through which 90 percent of the nation's maritime trade passes. The terminal is also adjacent to the Thilawa Special Economic Zone planned to become operational by the middle of 2015. Thilawa Port has five berths capable of handling a wide variety of cargo. Large Vessels with deeper draft could dock at Thilawa Port compared to at city terminals. There is also a rail line right into the terminal linking MITT not only with Yangon city but also with the national rail network.

Myanmar International Terminals Thilawa/ Thilawa Port is a [deep river port](#) 25 kilometres (16 mi) south of [Yangon](#) in [Myanmar](#). The international multipurpose

container port, can operate 24 hours a day, seven days a week. And the facility is also adjacent to the soon-to-be-developed [Thilawa Special Economic Zone](#) at [Thanlyin-Kyauktan](#) area immediately south of [Yangon](#).

The Japan International Cooperation Agency (JICA) has handed over an updated version of its 2040 master plan for Yangon's development to the region government (Myanmar Times, 4 Jan 2017, JICA updates 2040 plan for Yangon development). According to The Yangon 2040 plan, Thanlyin Township is third in line for a new city has done little to spike prices or increase trading and business. The second phase of the Thilawa Special Economic Zone has just been initiated on a 2000 hectare plot in Kyauktan Township, 20 km southeast of Yangon. The immovable property prices have risen because it is near the Thilawa SEZ, land is being bought and sold. It has already seen speculation rushes following announcements of nearby industrial zones, becoming potential investment for land holders.

GAD has granted leases of land for 10 years or 30 years in accordance with Upper Burma Land and Revenue regulations and Lower Burma Town and Village Lands Act, depending on the condition of the building on the land of the applicants.

South Yangon District is composed of 10 townships _ Thanlyin Township, Kyauktan Township, Thongwa Township, Kayan Township, Twantay Township, Kawhmu Township, Kungyangon Township, Dala Township, Seikgyikanaungto Township and Cocokyun Township. Among them, Dala Township and Seik Kyie Kha Nung To Township are in the area of YCDC. That's why GAD did not allow lease for Industrial and Commercial Purpose.

The home of the largest port/ terminal (Thilawa) in the country is Thanlyin Township. It comprises 17 quarters, 28 village tracts, 57 Villages, Population is 242,107 and total housing is 58,144 and land area is 92,149 acres, 5.92 square miles (2017 data). According to The Yangon 2040 plan, that Thanlyin Township was third in line for a new city has done little to spike prices or increase trading and business.

Kyauktan Township comprises 9 quarters, 44 village tracts, 80 Villages, Population is 156,251, total housing is 39,981 and land area is 201,749 acres, 19.66 square miles (2017 data). Organisers of the industrial project are currently undertaking an environmental and social assessment to see how the development will impact local surrounding areas.

During the period from 2007 to 2017, GAD allowed 6126.331 acres for the Industrial and Commercial purpose lease issued in Thanlyin and Kyauktan Townships. There are

1681.881 acres from Thanlyin Township, 4444.45 acres from Kyauktan Township, mentioned areas in two townships are included with 5027.02 acres of Thilawa SEZ.

1.2 Objectives of the study

The main objectives of the study are; (1) to identify the Land Administration of GAD in Thanlyin and Kyauktan Townships with special reference to lease for industrial and commercial uses, (2) to examine the effectiveness of Land Administration of GAD in Thanlyin and Kyauktan Townships.

1.3 Method of Study

This thesis is used descriptive method which is based on secondary data and primary data from Key Informant Interview (KII) and Focused Group Discussion (FGD). Secondary data is obtained from official documents from Thanlyin Township General Administration Department, Kyauktan Township General Administration Department, and South Yangon District General Administration Department, Yangon Region General Administration Department, General Administration Department (Head Quarter) and Thilawa Special Economic Zone Committee (SEZ).

Two types of semi-structured interview questionnaires were prepared for Key Informant Interview (KII) and Focused Group Discussion (FGD). Individual Service Personnel (Stakeholders) were approached with Key Informant Interview (KII) method, while community groups were asked with Focused Group Discussion (FGD) approach. Primary data were obtained from above mentioned interviews and secondary data through document reviews of existing official and departmental documents.

1.4 Scope and Limitations of the Study

This study has focused on land administration of GAD in Thanlyin and Kyauktan Townships. This study is not including the details of Land Administration in Thanlyin and Kyauktan Townships. It intends to study the effects of issuing leases for Industrial and Commercial Purposes, from 2007 to 2017. However, it is not cover the Land Administration tasks of Thanlyin and Kyauktan Townships GAD.

1.5 Organization of the Study

This study is composed of five chapters. Chapter I is the introduction of the study. Chapter II presents some Land Administration and its importance, Land Administration experiences of some selected ASEAN Countries (CLMV) and the previous studies. In Chapter III, Land Administration in Myanmar, the role of Land Administration of GAD, the processing of applying Industrial and Commercial Purpose lease and the condition of issuing Industrial and Commercial purpose lease in South Yangon District are stated. The survey profile can be seen in Chapter IV. The final part of this paper, Chapter V, consists of findings and recommendations.

CHAPTER II

LITERATURE REVIEW

2.1 Land Administration and its Importance

Land is one of the most important natural resources for population and without it livelihood of people cannot be sustained. Land is a major source of wealth and power. Land is the ultimate resource, for without it life on earth cannot be sustained. Land is both a physical commodity and an abstract concept in that the rights to own or use it are as much a part of the land as the objects rooted in its soil. Good stewardship of the land is essential for present and future generations. (Land Administration Guidelines, United Nations New York and Geneva, 1996)

The word 'land' is used not merely in the sense of the soil or surface of the earth as is ordinarily understood. It stands for all nature, living and lifeless. It includes all natural resources that we can get free from air, water and land. It covers the land surface, whether level or mountainous. It includes oceans, lakes and rivers, mineral deposits, rainfall, water-power, fisheries, forests and numerous other things which nature provides and man uses. The term 'land' thus embraces all that nature has created on the earth, above the earth, and below the earth's surface. Dr. Marshall has therefore defined land as: "By land is meant not merely land in the strict sense of the word, but whole of the materials and forces which nature gives freely for man's aid in land, water, in air and light and heat." (Agriculture and Rural Development, Land Policy and Land Administration, World Bank)

Importance of Land: Land as a factor of production is of immense importance. As has already been pointed out, everything that we use can be traced ultimately to land. Land may be rightly called the original source of all material wealth. The economic prosperity of a country is closely linked with the richness of her natural resources. (Land: Meaning, Importance and Other Details, Tushar Seth)

Land provides an environment for agricultural production, economic, and social opportunities for the benefit of present and future generations. Sustainable land

administration is the use of land to meet changing human needs (agriculture, forestry, conservation), while ensuring long-term socioeconomic and ecological functions of the land. In economics, land comprises all naturally occurring resources whose supply is inherently fixed. Examples are any and all particular geographical locations, mineral deposits, forests, fish stocks, atmospheric quality, geostationary orbits, and portions of the electromagnetic spectrum. (Agriculture and Rural Development, Land Policy and Land Administration, World Bank)

Land administration as part of the overall process of land management, has been described in the report of the United Nations Land Administration Guidelines as the "process of determining, recording and disseminating information on ownership, value and use of land when implementing land management policies". According to Dale, land administration includes the determination (sometimes known as adjudication) of rights and other attributes of the land, the survey and description of such lands, their detailed documentation and the provision of relevant information about the land and any property attached to it. Implicit in the above definition is the need for a sound and reliable information base that would support planning, development and management activities by government. (The importance of land administration in the development of land markets a global perspective, by Research Gate Net)

Land administration plays an important role for government to establish an equitable system for levying land and property tax, a good land administration system presents information on existing land use and provides basic for better future planning. This also allows for efficient management of natural resources.

On the other hand, investment policies for implementing State's administration on land and establishment of a modern land administration system which is fully capable could ensure effective and efficient land management system. Land laws and regulations reflect the land policy and administration of the government. (Agriculture and Rural Development, Land Policy and Land Administration, World Bank)

2.2 Land Administration in some selected ASEAN Countries

Land administration is the way in which the rules of [land tenure](#) are applied and made operational. Land administration, whether formal or informal, comprises an extensive range of systems and processes to administer. The processes of land administration include the

transfer of rights in land from one party to another through sale, lease, loan, gift and inheritance; the regulating of land and property development; the use and conservation of the land; the gathering of revenues from the land through sales, leasing, and taxation; and the resolving of conflicts concerning the ownership and the use of land. Land administration functions may be divided into four components: Juridical, regulatory, fiscal, and information management. These functions of land administration may be organized in terms of agencies responsible for [surveying and mapping](#), [land registration](#), and [land valuation](#). As Myanmar is a developing country among ASEAN Countries, the Land Management of other ASEAN some selected countries_ Thailand, Vietnam, Cambodia and Laos should be studied. (Dale & McLaughlin, 1999).

2.2.1 Land Administration in Thailand

Thailand's land administration system is viewed as an efficient and transparent model for other countries. Multiple government ministries and agencies are involved, each authorized by different laws and with separate mandates. Responsibility for agricultural and residential land management, including titling and registration, rests with the Department of Lands of the Ministry of Interior, which operates through a system of provincial and district land offices. Most administrative procedures can be completed in less than a day, and land registration costs around 1 percent of the property's value. (Nabangchang-Srisawalak, 2011; Helwig, 2006; J Dallinger, 2016)

The National Land Allocation Committee established in the Land Code is now chaired by the Minister of Natural Resources and Environment (MONRE). Formed in 2002, MONRE is responsible for water and forest management, among other areas. Among MONRE agencies, the Royal Forest Department (RFD) has historically been a powerful actor managing national forest reserves and protected areas. The Agricultural Land Reform Office and Land Development Department under The Ministry of Agriculture and Cooperatives are responsible for allocating land to farmers and land-use classification, respectively. (O Nabangchang-Srisawalak, 2006)

The 1954 Land Code establishes a division between private property, which is legally protected by land titles, and state land, which includes all land "over which no one has possessory rights". State land may be given as concessions, rented or leased by the government; separate provisions pertain to mining and forestry. Among Southeast Asia

Countries' Laws, Thai law allows foreign investors to own land, under particular restrictions and at lower amounts than Thai citizens. (The 1954 Land Code, Thailand)

In May 2015, Prime Minister General Prayut Chan-o-cha issued Order No. 17/2015 to declare five special economic zones (SEZs) resulting in expropriation of land. In order to narrow disparities in land access, the government plans to allocate 195,000 rai (31,200 ha) of state land in 47 provinces to over 43,000 landless families; the land will be managed by cooperatives, not privately owned. Both private and public land can be leased for terms up to 30 years. Between 11 and 30 percent of agricultural land is under some form of tenancy. (W Audjarint, 2016)

As much as one-third of agricultural land in the central region is leased, with much lower amounts in other regions. Landless households made up between 6 percent and 14 percent of the total in the 1990s. Thailand's previous constitution guaranteed compensation for expropriation of private property for the public interest. These procedures were generally followed in the legal system, with several exceptions in cases of indigenous people losing land for infrastructure development. The 2014 interim constitution does not contain any provisions about land transfer. (X Giné, 2004)

2.2.2 Land Administration Vietnam

With a large population and limited availability of land, Vietnam's endowment of 0.3 hectare of agricultural land per person is among the lowest in the world. Vietnam is historically a nation of small-scale rice farmers: the average farm size is 1,560 square meters, less than one-third that of Thailand or Cambodia. Rapid economic growth in the past two decades has converted up to one million hectares of household farmland to commercial and residential use. Land conversion has led to an increasing trend of land disputes and is a factor contributing to widening rural-urban disparities. (Dang Hung Vo and Nguyen Van Thang, 2013)

Vietnam's Constitution holds that land and other natural resources are "public property, owned by all the people, and represented and uniformly managed by the State." In Vietnam's single-party political system, overall direction for land policies is set by the Communist Party's Political Bureau (Politburo). (Constitution of the Socialist Republic of Vietnam, 2013)

The Ministry of Environment and Natural Resources (MONRE) is the primary government agency responsible for developing and implementing land policy. The

National Assembly approves draft laws and monitors their implementation. Additional oversight roles are given to the ruling party, the Vietnam Fatherland Front, and the Vietnam Union of Science and Technology Associations (VUSTA), the latter a socio-professional umbrella organization that registers many Vietnamese NGOs. (Law on the Vietnam Fatherland Front, Articles 25-27)

Research on transparency of land information concludes that there were many improvements in the government's provision of information from 2010-14, but that overall transparency still falls short of legal requirements and full access to information. Civil society interest in land policy issues has increased in recent years. Three land-related networks are currently active: the Land Alliance (Landa), Forest People's Land Rights Network (Land Net), and Forest Land Coalition (Forland). (World Bank and DEPOCEN, Land transparency study synthesis report, 2014)

