

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

**A STUDY ON RESIDENTIAL LAND USE MANAGEMENT  
IN YANGON  
(Case Study: Kyauk Tan Township)**

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**IN YANGON**  
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A thesis submitted in partial fulfillment of the requirements for the degree of  
Master of Public Administration (MPA)

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**MASTER OF PUBLIC ADMINISTRATION PROGRAMME**

This is to certify that this thesis entitled “**A STUDY ON RESIDENTIAL LAND USE MANAGEMENT IN YANGON (CASE STUDY: KYAUK TAN TOWNSHIP)**” submitted as a partial fulfilment towards the requirements for the degree of Master of Public Administration has been accepted by the Board of Examiners.

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## **ABSTRACT**

This thesis aims to examine residential land use management and to analyze the effectiveness of residential land use management of GAD in Kyauktan Township. A survey is conducted on a sample of 300 residents, land grant holders and non-grant holders from this township. KII survey is also conducted on officials of GAD. The study found out that most of the respondents are of age above 30 years, majority are married and only 18.33 percent are singles. For education, 71 percent of the total respondents are only in the basic level. There are 63.33 percent are low income households earning less than or equal to kyat 5 lakhs. For housing, 31.67 percent lives in brick nogging buildings and 11.00 percent, in wooden houses. Land ownership is found as in township area, only 41.67 percent have grants and others have no grants. The land area of 26.67 percent of respondents is only (20×60) square feet whereas the remaining respondents have (40×60) square feet and above. The migrant respondents, who are moving in within last 10 years accounted for 6.67 percent. Some respondents are living in the study area is for their small businesses such as mini-shops and restaurants. In administration of land use, 50 percent of respondents do not know much about grant or lease, why the land revenue has to be paid, and whether the grant is important or not. However, there are 41.67percent that know very well about the grant. All of the respondents said that the grant was a very good opportunity for land ownership. Only 33.33 percent of respondents know about the land laws while others do not. The respondents' attitude on the accountability of Township GAD, 39.33 percent of respondents stated as very good, and 12.33 percent, as not good. About 75 percent of the respondents liked on activity of Township GAD and 8.33 % disliked. There are 52.66 percent of respondents who would like to read the land laws in Myanmar Version and 13.33 percent disagreed and thought the laws are needed to be in English.

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## **LIST OF ABBREVIATIONS**

ASEAN	Association of South-East Asian Nations
CLMV	Cambodia, Laos, Myanmar, Vietnam
DC	District Commissioner
FGD	Focus Group Discussion
GAD	General Administration Department
GDP	Gross Domestic Product
IDA	Institute of Development Administration
IZ	Industrial Zone
KII	Key Informant Interview
MCDC	Mandalay City Development Committee
MEC	Myanmar Economic Cooperation
MIC	Myanmar Investment Commission
MITT	Myanmar International Terminal Thilawa
MOHA	Ministry of Home Affairs
MOUG	Ministry of Office of Union Government
NCDC	Naypyitaw City Development Committee
NGOs	Non-Governmental Organization
SEZ	Special Economic Zone
YCDC	Yangon City Development Committee

# **CHAPTER I**

## **INTRODUCTION**

### **1.1 Rationale of the Study**

Land Use Management is the system of legal requirements and regulations that apply to land in order to achieve desirable and harmonious development of the built environment. Every property in the city has a set of regulations to control development. These regulations are determined by the zoning of the property. Property zoning is set out in the applicable Town Planning Scheme, which determines such aspects as possible land use, floor area, coverage, building lines, parking provisions etc.

There are presently different Town Planning Schemes for different areas of the city. It is important to establish which scheme applies to which area, as the specific requirements of the schemes differ. In addition to the zoning regulations, development is also controlled by conditions of title. These conditions are set out in the Title Deed of each property, and can restrict the way in which a property may be developed.

Land use is seriously emphasized when an area is used for a specific purpose to meet the wants and needs of people. The land may be used as it naturally exists, like using a lake for swimming and boating. Or, the land may be changed so that it can be used for another specific purpose, such as a hole being blasted into the side of a mountain so railroad tracks can be laid for trains to pass through. Land use management is the main responsibility of General Administration Department (GAD).

In section 37(a) of the Constitution of Republic of the Union of Myanmar, it states that the state is the ultimate owner of all lands and all natural resources above and below the ground, above and beneath the water and in the atmosphere in the state. According to the provisions of the Constitution, all lands in the state are owned by the state. All land use is managed by the government on behalf of the state and the power is conferred to the ministries and City Development Committees in accordance with the laws. Lands at the disposal of the State shall be obtained the permit to use systematically for use public interest, construction of offices and staff housings,

dwelling places, construction of buildings, enterprises and business. According to Section 96, schedule 1 of the town and village land are implemented by the state government and according to section 188, schedule 2 of region or state legislative list, town and housing development and development matters are implemented by the region or state government.

There are five main types of land use: residential, agricultural, recreational, transportation, and commercial. Whether you live in an apartment, town-home, house, or other type of home, the land where you live is used for residential purposes. This means the land is used to provide housing for people to live in. This thesis is presented especially residential land use.

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 General Administration Department.

KyaukTan Land management is under the authority of General Administration Department and not under the Yangon City Development Committee. To develop the township, the housing must be disciplined. If not, there will be barriers or constraints when there is a fire outbreak and is very difficult to put out the fire. To settle the migrants' problem, the land administration is essential. 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 (GAD, 2018).

In managing town and village land, the General Administration Department is implementing the following in accordance with the existing land use management laws, rules and procedures for the benefit of the State and the public and for private organizations;

- (a) Lease,
- (b) Grant and religious grant,
- (c) Sacred building grant,
- (d) Land acquisition and land transfer,
- (e) Allotment, maintenance and cancellation of grazing grounds.

The General Administration Department is under the Ministry of Office of Union Government. The duties and functions of GAD are to collect the tax from the land and land management, to collect the excise revenue, to make the regional development and to make administrative mechanism to drive regularly. Among them, the land management is the very important role of GAD. Land-use planning is the

process of regulating the use of land in an effort to promote more desirable social and environmental outcomes as well as a more efficient use of resources. Governments use land-use planning to manage the development of land within their jurisdictions. The land management of GAD includes monitoring and controlling the land use on the production the fire-brick, the housing.

## **1.2 Objective of the Study**

The objectives of the study are to examine residential land use management and analyze the effectiveness of residential land use management of GAD in Kyauktan Township.

## **1.3 Method of Study**

The study is descriptive method based on primary data and secondary data. Primary data is collected from Key Informant Interviews with responsible persons and land owners. A sample of 300, 250 land owners for residential purpose and another 50, for commercial purpose is selected. A structured questionnaire is prepared containing (5) sections which are characteristics of the respondents, housing condition of the respondents, the condition of residential land, advantages from location of respondents' residence, and KAP survey. For KII, (9) officials from Yangon South District, Kyauktan Township, and from villages are interviewed. GAD Secondary data is obtained from official documents of Kyauktan GAD, Kyauktan Department of agricultural land management and statistics.

## **1.4 Scope and Limitations of the Study**

The main focus is only on residential land use management of Kyauktan Township GAD. The study does not include the detail facts of land use management in Kyauktan. The study does not cover the land use management tasks of Kyauktan. The scope of the study is from the period between 2008 and 2018.

## **1.5 Organization of the Study**

The organization of the study is organized into five chapters. Chapter (1) is organized into the rationale of the study, objectives of the study, method of the study, scope and limitation of the study, and organization of the study. Chapter (2) is written about literature review and is organized with land administration, land administration

in some selected ASEAN countries and reviews on previous studies. Chapter (3) is presented the role of land use management of GAD in Myanmar and is organized together with land administration in Myanmar, land acquisition and land transfer, General Administration Department and land use management and land administration in Yangon South District. Chapter (4) is survey analysis of residential land use management and is organized with survey profile, survey designs and survey results. Chapter (5) is conclusion with findings and recommendations.

## **CHAPTER II**

### **LITERATURE REVIEW**

#### **2.1 land Administration**

Land and people are very important for administration. All people need food, clothes and shelter and all needs get basically from the land. Land is a major source of wealth and power. All desires of people are not limited and land and natural resources are limited. To be harmonious management about land for people, every government has to try. Land is physical commodity and an abstract concept. To use or own, the fair and good administration is essential for people about the present time and future. (UN, 1996)

In world, today the population is larger and larger; the right to own and use land is more and more difficult. The migration problems are formed daily and the technique for agriculture is invented better and better to get enough food. The governments have to enact the land-laws to be the best but that laws need to be repaired. The training for land administration is usually given to solve the problems. Land is an important factor of needs and wants for people. Land provides the economic and social opportunities for the benefit of present and future generations. To sustain the best the land use for long-term plan, the transformation of agricultural method must do carefully.