The State allocates or leases land to individuals and organizations through issuance of Land Use Right Certificates (LURCs). LURCs may be exchanged, transferred, mortgaged, leased, and inherited. Varying rights are granted for different types of land. Residential land is allocated for indefinite terms; agricultural LURCs ("red books") and forest land for 50-year terms. Farmers cannot convert agricultural land to other uses without state permission. Forest users' rights to use allocated land are the most restricted, especially on harvesting timber. (Constitution of the Socialist Republic of Vietnam, 2013; Land Law, 2013)

Vietnamese law does not recognize customary forms of tenure, and communities (villages) do not have legal status to engage in land transactions. This is inconsistent with customary practices of many ethnic groups, who perceive land (especially forests) as belonging to an entire village. However, the Law on Forest Protection and Development (2004) does allow for community management of forest land. (Vietnamese Forest Law, 2004)

Issuance of LURCs has proceeded quickly in some areas of the country, slowly in others. The initial land titling program of the government in the 1990s was one of the largest and most rapid such efforts in the world. As of 2013, 38 million certificates had been issued, with at least 11 southern provinces close to full coverage and many others below 70 percent completion. The World Bank and other international donors supported land titling programs in the past, the last of which ended in 2015. (L Iyer and Q-T Do, 2008)

The 2013 Constitution and Land Law permit the state to recover allocated land through a process of compulsory land acquisition. Such expropriation must be based on a national defense or security purpose or "in the national or public interest". This is narrower

than pre-2013 law, which allowed land acquisition for economic development purposes. Vietnam has 325 economic zones used for export industrial production, including industrial parks and Special Economic Zones (SEZs). There are few cases of large agricultural concessions granted to foreign investors; instead, state enterprises keep a leading role in the economy and manage over 2.8 million hectare of agricultural and forestland. (Vietnamese Constitution Land Law, 2013; Oxfam, 2012)

2.2.3 Land Administration in Cambodia

Land lies at the center of debates about Cambodia's socioeconomic development. For farmers in the fertile lowlands, private land ownership rights have enabled recovery of their livelihoods after decades of conflict. Meanwhile, the resource rich uplands and border areas have been the site of large scale land acquisitions for cash crop production and extractive industries. The resulting displacement and land disputes have spread to urban and lowland areas, resulting in one of the highest rates of land inequality in Asia. The Paris Peace Agreement in 1991 ended Vietnamese occupation and established a market economy, leading to the restoration of private land ownership in the 1993 Constitution. Agriculture is the main occupation for over 40 percent of Cambodians, but many more live in rural areas and rely on agriculture in one way or another. Rice production depends on the availability of arable land and irrigation systems. (Ullenberg, A., 2009; M., Kol Leakhana and Sherchan, D., 2012; Hul Reaksmey, 2014)

Since 2001, when the Land Law was passed, the Cambodian government has made progress in developing policy, regulatory and administrative frameworks for land management. The Land Law provides for the issuing of large scale land concessions to domestic and foreign investors. While there are constitutional provisions for private ownership in Cambodia through fully transferable land title, the majority of unsurveyed and untitled land remains the property of the State, facilitating the granting of concessions on that land. Communal land titles are recognized, but the law sets up a number of hurdles that have made application for communal land tenure recognition a drawnout process. Applicants must choose either private or indigenous recognition; the two forms cannot be combined. (Dwyer, M., 2015)

Beginning in 2002, the government– with donor support – began to systematically classify and register all land parcels according to the categories detailed in the 2001 Land Law. In registering all land, the programme aimed to remove uncertainty over land ownership that caused conflicts and tenure insecurity. A Cadastral Commission was set up to resolve disputes arising during the course of land registration. The Rectangular Strategy for Growth, Employment, Equity and Efficiency in Cambodia included commitments to step up distribution of land to the poor and to provide titles to secure legal ownership. (Prime Minister Hun Sen. Address to the First Cabinet Meeting of the Third Legislature of the National Assembly at the Office of the Council of Ministers, Phnom Penh, July 2004)

Up to the end of 2015, the government has handed over 4.15 million private land titles, representing 59 percent of the estimated total number of land parcels nationwide. Registration of titles in 2015 was 7 percent higher than the previous year. Land titles were issued for 4,451,817 land plots in 2016, according to the Land Ministry. (Niem Chheng, 2016; Pech Sotheary, 2017)

Tenure insecurity is often linked to disputes over ownership. Many low-income households live on land where ownership is not recorded in the national land registration system. In these cases, households are protected under possession rights (*paukeas*) instead of the stronger legal category of ownership rights (*kamaset*). According to law, only legal possessors have the right to become owners, while households who possess land illegally do not. For instance, any occupation of state private land is considered as null and invalid. In practice, NGOs observe that possession may be legal, but residents are often evicted. Nearly 12 percent of the country's land area, or about 2 million hectares, has been granted to investors under terms of economic land concessions. Through concessions, land is leased to local and foreign investors for agroindustry businesses, energy generation, and extractive industry. In total, a 2013 study found that "3.9 million hectares, or some 22 per cent of the country, is now controlled by the private sector and particularly the local elites". (Cambodia Land Law 2001; Grimsditch, M., and Henderson, N., 2009)

2.2.4 Land Administration in Laos

State land leases and concessions in Laos are an economic arrangement in which the Lao Government rents state land at a yearly fee to both domestic and foreign investors for a wide range of economic activities including, but not limited to, agricultural and tree

plantations, mining, hydropower, infrastructure, manufacturing, and real estate. Legally, leases and concessions are similar, the major difference being that concessions cannot be granted for less than five years while there is no minimum duration for leases. In practice, leases tend to be granted for smaller plots of land and for shorter durations of time than concessions. (Wellmann, D., 2012)

Leases also tend to be allocated for the use of already developed land (infrastructure, exploited resources, etc.) while concessions tend to be granted for land that is undeveloped. The maximum land area and duration that can be granted varies depending upon the type of investment activity and the type of land acquired, but can be no larger than 50,000 hectares and no longer than 50 years. Land leases and concessions have become an important component of the Lao government's strategy for transitioning towards a market-based economy, generating rapid economic growth and enabling the country to graduate from the status of Least Developed Country by 2020. (Schumann, G., P. Ngaosrivathana, B. Soulivanh, S. Kenpraseuth, K. Onmanivong, K. Vongphansipraseuth, and C. Bounkhong, 2006)

The 1992 Prime Ministerial Decree on Land was the first piece of legislation to allow foreign investment in land. Although not formalized or specified in a legal document, Turning Land into Capital (TLIC) broadly promotes activities like leases and concessions that use land to generate economic value, development, and revenues. Other TLIC-related activities include the development of land markets through land titling programs and the exchange of high-value government land for infrastructure built by private companies.

While land leases and concessions are viewed by the government to be an important element of the Lao PDR's rapid economic growth over the past decade, the problem of concession operators leaving their land empty for long periods of time or not using all of the allocated land has, in particular, influenced the government to re-evaluate the TLIC policy. As important has been the inability of the government to generate significant revenue from concessions or other TLIC schemes, like land for infrastructure arrangements. (PM Urges Evaluation of the Turning Land into Capital Policy", KPL, 2016.)

2.3 Reviews on Previous Studies

The applicant had learnt the various research papers and thesis. To study the Land Management of General Administration Department of Thanlyin and Kyauktan Townships", MPA Thesis, "A Study on Land Administration in Myanmar" submitted by Ye` Kyaw Thu,

Yangon Institute of Economics, April 2006, EMDevS Thesis, “Development of Land Policy, Land Administration, Land Fragmentation and Farm Size in Myanmar (1993-2003)” submitted by Maung Yee Win, Yangon Institute of Economics, August 2008, EMDevS Thesis, “Analysis of Land Use Policy Reform in Myanmar (2003-2013)” submitted by Aimee Zaw, Yangon Institute of Economics, July 20016 had been studied.

As stated by Ye` Kyaw Thu (2006) MPA Thesis, Land Revenue collections is a vitally important matter in land administration. Full realization of the collection is desirable all over the country. It is needed to be well aware that the revenue-paying should not be heavy burden but a pleasure to pay willingly for the players. If necessary, Laws are to be amended payable. And also, he stated that in the applying Laws and exercising the power vested by them, the personnel concerned must be of good ethics, as well as officials should be given adequate trainings and amidst such conducts did raise corruption and bribery, prompt and effective action should be taken on those who offend.

He mentioned in respect of the transfer of property in land, there can be found different disputes and cases which are many and varied and the delay process of official duplicating of land map and history are undesirable. In respect of settlement of land disputes, administrative officers of GAD are responsible. Faults and weaknesses are often found in making settlement of land disputes and cases by the Collectors and Assistant collectors that the incidents happened sometimes because of corruption and bribery, and sometimes because of incompetence of officials concerned in conducting their duties. The officials should, therefore, be given reorientation in-service training not to be involved in the matter of bribery and corruption.

As stated by Maung Yee Win (2008) EMDevS Thesis, for the development of Myanmar agricultural economy effective land policies and efficient land administration are essential for poverty reduction, good governance and environmental conservation. He found that agricultural policy emphasizes on good function of land market and providing opportunity to transfer the land as property of one owner to another can help raise productivity. In other words, providing better opportunity for land holder to obtain the land as an asset for collateral can help obtain investment for the holder to promote the productivity. But care should be taken to avoid the reappearance of landlordism. Land consolidation program or land reform based on land distribution is not really a critical condition for Myanmar up till now. But existing land law should be viewed and revised for more secure rights for the land holders. He also found that land policies and land laws are influencing the behavior of holders

in Myanmar. On the other hand, in order to improve the productivity and living standard of the nation that is strongly dependent on agriculture, land policies plays the critical role. Therefore, he analyzed that existing land laws should be re-examined and improvement to the more secure rights to land in order to reduce the household vulnerability and guarantee a basic level of self-provisioning and supplementary income should be created for the holders.

Aimee Zaw (2016) EMDevS states in his Thesis that Myanmar has poor management agriculture and urban expansion, the land tenure and tenorial rights were unclear, resulting in conflicts over land in a suitable ratio, and land reform based on land distribution is not really a critical condition for Myanmar up till now. But existing land law should be viewed and revised for more secure rights for the land holders. Land policies and land laws are influencing the behavior of holders in Myanmar. He also stated that Myanmar needs a single land-agency responsible for determining landholding rights and issuing land certificates, and the Government should open up a process for improving the bye-laws for the Farmland and VFV Laws to an open consultative process.

Moreover, he mentions that transparent land government is needed for the new paradigm of pro-poor land access to succeed. It should include specific approaches and modules to reach out to particular stakeholders like ethnic minorities, families living in conflict zones (and thus affected by land mines), women, and disadvantaged groups. In addition, he states that Myanmar's current highly skewed distribution of land, its growing levels of landlessness and increasingly contentions disputes over land access not only pose dangers to vulnerable household welfare but also risk inflaming social tensions and conflict.

CHAPTER III

THE ROLE OF GAD IN LAND ADMINISTRATION OF MYANMAR

3.1 Land Administration in Myanmar

The Myanmar Constitution (2008) provides for private property rights in Section 37 (a) under Chapter I, while maintaining that the state is the “ultimate owner of all lands and all natural resources” and shall “supervise extraction and utilization of State-owned natural resources by economic forces”. The state owns all lands in the country and it disperses holdings to individuals, companies and government branches as follows;

- (a) Residential Land,
- (b) Industrial and Commercial Land,
- (c) Ministries/ Departments/ Enterprise/ Organizations used Land.

However, the possibilities and procedures for foreign holdings vary according to the land type.

Responsibilities for land administration are divided between the Ministry of Agriculture and Irrigation for lowland agricultural land, and the Ministry of Natural Resources and Environmental Conservation (MONREC) for upland (forest) land. Residential land, meanwhile, is managed at the city level. The rapid opening and political transition has led to bureaucratic overload, as the new government has enacted new laws and formed new institutions, including MOECAP established in 2011.

The Vacant, Fallow and Virgin Land Law, Foreign Investment Law, and the Farmland Law, all passed in 2012, were designed to increase investment, encourage large-scale land use and promote agricultural income. These laws have been criticized for supporting investors’ interests over secure land holdings of smallholder farmers and enabling seizure and reallocation of land. More than 30 laws govern land administration, some of them dating from the 19th century British colonial period.

Prior to the political transition, most land in Myanmar was held through a multiplicity of customary or informal tenure arrangements. Deeds were registered in township offices, but fewer than half of the population had documented tenure. Record-

keeping and maps were frequently outdated, incomplete and inaccurate. The 2012 Farmland Law marked a turning point for farmers for their generations, providing for the issuance of land use certificates that can be transferred, inherited and mortgaged.

The Central Committee for the Management of Vacant, Fallow, and Virgin Land (CCVFV), established in 2012, is responsible for reallocating “vacant” or “fallow” land to domestic and foreign investors for periods from 30 to 70 years. Another committee, the Myanmar Investment Commission (MIC), is also tasked with granting land lease to foreign investors. These laws take a British colonial precedent, the 1894 Land Acquisition Act allowing for state appropriation of “waste land” for a “public purpose”, and represent it in the current context of economic opening and investment promotion. As much as 20 percent of all land in Myanmar has been approved for land concessions, with five million hectares (or about 7.5 percent of all land) awarded to foreign and joint venture investors.