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 (someone’s 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. (Research Gate Net, 2000)

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. (World Bank, 2002)

## **2.2 Land Administration in some selected ASEAN Countries**

Land administration is why 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 administrator. 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, 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 Cambodia, Laos, Philippines, Thailand and Vietnam should be studied. (Dale & McLaughlin, 1999)

### **(a) 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 other 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 and rely on agriculture in 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 surveyed 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 drawn out 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 4 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 Cheng, 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 instead of the stronger legal category of ownership rights. According to law, only legal possessors have the right to become owners, while households who possess land illegally do not. For instance, NGOs observe that possession may be legal, but



residents are often evicted. Nearly 12 percentages 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 percent 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)

(b) Land Administration in Lao

State land leases and concession in Laos are in 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 fewer 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 Countries 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)

(c) Land Administration in 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. (Vietnam Law, 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 Certificate (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; agriculture LURCs (red book) and forest land for 50-years 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 villages. 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 processes 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 purpose. 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 hectares of agricultural and forestland. (Vietnamese Constitution Land Law, 2013: Oxfam, 2012).

#### (d) 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. The department of

lands of the ministry of interior operates through a system of provincial and district land offices. The departmental responsibility include titling and registration for agricultural and residential land management, the rests with 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,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)

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 Minster 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 19,500 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 household 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 interests. 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 Gine, 2004)

### **2.3 Reviews on Previous Studies**

Ye Win (2007) in his thesis entitled “The development of Land Policy, Land Administration, Land Fragmentation and Farm Size in Myanmar” found that there were two turning points in Myanmar to combat the landlordism. The first turning point was the declaration of 1953 Land Nationalization Act and Second turning Point was enactment of 1963 Tenancy Act and 1965 Amendment of Act of Tenancy Act. These laws influenced upon current status of land fragmentation and size of holdings. He found the main constraint that was the increasing of productivity is weakness for investment. If the constraints are removed, the nation must be developed and the job opportunity must be better.

Ye Kyaw Thu, (2006) in his thesis entitled “A Study on Land Administration in Myanmar” studied that land administration forms and essence under different sovereignties in the historical process of Myanmar. The objectives of thesis were to be able to administer properly the land administration for the public interest. He made references the history of land use management and the land laws. At last, his findings were that land laws include in the important role and it should apply and practice to be effective.

Maryudi Sastrowihardjo (2015) in his thesis, “Land Use System Approach to Sustainable Land Management in Indonesia” stated about sustainable development of land use management. There are becoming climate changes continuously all over the world and the environmental safety is more and more important to deal with the international standards. To achieve the goal, the governmental policy must be utilized seriously on the natural resources on land use management. Continuously, he explained the land tenure, land policy, key points of land laws, land use management and collecting data. At last, he pointed that land use management must cover the planning, implementing, and controlling the utilization of land to establish the sustainable development to get the maximum profit for the nation in future time.

Kazi Masel Ullah (2014) studied about Geographical Information Systems (GIS) used as the tool for the sustainable development of a city, making a complex decision making process. His thesis focused on Urban Land-Use Planning Using Geographical Information System and Analytical Hierarchy Process: Case Study

Dhaka City. As the result of thesis, he found that highly suitable areas should be used for urban residential zone; moderately suitable areas should be designated as mixed use zone; low suitable areas should be reserved for agricultural use and open spaces; and not suitable area should be protected from any types of activities except agriculture. The research approached an urban land-use planning at a regional scale. The research results were also validated with Detail Area Plan of Dhaka Metropolitan Development Plan package in some order.

## **CHAPTER III**

### **THE ROLE OF GAD IN LAND USE MANAGEMENT**

#### **3.1 Land Administration in Myanmar**

The Myanmar constitution 2008 provides for private property rights in section 37(a) under Chapter-1, 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) Land use of Ministries/ Department/ Enterprise/ Organization.

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, and the Ministry of Natural Resources and Environmental Conservation for upland, or (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 MOECAAF established in 2011.

As stated in section 37(a) of the 2008 Constitution, the state is the ultimate owner of all land and all natural resources above and below the ground, above and beneath the water and in the atmosphere in the state. According to the provisions of the Constitution, all land in the state is owned by the state. All land use is managed by the government on behalf of the state and the power is conferred to the ministries and City Development Committees in accordance with the laws. Land at the disposal of the State shall be obtained under the permit to use systematically for use of public interest, construction of offices and staff housings, dwelling places, construction of buildings, enterprises and businesses. According to Section 96, schedule 1 of the town and village land are implemented by the state government and according to section

188, schedule 2 of region or state legislative list, town and housing development and development matters are implemented by the region or state government.

### **3.1.1 Powers Conferred on Union Ministries, Organizations and Committees for Land Use Management**

In accordance with the above mentioned provisions of the Construction, Union Ministries, or organizations and committees are conferred with powers on behalf of the state to implement land use management as stated in the following.

- (a). **The Ministry of Office of Union Government** manages town and village land, grant, lease, land acquisition and land transfer, allotment, maintenance and cancellation of grazing grounds in accordance with the land and revenue act, 1876, Upper Myanmar Land and Revenue Regulations, 1889, Lower Myanmar Town and Village Lands Act, 1898 and the Land Acquisition Act, 1894 and their rules:
- (b). The Central Administration Body for Farm Land of the Ministry of Agriculture and Irrigation manages farm land in accordance with the Farm Land Law, 2012 and its rules.
- (c). The Central Committee for the administration of vacant, fallow and virgin land manages in accordance with the Administration of Vacant, Fallow and Virgin Land Law, 2012 and its rules.
- (d). The Ministry of Environmental Conservation and Forestry manages forest land (reserved forest land, protected public forest land), natural land, zoo, botanical gardens in accordance with the Forest Law, 1992 and the Protection of Wildlife and Conservation of Natural Areas Law, 1994 and their rules.
- (e). The Ministry of Mines manages mineral reserved area and gemstone tracts in accordance with the Myanmar Mines Law, 1994 and Myanmar Gemstone Law, 1995 and their rules.
- (f). The Ministry of Construction manages town lands, roads and its boundary managed by The Department of Urban and Housing Development in accordance with the State Public Housing Rehabilitation and Urban and Rural Development Board Act, 1951 and Highways Law, 2000 and its rules,



- (g). The Ministry of Railway Transport manages railway in accordance with the Railways Act, 1890
- (h). The Ministry of Culture manages cultural heritage land in accordance with the Protection and Preservation of Cultural Heritage Regions Law, 1998 and its rules
- (i). The Ministry of Transport manages river-creek boundary, bank boundary and waterfront boundary in accordance with the Conservation of Water Resources and Rivers Law, 2006.
- (j). The Ministry of Energy manages oil fields in accordance with the Oilfields Act, 1918.
- (j). The Ministry of Livestock, Fishery and Rural Development manages fisheries water, land for aquaculture, reserved fisheries water and freshwater fisheries waters in accordance with the Law Relating to Aquaculture, 1989 and the Freshwater Fisheries Law, 1991
- (k). Land Management by Nay Pyi Taw, Yangon City, Mandalay City Development Committees

Management of land owned by City Development Committees, Land at the disposal of committees, land transferred under the existing law by committees, private land, land granted to private owner by lease, license or permit except State-owned land, land at the disposal of the government, land owned by government department or organization, religious land and sacred building, and vacant and fallow land within the boundary of Nay Pyi Taw, Yangon City or Mandalay City Development Committee is implemented by

- (a) Nay Pyi Taw Development Committee in accordance with the Nay Pyi Taw Development Committee Law, 2009,
- (b) Yangon City Development Committee in accordance with the Yangon City, Development Committee Law, 1990, 2003 and 2018,
- (c) Mandalay City Development Committee in accordance with the Mandalay City Development Committee Law, 2002

### **3.1.2 Land Administration and Land Use Management by the Ministry of Office of Union Government**

In managing town and village land, the General Administration Department of the Ministry of Office of Union Government is implementing the following in accordance

with the existing land use management laws, rules and procedures for the benefit of the State and the public and for private organizations. Land use is granted in the following three categories; Grant, Lease, and License.

**(a) Grant**

In granting land use, up to one acre of land is granted by District Administrator (Collector), up to five acres of land is approved by Region/ State Administrator and more than five acres of land is approved by the Director General. Issue of new Lease is directed to implement in accordance with land management laws and procedures. It is directed to service the publication in fair and speedy way in accordance with the existing laws and procedures to avoid administration weakness and corruption between the public and government departments.

Grant can be issued to vacant and fallow land at the disposal of the State for construction of religious buildings or use of land for public purposes where there is no income. The grant can be issued to the applicant by directing to pay 20 times of annual sum payable revenue at one time. Religious grant is issued and sacred building grant is allowed for ordination of monks.

**(b) Lease**

It is granted for dwelling places, construction, industries, mining, husbandry and construction for other business with annual rent for specified period and terms of agreement. Long term lease up to 90 years is granted depending on the strength of dwelling which is granted for 30 years at a time and can be renewed three times. Short term lease up to 10 years at a time and can be renewed three times. Short term industrial lease of 30 years is granted by fixing rent up to 12% of market value of land for business and industries.

**(c) License**

It is granted for temporary use not exceeding 3 years with annual rent for dwellings and industries in wards where there is no civil plan and in villages where plots are specified.