The highest profile examples of land investment are three Special Economic Zones (SEZs), funded by Japanese, Thai, and Chinese companies respectively. Although only the first of these has opened, the government has pledged to continue supporting the zones. External reports note that SEZs face risks from local opposition, ongoing ethno-religious tensions and environmental concerns. Such controversies also apply to investments in large-scale resource development projects such as oil and gas pipelines, mines and hydropower dams. Much of the investment in resource extraction is wholly or partially from state-owned enterprises from other countries in East and Southeast Asia.

The rapid economic and social change of Myanmar has dramatic consequences for land tenure. Smallholders are reclaiming their legal land rights at the same time that foreign investment is flooding the country, placing all previous land use arrangements under increasing pressure.

Although laws provide for notification, appeal processes, and compensation, these procedures are not followed in many cases of land transfer. As a result, communities find themselves excluded and even charged with trespassing on land they have used for generations. Smallholders, particularly those living in conflict areas, are facing insecure land tenure resulting from the effects of centralized land use planning, poor inter-ministry coordination, as well as encroachment from land transfer to investors.

Foreign investment in the agricultural sector is low compared to manufacturing and mining. Land allocated to large-scale agricultural concessions increased by 170 percent

from 2010-13, but only one-fifth of that land had been planted. Chinese investors, in particular, have acquired land for rubber and other agribusinesses in previously isolated border and ethnic regions.

In January 2016, Parliament approved a new National Land Use Policy (NLUP) following an extensive public consultation process. The new policy aims to harmonize existing laws and guide development of a new land law. The policy assures equitable land access for smallholders and landless people, with consideration of customary tenure.

Nowadays, there is promulgation of Laws for specific lands and Rules and Regulations, Notifications and Direction for their responsible Ministries. The kind of lands and their responsible Ministries in Myanmar are shown in following Table (3.1)

Table 3.1 Kinds of Land and Responsible Ministries

No.	Ministry	Kind of Land
1	Ministry of Home Affairs (General Administration Department)	(a) Town Land, (b) Village Land, (c) Tank, Lake (tank) rounds, (d) Strand Banks, sand Banks, (e) Burial ground graveyard (f) Command Land / Grazing Ground (or) Pasture and (g) Religious Land.
2	Ministry of Agriculture, Livestock and Irrigation	Farm Land, Vacant, Fallow and Virgin Land Breeding Land, Exclusive Fisheries Waters
3	Ministry of Natural Resources and Environmental Conservation	Reserved Forest, Protected Forest and Natural Forest Land Mineral Reserve Area, Gemstone Tract
4	Ministry of Electricity and Energy	Oil Field
5	Ministry of Construction	Road Land under The Highways Law and exploring the Land plot and construct the Housing Complex under the permission of the Government, exploring the Industrial zone and wards of housing
6	Ministry of Religious Affairs and Culture	Cultural Heritage of high value region to be observed by the public
7	Ministry of Transport and Communications	Railways Land, Land area adjoining with River – creek Boundary, Waterfront Boundary
8	Naypyitaw City Development Committee (NCDC), Yangon City Development Committee (YCDC), Mandalay City Development Committee (MCDC)	Land located in the area under the City Development Committees of Naypyitaw, Yangon and Mandalay, Land under the management of these Committees, Land transferred under existing Laws, Private Lands (State Land, Land at the disposal of Government, The Land which has Land use permit issued by Departments / Organizations)

Source: Government Official Websites and respective Laws

As a department under Ministry of Home Affairs, GAD is responsible for the management of (a) Town Land, (b) Village Land, (c) Tank, Lake (tank) rounds, (d) Strand Banks, sand Banks, (e) Burial ground graveyard (f) Common Land/ Grazing Ground (or) Pasture and (g) Religious Land. Concerning with the land management, GAD is concerned with Grant (lease) land, leases and licenses for residential, industrial, and commercial purpose, for the erection of a religious edifice purpose that is free of land revenue, establishing, preserving and cancelling of Command Land/ Grazing Ground (or) Past, establishing of Tank, Lake (tank) rounds, Strand Banks/ sand Banks and Burial ground graveyard for the public interests.

3.2 The Role of GAD in Land Administration

The General Administration Department is one of the four departments under the Ministry of Home Affairs. GAD not only fulfills its main duties and functions but also duties and functions entrusted by the MOHA, tasks entrusted by Union Government and Local Government, and also functions delegated by other Ministries.

GAD's main duties and functions are as follows:

- (a) Community peace and tranquility, prevalence of law and order
- (b) Land Administration
- (c) Excise Administration
- (d) Collection of revenue from Land, Excise, Mineral, Embankment
- (e) Rural Development

The Land Administration of GAD, includes granting of leases and license to an individual or group of persons/company/organization for residential, industrial and commercial purpose, lease for revenue free grants (public or religious/edifices purposes), Baddha thein/Ah-Baddha thein, Allotment and conservation of grazing-grounds and cancellation of grazing-grounds, Land acquisition for public interests such as for building schools, roads and Special Economic Zones (SEZs) and Transfers of Land between government departments. It is also involved in settling land disputes in community.

In administration of "Land at the disposal of Government" by GAD, on behalf of state, GAD practices the following Laws and related Directions, Rules and Regulations concerned:

- (a) The Land and Revenue Act, 1876
- (b) The Upper Burma Land and Revenue Regulation, 1889

(c) The Land Acquisition Act, 1894

(d) The Lower Burma Town and Village Lands Act, 1898

In connection with land administration, GAD is undertaking the function and duties of land administration mentioned above throughout the whole country, but in the case of granting of lease, GAD manage the area which is not under YCDC, MCDC and NCDC areas. Respective Township Land Administration and Record Departments draw Land map and Land history record (Form 105 & 106) to use for Land Administration.

The Land Administration of GAD carries out the tasks of land administration in the 10 townships of South Yangon District. These townships are Thanlyin Township, Kyauktan Township, Thongwa Township, Kayan Township, Twantay Township, Kawhmu Township, Kungyangon Township, Dala Township, Seikgyikanaungto Township and Cocokyun Township. During 2007 to 2017, the tasks of land administration in South Yangon District that GAD is carried out, are shown in the following Tables.

Table 3.2 Condition of Issuing Lease for Residential Purpose in South Yangon District

No	Year	Thanlyin	Kyauktan	Kayan	Thongwa	Twantay	Kawhmu	Kungyangon	Cocokyun	Dala	Seik/to	Total
1	2007	7.380	0.192	0.172	2.174	0.901	-	-	-	-	-	10.819
2	2008	10.405	0.260	0.591	0.794	1.170	-	-	-	-	-	13.220
3	2009	5.480	1.220	0.122	0.055	0.460	-	-	-	-	-	7.337
4	2010	11.363	10.902	6.076	0.212	4.090	1.887	-	-	-	-	34.530
5	2011	6.005	4.691	0.768	0.118	0.647	-	-	-	-	-	12.229
6	2012	102.279	0.775	0.528	11.308	0.099	-	0.484	-	-	-	115.473
7	2013	68.067	2.538	0.337	0.804	0.790	0.160	1.862	-	-	-	74.558
8	2014	30.207	1.577	-	4.607	1.397	0.100	0.625	-	-	-	38.513
9	2015	67.255	14.976	29.960	120.801	54.013	140.486	21.280	-	9.894	-	458.665
10	2016	142.654	11.344	43.258	46.565	34.838	1.925	2.013	-	5.502	-	288.099
11	2017	42.059	0.584	6.728	50.150	2.355	-	0.096	-	-	-	101.972
	Total	493.154	49.059	88.540	237.588	100.760	144.558	26.360	-	15.396	-	1155.415

Source: South Yangon District GAD

Table 3.3 **Condition of Issuing Lease for Industrial and Commercial Purpose in South Yangon District**
(included Thilawa Special Economic Zone)

No	Year	Thanlyin	Kyauktan	Kayan	Thongwa	Twantay	Kawhmu	Kungyangon	Cocokyun	Dala	Seikgyikanaungto	Total
1	2007	-	-	-	-	-	-	-	-	-	-	-
2	2008	-	-	-	-	-	-	-	-	-	-	-
3	2009	-	-	-	-	-	-	-	-	-	-	-
4	2010	-	-	-	-	-	-	-	-	-	-	-
5	2011	-	-	-	-	-	-	-	-	-	-	-
6	2012	-	-	-	-	-	-	-	-	-	-	-
7	2013	1529.490	3663.260	-	-	-	-	-	-	-	-	5192.750
8	2014	16.099	-	-	-	19.070	-	-	-	-	-	35.169
9	2015	5.000	4.270	-	-	-	-	-	-	-	-	9.270
10	2016	130.481	249.730	-	1.320	8.420	-	-	-	-	-	389.951
11	2017	0.811	527.190	-	2.612	7.020	0.460	-	-	-	-	538.093

	Total	1681.881	4444.450	-	3.932	34.510	0.460	-	-	-	-	6165.233
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Source: South Yangon District GAD

Table 3.4 Condition of Issuing Lease for Revenue Free Grants For Religious Edifices

No	Year	Thanlyin	Kyauktan	Kayan	Thongwa	Twantay	Kawhmu	Kungyangon	Cocokyun	Dala	Seikgyikanaungto	Total
1	2007	-	-	-	-	-	-	-	-	-	-	-
2	2008	-	-	-	-	-	-	-	-	-	-	-
3	2009	-	-	0.900	-	-	-	-	-	-	-	0.900
4	2010	0.965	-	-	-	-	-	-	-	-	-	0.965
5	2011	-	-	-	-	-	-	-	-	0.811	-	0.811
6	2012	-	-	-	-	-	-	-	-	-	-	-
7	2013	-	-	-	-	-	-	-	-	-	-	-
8	2014	-	-	-	-	-	-	-	-	-	-	-
9	2015	-	2.751	-	-	-	-	-	-	-	-	2.751
10	2016	-	-	-	-	-	-	-	-	-	-	-
11	2017	-	-	-	-	-	-	-	-	-	-	-
	Total	0.965	2.751	0.900	-	-	-	-	-	0.811	-	5.427

Source: South Yangon District GAD

Table 3.5 Condition of Issuing Revenue Free Grants For Baddha Thein in South Yangon District

No	Year	Thanlyin	Kyauktan	Kayan	Thongwa	Twantay	Kawhmu	Kungyangon	Cocokyun	Dala	Seikgyikanaungto	Total
1	2007	-	-	-	-	-	-	-	-	-	-	-
2	2008	0.068	-	-	-	-	-	-	-	-	-	0.068
3	2009	-	0.056	-	-	-	-	-	-	-	-	0.056
4	2010	-	-	-	-	-	-	-	-	-	-	-
5	2011	-	-	-	-	-	-	-	-	-	-	-
6	2012	-	-	-	-	-	-	-	-	-	-	-
7	2013	-	0.062	-	-	-	-	-	-	-	-	0.062
8	2014	-	-	-	-	-	-	-	-	-	-	-
9	2015	-	-	-	-	-	-	-	-	-	-	-
10	2016	-	0.110	-	-	-	-	-	-	-	-	0.110
11	2017	-	-	-	-	-	-	-	-	-	-	-
	Total	0.068	0.228	-	-	-	-	-	-	-	-	0.296

Source: South Yangon District GAD

Table 3.6 Condition of Cancellation Area from Grazing Grounds in South Yangon District

No	Year	Thanlyin	Kyauktan	Kayan	Thongwa	Twantay	Kawhmu	Kungyangon	Cocokyun	Dala	Seikgyikanaungto	Total
1	2007	11.94	-	-	1.84	-	-	-	-	-	-	13.78
2	2008	-	-	-	-	-	-	-	-	-	-	-
3	2009	-	-	-	-	-	-	-	-	-	-	-
4	2010	-	-	-	-	-	-	32.95	-	-	-	32.95
5	2011	-	-	170.87	-	-	-	-	-	-	-	170.87
6	2012	-	-	-	-	-	-	-	-	-	-	-
7	2013	18.48	331.01	-	-	-	-	-	-	-	-	349.49
8	2014	-	-	-	-	-	-	-	-	-	-	-
9	2015	-	-	-	-	-	-	-	-	-	-	-
10	2016	16.50	-	-	-	-	-	-	-	-	-	16.50
11	2017	-	31.00	-	-	-	-	688.30	-	-	-	719.30
	Total	46.92	362.01	170.87	1.84	-	-	721.25	-	-	-	1302.89

Source: South Yangon District GAD

Table 3.7 Condition of Land Acquisition Area in South Yangon District

No	Year	Thanlyin	Kyauktan	Kayan	Thongwa	Twantay	Kawhmu	Kungyangon	Cocokyun	Dala	Seikgyikanaungto	Total
1	2007	-	-	-	-	-	-	-	-	-	-	-
2	2008	-	-	-	-	-	-	-	-	-	-	-
3	2009	-	173.26	-	-	-	-	-	-	-	-	173.26
4	2010	209.22	-	-	-	-	-	-	-	-	-	209.22
5	2011	-	-	-	-	46.60	-	150.00	-	-	-	196.60
6	2012	-	1277.96	-	-	-	-	-	-	-	-	1277.96
7	2013	41.47	2541.47	-	-	-	-	-	-	-	-	2582.94
8	2014	-	-	-	-	16789.00	-	-	-	-	87.00	16876.00
9	2015	-	-	-	-	-	-	-	-	-	-	0.00
10	2016	-	-	-	-	-	-	-	-	-	-	0.00
11	2017	-	-	-	-	2778.08	-	-	-	-	-	2778.08
	Total	250.69	3992.69	-	-	19613.68	-	150.00	-	-	87.00	24094.06

Source: South Yangon District GAD

Table 3.8 The Condition of Transfer of Land between Government Departments in South Yangon District

No	Year	Thanlyin	Kyauktan	Kayan	Thongwa	Twantay	Kawhmu	Kungyangon	Cocokyun	Dala	Seikgyikanaungto	Total
1	2007	-	-	-	-	-	-	-	-	-	-	-
2	2008	-	-	-	-	-	-	-	-	-	-	-
3	2009	-	-	-	-	-	-	-	-	-	-	-
4	2010	50.00	-	-	-	-	-	150.00	-	-	-	200.00
5	2011	551.32	-	-	-	-	-	-	-	-	-	551.32
6	2012	-	-	-	-	-	-	-	-	-	-	-
7	2013	318.96	78.26	-	-	-	-	-	-	-	-	397.22
8	2014	310.85	-	-	-	-	-	-	-	-	-	310.85
9	2015	-	-	-	-	-	-	-	-	-	-	-
10	2016	-	-	-	-	-	-	-	-	-	-	-
11	2017	34.83	-	-	-	-	-	-	-	-	-	34.83
	Total	1265.96	78.26	-	-	-	-	150.00	-	-	-	1494.22

Source: South Yangon District GAD

According to official data from South Yangon District GAD, the task concerned with granting the lease of residential purpose, 493.154 acres are granted for 1985 persons in Thanlyin Township, 49.059 acres for 265 persons in Kyauktan Township, 88.540 acres for 409 persons in Kayan Township, 237.588 acres for 1141 persons in Thongwa Township, 100.760 acres for 766 persons in Twantay Township, 144.558 acres for 152 persons in Kawhmu Township, 26.360 acres for 162 persons in Kungyangon Township, 15.396 acres for 228 persons in Nyaungngoutou Village, Dala Township. This Village is not included in YCDC area. Therefore, South Yangon District GAD is granting the lease of 1155.415 acres to 5108 persons for the Residential purpose during 2007 to 2017. (Shown in Table 3.2)

The tasks concerned with granting the lease of Industrial and Commercial purpose are: 1681.881 acres are granted for 17 persons in Thanlyin Township, 4444.450 acres for 10 persons in Kyauktan Township, 3.932 acres for 3 persons in Thongwa Township, 34.510 acres for 7 persons in Twantay Township, 0.460 acres for 1 persons in Kawhmu Township and there is no application for lease of Industrial and Commercial Purpose in Kungyangon Township, Kayan Township, Cocokyun Township during 2007 to 2017. Therefore, South Yangon District GAD is granting the lease of 6165.233 acres to 38 persons for the Industrial and Commercial purpose during 2007 to 2017. (Shown in Table 3.3)

The task concerned with granting the lease for Revenue Free Grants for Religious Edifices are: 0.965 acres are granted in Thanlyin Township, 2.751 acres are granted in Kyauktan Township, 0.900 acres are granted in Kayan Township, 0.811 acres are granted in Dala Township, and there is no applying and granting in other Townships during 2007 to 2017. Therefore, South Yangon District GAD is granting the lease of a grant total of 5.427 acres for Revenue fee Grants during 2007 to 2017. (Shown in Table 3.4)

The task concerned with granting the lease for Revenue Free Grants For Buddha Thein are as follows: 0.068 acres are granted for Thiriwaila Monastery in Thanlyin Township. 0.228 acres are granted: there are 0.056 acres for Dahmmadayardar ThandanmayanthiriYar Monastery and 0.062 acres for Natyaekan Monastery, 0.110 acres for Pharauktawya Buddha Tharthana Yeiktha in Kyauktan Township and there is no applying and granting in other Townships during 2007 to 2017. Therefore, South Yangon District GAD is granting the lease of a grant total of

0.296 acres to 4 Monasteries for the Buddha Thein during 2007 to 2017. (Shown in Table 3.5)

For the task concerned with the cancelling from Grazing grounds, 46.92 acres are cancelled: there are 11.94 acres for Military (Kha La Ya - 146) used purpose, 13.48 acres for Service Delivery Business, 5.00 acres for local community development used purpose, 0.40 acres for Myanmar Police Force used purpose, 4.60 acres for Deteriorate of Road Transportation Department used purpose, 6.50 acres for Myanmar Electricity Distribution Cooperation (Thanlyin) Main power plant used purpose, 5.00 acres for Daezatt Cottage Hospital used purpose in Thanlyin Township. 362.01 acres in total are cancelled: there are 331.01 acres for Thilawa SEZ used purpose, 31.00 acres for Farmland used purpose in Kyauktan Township. 170.87 acres are cancelled for farmland used purpose in Kayan Township. 1.84 acres for Police Station in Thongwa Township. 721.25 acres are cancelled: there are 32.95 acres for Resettlement housings for the prevention of Natural Disaster used purpose, 688.30 acres for setting residence for landless person used purpose in Kungyangon Township and there is no applying and granting in other Townships during 2007 to 2017. Therefore, South Yangon District GAD is cancelling from Grazing grounds of 1302.89 acres to government departments, military, public interests, SEZ for the public purpose during 2007 to 2017. (Shown in Table 3.6)

For the task concerned with Land Acquisition, 250.69 acres are seized: 7.10 acres for (Kha La Ya - 139) Military used purpose, 202.12 acres for (Kha La Ya - 146) Military used purpose, 41.47 acres for Thilawa SEZ used purpose in Thanlyin Township. 3992.69 acres are seized: 173.26 acres for Myanmar Economic Cooperation (Ship Destroy Factory) used purpose, 3819.43 acres for Thilawa SEZ used purpose in Kyauktan Township. 46.60 acres are sized for (No. 3019) Military Airforce used purpose, 16789 acres for Yangon New City Development used purpose and 2778.08 acres for the housing of trespass person, and factory and industry labour used purpose are in land acquisition process in Twantay Township. 150.00 acres are seized for Myanmar Military Airforce used purpose in Kungyangon Township. 87.0 acres are seized for Myanmar New City Development used purpose in Seikgyikanaungto Township. Therefore, South Yangon District GAD seized the land area of 4439.98 acres for government departments, military, public interests, SEZ during 2007 to 2017. And the area of 19654.08 are being carried out land acquisition process for Yangon New City Development and housing of trespass person. (Shown in Table 3.7)

For the task concerned with Transfers of Land between Government Departments and between Governments, 1265.96 acres are transferred - 50.00 acres for Myanmar Economic Cooperation used purpose, 368.23 acres for Myanmar Marine Force used purpose, 183.09 acres for (Kha La Ya - 146) Military used purpose, 318.96 acres for Thilawa SEZ used purpose, 310.85 acres for Science and Technology Institute used purpose, 34.83 acres for No. 1 Petroleum Factory used purpose in Thanlyin Township, 78.26 acres are transferred for Thilawa SEZ used purpose in Kyauktan Township, 150 acres are transferred for (No. 2018) Myanmar Airforce in Kungyangon Township, and there is no transfer in other Townships during 2007 to 2017. Therefore, South Yangon District GAD transfers 1494.22 acres of Land between Government Departments during 2007 to 2017. (Shown in Table 3.8)

According to data, it is found that applying for the lease of Industrial and Commercial Purpose in Thanlyin and Kyauktan Townships is suddenly started from the formation of Thilawa SEZ. For the potential business interests, business person/ organizations are applying the lease of Industrial and Commercial purpose in the area of Thanlyin and Kyauktan Townships. These are the continuous environments of Thilawa SEZ. In doing so, this study emphasizes the effectiveness of Land Administration of GAD in Thanlyin and Kyauktan Townships, especially in the task of granting of the lease for Industrial and Commercial Purpose.

The apply laws for the task of granting the lease of Industrial and Commercial purpose are Lower Burma Town and Village Lands Act, 1898 and the Upper Burma Land and Revenue Regulation, 1889.

The Lower Burma Town and Village Lands Act, 1898 is part of the Manual and also its primary factor because all other parts contained based on the Act. It includes 9 Chapters with 45 Sections. In Section 6, 22 and 24, it is stated to liable to be assessed to land revenue.

According to the Lower Burma Town and Village Lands Act, 1898, rules are cited as the Town and Village Lands Rules, 1907. It includes 10 Chapters with 84 Rules. In Chapter II, Rules 6, 7, 8, 9, 11, 12, 14, 15, 16 pointed out the issuing of the residential and Commercial purpose lease, the types of land that can be issued as residential of Commercial purpose lease, the term of land lease contract, the right to extend or exchange of the lease contract term, the person who has the authority to grant lease under their limitation, required facts that have to complete in the application form and the procedure of officer receiving application.

After fixing of rent how to make public notice to be given of application prescribed in Rule 19(1) and Rule 19(2) stated that Copies of such notice shall be fixed. Concerning with the procedure where area exceeds one acre is prescribed in Rule 22. In Rule 26 and 27, stated for agreement to lease and entry of particulars of lease in register. Rule 28 stated for order on application of leaseholder to transfer, sub-let or subdivide, and appeal these forms. Form of lease, plan to be attached, and filling of counterpart in Deputy Commissioner's office are prescribed in Rule 29.

Furthermore, the paragraph 45 BB, Chapter (x) of the Burma Town and Village Lands Directions, 1913, prescribed the way to calculate the land lease fee for Residential and Commercial Purpose Lease.

In the Upper Burma Land Revenue Regulation, it includes 5 Chapter with 53 sections. The classes, local jurisdiction and power of revenue officers are prescribed in section 4(1) and according to section 4(2), the Governor may appoint any person to excuse, in any area, all or any of the powers of any class of Revenue officers.

In Rules under the Upper Burma Land Revenue Regulation, it includes Chapter 23 with 228 Rules.

In Chapter VI B, Rules 51 (M), 51(N), 51(O) are concerned with Lease for Residential, Industrial and Commercial purpose Rule 51(M) states for a term of the lease and for a lease of land exceeding acres Rule 51(N) states the application to obtain a lease of a plot of land. Rule 51(P) states survey of the land.

GAD has granted leases of land for 10 years or 30 years in accordance with Upper Burma Land and Revenue Regulation and Lower Burma Town and Village Lands Act, depending on the condition of the building on the land of the applicant. Although there are many kinds of land classification in Myanmar, there are mainly two; freehold land and State (Royalty) Land in Upper Myanmar and Land holder's Right and Land at the disposal of government in Lower Myanmar. The annual land lease fee is calculated based on 6% of the value of that land for residential purpose and 12% of the value of that land for Industrial and Commercial Purpose.

In doing so, this study emphasized the land administration task of granting lease for Industrial and Commercial purpose on Town land, Village Land, the land that have got the cancelled permit of Grazing Land and the land that have got Permit to use the land by other means; Form -15 for Low land/ Paddy land (according to Section 30 (a) of The Farm Land Law, 2012), Form - 15 (a) for Farm land (according to Section 30 (b) of The Farm Land Law, 2012), La Na - 39 for Low land/ Paddy land (according to Section 39 of The Land Nationalization Act,

1953), La Na -3(b) for Farm land (according to Section 3(b) of The Land Nationalization Act, 1953). This study will focus on the issuing of land lease for Industrial and Commercial purpose in Thanlyin and Kyauktan Townships, Yangon Region. The following table shows the number of Industrial and Commercial purpose lease issued in Thanlyin and Kyauktan Townships during the period from 2007 to 2017.

Table 3.9 Numbers of lease issued in Thanlyin and Kyauktan Townships (2007 - 2017)

No.	Township	Leased Acre	No: of Lease Issued	Remark
1	Thanlyin Township	152.391	16	
2	Kyauktan Township	946.920	9	
3	Thilawa SEZ	5027.020	2	
	Total	6126.331	27	

Source: Region, District and Township GADs

According to the Lower Burma Town and Village Lands Manual and the Upper Burma Land Revenue Manual, land administration of the whole Myanmar had been the duty of the Financial Commissioner for more than a century. Since his jurisdiction in respect of land administration included the City Area of Naypyitaw, Yangon and Mandalay, the Financial Commissioner was the Chief Administrator (The Director General) in it. (YE KYAW THU, A Study On Land Administration in Myanmar, April, 2006).