### **3.2 Land Acquisition and land Transfer**

**(a) Notification of Land Transfer**

The government departments and organizations apply to the relevant District Administration Department for the acquisition of the vacant, fallow and virgin land or other land at the disposal of the state. If all necessary documents are submitted, the

Ministry of Office of the Union Government issues the Notification of Land Transfer under the Land and Revenue Ordinance No. 332, 333, 334, 335 or 336. Any government department or organization shall return the transferred land, wholly or in part, to the State on the date at which the land is not used according to the Notification of Land Transfer. Where a situation occurs to transfer the land acquired by any government department on its title to another department, the former shall transfer the land to the State and the latter shall apply for the land to the State, and the latter shall apply for the land to the state in accordance with the procedure. If the application is approved, the Ministry shall transfer the land on behalf of the State, by notification.

**(b) Land Acquisition and Land Transfer**

If any government organization reports to acquire land for use, by mentioning the purpose, for the interest of public with the approval of President, land acquisition shall be made under the Land Acquisition Act, 1894. In doing so, the relief shall be provided not to affect the public for acquiring the minimum land area in accordance with the provisions of the law. If it is farm land, it shall be carried out to use farm land in other ways, compensate farmers for loss of land and crops in accordance with the provisions of the Farm Land Law, 2012. Land acquisition is carried out according to the following procedures:

The Ministry acquiring the land for interest of the public shall apply to the District Administration of the Administration Department in which the land is situated by mentioning the reason for use and the required document shall be attached to the application; Consent of the relevant Ministry, Financial agreement, and Land map and land record mentioning location, type and area of the land from the relevant Department of Settlement and Land record mentioning location, type and area of the land from the relevant Department of Settlement and Land Records or Civil Planning and Land Management Department.(Land Acquisition Ordinance No.3, 15/1)

The District Administrator of the Administration Department in which the land is situated shall file the application of the Ministry acquiring the land and submit it to various levels of Administrator in the prescribed manner. The Minister for the Ministry of Home Affairs shall appoint a Collector for land acquisition, by notification, under section 4(1) of the Land Acquisition Act for any public purposes on behalf of the Government. (Section 3(c), 4(10)(2) of the Land Acquisition Act, Land Acquisition Ordinance No.17, 18)

The Collector shall estimate amount of compensation for land and crops after the Minister for the Ministry of Home Affairs had issued the notification under section 4(1) of the Land Acquisition Act (market value of the land, other costs, damages for perennial tree and seasonal crops, costs for transfer of building) (Land Acquisition Ordinance No.19, 20)

The amount of compensation for land acquired under the Land Acquisition Act shall be the market value of the land on the date of the publication of notification. (Section 23(1) of the Land Acquisition Act, Land Acquisition ordinance No. 38)

Where the notification of the Union Minister for the Ministry of Home Affairs regarding Land Acquisition and appointment of a Collector is received, a general notice mentioning land acquisition for the relevant Ministry and boundary of the land shall be issued to the person interested for objection in writing at which date and time and a special notice shall be sent to the person interested for objections. (Section 4/1/2) of the Land Acquisition Act, Land Acquisition Rule 2). The person interested may object to the declaration of land acquisition, (Section 5A (1) of the Land Acquisition Act)

The Collector (the District Administrator of the Administration Department) in which the land is situated shall scrutinize the Land Acquisition Declaration (draft) as prescribed for the issue of the declaration under section 6(1) and submit it to the Union Minister for the Ministry of Home Affairs and obtain approval from the Minister. If the Union Minister is satisfied, the Collector is directed to take the order for the acquisition of land for the purpose of acquiring land under section 6(1). (Sections 6 and 7 of the Land Acquisition Act) 6

According to the Land Acquisition Declaration, the Collector shall cause notice to be given at public places or on notice board or on the land to be taken, stating that the owners or persons interested can claim compensation, in writing, within 15 days. (Section 9(1) (2) (3) of the Land Acquisition Act)

When persons interested survey the land, determine the value and have any objection, the Collector shall file and resolve the case relating to resurvey of the land, compensation and rights of benefits for each objector. (Land Acquisition Ordinance No. 24)

If person interested refuse to receive the compensation fixed in accordance with the Land Acquisition Act, such compensation shall be deposited to the court. (Sections 11 and 31(2) of the Land Acquisition Act)

In the case of urgency, the Collector shall declare, by notice, in the Gazette to vest the land to be acquired as prescribed in the Land Acquisition Declaration on the expiration of fifteen days from the publication of the notice after taking possession of any waste or arable land. The Collector shall not take in possession of the Land without giving to the occupier at least 48 hours for removal. (Section 17(1)(2)(3) of the Land Acquisition Act)

The person interested who has not accepted the award may, by written application to the Collector, refer the case to court. (Section 18 of the Land Acquisition Act)

The proceeding shall place in open court and the court may award a sum of fifteen per centum on the market value, in consideration of compulsory nature of the acquisition. (Sections 22 and 23(2) of the Land Acquisition Act)

### **3.3 Allocation, Maintenance and Cancellation of Grazing Grounds**

As Myanmar is an agricultural country, allotment and maintenance of grazing grounds to graze and pasture, for health of and food for cattle which are essential for agriculture sector and cancellation of grazing grounds for the public are managed in accordance with the provisions of sections 75 to 79 of the Upper Myanmar Land and Revenue Regulations and sections 66 to 71 of the Lower Myanmar Land and Revenue Regulations.

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 promoted agricultural income. These laws have criticized for supporting investors over secured 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 insurance of land use certificates that can be transferred, inherited and mortgaged.

The central committee for the management of vacant, fallow, and virgin land (CCVFFV), 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 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 use planning, transfer to investors.

Foreign investment in the agriculture sector is low compared to manufacturing and mining. Land allocated to large-scale agricultural concessions increased by 170 percent from 2012-13, 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 and extensive public consultation processes. The new policy aims to harmonize existing laws and guide development of a new land law. The policy assures equitable land access for smallholder and landless people, with consideration of customary tenure.

Nowadays, there is promulgation of laws for specific lands and rules and regulations, notifications and directions for the responsible ministries. The kind of lands and their responsible ministries in Myanmar are shown in following

**Table (3.1) Types of Land and Responsibilities by Departments under Various Ministries**

<b>No</b>	<b>Ministry</b>	<b>Types of Land</b>
<b>1</b>	The Ministry of Union of Government of Office GAD-General Administration Department	a. Town Land b. Village Land c. Tank, Lake (tank) rounds d. Strand Banks and Sand banks e. Burial Ground graveyard f. Common land/ Grazing ground or Pasture and g. Religious land
<b>2</b>	Ministry of Agriculture, Livestock and Irrigation (Department of Agricultural land management and statistics)	Farm land, Vacant, Fallow and Virgin Breeding land, Exclusive Fisheries Waters

Continued Table 3.1

No	Ministry	Types of Land
3	Ministry of Natural Resources and Environmental Conservation (Land Department)	Reserved Forest, Protected Forest and Natural Forest Land, Mineral Reserve Area, Gemstone Tract
4	Ministry of Electricity and Energy (Myanmar Electricity Production and Distribution)	Oil Field
5	Ministry of Construction	Road land under the high ways law and exploring the land plot and construct the housing complex under the permission of the Government, Exploring the industrial zones 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 of Communications	Railways land, Land area adjoining with River –creek boundary, Waterfront Boundary
8	Naypyitaw City Development Committee (NCDC), Mandalay City Development Committee (MCDC), Yangon City Development Committee (YCDC)	Land located in the area under the City Development Committee of Naypyitaw, Mandalay and Yangon, Land under the Management of these committees, land transferred under the existing laws, private lands (State Land, Land at the disposal of Government, the land which has land use permit issues by the department/ organization

Source: GAD

As a department under Ministry of Office of Union Government, 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, lease s 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, Stand Banks/ sand Banks and Burial ground graveyard for the public interests.

### **3.4 General Administration Department and Land Use Management**

The General Administration Department (GAD) is central to the functioning of the administrative mechanism across the country. As the Union administration's vertical core, the GAD supports coordination and communication among the Union government's 36 ministries and also connects the capital, Nay Pyi Taw, to approximately 16,700 wards and village tracts within the Union government, and plays a wide range of roles—ranging from tax collection, to land management, and assorted registration and certification processes. The GAD also provides administrative support to the Union territory of Nay Pyi Taw.

#### **3.4.1 Principal functions of GAD**

GAD is an important but little-known organization, particularly with regard to its policies on local governance, national policy-makers and international development partners need to understand the GAD in order to effectively advance reforms, particularly as they relate to administrative decentralization, local governance, and social service provision. The eight principal functions of the department are:

- (a) land administration;
- (b) excise administration;
- (c) collection of four kinds of tax;
- (d) structural settlement of villages and towns;
- (e) rural development;
- (f) formation and registration of organizations and associations;

- (g) conferring honorable titles and medals; and
- (h) Functions on restriction of transferring the immovable properties.

### 3.4.2 Structure of GAD

GAD's structure at the Union level, namely its headquarters in Nay Pyi Taw, includes seven divisions:

- (a) Administration, Personnel Affairs and Logistics Division,
- (b) General Division,
- (c) Land, Excise and Revenue Division,
- (d) Budget and Accounts Division,
- (e) Training and Research Division, and
- (f) International Affairs Division.