The Revenue Officer shall assess levy land-revenue upon all lands liable to payment according to such rates, in such rates and in such manner as the Financial Commissioner dictates. The Financial Commissioner is empowered by the Government to sanction variations from the normal rate for one year only. As the Township Administrator (TA), he was responsible to collect taxes, and thus he was a revenue officer of the town.

Under The Land and Revenue Act (India Act), 1876 (Vol. III) and The Upper Burma Land and Revenue Regulation (Reg-3, 1829, Vol. X), Residential lease and/or Industrial and Commercial Purpose lease are issued.

Leases are allowed as follows;

- (a) Land area under 1 acre is granted by Deputy Commissioner (District Administrator)
- (b) Land area from above 1 acre to 5 acres are granted by Commissioner (Region Administrator)
- (c) Land area above 5 acres are granted by Financial Commissioner (The Director General)

After getting approval from respective Collectors, leases are issued with formatting form. Land Revenue for residential lease is calculated as 75% based on rent fee of that land (or) 6% of that land value (Rule 17 of Rules Under The Lower Burma Town and Village Land Act, 1907), land rent rate for Industrial and Commercial Purpose lease is calculated as 12% of that land value and they are collected annually (Direction under The Lower Burma Town and Village Land Act, 1907). These revenues are sent to General Administration Department Bank account.

3.3 The process of applying for Industrial and Commercial Purpose Lease

If someone wants to apply for Industrial and Commercial Purpose lease, he has to send a formal application form attached with office-stamp to District Administrator/ Deputy Commissioner (Rule 11 of Rules Under The Lower Burma Town and Village Land Act, 1907). It is necessary to attach certified land map, land history record (Form 105 & 106) drawn by Township Farm Land Management and Record Department, site plan of the building and land ownership documents (Rule 12 of Rules Under The Lower Burma Town and Village Land Act, 1907).

When applying for the lease, the respective land documents are needed to be attached with the application form. If the land is Paddy land (low land), permit to use the Paddy land by other means (La Na - 39) or (Form -15) under Section - 30 (a) of Farmland Law is needed to be attached. If the land is Farm land, permit to use the Farm land by other means 3 (b) (or) Form - 15 (a) under Section - 30 (b) of Farmland Law is needed to be attached.

DC checks the application form to certify that the required documents are attached in it. When the application form is complete, DC sends this form to respective sub-divisions. The responsible staff record that form at the registration book and file it. After that DC sends the file TA to verify the facts of land (Rule 14 of Rules Under The Lower Burma Town and Village Land Act, 1907).

On receiving the file, TA sends it to Township Farm Land Management and Record Department to issue land map, land history record and land revenue calculation table. Township Farm Land Management and Record Department checks the following facts concerned with land;

- (a) Land history
- (b) Applied land is the land at disposal of government
- (c) Trespass of other land
- (d) Applying the copy of land map by others (if it was, lease case number has to be stated)
- (e) Building on the ground (if it was, how it was applied)
- (f) Land revenue calculation table if the land has to be granted

Above facts must be scrutinized. If the land is vacant and that is the land at the disposal of government, Township Farm Land Management and Record Department sends land map, land history record (Form 105 & 106) and land revenue calculation table to TA (Rule 17 of Rules Under The Lower Burma Town and Village Land Act, 1907). Then TA announces notice 15 days for objection of that land application (Rule 19 of Rules Under The Lower Burma Town and Village Land Act, 1907). This notice letter is attached at that land, the nearest market, Ward/Village administrative Office, Township GAD Office and District GAD Office.

The term over (15) days, if there is no one who objects that application, TA surveys the land and checks the facts in the application form with the personnel of Township Farm Land Management and Record Department. TA verifies the facts that the ground and the building are free from the health problem, security problem and fire problem, he signs the map and land history record of that land. Moreover, non-objection statements from the persons who live in four directions of that land, non-objection letters from respective Ward/Village Administration Office and Township Development Organization, surrounding map, location map and recommendation of land area that does not encroach on the road area from the Road Department are attached in case file.

After checking the kind of building on ground that the percentage of constructing stage is 50% or not (Direction under 13.12.2016 dated of Yangon Region Government), the proposed objective and the business that the applicant is doing is competed or not, land ownership documents are legally identified or not, non objection letters of respective Ministry or Department concerned with business are included or not, he prepares his regard letter on

this application. Also he writes the statements of the applied land in the diary and sends back the case files attached with above documents to DC.

DC reviews TA's regard (report) letter, statement written in diary and checks the respective facts and documents. Then he surveys the land and checks the facts of applied land that is filled in the form with the Township Officer of Township Farm Land Management and Record Department. According to the condition of the building on ground, DC decides the term of lease. After that he prepares his regard letter on this application depending on its data and facts.

If the applied land area is above 1 acre, DC sends this application to Region General Administration Department. If the case file is completed, it is submitted for Cabinet approval. After getting the Cabinet approval, Commissioner allows DC to issue Industrial or Commercial Purpose lease. If the building is in proper condition, DC decides the term of lease is short term as 10 years and lessee has the right to extend the term of the lease and he has to apply to DC. Short term lease is issued with Lease Form $\frac{\text{Land Revenue II}}{\text{L.B Lease 1}}$ (Rule 26 of Rules Under The Lower Burma Town and Village Land Act, 1907). If the building is in the firm and stable condition, DC decides the term of lease is long term to 90 years. In doing so, 90 years term is not given continuously. Three times of 30 years term lease are granted.

When the applied land area is above 5 acres, Commissioner sends the case file attached with the Cabinet approval to Financial Commissioner. If the case file is completed and Financial Commissioner satisfies it, he allows DC to issue Industrial or Commercial Purpose lease for 30 years term. DC issues the Industrial or Commercial Purpose lease for 30 years term with formatting Lease Form $\frac{\text{Land Revenue II}}{\text{Lease 1}}$.

Required fact and document in order to complete the Industrial and Commercial Purpose lease case file are as follows;

- (a) Application letter of the applicant in person
- (b) Land map, land history record (Form 105 & 106) with name, personal number, date and signatures of TA and DC
- (c) Layout Plan
- (d) Surrounding Map
- (e) Permit to use the farm land by other means (Form -15 or 15(a))/ (La Na – 39 or 3(b))

- (f) Recommendation and regard letter of respective Village Administration Officer
- (g) Calculation table of land revenue 12% of that land value
- (h) Notice for objection
- (i) Non-objection statements from four directions of surrounding persons
- (j) Statement of applicant
- (k) Non objection letters from Township Development Organization,
- (l) Surrounding map and Location map
- (m) Recommendation of land area which is an escape form the road area from Road Management Department
- (n) Non objection letters of respective Ministry or Department concerned with business
- (o) Photo record of that land
- (p) Field report of TA
- (q) Field report of DC
- (r) Whether Building is constructed or not
- (s) If constructed, the kind of building
- (t) Four-side view photos of that building with name, date and signatures of TA and DC
- (u) Land ownership documents

3.4 Condition of issuing Industrial and Commercial Purpose Lease in South Yangon District

South Yangon District is composed of 10 townships – Thanlyin Township, Kyauktan Township, Thongwa Township, Kayan Township, Twantay Township, Kawhmu Township, Kungyangon Township, Dala Township, Seikgyikanaungto Township and Cocokyun Township. Among these 10 Townships, Dala Township and Seikgyikanaungto Township are in the area of YCDC. That's why GAD did not allow lease for Industrial and Commercial Purpose.

According to the official data from South Yangon District GAD, there is no application for lease of Industrial and Commercial Purpose in Kungyangon Township, Kayan Township, Cocokyun Township during 2007 to 2017. Except the area of Thilawa SEZ, there are 36 Business persons who are applying lease of 1138.213 acres in Thanlyin Township, Kyauktan

Township, Kawhmu Township, Twantay Township, Thongwa Township for Industrial and Commercial Purpose.

It is found that the kinds business of Chemical Fertilizer and Cultivation machinery equipment Store, Showroom, Rice Mill factory, Soft- shell Crab breeding are mostly and the kinds business of Petroleum Shop, Bank, Service Delivery, Galvanized Iron Sheet Industry, Purified Water Industry, Housing Complex, Cultivation Products Store and Staff Housing, Boarding-Housing for Woman, Communication service, cultivation machinery equipment Store and Jetty, Machine Oil Tank, Construction used and Machinery Store Land, Building for Art business, Production of Oil dregs from re-purifying of Crude oil paste and Private Hospital are also included. Industrial and Commercial Purpose leases are applied by MEC firstly and 165.73 acres were allowed in Kyauktan Township in 2013. Then, Soft-shell Crab Breeding business applied 527.17 acres for lease for Industrial and Commercial Purpose in 2017. Details facts are shown in Table (3.8).

Table 3.10 Condition of Granting Lease for Industrial and Commercial Purpose in South Yangon District

(Outer area of Thilawa Special Economic Zone)

No	Year	Thanlyin		Kyauktan		Kawhmu		Twantay		Thongwa		Total		Remark
		person	acre	person	acre	person	acre	person	acre	person	acre	person	acre	
1	2007													
2	2008													
3	2009													
4	2010													
5	2011													
6	2012													
7	2013	-	-	1	165.730									
8	2014	6	16.099	-	-			1	19.07					
9	2015	2	5.000	1	4.270									
10	2016	7	130.481	3	249.730			4	8.42	1	1.320			
11	2017	1	0.811	4	527.170	1	0.46	2	7.02	2	2.612			
	Total	16	152.391	9	946.920	1	0.46	7	34.51	3	3.932	36	1138.213	

Source: South Yangon District GAD

CHAPTER IV

THE EFFECTS OF ISSUING LAND LEASE FOR INDUSTRIAL AND COMMERCIAL PURPOSE IN THANLYIN AND KYAUKTAN TOWNSHIPS

4.1 Survey Profile and Design

In this thesis, there are two levels of data collection; service personnel and business person who are operating the business on the ground that he got Industrial and Commercial Purpose Lease. For the data collection of service personnel, Key In Format Interview (KII) method was used and individual interviews with different officer levels of GAD were conducted Members from SEZ Committee, Village/ Ward Administrators. For the data collection of business persons who are operating the business with Industrial and Commercial Purpose Leases, Focus Group Discussions (FGD) approach was used with structured questionnaires.

Table 4.1 Profile of Surveyed area (Governmental Official)

No.	Key Person Respondents	Governmental Official	Remark
1	GAD, Yangon Region	3	
2	GAD, Yangon South District	3	
3	Thilawa SEZ	2	
4	GAD, Thanlyin Township	2	
5	Ward or Village Tract Administrators from Thanlyin Township	9	
6	GAD, Kyauktan Township	2	
7	Ward or Village Tract Administrators from Kyauktan Township	7	
	Total	28	

Source: KII and FGD

Table 4.2 Profile of Surveyed area (Lessee/ Business Person)

No.	Key Person Respondents	Person	Remark
1	Thanlyin Township	16	
2	Kyauktan Township	9	
	Total	25	

Source: KII and FGD

4.2 Condition of land lease issued for Industrial and Commercial Purpose in Thanlyin Township

The lease for Industrial and Commercial Purpose for the area of 0.230 acre was applied for the use of Petroleum Shop, 0.103 acre for the use of Bank, 15.766 acres for the use of Service Delivery by two business persons in 2014; the area of 1 acre was applied for the use of Galvanized Iron Sheet Industry and the area of 4 acres for Purified Water Industry by two business persons in 2015; the area of 53.05 acres was applied for the use of the Housing Complex, 10.11 acres for Cultivation Products Store and Staff Housing, 0.20 acre for Boarding-Housing for Woman, 15.05 acres for Chemical Fertilizer and Cultivation Machinery Equipment Store, 0.231 acre for Communication service, 46.84 acres for Cultivation Machinery Equipment Store and Jetty and 5 acres for Rice Mill Factory in 2016; the lease for Industrial and Commercial Purpose for the area of 0.811 acre was applied for the use of Private Hospital by a business person in 2017.

The area of 0.230 acre for the use of Petroleum Filling Station was leased by Annawar Hwlm Co.Ltd., in 2014 and fee for Lease of Industrial or Commercial Purpose 90,196 Kyats is submitted to the State annually. Also other Commercial tax and Income Tax are submitted to the State based on the production rate. Business is operating with capital investment about 650 million Kyats. There are 16 labors - 13 Male labors and 3 Female labors. Among them, 8 persons have got 300,000 Kyats and above, 4 persons have got 200,000 Kyats and above, and 4 persons have got above 100,000 Kyats. As welfare, staff housing, purified drinking water, sanitary, first aid kit and fire safety are fully provided.

The area of 0.103 acre for the use of Bank was leased by U Aye Cho+2 persons in 2014 and lease fee for Lease for Industrial or Commercial Purpose 32,304.09 Kyats is submitted to the State yearly. Also other Commercial tax and Income Tax are submitted to the State based on the production rate. Although the title of business presented in Lease for Industrial or Commercial Purpose is Bank, it is operating as Wedding Hall with capital investment about 50 million Kyats. There are 3 labors- 2 Males and 1 Female. All the labors have got above 100,000 kyats respectively. As welfare, staff housing, purified drinking water, sanitary, first aid kit and fire safety are fully provided.