. **Land, Excise and Revenue Division:** The responsibilities of this division primarily concern land and excise management, and implementing four kinds of taxation: land, excise, mineral, and irrigation. In terms of land management, the GAD is responsible for 'town lands' and grants, leases and licenses for residential, industrial, and commercial purposes. The GAD also issues grants, free of land revenue, for the erection of a religious edifice or for an unremunerated public purpose. Lastly, when required, the GAD secures the acquisition of lands for public interest, such as for building schools, roads and Special Economic Zones (SEZs). The Land, Excise and Revenue Division are also involved in settling land disputes. While the Land and Revenue Division bear overall responsibility for tax collection, collection is undertaken by township and district administrative offices. Four basic types of taxes are collected by the GAD: *Land tax*: for usage of some urban residential areas and some lands where crops are planted.

The details of these taxes are understandably complex and are based upon six archaic laws, largely dating back to the colonial era:

- (a). Land and Revenue Act (1876)
- (b). The District Cesses Act (1880)
- (c). Upper Burma Land and Revenue Regulation (1889)
- (d). Revenue Recovery Act (1890)
- (e). Burma Excise Act (1917)
- (f). Burma Excise Rule (1928)
- (g). Burma Water and Irrigation (1982)

Tax collection is generally undertaken annually, with the revenues now going to the state and region funds as they have the constitutional mandate under Schedule V regarding subnational revenues. In contrast, tax revenues from the Union territory of Nay Pyi Taw go directly to the Union government. The GAD only began to collect these taxes in 1989-1990, prior to which the Internal Revenue Department was responsible. Excise taxes have historically been by far the most significant in terms of revenue. Land and mineral taxes have been moderately increasing in terms of total revenue, though they are still minimal. The irrigation tax has seen reduced revenue as it included a specific tax for water until May 2007 when that responsibility was transferred from the GAD to the Irrigation Department of the Ministry of Agriculture and Irrigation.

Myanmar's 330 townships are the building blocks for public administration in the country. Township General Administration Offices (township offices) are the primary focal point for the average Myanmar citizen's engagements with the state. The township office, under the leadership of a township administrator, is where key functions of government take place, including population registration, land registration, and most forms of tax collection. While the township office is generally considered more powerful, it cannot direct the actions of the municipal office.

### **3.5 Land Administration in Yangon South District**

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 (From 105 & 106) to use for Land Administration.

The Land Administration of GAD carries out the tasks of land administration in the 10 townships of Yangon South District. These townships are Thanlyin, Kyauktan, Thongwa, Kayan, Twantay, Kawhmu, Kungyangon, Dala, Seikkyi Khanaungto, and Cocokyun Townships. The tasks of land administration in Yangon South District that GAD has carried out during 2008 and 2018 are shown in the following Tables 3.2 to 3.5.

**Table 3.2 Issuing Lease for Residential Purpose in Yangon South District  
(2008-2018) (in acres)**

No	Year	Dala	Kaw Hmu	Ka Yan	Kun Gyan Gon	Kyauk Tan	Than Lyin	Thon Gwa	Twan Tay
1	2008	-	-	0.59	-	0.26	10.41	0.79	1.17
2	2009	-	-	0.12	-	1.22	5.48	0.06	0.46
3	2010	-	1.89	6.08	-	10.90	11.36	0.21	4.09
4	2011	-	-	0.77	-	4.69	6.01	0.12	0.65
5	2012	-	-	0.53	0.48	0.78	102.28	11.31	0.10
6	2013	-	0.16	0.34	1.86	168.27	68.07	0.80	0.79
7	2014	-	0.10	0.00	0.63	1.58	30.21	4.61	1.40
8	2015	9.89	140.49	29.96	21.28	5.51	67.26	120.80	54.01
9	2016	5.50	1.93	43.26	2.01	252.20	142.65	46.57	34.84
10	2017	-	-	6.28	0.10	27.25	42.06	50.15	2.36
11	2018	2.33	-	2.26	163.09	15.73	152.55	4.88	30.36
	<b>Total</b>	<b>17.73</b>	<b>144.56</b>	<b>90.18</b>	<b>189.45</b>	<b>488.38</b>	<b>638.33</b>	<b>240.29</b>	<b>130.2 2</b>

Source: GAD

Table 3.2 shows issuing lease for residential purpose in the townships of Yangon South District except Cocokyun and SeikKyi Khanaungto Townships which have no lease. Most of residents are living for about 12 years consecutively before and after 1898 and then some of them have land-belonging as royalty-right. In Thanlyin and Kyauktan, most of the residents, living in downtown and suburban area, had their grants or lease from the Government. In Kyauktan, 11 years ago, the applications of lease are very narrow.

**Table 3.3 Issuing Lease for Revenue Free Grants of Religious Edifices in Yangon South District (2008-2018) (in acres)**

No	Year	Dala	Kayan	Kyauktan	Thanlyin
1	2009	-	0.90	-	-
2	2010	-	-	-	0.97
3	2011	0.81	-	-	-
4	2015	-	-	2.75	-
	<b>Total</b>	<b>0.81</b>	<b>0.90</b>	<b>2.75</b>	<b>0.97</b>

Source: GAD

Table 3.3 shows Issuing Lease for Revenue Free Grants of Religious Edifices in Yangon South District from 2008 to 2018. There is no issuing in some years. Thanlyin, Kyauktan, Khayan and Dala Townships have free grants for religious matters but there are no grants in other townships.

**Table 3.4 Issuing Lease for Religious Land (BuddhaThein) in Yangon South District (2008-2018) (in acres)**

No	Year	Kayan	Kyauktan	Thanlyin
1	2008	-	-	0.07
2	2009	-	0.06	-
3	2016	-	0.11	-
4	2018	0.03	-	0.08
	<b>Total</b>	<b>0.03</b>	<b>0.23</b>	<b>0.15</b>

Source: GAD

Table 3.4 shows condition of issuing lease for Buddha Thein in Yangon South District from 2008 to 2018. There is no issuing of lease in some years. The area of Buddha Thein is very small and that area is exempt from land acquisition by the government.

**Table 3.5 Cancellation Area from Grazing Grounds in Yangon South District (2008-2018) (in acres)**

No	Year	Kayan	Kungyangon	Kyauktan	Thanlyin
1	2010	-	32.95	-	-
2	2011	170.87	-	-	-
3	2013	-	-	331.01	18.48
4	2016	-	-	-	16.50
5	2017	-	688.30	31.00	-
	<b>Total</b>	<b>170.87</b>	<b>721.25</b>	<b>362.01</b>	<b>34.98</b>

Source: GAD

Table 3.5 shows cancellation area from grazing grounds in Yangon South District from 2008 to 2018. There is no issuing in some years. The cancellation of area is the largest in Kunkgyangone Township because of new housing for resettlement of residents affected by natural disaster. In Kyaunktan, the cancellation area is second because of the establishment of Thilawa Special Economic Zone (SEZ). In Thanlyin, the cancellation area is for the purpose of Government Department establishments, the Military and Thilawa SEZ. In this region, the factories and home industries have increased and the land area has being extended and the agriculture sector is now in farm mechanization where cattle and buffalos were substituted with machines.

**Table 3.6 Issuing Lease for Land Acquisition Area in Yangon South District (in acres)**

No	Year	Kungyangon	Kyauktan	Seikto	Thanlyin	Twantay
1	2009	-	173.26	-	-	-
2	2010	-	-	-	209.22	-
3	2011	150.00	-	-	-	46.60
4	2012	-	1277.96	-	-	-
5	2013	-	2541.47	-	41.47	-
6	2014	-	-	87.00	-	16789.00
7	2017	-	-	-	-	2778.08
	<b>Total</b>	<b>150.00</b>	<b>3992.69</b>	<b>87.00</b>	<b>250.69</b>	<b>19613.69</b>

Source: GAD

Table 3.6 shows Issuing Lease for Land Acquisition Area in Yangon South District from 2008 to 2018. There is no issuing in some years. The government made the land acquisition for Thilawa SEZ and the military use in Thanlyin, Myanmar Military Air Force Use in KungyanKone, Yangon New City Development, factories and Labour Use in Twantay Township, and Myanmar New City Development in Seikyi Khanaungto Township.

**Table 3.7      Transfer of Land between Governmental Departments in Yangon South District (in acres)**

No	Year	Kungyangon	Kyauktan	Thanlyin
1	2010	150.00	-	50.00
2	2011	-	-	551.32
3	2013	-	78.26	381-960
4	2014	-	-	310.85
5	2017	-	-	34.83
	<b>Total</b>	<b>150.00</b>	<b>78.26</b>	<b>947.01</b>

Source: GAD

Table 3.7 shows Transfer of Land between Governmental Departments in Yangon South District from 2008 to 2018. There is no issuing in some years. This case is found in Thanlyin, Kyauktan and Kungynagon. This transfer is made among the governmental departments under the authority, for the purpose of Myanmar Economic Cooperation, Myanmar Marine Force, Thilawa SEZ and Science and Technology Institute. Therefore, Yangon South District GAD made transfer area of land during 2008 and 2018.

### **3.5.1 Lease for Industrial and Commercial Purpose**

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 or 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 Myanmar 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 ya 30(Kagyi) or 30 (a). Farm Land is needed to be attached. If the land is Farm land, permit to use the Farm Land by other means 3 (Khagwe) or 3(b) and it is needed to be attached.