The area of 15.546 acres for the use of Service Delivery was leased by U Sein Lwin Lay in 2014 and lease fee for Lease for Industrial or Commercial Purpose 1,942,688.80 Kyats is

submitted to the State yearly. The whole area of 15.546 acres is not operating according to its applied purposes.

The area of 0.22 acre for the use of Service Delivery was leased by Daw Ei Pyae Phyo in 2014 and lease fee for Lease for Industrial or Commercial Purpose 28,749.60 Kyats is submitted to the State yearly. The whole area of 0.22 acre is not operating according to its applied purposes.

The area of 1 acre for the use of Galvanized Iron Sheet Industry was leased by U Yan Myint Chi in 2015 and lease fee for Lease for Industrial or Commercial Purpose 261,360 Kyats is submitted to the State yearly. Also other Commercial tax and Income Tax are submitted to the State based on the production rate. Business is operating with capital investment about 70 million Kyats. There are 14 Male labors and 43 Female labors, totaling 57. Those who have got 200,000 Kyats and above are 7 persons and those who have got above 100,000 Kyats are 50. As welfare, staff housing, purified drinking water, sanitary and fire safety are fully provided.

The area of 4 acres for the use of Purified Water Industry was leased by U Sein Lwin Lay in 2015 and lease fee for Lease for Industrial or Commercial Purpose 432,000 Kyats is submitted to the State yearly. The whole area of 4 acres is not operating at all.

The area of 53.05 acres for the use of Housing Complex was leased by U Maung Gyi in 2016 and lease fee for Lease for Industrial or Commercial Purpose 5,729,400 Kyats is submitted to the State yearly. Although the title of business presented in Lease for Industrial or Commercial Purpose is Housing Complex, the whole areas are explored as (40'x60') land plots. There have built the roads and constructed the troch lamp-posts but the operating process is stand still at that stage.

The area of 10.11 acres for the use of Cultivation Products Store and Staff Housing was leased by Daw Nwe Nwe Win in 2016 and lease fee for Lease for Industrial or Commercial Purpose 1,091,880 Kyats is submitted to the State yearly. The whole area of 10.11 acres is not operating at all.

The area of 0.20 acre for the use of Boarding- Housing for Woman was leased by Daw Khin Mar Yi in 2016 and lease fee for Lease for Industrial or Commercial Purpose 63,446 Kyats is submitted to the State yearly. Business is operating with capital investment about 60 million Kyats. There are 7 labors, including 2 Males and 5 Females. There is only one person who has got 200,000 Kyats and above, and those who have got above 100,000 Kyats are 6 labors. As

welfare, staff housing, purified drinking water, sanitary, first aid kit and fire safety are fully provided.

The area of 15.05 acres for the use of Chemical Fertilizer and Cultivation Machinery Equipment Store was leased by Daw Than Than Shein in 2016 and lease fee for Lease for Industrial or Commercial Purpose 1,806,000 Kyats is submitted to the State yearly. There is preparation on ground and the whole area of 15.05 acres are not operating at all.

The area of 0.231 acre for the use of Communication service was leased by Daw Mu Mu Thin in 2016 and lease fee for Lease for Industrial or Commercial Purpose 120,225 Kyats is submitted to the State yearly. Business is operating with capital investment about 50 million Kyats. There are 10 labors- 5 Male labors and 5 Female labors. Two persons have got 200,000 Kyats and above are whereas 8 persons have got above 100,000 Kyats. As welfare, purified drinking water, sanitary, first aid kit and fire safety are provided.

The area of 46.84 acres for the use of Cultivation machinery equipment store and Jetty was leased by Daw Than Than Shein in 2016 and lease fee for Lease for Industrial or Commercial Purpose 5,813,640 Kyats is submitted to the State yearly. The operation of jetty construction was begun in 2017. In doing so, at the place of jetty construction, there was land dispute with AVA Gas Co., Ltd, which was operating business joint venture with No(1) Petroleum Industry under Ministry of Electricity and Energy. So, the operation process of jetty construction is postponed and undertaken for land measuring.

The area of 5 acres for the use of Comprehensive used reap machine, cultivation machinery equipment and staple grains and crops Store was leased by U Aung Kyaw Lwin in 2016 and lease fee for Lease for Industrial or Commercial Purpose 270,000 Kyats is submitted to the State yearly. But the whole area of 5 acres is not operating at all.

The area of 0.811 acre for the use of Private Hospital was leased by Daw Mi Mi Tin in 2017 and lease fee for Lease for Industrial or Commercial Purpose 593,496 Kyats is submitted to the State yearly. Business is operating with capital investment about 1,000 million Kyats. Out of 65 labors 25 are Males and 40 are Females. The persons who have got 300,000 Kyats and above are 30, those who have got 200,000 Kyats and above are 15, and those who have got above 100,000 Kyats are 20. As welfare, staff housing, purified drinking water, sanitary, first aid kit and fire safety are fully provided.

Table 4.3 The Condition of Land Lease Issued for Industrial and Commercial Purpose in Thanlyin Township

No	Kind of Business	Person	Acre	Operation Status		Remark
				Yes	No	
1	Petroleum Filling Station	1	0.230	✓	-	Company
2	Bank	3	0.103	✓	-	
3	Service Delivery	2	15.766	-	✓	
4	Galvanized Iron Sheet Industry	1	1.000	✓	-	
5	Purified Water Industry	1	4.000	-	✓	
6	Housing Complex	1	53.050	-	✓	
7	Cultivation Products Store and Staff Housing	1	10.110	-	✓	
8	Boarding- Housing for Woman	1	0.200	✓	-	
9	Chemical Fertilizer and Cultivation Machinery Equipment Store	1	15.050	-	✓	Ground Repairing
10	Communication service	1	0.231	✓	-	
11	Cultivation machinery equipment store and Jetty	1	46.840	-	✓	Ground Repairing
12	Comprehensive used reap machine, cultivation machinery equipment and staple grains and crops Store	1	5.000	-	✓	Ground Repairing
13	Private Hospital	1	0.811	✓	-	
	Total	16	152.391			

Source: South Yangon District GAD

4.3 Condition of Land Lease Issued for Industrial and Commercial Purpose in Kyauktan Township

The task of issuing Lease for Industrial and Commercial Purpose in Kyauktan Township is begun in 2013. Firstly, lease for Industrial and Commercial Purpose for the area of 165.73 acres was applied for the use of Machine Oil Tank by MEC in 2013; 4.27 acres for the use of Construction and Machinery Store Land by a business person in 2015; 243.18 acres for Soft-shell Crab Breeding, 5.56 acres for the Production of Oil dregs from re-purifying of Crude oil paste, and 0.99 acre for the Building for Art business by 3 business persons in 2016; 526.36 acres for Soft-shell Crab Breeding by 2 business persons and 0.83 acre for Rive Mill Factory by

2 business persons in 2017. During 2007 to 2017, South Yangon District GAD allowed 9 business persons, who applied the land area 946.92 acres for Industrial and Commercial Purpose in Kyauktan Township. It was the highest point of allowing lease for Industrial and Commercial Purpose in this District.

The whole area of 946.92 acres is not operating as their applied purposes. The area of 165.73 acres for the use of Machine Oil Tank leased by MEC in 2013 is not operating business. It is preparing ground and fence. The area of 4.27 acres for the use of Construction used and Machinery Store Land by U Pyae Sone Aung in 2015, is not operating at all. But lease fee for Lease for Industrial or Commercial Purpose 417,126 Kyats by MEC and 51,240 Kyats by U Pyae Sone Aung are submitted to the State annually.

The area of 243.18 acres for the use of Soft-shell Crab Breeding was leased by U Aung Naing in 2016 and lease fee for Lease for Industrial or Commercial Purpose 29,181,600 Kyats is submitted to the State yearly. Also other Commercial tax and Income Tax are submitted to the State based on the production rate. Business is operating with capital investment about 1,500 million Kyats. There are 300 labors- 200 Males and 100 Females. 15 persons have got 300,000 Kyats and above, 120 persons have got 200,000 Kyats and above and 165 persons have got above 100,000 Kyats. As welfare, staff housing, purified drinking water, sanitary, first aid kit, fire safety and education stipend for the staff's children are fully provided. This Soft-shell Crab Breeding Company is nearly located at Thilawa SEZ and road transportation is pretty well to city area. This Company exports $\frac{3}{4}$ portion of products from Thilawa port and distributes $\frac{1}{4}$ portion of products from road way to city area.

The area of 0.99 acre for the use of Building for Art business was leased by U Thein Zaw in 2016 and lease fee for Lease for Industrial or Commercial Purpose 23,760 Kyats is submitted to the State annually. However, that area is not operating at all.

The area of 5.56 acres for the use of Production of Oil dregs from re-purifying of Crude oil paste was leased by Daw Wai Wai Htwe in 2016 and lease fee for Lease for Industrial or Commercial Purpose 667,200 Kyats is submitted to the State yearly. That area of 5.56 acres for the use of Production of Oil dregs from re-purifying of Crude oil paste was leased by Daw Wai Wai Htwe in 2016. That area, however, is not operating at all and the leasee Daw Wai Wai Htwe stays abroad.

The area of 427.3 acres for the use of Soft-shell Crab Breeding was leased by U Phay Win in 2017 and lease fee for Lease for Industrial or Commercial Purpose 51,276,000 Kyats is

submitted to the State yearly. Also other Commercial tax and Income Tax are submitted to the State based on the production rate. Business is operating with capital investment about 3,500 million Kyats. The total number of labors are 496- 259 Males and 237 Females. The persons who have got 300,000 Kyats and above are 15 persons, 200,000 Kyats and above are 64 persons and above, 100,000 Kyats are 417 persons. As welfare, staff housing, purified drinking water, sanitary, first aid kit, fire safety, staff uniform, and education stipend for the staff's children are fully provided.

The area of 99.06 acres for the use of Soft-shell Crab Breeding was leased by Daw Shin May in 2017 and lease fee for Lease for Industrial or Commercial Purpose 11,887,200 Kyats is submitted to the State yearly. Also other Commercial tax and Income Tax are submitted to the State based on the production rate. Business is operating with capital investment about 900 million Kyats. There are 90 Male labors and 110 Female labors, so 200 in totals. 6 persons have got 300,000 Kyats and above, 12 persons have got 200,000 Kyats and above, 182 persons have got above 100,000 Kyats. As welfare, staff housing, purified drinking water, sanitary, first aid kit, fire safety, staff uniform, and education stipend for the staff's children are fully provided. This Soft-shell Crab Breeding Company collects productive species crab from Ayyarwaddy Region and the crab products are exported to China, Singapore and America.

The area of 0.31 acre for the use of Rice Mill Factory was leased by U Thet Naing Htwe in 2017 and lease fee for Lease for Industrial or Commercial Purpose 37,200 Kyats is submitted to the State yearly. Also other Commercial tax and Income Tax are submitted to the State based on the production rate. Business is operating with capital investment about 150 million Kyats. It is operating with workers on daily wages. As welfare, purified drinking water, sanitary, first aid kit, and fire safety are fully provided.

The area of 0.52 acre for the use of Rice Mill Factory was leased by U Myo Zaw in 2017 and lease fee for Lease for Industrial or Commercial Purpose 111,078 Kyats is submitted to the State yearly. Also other Commercial tax and Income Tax are submitted to the State based on the production rate. Business is operating with capital investment about 200 million Kyats. It is operating with workers on daily wages. As welfare, purified drinking water, sanitary, first aid kit, and fire safety are fully provided.

Table 4.4 The Condition of Land Lease Issued for Industrial or Commercial Purpose in Kyauktan Township

No	Kind of Business	Person	Acre	Operation Status		Remark
				Yes	No	
1	Machine Oil Tank	1	165.73	-	✓	MEC
2	Construction used and Machinery Store Land	1	4.27	-	✓	
3	Soft-shell Crab Breeding	3	769.54	✓	-	
4	Building for Art business	1	0.99	-	✓	
5	Production of Oil dregs from re-purifying of Crude oil paste	1	5.56	-	✓	
6	Rice Mill Factory	2	0.83	✓	-	
	Total	9	946.92			

Source: South Yangon District GAD

4.4 Condition of Land Lease Issued for Industrial and Commercial Purpose in Thilawa Special Economic Zone

The Thilawa SEZ is located both in Thanlyin Township and in Kyauktan Township. 5,787.72 acres of Thilawa SEZ are composed of 1,570.96 acres from Thanlyin Township and 4,216.76 acres from Kyauktan Township, at about 20 kilometers from Yangon. These areas are seized by the State for Country's Project for mutual benefits with Government and Japan Cooperation. It is used by Myanmar Japan Thilawa Development Ltd., and other 93 companies. Types of business are Manufacturing, Residential and commercial, and investment value is about \$1.379 billion. The total number of labors is 5,576 - 2,057 Male labors and 3,517 Female labors.