District Commissioner checks the application form to certify that the required documents are attached in it. When the application form is complete, the District Commissioner sends this 13 form to respective sub-division. The responsible staff record that form at the registration book and file it. After sending the file the Township Administrator or the assistant collector, it is needed to verify the facts of land (rule 14 of Rules under the Lower Myanmar Town and Village Land Act, 1907).

On receiving the file, the assistant collector 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 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.

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 the assistant collector according to the rule 17 of Rules under the Lower Myanmar Town and Village Land Act, 1907). Then the assistant collector announces notice 15 days for objection of that land application in accordance with the 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 or village administration office, township general administration department office and the district general administration office.



The term over 15 days, if there is not one who objects that application, the assistant collector surveys the land and checks the facts in the application form with the personnel of township farm land management and record department. The assistant collector verifies the facts that the ground and the building are free from the health problem, security problem and fire problem, he signs the map history record of that land. Moreover, non-objection statements from the persons who live in four directions of that land, non-objections letters from respective ward/ village administration office and township development department, 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 December 13th, 2016 dated of Yangon Region Government), the proposed objective and the business that the application is doing is competed or not, land ownership documents are legally identified or not, non-objections letters of respective Ministry 14 or Department concerned with the 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 the District Commissioner.

The District Commissioner or (the collector) reviews the assistant collector's 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 one acre, the district commissioner sends this application to region general administration department. If the case file is completed, it is submitted for the cabinet's approval. After getting that approval, the commissioner allows the district commissioner to issue industrial or commercial purpose lease. If the building is in proper condition, the district commissioner decides the term of lease is short term as ten years and lease had the right to extend the term of the lease and he has to apply to the district commissioner. Short term lease is issued with the lease form (rule 26 of rules under the Lower Myanmar Town and Village Land Act, 1907). If the building is in the firm and stable condition, the district

commissioner decides the term of lease and it will be long term to 90 years. In doing so, 90 years-term is not given continuously and three times of 30 years term lease are granted.

When the applied land area is over 5 acres, the 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 can allow the district commissioner to issue industrial or commercial purpose lease for 30 years –term with formatting lease. 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 signature of assistant collector (township administrator) and district commissioner,
- (c) Layout plan and Surrounding Map,
- (d) Permit to use the farm land by other means [form 15 or 15(a)]
- (e) Recommendation and regard letter of respective village administration officer,
- (f) Calculation table of land revenue 12% of that land value,
- (g) Notice for objection,
- (h) Non-objection statements from four directions of surrounding persons,
- (i) Statement of applicant and Surrounding map and location map,
- (j) Non-objection letters from township development department, 15
- (k) Recommendation of land area where is an escape from the road area of road management department,
- (l) Non-objection letters of respective Ministry or Department concerned with business,
- (m) Photo-records of that land and Field report of the township administrator,
- (n) Field report of the district commissioner,
- (o) The statement whether building is constructed or not and If constructed, the kind of construction,
- (p) Four-side viewpoints of that building with name, date and signatures of the township administrator and district commissioner, and
- (q) Land ownership documents.

### **3.5.2 Issuing Industrial and Commercial Purpose Lease in Yangon South District**

Yangon South District is composed of 10 townships- Thanlyin Township, Kyauktan Township, Thongwa Township, Kayan Township, Twantay Township, Kawhmu Township, Kungyangon Township, Dala Township, Seikkyi-Khanaungto Township and Cocokyun Township. Among these 10 townships, Dala Township and Seikkyi-Khanaungto Township are in the area of Yangon City Development Committee. In that area, the general administration department does not allow lease or grant for any purpose.

According to the official data from the General Administration Department of the South district of Yangon, there is no application for lease of industrial and commercial purpose in Kyangyangon Township, Kayan Township, and CocoKyun Township during 2007 to 2017. Except the area of Thilawa Special Economic Zone, there are 36 business persons who are applying lease of 1138 acres in Thanlyin Township and Kyauktan Township. There are some areas for industrial purpose in Kawhmu Township, Twantay Township and Thongwa Township.

It is found that the kinds of various business such as Chemical Fertilizer and Cultivation Machinery Equipment Stores, Showroom, Rice-mill factory, Soft-shell Crabs breeding and Petroleum Shop. Other are Banks, Service Delivery, Galvanized Iron Sheet Industry, Purified Drinking Water Factory, Housing Complex, Agricultural Product Store for Cultivation and etc.,.

## **CHAPTER IV**

### **SURVEY ANALYSIS**

#### **4.1 Survey Profile**

Kyauktan Township is situated in the southern part of Yangon South District and is 17 miles from Yangon. Kyauktan Township comprises 9 quarters in Kyauktan Town, and 44 village tracts, 80 villages. Population is 156,251 and total housing is 39,981 and land area is 201,749 acres or 19.66 square miles (GAD, 2018). In 2008 and 2009, the grant issued in Kyauktan is very small but the quantity of grant for residential use is the largest in 2016. This condition showed that the residents' income has increased and the land owners paid the land revenue 0.5% of land price to the government for the issuing grant. Land revenue is paid through GAD to the regional government and the commercial tax is paid through the internal revenue department to the regional department. In 2009, 2013 and 2016, the leases for Buddha thein were issued. The government made Cancellation Area from Grazing Grounds in 2013 and 2017, because of widening area of Thilawa SEZ. That was not enough for Thilawa SEZ and the government made the land acquisition in 2009, 2012 and 2013. Some of departmental land was transferred to Thilawa SEZ in 2013.

#### **4.2 Survey Design**

The sample included the residents of Kyauktan Township living in downtown, suburban or village. The survey questionnaires were used to observe the process of land use in Kyauktan Township. The study is applied upon both primary and secondary data. Secondary data were collected from Yangon South District GAD and Kyauktan Township GAD. The departmental officers were asked and interview for the primary data in using KII method. Some facts are pointed as the weaknesses and threats. In this occasion, some coincidences are tending into future improvement. Based on the survey area, issues and constraints were obtained fundamentally on primary data of survey questionnaires. There are two groups of samples for the survey; (a) the land owners who were issued grant or lease, and (b) the departmental

officials. For the data collection, the survey questionnaires were used for the residents in Kyauktan and the Key Informant Interview, (KII) method was used for the officials of Yangon South District and Kyauktan GAD offices and Focus Group Discussion (FGD) approach with questionnaires made on 50 persons who use land for commercial purpose and 250 persons who use for residential purpose.

**Table 4.1 Sample of Land Owners**

<b>No</b>	<b>Particular</b>	<b>No. of Land Owners</b>
1	Land Owners who were issued grant/ Lease for residential use	250
2	Land Owners who were issued grant/ Lease for commercial use	50
	<b>Total</b>	<b>300</b>

Source: Survey Data, 2019

**Table 4.2 Sample of Governmental Officials**

<b>No</b>	<b>Particular</b>	<b>No. of Government Officials</b>
1	Officers from Yangon South District GAD	2
2	Officers from Kyauktan GAD	3
3	Ward Administrators from Kyauktan	2
4	Village Tract Administrators from Kyauktan	2
	<b>Total</b>	<b>9</b>

Source: Survey Data, 2019

### **4.3 Survey Results**

Survey findings are presented in four sections (1) The Demographic Characteristics of the respondents (2) Housing Condition of the respondents.(3), The condition of Residential land (4) Advantages from location of respondents' residence (5) KAP survey.

**Table 4.3      Characteristics of Respondents**

<b>No</b>	<b>Variables</b>	<b>Particular</b>	<b>No. of Respondents</b>	<b>Percentage</b>
1	Age	Less than or equal to 30 years	54	18.00
		Less than or equal to 45 years	135	45.00
		Above 60 years	111	37.00
		<b>Total</b>	<b>300</b>	<b>100.00</b>
2	Gender	Male	185	62.00
		Female	115	38.33
		<b>Total</b>	<b>300</b>	<b>100.00</b>
3	Marital Status	Married	200	66.67
		Single	55	18.33
		Divorced	45	15.00
		<b>Total</b>	<b>300</b>	<b>100.00</b>
4	Number of Family	Less than or equal to 3	45	15.00
		Less than or equal to 5	240	80.00
		Above 5	15	5.00
		<b>Total</b>	<b>300</b>	<b>100.00</b>
5	Education Level	Basic	213	71.00
		Above basic	56	18.67
		Graduate	31	10.33
		<b>Total</b>	<b>300</b>	<b>100.00</b>
6	Occupation	Governmental servants	90	30.00
		Self-employed	110	36.67
		Company-workers	70	23.33
		Unemployed	30	10.00
		<b>Total</b>	<b>300</b>	<b>100.00</b>

Continued Table 4.3

No	Variables	Particular	No of Respondents	Percentage
7	Income per Family (MMK)	Less or equal to 5 Lakhs	190	63.33
		Less or equal to 10 Lakhs	80	26.67
		Above 10 Lakhs	30	10.00
		<b>Total</b>	<b>300</b>	<b>100.00</b>
8	Residence area	Downtown	210	70.00
		Suburban	60	20.00
		Village	30	10.00
		<b>Total</b>	<b>300</b>	<b>100.00</b>

Source: Survey Data, 2019

Table 4.3. shows the demographic characteristics of the respondents. For the age group, 18% of respondents are under 30 years of age, 45 %, less than 45 years and 37% above 60 years. When interviewing, 38% of respondents were females because the household heads were at work and not at home. Out of the total respondents, 66.67% are married and 18.33 % are singles and the rest are divorced. There is a little difference quantity between single and divorced. Location of residence shows that 90% of respondents are living in down town, suburban areas and the remaining in villages close to the town. Villages near towns have easy access for education, jobs, etc. As mentioned, the target people were the grant holders who lived in town and for those people from villages did not have any grant being issued in Kyauktan because there is no need to pay land tax.