In doing so, the whole area of Thilawa SEZ are not allowed for the lease of Industrial and Commercial Purpose because there is in complete compensation process for land acquisition of that area. The area of 5,027.02 acres - 1,529.49 acres from Thanlyin Township and 3,497.53 acres from Kyauktan Township- have only got the Lease for Industrial and Commercial Purpose in Thilawa Special Economic Zone and lease fee for lease for Industrial and Commercial Purpose 18,353,880 Kyats in Thanlyin Township and 41,970,360 Kyats in Kyauktan Township are submitted to the State annually. The Thilawa Special Economic Zone

became fully (commercially) operational in September 2015. Inside Thilawa SEZ, (where) both (the) hard and soft infrastructure from roads and utilities to supporting services such as maintenance are developed up to the international standard. Hence, the human resources that widely range from high quality management staff to skilled and semi-skilled workers are readily available. Once the location in Thilawa SEZ is confirmed and the investment permit is issued, electricity, telecommunications including the Internet access, and purified water supply will be connected. Under Environmental Impact Assessments, services for liquid waste, solid waste and industrial waste management are also readily available. Unlike other industrial zones around Yangon, all necessary infrastructures for investors are made available in the Thilawa SEZ. (Thilawa SEZ Management Committee Official Website)

4.5 Achievements

Together with the business or firm are trying to stand on their own, foreign investment is increased in the country. According to the data, on obtaining lease for the land, its value is usually increased and it can be used and collateral for bank loans. In the case of MIC concerned companies, in order to apply for business permit or any other permits from related ministries it is necessary to get lease for Industrial and Commercial Purpose. Since permit to use farm land for other purposes can be obtained, but it does not confer ownership.

As department budget, there was 60,324,240 Kyats from Thilawa SEZ, 17,681,862.57 Kyats from Thanlyin Township, 93,652,404 Kyats from Kyauktan Township for yearly land revenue of the lease for Industrial and Commercial Purpose. These revenues are added from departmental budget to State budget. The State uses those revenues for the interests of people.

There was a reason of raising GDP of the country from export products. Also local basic infrastructure such as transportation, electricity, water sufficiency, availability of workforce, international market is subsequently developed. For example, 660 KVA grate national grid is extended in Thilawa area, along with the extension and electricity is automatically available in its environment. Together with the business firm is trying to stand on their own employment opportunity is also high. Along with infrastructure development, living standard of local people is also improved.

Most of business and firm emphasize not only in their interests but also in socioeconomic development of the place where they do their business. For local

development, these business and firm provided constructing two and a half story building of B.E.M.S in Nyaung Wine Village (Mying Tha Yar village track), street concreting and building Village-library in Aye Mya Thida Village, drugs and medical supports and 10,000,000 Kyats funding tree in Shwe Pyauk Village clinic, education stipend for 2,600 students, school uniforms, university stipend for 3 students from the villages around from Thilawa SEZ, yearly English (4) skills training, swing training for occupational support, water sharing in villages where water is scarce. And also Security Training, Piano Training/ Key board Training, Singing Training, Metal bending and installation Training, Welding Training, Food Production Training, Furniture Production Training, Car Driving Course, Electricity installation Course Training, Car repairing Training, Computer skill Training, Language skill Training are provided in collaboration with NGOs and Civil Society Organizations (CSOs) in Thilawa SEZ. This welfare can be said as public welfare, not concerned with any business interests.

Furthermore, clinic, purified drinking water, sanitary, first aid kit, fire safety, staff uniform, lunch box, ferry delivery and education stipend for the staff's children are fully provided. According to the nature of work, staff housing is also provided. In the case of staff welfare, staffs have got socioeconomic reliefs and time saving their lives.

4.6 Weaknesses and Requirements

During 2007 and 2017 the land areas of 152.391 acres are allowed lease for Industrial and Commercial Purpose in Thanlyin Township. Among these, 2.575 acres are applied for the Petroleum Filling Station, Bank, Galvanized Iron Sheet Industry, Boarding-Housing for Woman and Communication service and Private Hospital on the ground. The area of 46.84 acres which is the place of jetty construction is in dispute. The rest 102.976 acres are not applied for any purpose. As per allowed area of Industrial and Commercial Purpose, 1.69% is applied on the ground in Thanlyin Township.

Also the land areas of 946.92 acres are allowed lease for Industrial and Commercial Purpose in Kyauktan Township from 2007 to 2017. Among these areas, 770.37 acres are applied for the use of Soft-shell Crab Breeding and Rice Mill Factory operated on the ground. The rest land areas, 176.55 acres are not applied for any purpose. According to the data, the land areas of 769.54 acres is being used for Soft-shell Crab Breeding, that is mostly operated in Kyauktan Township. As per allowed area of Industrial and Commercial Purpose, 81.35% is applied on the ground in Kyauktan Township.

According to the above situation, it is pointed out the monopoly form of land ownership. And also it shows prior land ownership and then plays up and down price in land market. It causes instability of land price and trouble for the person who really wants to do business in that place. For the future development concerned with Thilawa SEZ, business persons always choose the place where business with basic infrastructure is available. In the case of prior ownership right, the person who wants to operate at that place has to buy from prior owner with high price value. Vice versa, the prior owner gets profit from the land, that is, he gets lease for industrial and commercial purpose.

From the side of the person who does not operate business on ground, even though he has got lease for Industrial and commercial purpose, he has to pay land rent yearly. When local companies do business with local investment, they can do with permit to use the farm land by other means (Form -15)/ (La Na - 39). In this case, some persons use that lease as guarantee for bank loan or ownership document. However, it is a burden of yearly land rent for some persons who do not get any interests.

To resolve above cases, there is no monitoring system and also no law for retracting the lease of someone who does not operate business on ground even though he has got lease for Industrial and commercial purpose. In Lower Burma Town and Village Lands Act, 1898, it is presented that the absence of paying land rent yearly can retract the lease.

In connection with calculation of land rent for the lease of Industrial and Commercial Purpose under The Direction of Lower Burma Town and Village Lands, 1913, it is stated to calculate 12% on selling value of that land. In doing so, when calculating land rent fee for Thilawa SEZ, it is found that calculations of land rent rate are based on 1 acre value, 100,000 Kyats in Thanlyin Township and Kyauktan Township. For the purpose of Country's Project, the whole area of Thilawa SEZ is seized by the State that why there is no selling value or lease value. So, 1 acre value of land on Thilawa SEZ is set by special order of Commissioner and approved by Ministry of Home Affairs directly even these rates are lower than the rates of actual value or market value (Rule 17 of Rules Under The Lower Burma Town and Village Land Act, 1907).

Nevertheless, it is found that calculations of land rent rates are based on 1 acre value - 342,727 Kyats is highest and 104,727 Kyats is lowest in Thanlyin Township, and 344,381 Kyats is highest and 52,363 Kyats is lowest in Kyauktan Township. These 1 acre values are different depending on the location near to road, street, lane in Farmland-region

development beyond Thilawa SEZ. Above 1 acre values have been standard value of Town land revenue collection by Farm Land Management and Record Department, Yangon South District since 2013. It can be said out of standard value for collection of land revenue collection. This is a reason for receiving the less revenue than actual revenue.

So, it is needed to set reasonable value for respective standard value for the collection of correct land revenue. That's why GAD is needed to reset the land value of 1 acre with coordination and collaboration with Farm Land Management and Record Department.

The application process for the lease of Industrial and Commercial Purpose is related to 5 departments at least. Regarding with multi-departments related cases require fixed departmental cooperation. So, GAD opens One Stop Shops (OSS) in some Townships for one stop services delivery with collaboration of respective Township Police Force, Township Development Organization, Township Health Department, Township Immigration and National Registration Department, Township Internal Revenue Department, Township Fire Service Department, Township Electric Power Cooperation, Township Labor Department, Township Factory and General Labour Laws Inspection Department, Township Farm Land Management and Record Department, Township Education Office, Township Fishery Department, Township Livestock Breeding and Veterinary Department, Township Rural Development Department, Township Agriculture Department, Township Myanmar Economic Bank, Township Urban and Housing Development Department, Township Branch, Township Information and Public Relation Department. In order to service easy, smooth and time saving delivery process, the process of lease application steps and required documents details are needed to announce transparently. If so, the applicants can take a good service delivery for the lease of Industrial and Commercial Purpose.

In connection with the applying for the lease of Industrial and Commercial Purpose, some people face with the difficulty in communication of government office. In fact, these circumstances are caused by the reasons that respective staff are away from the office for their other duties and these respective staff can't explain the information and requirements for the applying of lease clearly. And also, respective departments face with the difficulty in communication with applicant. Most of applicants do not come and take the applying process in person by illness, time saving and or any other reasons. In the case of sending agent on behalf of himself for applying of lease, staff are faced of that agent can't submit required documents and also can't give some information of the respective staff's needs.

Another problem found in application process is that some agents are willing to get more money than their agent fee. So, they create unfaithful cases for pocket money by giving fake reason of staff's offer or they induce respective staff to break the moral and cooperation with them, then they claim that amount from the person (applicant). It was untruthfulness between people and department by having of third party agent. This matter is not only for the person (applicant) only but also thread for the department too. When the staff takes bribe, i.e. catch, it is the wrong habit and it might be once in their life. However, when they do it again and again, they think later that it is the right thing and it becomes a habitual action. These wrong attitudes are main source of corruption and that will cause unwilling action to them.

CHAPTER V

FINDINGS AND RECOMMENDATIONS

Granting for the lease of Industrial and Commercial purpose in Thanlyin and Kyauktan Townships encourages more local socioeconomic development within local community. In addition to the consideration of receiving land revenue for the State budget and infrastructure development, microeconomic point of view says that investment in Thilawa SEZ supports local business investments which contribute to growth of continuous environment of Thanlyin and Kyauktan Townships. Such advantages are electricity, transport facility, firm of land value, employment opportunity, individual income, living standard in local community, that are also tend to Regional developments.

Based on Key In Format Interviews (KII) with different officer level of 12 service persons and Focused Group Discussion (FGD) with 16 Ward or Village Tract Administrators and 25 business persons, along with ground-surveyed situations, there is a proven socioeconomic development concerned with the lands that have got leases of Industrial and Commercial purpose in Thanlyin and Kyauktan Townships. However, some facts are pointed as weaknesses and threats; whereas some coincidences are tend into future improvements. Therefore, the needs to plan and prepare for future improvements are very critical and concerned with all the stakeholders; authority, departments, staff and local community.

5.1 Findings

According to the collected data, some lands that got the lease of Industrial and Commercial purpose are found as monopoly form in land priory ownership right and land value market along with the firming of land value. The lack of checking or monitoring of business operation by respective ministries or departments, also leads to the said form of monopoly and cause of intentionally getting lease with another purpose other than the business applied in reality.

Concerning with the letting of 1 acre value for the rate calculation of land rent, it is found that standard values used for calculation are out date, and it is an unreasonable value with present time and current market value. Another point is that to get a good application process and procedure, or a good public service delivery, there was a failure of communication between applicants and respective departments.

One disagreeable point is found in the granting of the lease of 53.05 acres for Housing Complex in Thanlyin Township. 709 acres of Town land and 1,232 acres of Village land are settled with 17 wards and 28 village tracts in Thanlyin Township. Generally, land allocation can be calculated as 42 acres per Town and 44 acres per Village tract. So, granted area of 53.05 acres is more than one ward area or one village tract area. According to Section 34 A (iii), Chapter VII of Directions for Town and Village lands, 1913, it is stated that “ An acre should be allowed for every 10 sites required of the minimum size of 40' × 60', and an acre for every sites of 50' × 75'.” Therefore, the area of 53.05 acres can be allocated the size 40' × 60', to get 530 sites. In doing so, if local authority plan for extending of town area for residential purpose, the leased area 53.05 acres is pretty enough. Exception of Master Plan of Government or any other SEZ project, the lease of 53.05 acres should not be granted for private interests by means of Industrial and Commercial purpose.

It is also found that the leased area is more than the required area of the business. The granting of the lease of 165.73 acres for Machine Oil Tank in Kyauktan Township, is not reasonable for the nature of business. The area of 165.73 acres was a huge surplus area for Machine Oil Tank.. Even though it is the future investment for the potential business purpose concerned with Thilawa SEZ, the whole area of 165.73 acres (estimating area of 4 village tracts) is too much and in appropriate.

In order to do Service Delivery business, the lease of land area 15.766 acres is not reasonable. In the case of Service delivery business it is not necessary to have 15.766 acres. There is no consideration of purposed business nature be proper with applied land area.

Land Administration process is quite wide. GAD uses two laws for land administration. These two laws are very effective and useful in land administration. However, terms, conditions, limitations, revenue rates and fines are different from current situation and also referenced laws are repeated to each other.