For income status, most of the respondents (63.33 percent) have income of less than or equal to 500,000 MMKs while 10 percent of the total respondents have more than 1,000,000 MMKs and the remaining respondents (26.67 percent) have less than or equal to 1,000,000 MMKs. It is seen that as self-employed respondents accounted for 36.67 percent of the total respondents, they seem to be earning around 10 lakhs. For the education status, the majority of the respondents (71 percent) have only basic education level while 18.67 percent has above basic education level. But only 31 respondents or 10.33 percent are graduates. In practical interviews, most of educated persons above basic levels were seen as earning good income, but most daily wage earners and government servants have fixed income. If the government collects

higher land tax, this action becomes a burden for low income families. The condition needs serious attention for regional government in performing land use management.

#### 4.3.1 Housing Condition of Respondents

In analyzing housing condition, 31.67 percent of the total respondents are houses with brick nogging and other good buildings with a grant period of 90 years. (Table 4.4) the respondents' buildings of two storeys and above is about 32.33 percent. The respondents did not need to reconstruct new buildings in 50 years' time. For commercial use, the majority (35 respondents) out of total 50 respondents stated as buildings of steel structures.

**Table 4.4 Housing Condition of Respondents**

No	Variable	Particular	Number of Respondents	Percentage
1	For Residential use	Wooden Building	33	11.00
		Brick Nogging Building	95	31.67
		Reinforce Concrete	31	10.33
		Two storeys	61	20.33
		Above two storeys	36	12.00
		others	4	1.33
		<b>Total</b>	<b>250</b>	<b>83.33</b>
2	For commercial use	Wood	1	0.33
		Brick and Concrete	3	1.00
		Steel Structures	35	11.67
		Two storeys	7	2.33
		Above two storeys	4	1.33
		<b>Total</b>	<b>50</b>	<b>16.67</b>

Source: Survey Data, 2019

#### 4.3.2 Residential Land Condition of Respondents

In studying the grants issued in Table 4.5, there were 41.67% of respondents that possessed grants. There are 6.7% with non-holding rights and 43.33% of respondents in others category. There are totally 50% of respondents that had no grant



and Township GAD made arrangements to issue grants. In this case, Township GAD must cooperate and coordinate transparently with the residents and report to the regional government to make in accordance with the procedures. In issuing grant or lease, the government paid grant for the resident for living or commercial purpose and, lease for foreign investment and joint ventures with the government.

About the grants, the issued land must be 1200 square feet (20' by 60'). In spite of issuing grants, some houses had to build with the wood. When the application area is narrow than 1200 square feet, the grant is not issued because it is not suitable for living for one family with the house and to avoid against fire hazard, and against the distribution of virus that can cause diseases through the air. There were 26.67 % of grant holders of 20' by 60' land area. The Township GAD must pay awareness not to divide those areas again. In Yangon City Development, YCDC were allowing the area less than 1200 square feet. The buildings are systematically constructed in YCDC Area and there have made first safety programs in health. In other area, the advanced health care system cannot be easily accessible.

Among the respondents in Table 4.5, 73.33% were living on this land for about 41 years and above. The number of respondents residing less than 5 years accounted for 1.67% of the total. The township development is very slow and it is only about 20 miles from greater Yangon. If the condition of migrants increased very much in next five years, the township must prepare the township plans in plotting for living with the approval of the regional government.

**Table 4.5 Residential Land Condition of Respondents**

No	Variables	Particular	No of Respondents	Percentage
1	Ownership	Guarantee such as Grant	125	41.67
		Land Holder Rights	0	0.00
		Non-holding	20	6.67
		Living with the Agreement of Ward Administrator	25	8.33
		Other	130	43.33
		<b>Total</b>	<b>300</b>	<b>100.00</b>
2	Land Use Area (Square Feet)	20×60	80	26.67
		40×60      2400	120	40.00
		60×60      600	45	15.00
		80×60      4800    or 9600 and above	45	15.00
		others	10	3.33
		<b>Total</b>	<b>300</b>	<b>100.00</b>
3	Duration of Land Use	Less than 5year	5	1.67
		Less than or equal to 10years	15	5.00
		Less than or equal to 20 years	28	9.33
		Less than or equal to 40 years	32	10.67
		Above 41 years	220	73.33
		<b>Total</b>	<b>300</b>	<b>100.00</b>
4	Current Price of Land	Less than 100 Lakhs MMKs	50	16.67
		Less than or equal to 200Lkajs	65	21.67
		Less than or equal to 300 Lakhs	25	8.33
		Less than or equal to 500 Lakhs	70	23.33
		Over 500 Lakhs	90	30.00
		<b>Total</b>	<b>300</b>	<b>100.00</b>

Source: Survey Data, 2019

### **4.3.3 Advantages from Location of Respondents Residence**

In studying Table 4.5, among the respondents who possesses grants, 26.67% stated as their location has good community and transportation, 33.33%, because of good education status and 40.00% because of many good conditions. The residents who lived in rural area cannot get these opportunities. The government cannot supply all the needs of the country as a developing country and has to make as the first choice in the very much population density. Therefore, some of the villagers migrated to urban area to be able to get the opportunities of education, health, communication and transportation.

Some of the respondents, that is, 23.33% of the total respondents are also depending on small businesses and they own mini-shops or restaurants. The famous Yele Pagoda is situated in Kyauktan, Kyaikhuak Pagoda in Thanlyin and the visitors from all over the country come to Kyauktan. People from nearby villages earn their living by selling flowers, food, souvenirs etc. There are 45 village-tracts and 80 villages. The villagers have to come daily to buy the food, clothes and other instruments and also to their workplace in Kyauktan. The Kyauktan Market can be seen the moving with big group of people. The current land price of the respondents ranges from less than or equal to 200 Lakhs (MMKs) to more than 500 Lakhs (MMKs) as shown in Table 4.5. Township GAD had arrangement in land plotting in coordination with Township Development Department.

### **4.3.4 Knowledge, Attitude and Practice of the Respondents (Grant Holders)**

In studying the knowledge, the most residents knew very well about grant or lease and there were one per four of residents that did not know about the grants. This circumstance indicated that Township GAD needed to make the knowledge sharing about the grant or lease as the public awareness. About the land laws, there was one per third of respondents who knew. This condition was worse than knowing the grants.

The almost residents said that opportunity getting by Grant or Lease issued is suitable for people. The grant or lease possessed by someone can make as the guarantee to lend money as loan for the investment. All of the residents were very interesting on the grant or lease and wanted strongly. About the practice of township GAD, 8.33 percentages dissatisfied on Township GAD and 16.67% shut the mouths. Others were good attitude on the practice of Township GAD. On the accountability of

township GAD, 12.33% displeased, 48.33% are neutral and others accepted. The contexts were not good and township GAD must reform essentially.

**Table 4.6 Knowledge, Attitude and Practice of Respondents on GAD**

	<b>Content</b>	<b>Strongly Disagree</b>	<b>Disagree</b>	<b>Neither Disagree nor Agree</b>	<b>Agree</b>	<b>Strongly Agree</b>	<b>Total</b>
<b>Knowledge</b>	Good	0	25	150	75	50	300
	Residential Knowledge about grants	0.00%	8.33%	50.00%	25.00%	16.67%	100.00%
	Good	0	75	125	55	45	300
	Residential Knowledge about Land Laws	0.00%	25.00%	41.67%	18.33%	15.00%	100.00%
<b>Attitude</b>	Opportunity	0	0	0	157	143	300
	getting by Grant or Lease issued is suitable for people.	0.00%	0.00%	0.00%	52.33%	47.67%	100.00%
	The	0	37	145	79	39	300
	accountability of Township GAD was good.	0.00%	12.33%	48.33%	26.33%	13.00%	100.00%
<b>Practice</b>	The activity of	0	25	50	195	30	300
	Township GAD was good.	0.00%	8.33%	16.67%	65.00%	10.00%	100.00%
	Willing to read	0	40	102	79	79	300
	and study land laws of Myanmar	0.00%	13.33%	34.00%	26.33%	26.33%	100.00%

Source: Survey Data, 2019

#### 4.3.5 Perception and Behaviour of Respondents on Land Use Management

The land acts were enacted in English Language and the respondents could not read easily because most of them have little knowledge on English language and cannot not read these land acts prescribed in English. The regional land revenue laws were acted with Myanmar languages.