Some business persons are facing mental or physical distress because these small businesses are terrified of big investment business. The Weakness in investment and technology is the main problem

for small business. Even though big businesses usually apply for the lease of industrial and commercial purpose to do business, small businesses do not apply for the lease and instead operate their business with the permit to use the Paddy land by other means in order to avoid the lease rent. For improved business operation, although big investment businesses can get easily by assured of the lease document of Industrial or Commercial purpose at Bank, small businesses haven't legal documents concerned with land on which their business is located. Concerning with the same product competition in the market, small business can lose their existence in future.

From the side of big investment businesses, they are facing with some unsafety problems with small local businesses. They are investing many million in business for qualified products to export and also local distribution. Comparing the market, they are facing with illegal exports of small businesses by using unofficial ways. Small businesses can offer cheap price because they do not have cost for custom, investigation fee, trade mark, export permit and Quality Control (QC pass). In this kind of case, big investment businesses are struggling for their future business existence.

5.2 Recommendations

Concerning with monopoly in land priority ownership right and land value market, it is needed to monitor the business operations by respective ministries or departments. The surprise checks must be done by GAD and ministry or department concerned whether the land is monopolized or not, and getting lease is with real intention or other intentions.

In addition, the use of standard 1 acre value (since 2013) is not reasonable for present time and current market value. It is needed to set reasonable value for respective standard value for the collection of corrected land rent rate. That's why GAD is needed to reset the land value of 1 acre with coordination and collaboration with Farm Land Management and Record Department.

To build up a good application process and procedure, or a good public service delivery, it is needed to build good communication between applicants and respective departments. Even if the applicant cannot be present time to illness or other causes, a trustful agent who can deal with the staff well has to be sent.

Granting leased area is more than the natures of business, it is needed that the consideration of purposed business nature be proper with applied land area. In connection with future investment

concerned, trustful business plan or reliable official documents should inscribe in application attachment and respective departments are needed to check and inquire to grant the proposed area of lease.

In connection with GAD's referenced laws for land administration which are repeated to each other, it is required organizing all of land administration laws to one umbrella law or amending of differences with present time. One should be aware of reviewing in a section of repeated section with other laws. Because these lands administration laws are very complete laws of land administration exception with differences in terms, conditions, limitations, rent rate and fines with current situation.

For small business facing mental or physical insecurity, it is needed to provide required of investments like SMEs loan and new technology by the Government. Being a competitive market system, small businesses have to promote the quality of their products.

In this kind of case, big investment businesses are struggling maintain their business because of illegal exports of small businesses using unofficial ways. Local authority and other related departments should restrict custom duty, investigation fee, trade mark registration, export permit and Quality Control (QC pass) to prevent illegal exports through.

REFERENCES

- 1 A Wells-Dang, Pham Quang Tu and A Burke. “Conversion of Land Use in Vietnam through a Political Economy Lens”, *Vietnam Journal of Social Sciences and Humanities* (April 2016).
- 2 Aimee Zaw (2016) EMDevS Thesis, Analysis of Land Use Policy Reform in Myanmar (2003-2013), unpublished EMDevS Thesis, Yangon University of Economics.
- 3 Audjarint, W., “Expert warns of dangers of Article 44.” *The Nation* (Bangkok), 25 January 2016.
- 4 Centre for Agricultural Policy. Vietnam Farmers’ Union, Vietnam Chamber of Commerce and Industry (VCCI), and Advancement of Community Empowerment and Partnership (ACEP), *Land consolidation for poor people in Vietnam, report summar*, 2013.
- 5 Colchester and Chao, eds. *Agribusiness Large-Scale Land Acquisitions and Human Rights in South-East Asia*.
- 6 Colchester and Chao, eds. *Agribusiness Large-Scale Land Acquisitions and Human Rights in South-East Asia*.
- 7 Colchester, M and Chao, M (eds.), *Oil palm expansion in Southeast Asia: Trends and implications for local communities and indigenous peoples*. Forest Peoples Programme and Perkumpulan Sawit Watch, 2011.
- 8 Constitution of the Republic of the Union of Myanmar, 2018.
- 9 Constitution of the Socialist Republic of Vietnam, 2013.

- 10 Dallinger, J. “Oil palm development in Thailand: Economic, social, and environmental considerations”, 2011.
- 11 Dang Hung Vo and Nguyen Van Thang, Improving land governance in Vietnam, draft report, 2013, Land Governance Assessment Framework.
- 12 Deadline set for land-use certificates, 12 August 2013.
- 13 Direction of Yangon Region Government, 2016.
- 14 Directions of General Administration Department, 2006 to 2017.
- 15 Directions Under The Lower Burma Town And Village Lands Act And The Rules Thereunder, 1913.
- 16 Dwyer, M., “The formalization fix? Land titling, land concessions and the politics of spatial transparency in Cambodia.” *Journal of Peasant Studies*, 2015.
- 17 Embassy of Denmark, World Bank and Embassy of Sweden. Recognizing and reducing corruption risks in land management in Vietnam, 2011.
- 18 Forest Law, 2004.
- 19 Giné, X., “Cultivate or rent out? Land security in rural Thailand.” unpublished paper, World Bank, 2004.
- 20 Grimsditch, M., Kol Leakhana and Sherchan, D., Access to Land Title in Cambodia: A Study of Systematic Land Registration in Three Cambodian Provinces and the Capital (Phnom Penh: NGO Forum on Cambodia, 2012).
- 21 Helwig, S. What is the Land Department? Price Sanond Lawyers, 18 February 2014.
- 22 Hul Reaksmeay, “Hun Sen again stresses need to develop irrigation systems.” *Cambodia Daily*, 19 August 2014.
- 23 Iyer, L and Q-T Do. “Land titling and rural transition in Vietnam.” *Economic Development and Cultural Change*, April 2008.
- 24 Law on the Vietnam Fatherland Front, 2015.
- 25 Maung Yee Win (2008) EMDevs Thesis, Development of Land Policy, Land Administration, Land Fragmentation and Farm Size in Myanmar (1993-2003), unpublished MDEV Research Paper, Yangon Institute of Economics.
- 26 Maximum Concession Period Cut to Half Century in Investment Promotion Overhaul. *Vientiane Times*, 18 April 2017.

- 27 Ministry of Land Management Urban Planning and Construction (MLMUP). Progress Report on the Results of the Activities in 2015 and Planning in 2016, March 2016.
- 28 Ministry of Natural Resources and Environment. Organization information, 2011.
- 29 Nabangchang-Srisawalak, O. Land Tenure Data in Thailand. UN Food and Agriculture Organization, 2006.
- 30 Panorama, Ministry of Home Affairs, 2000.
- 31 PM Urges Evaluation of the Turning Land into Capital Policy, KPL, 6 July 2016.
- 32 Royal Thai Government, “PM chairs meeting of National Land Policy Committee.” 2015.
- 33 Rules Under The Lower Burma Town And Village Lands Act, 1907.
- 34 Rules Under The Upper Burma Land And Revenue Regulation, 1889.
- 35 Schumann, G., Ngaosrivathana, P., Soulivanh, B., Kenpraseuth, S., Onmanivong, K., Vongphansipraseuth, K. and Bounkhong, C., Study on State Land Leases and Concessions in Lao PDR. (Vientiane: GTZ, 2006).
- 36 Sok Chan 2017. “Report says farming workforce halved”, *Khmer Times*, 15 June 2017.
- 37 Subedi, S., Report of the Special Rapporteur on the situation of human rights in Cambodia, Addendum: A human rights analysis of economic and other land concessions in Cambodia (United Nations Commission on Human Rights, 21st Session, 11 October 2012).
- 38 Thai PBS. “Government to distribute state land for the landless.” 29 February 2016.
- 39 The Farmland Law, 2012.
- 40 The Land Nationalization Act, 1953.
- 41 The Lower Burma Town and Village Lands Act, 1898.
- 42 The State Grants Act, 1895.
- 43 The Upper Burma Land And Revenue Regulation, 1889.
- 44 Üllenberg, A., Foreign Direct Investment in Land in Cambodia (Phnom Penh: GIZ, 2009).
- 45 UNIDO, Economic zones in Vietnam provinces, accessed May 2017.
- 46 USAID country profile: Property rights and resource governance, 2011.
- 47 USAID country profile: Property rights and resource governance. 2011.
- 48 USAID. Country profile: Property rights and resource governance, 2013.
- 49 Vietnam News Service. “Land-use certification to be sped up”, 5 March 2013.

- 50 Wellmann, D., The Legal Framework of State Land Leases and Concessions in the Lao PDR (Vientiane: GIZ, 2012).
- 51 World Bank and DEPOCEN. Land transparency study synthesis report, 2014.
- 52 World Bank. Sharing growth: equity and development in Cambodia. Report No.39809KH (PhnomPenh, 2007).
- 53 World Bank. Taking stock: An update on Vietnam's recent economic developments. 2014.
- 54 Yangon Regional Facts and Figures, 2005 to 2017.
- 55 Ye` Kyaw Thu (2006) MPA Thesis, A Study On Land Administration In Myanmar, unpublished MPA Research Paper, Yangon Institute of Economics.

WEBSITE

- 1 <file:///C:/Users/acer/Downloads/Documents/ERIA-DP-2015-59.pdf>
- 2 <http://library.opendevelopmentcambodia.net:8080/newgenlibtxt/View?CatId=2469&OwnLibId=1&LibraryId=1&From=Library>
- 3 http://lrd.spc.int/index.php?option=com_content&view=article&id=447:the-importance-of-good-land-use-management&catid=141:articles
- 4 <http://rightslinklao.org/?p=7389&lang=en>
- 5 <http://www.ciesin.org/lw-kmn/slm/slm.html>
- 6 <http://www.fao.org/docrep/T1079E/t1079e02.htm>
- 7 <http://www.khmertimeskh.com/news/39336/>
- 8 http://www.mlmpc.gov.kh/?page=document&ref_id=24&ctype=article&id=450&lg=kh
- 9 <http://www.phnompenhpost.com/national/govt-denies-land-issues>
- 10 http://www.vientianetimes.org.la/FreeContent/FreeContent_Maximum.htm
- 11 <https://data2.unhcr.org/en/news/18674>
- 12 <https://landportal.info/book/countries/THA>
- 13 <https://laos.opendevelopmentmekong.net/topics/state-land-leases-and-concessions/>
- 14 <https://opendevelopmentcambodia.net/topics/land/>

- 15 [https://static1.squarespace.com/static/5694c48bd82d5e9597570999/t/5936667bff7c502e51f56177/1496737426329/Preliminary+draft+scoping+paper+fro+LMI May+2017.pdf](https://static1.squarespace.com/static/5694c48bd82d5e9597570999/t/5936667bff7c502e51f56177/1496737426329/Preliminary+draft+scoping+paper+fro+LMI+May+2017.pdf)
- 16 <https://thailand.opendevelopmentmekong.net/topics/land/>
- 17 <https://vietnam.opendevelopmentmekong.net/topics/land/>
- 18 <https://www.adb.org/publications/sustainable-land-management-asia>
- 19 <https://www.cambodiadaily.com/archives/hun-sen-again-stresses-need-to-develop-irrigation-systems-66810/>
- 20 <https://www.mmtimes.com/business/24405-jica-updates-2040-plan-for-yangon-development.html>
- 21 <https://www.sciencedirect.com/topics/agricultural-and-biological-sciences/land-management>

APPENDIXES

Appendix 1

Questionnaire for the Lessee/ Business Person in the leased land

Chapter (1)

1. Type of business -----
2. Acres of Land -----
3. Date for permission of Industrial
and Commercial Purpose Lease -----
4. Stating Date -----
5. Is the business in operation? ☐ Yes ☐ No
6. Number of employees Male ----- Female ----- Total -----
7. Salary Male Female

100,000 and above

200,000 and above

300,000 and above
8. Accommodation ☐ Yes ☐ No
9. Water supply ☐ Yes ☐ No
10. Toilet ☐ Yes ☐ No
11. First Aid Kit ☐ Yes ☐ No
12. Fire safety ☐ Yes ☐ No

Chapter (2)

Is the business working?

☐

Yes

☐

No

1. If so, The Investment and Tax

(a) Commercial Tax

(b) Income Tax

(d) Others

2. Corporate Social Responsibility

❖ Education

❖ Health

❖ Social Work

❖ Transportation

❖ Others

3. Mention the advantages/disadvantages of getting Industrial and Commercial Purpose Lease.

4. Difficulties in applying Industrial and Commercial Purpose Lease.

5. Difficulties concerned with respective departments.

6. Points to be carried out by the respective Ministries/Departments
(a) For Industrial and Commercial Purpose Lease (b) For the business

7. Points/Things to be carried out by the Government

Questionnaire For DC, TA, Ward and Village Tract Administrator

1. Types of business that applied for Local Industrial and Commercial Purpose Lease.

2. Condition of application for Industrial and Commercial Purpose Lease.

3. Permission for Industrial and Commercial Purpose Lease. (2011-2017)

4. Implementation of respective Business on Lease.

Concerns with the benefit of the region Economic Development (Local Value and

6. Others