**Table 4.7 Behaviour and Perception of Respondents on Land Use Management**

	Particular	Strongly Disagree	Disagree	Neither Disagree nor Agree	Agree	Strongly Agree	Total
Perception	The land and Revenue Act and other Law is necessary to amend or revoke, or to be enacted again.	0	35	45	165	55	300
		0.00%	11.67%	15.00%	55.00%	18.33%	100.00%
Behaviour	Public participation about Land Use Management, are necessary.	17	25	51	72	85	300
		6.80%	10.00%	20.40%	28.80%	34.00%	100.00%

Source: Survey Data, 2019

The condition was difficult to understand about 100%. The land acts were not suitable and some sections were needed to amend. All residents agreed to amend or delete, or to act again the land and Revenue Act and other Laws. Internationally, the land laws must be enacted with both English and Myanmar Languages for the local residents and foreigners who desired to make investment and is shown in Table 4.7. Continuously studying, the residents less than half, disagree in public participation about Land Use Management and had wants to stay quietly. The most of residents would like to participate actively in land use management.

#### **4.3.6 Key Informant Interviews (KII)**

For the qualitative data collections, KII method was used on the staff-officers of District GAD and Township GAD.

##### **(a) KII with District Administrator in Yangon South District GAD**

1. How do you assume on issuing the grant or lease?

*(Answer)* The state lands are land that can be managed by GAD as the agent of government. These lands were issued to residents for the purpose of living or commerce. Some lands were managed by the Housing Department. In accordance to the land laws, GAD had to make land use management excepting the lands under housing department.

2. How do you study monthly the land laws, procedures, directions and orders?

*(Answer)* These lands were studied as district commissioner to apply in the field. The cases concerning about the lands were receiving weekly and make quickly problem solving and then a district administrator cannot stand without understanding about the land laws. The laws, procedures and directions were studied daily and applied. Some questions were asked to the section head of GAD office.

3. How do you want to say on the application of grant/ lease by the people?

*(Answer)* The knowledge sharing and public talks relating with the application of grants or lease were making yearly and invited through the ward or village tract administrators. These occasions were needed the participations of the residents. If the residents attend these workshops, the knowledge shared can be gotten.

4. How do you make workshop to share knowledge of land use the people? Or, how do you arrange the public talk?

*(Answer)* The workshop had to make in the schools on the students holidays to share land use management knowledge. The relating departments; Township Development Department, Township Land Record and Registration Departments, cooperated and coordinated for public knowledge sharing. The necessary facilities were arranged.

5. How and when do you do to give the good service of issuing the grant/ issues the people?

*(Answer)* When the people give the application form of grant, the processes were made fast according to procedures and directions of Act. The age of grants takes 90 years.

6. Would you like to give other comment?

(Answer) The district GAD is always welcoming the applications of grants.

**(b) KII with Deputy District Administrator in Yangon South District GAD**

1. How do you assume on issuing the grant or lease?

(Answer) The grants for the lands were very suitable. If someone has the grants, the investment can get from the Bank and the safety against other's illegal living.

2. How do you study monthly the land laws, procedures, directions and orders?

(Answer) To the District GAD, the application forms of grant or lease were sent weekly and have to make in accordance with the laws and procedures. As Deputy District Administrator, the monitoring and evaluating must make on the working processes of grants over the staffs.

3. How and when do you do to give the good service of issuing the grant/ issues the people?

(Answer) To give the good service of issuing the grant/ issues the people, the necessary supports gave to the staff to be able to work skillfully. After monitoring and evaluating the working processes of the staffs, report was given to senior, district administrators and explained what the weakness and what it repaired. When the senior's advices or directions were achieved, the relevant staffs were explained how to do and continue. Sometimes, the applicants were face to face said about their problems concerning the grant-applications.

4. Have you give other comment?

(Answer) The grant issuing was very interesting work because this was really for the public interest.

**(c) KII with Township Administrator in Kyauktan Township GAD**

1. How do you study monthly the land laws, procedures, directions and orders?

(Answer) After appointing as staff in GAD, the necessary trainings had been attended, there were four times trainings along the staff's life. I had worked in practice in the field and made practice in working. In the office, I shared my knowledge about land use management to the junior and then gave duties and responsibilities the juniors. When the questions were given, I explained how to do and how to solve the problems in accordance with the laws and procedures.

2. How do you want to say on the application of grant/ lease by the people?

(Answer) The district administrator has authority to issue grants or lease. To issue the grants, he sent me case study and I make together with junior in accordance the procedures and directions under the laws. In making grant-case, the objections must

release about 14 days and the applicants of grants must wait patiently. In some steps of grant processes, the grant-case are transferred to Township Land Record and Registration Department to record on the documentary and check if it is going with the land laws and procedures, or not. After finishing the processes, the Land Record and Registration Department resubmits Township GAD. During this period, the applicant must cooperate with the relevant department.

3. How do you make workshop to share knowledge of land use the people? Or, how do you arrange the public talk?

*(Answer)* The public awareness was needed. To share knowledge, the cooperation and coordination were compulsory Township GAD and Land Record and Registration Department, Township Development Department and Township Internal Revenue Department. Before making workshop, the program schedules had to report to District Administrator and after getting his reply, the workshop had to make in school hall on holidays with the public participation.

4. How and when do you do to give the good service of issuing the grant/ issues the people?

*(Answer)* When the District GAD gave the grant-cases, the necessary processes had to do with the applicant's collaboration.

5. Have you give other comment?

*(Answer)* Sometimes, some customers did not understand on the processes and had no to read the land acts and law. The land acts were released into English Languages. A lot of explanation took time very much and delayed the processes and then the customers did not wait patiently. The events were obstacles and then the knowledge sharing the land use management were often making earnestly as the public awareness. There were other challenges that the residents did not satisfied to pay the income tax to the Township Internal Revenue Department after transferring the land right. The income tax have to pay about 35% on the market value of land right. When income tax would like to neglect, the grants had not been made and held the previous land owner's right in illegal ways.

**(d) KII Survey with Deputy Township Administrator in Kyauktan Township GAD**

1. How do you assume on issuing the grant or lease?

*(Answer)* On constructing the case file of grant application, the deputy staff officer had to make according the giving duties. As the Deputy Township



Administrator, I had to monitor and lead on the deputy staff officer to be true and quick the processes. The bureaucratic processes are very difficult not to make the abuse but it take very long. The watch dog is always standing behind the appointed civil servants.

2. How do you study monthly the land laws, procedures, directions and orders?

*(Answer)* I am always studying the land laws because I have to monitoring and evaluating on issuing the grants, lease or other cases.

3. How do you want to say on the application of grant/ lease by the people?

*(Answer)* Every land owners must need the grant and pay the land revenue and income tax to Government. The government was necessary in developing and the tax is really income for government.

4. How do you make workshop to share knowledge of land use the people? Or, how do you arrange the public talk?

*(Answer)* According to the township administrator's program, I make the workshop. The public talks were made after management of other departments.

5. How and when do you give the good service of issuing the grant the people?

*(Answer)* I would like to give the best service every day not only the grant issued but also other services. As the township administration office, they may concern with local affairs such as flood, heavy rain and recovery the vulnerabilities, health and education and etc... We are trying to fulfill the public needs and cannot effort to fill completely the public wants.

6. Would you like to give next comment?

*(Answer)* There were special cases that the migrants were living in other own lands and the state land. There were wrong and illegal and the grant cannot be paid. In other side, the living is human rights and the government has the duties and responsibilities to arrange the shelter for the people but the regional budget were not enough. The condition was the biggest challenges.

**(e) KII Survey with Deputy Staff Officer in Kyauktan Township GAD**

1. What do you serve in Thanlyin Township GAD?

*(Answer)* I was serving as the Deputy Township Officer in Branch-2. The functions of Branch-2 were tax collection, law affairs and township security. The tax collection included excise tax, land revenue, water and embankment tax and mineral tax.

2. How do you serve the land revenue?

(Answer) There were various kinds of land: Town Land, Village Land, Sand Bank, Strand Bank, Tank and Well Ground, Burial Ground, Religious Land and Buddhathain. There are three functions; granting and leasing, transferring, controlling grazing ground, cancellation grazing ground and land acquisition. It took place only land revenue on granting or leasing within the budget year. In other side, issuing grants and leases was served making the case files.

3. What weakness do you face in Township GAD?

(Answer) There was a little trouble in making case file of grant or lease. Some applicants cannot come in time in inviting them because they had to travel away. Some cases have not complete documents in application of grant since they applied. The public participation was needed fully in making grant case-file. Sometimes, it took takes time very much in checking the ground and the township land record and registration department cannot reply within the limit time. If the land record and history from township land record and registration department cannot get, the case-file cannot be made to finish.

4. What challenges do you face on field about grants?

(Answer) When the case-file was finished, the land owner would like to stop because they had transferred to others, sometimes they had not ready money for land revenue and the land owner died.

5. What would you like to say?

(Answer) Mostly, it is so Okay when the land owner paid the completed documents.

**(f) KII Survey with lower clerk in Kyauktan Township GAD**

1. What do you do in issuing the grant or lease?

(Answer) I helped my deputy staff officer in make case files.

2. Do you have trouble?

(Answer) No, I have no trouble.

**(g) KII Survey with ward clerk in Kyauktan Township GAD**

1. What do you do in issuing the grant or land use?

(Answer) I had to inform to the respective land owners to join Township GAD. When land revenue was collected, I informed again.

2. What is your trouble?

(Answer) I had no motorcycle, there was trouble and have no other problems.

3. Do you study the land laws?

(*Answer*) I had rarely studied and read the township office directions about land use.

**(h) KII Survey with village clerk in Kyauktan Township GAD**

1. What do you do in issuing the grant or land use?

(*Answer*) I had no work in village about grant. There is no land revenue.

2. What do you want to say?

(*Answer*) I say nothing.

3. Do you study the land laws?

(*Answer*) I had rarely studied and read the township office directions about land use.

**(i) KII Survey with ward administrator in Kyauktan Township GAD**

4. What do you do in issuing the grant or land use?

(*Answer*) I inform the land owner about making grant. When they made grant, I helped to finish the granting. I was a media between township office and the applicants of grants.

5. What do you want to say?

(*Answer*) It is so okay because township officers had to make quickly with accountabilities and responsibilities.

6. Do you study the land laws?

(*Answer*) I had often studied and read the township office directions about land use to be able to give help if the residents asked.

7. What trouble do you face?

(*Answer*) The land laws are very difficult in reading and I cannot read. Therefore, I brought the translated books about that. That was the big challenges.

8. What do you want to recommend?

(*Answer*) If the land law released both English and Burmese Languages, everything may be so okay.

## **CHAPTER V**

### **CONCLUSION**

#### **5.1 Findings**

The administration on land and people is very difficult. The natural resources are limited but the people's wants are not limited. Among the resources, the land of living and other purpose is very limited. To be harmonious, Kyauktan Township GAD was trying about the land use management.

In studying Township GAD, the Land, Excise and Revenue Division are also involved in settling land arguments. The taxes are based upon six archaic laws, largely dating back to the colonial era. Tax collection is generally undertaken annually, with the revenues now going to the state and region funds as they have the constitutional mandate under Schedule V regarding subnational revenues. Township General Administration Offices (township offices) are the primary focal point for the average Myanmar citizen's engagements with the state. To be good land use management, Kyauktan Township was going under the land laws. These land laws are legislated into English Languages and the residents did not speak in English. There were big gap between the land laws and residents. In other side, the foreign investments in Thilawa Economic Zone were progressive more and more. The land laws were compulsory to enact into both English and Burmese Languages.

The land is under the limitation and so on, the living condition must be limited with the budget constraints that the land revenue must be collected in accordance with the existing land laws. The land must be used not only living purpose but also commercial, social and environmental control purposes because it was needed to fulfill the several wants of people. Moreover, the getting land revenue can be used in other development sectors. Kyauktan Township was emphasizing the collection of land revenue on land. In other ways, Kyauktan GAD was protecting the private land owner right under the land laws.

Kyauktan GAD did not collect land revenue on the low income households lived on land where ownership is not recorded in the national land registration system and these households were protected under possession rights.

Leases also tend to be allocated for the use of already developed land in Thilawa Economic Zone while concessions tend to allow foreign investment in Land and be granted for land that is undeveloped.

One of the objectives of land use management by Kyauktan GAD was to get the investment from the Bank to make business that land access was guarantee. As the consequent, the land value is higher and higher and the condition was very difficult for the normal income households who wanted to transfer from village to township to get the good job opportunity and others but Township GAD has no housing plan. The housing sector was under the housing department and this department does not locate in Kyauktan which is source challenges.

When the staff officer was appointed, the land use management was taught at IDA and then worked in practice in the field area and made practice in working. The training flows from the officer to the clerks, ward and village-tract administrators (Ward and Village-Tracts). There is no special training for the clerks and basic administrators.

On the processes of grant, the monitoring and evaluating were made in each step of the processes abuse of power. This condition was very good but the delay was found in every process in other side. This condition must be reformed to adjust the operational working process.

If the land use system can be reformed, the development was certain with the momentum. At present, the one stop shop cannot get about the land use management. There was no e-government systems, the land management processes are divided into several parts. If one person made application of grant, he must go firstly to District GAD, and then the case file was transferred to township GAD. Then, the case file was continuously transferred to Township Land Record and Registration Department and asked the comment from Township Internal Revenue Department and Township Development Department. These department officers were not standing nearly each other. That was sure that the applicants must take very long to complete one process.

There was no notice board in the relevant department about the date that the applicants can get the grant or know the finishing point of each process. There was no

the internet notice board that applicants can find on. The condition was difficult to get the public acceptance in democracy.

For the landless households, there is lack of accountability. There is no active and effective arrangement for squatters which leads to threats of rule of law. This is imaginary plan only. If the rule of law was threatened, the foreign investment will not be attractive, why the area is neighborhood of Kyauktan SEZ. The national income can be damaged as consequent. The government must implement quickly for national development to allocate the landless households, to alleviate poverty and enhance economic growth by improving land tenure security and land market efficiency in urban areas through the development of a land.

In the family survey in this study, the percentages of female respondents were 38% only. In the future, the housing plan must be considered the participation of the females. In the land use management, law-enforcement, judicial system, information system together must be considered and the participation of female cannot be neglected.

There are 70% of the residents living in downtown. They are subjected to certain disciplines of grant to be issued to the resident and among those disciplines; one discipline is to check the building condition before issuing grants. The township GAD was necessary to make proposal the Government that the housing must be construct at least five stories in downtown because of limitation of land area. If the one story buildings were constructed, the agricultural land, sand bank, river bank, etc... were surely lost in a few years and the food shortage problems can be formed as the consequent. There were 63.33% low income households and the low price apartments were needed to arrange. The residents in downtown can get the good opportunities such as transportation, electricity, water supply, job and other more than the villages. Therefore, the migrants were transferred to these places. The land revenue did not change for the same area if the many layers of apartments were built. As an effect, the residents can make effort easily to pay land revenue for the family apartments.

There are 11.00% who lived in wooden houses and 31.67% in brick nogging building. The government must be prepared for these kinds of buildings which can transform into many layers of reinforced concrete buildings. The respondents propose the government to pay subsidies if low income households cannot make effort to do that and must focus the future plans against the natural disasters. In township area,

there were 41.67% of respondents that got grants and others had no grant. If the residents did not want to pay land tax and commercial tax, the public awareness of taxes must be emphasized seriously. The government stands with tax only and cannot make businesses.

There are 26.67% of residents that lived in (20×60) square feet and then the township GAD must be careful not to divide these land area because of safety against the fire. If the living area gets narrower than (20×60), there can be the expansion of the residential house. It is a potential that the lane is not wide enough to ride the fire-engines in case of fire. The migrants, who are moving in within last 10 years, are 6.67% and it is not being serious at present. Most of the respondents were living very long. Some transferred because of good education, health, transportation and communication or more than one condition. 51.67 % of respondents were living for making factory or workshop. Kyauktan is moderately developing Township.

In studying the administration of land use, 50% of residents did know well about grant or lease, why the land revenue paid, if the grant is important or not. These persons knew only living. There are 41.67% that knew very well about the grant. There were 66.67% that were governmental servants and self-employers. Others are company workers and jobless adults. The all of the residents said that the grant was very good opportunity. In this condition, most of the residents wanted the grants but did not know what the grant was. Except 33.33% of residents, others did not know about the land laws. When the people's knowledge was not advanced, the land use management was required to reform.

The residents' attitude was very good about 33.33% and not good about 12.33% on the accountability of Township GAD. Others were neutral, or in other word, were disinterested. 75% of respondents liked on activity of Township GAD and 8.33 % disliked. This was a challenge for Township GAD. There are 52.66% of residents who said "Yes", to read the land laws in Burmese Version and 13.33% of the respondent disagreed and thought the laws were needed to act in English. 34% of the respondents were silent and seemed not understanding.

In managing the land use, there are four kinds of departments; Housing Department, Yangon City Development Committee and Land Record and Registration Department. There were a big red tape and various stages of processes. There were no negotiation among these departments and I did not hear about negotiation within interviewing and along working in the field. The authorities were

distributed and have various land policy. In the GAD, the monitoring and evaluation on the land use management was very strong on the procedures and made check and recheck to be true procedures but there was a weakness in reviewing. Some processes of management was appearing weakness but has not been reformed yet. GAD remains unchanged its procedures and there is no program that is made and even seems to be declined.

## **5.2 Recommendations**

The land laws should be acted both English and Burmese Version to recovery the mistakes of land use management. The language blocks was the main constrains. The meanings and objectives of land laws might be legislated to understand. The public awareness of land use management must make effectively. The basic administrator (Ward and Village-Tracts) should be given training relating to land use management. It must be modernized and reformed. The land of living should be limited and other must be used for business, agricultural sector and other. The housings and apartments should be planned to resist against the natural disaster like earthquake, heavy rain and flood and storms. The housing and apartment should be brought by landless households and every household should be possessed one to live.

As the consequent, the land value is higher and higher and the condition was very difficult for the normal income households. The price should be maintained by the government for people who wanted to transfer form village to but Township GAD has no housing plan. The housing sector was under the housing department and this department did not locate in Kyauktan which was source challenges. This condition should be changed. When the staff officer was appointed, the land use management was taught at IDA and then worked in practice in the field area and made practice in working. The training flows from the officer to the clerks, ward and village-tract administrators (Ward and Village-Tracts). There should be the special training for the clerks and basic administrators. If the land use system can be reformed, the development was certain with the momentum. At present, the one stop shop should be gotten about the land use management. There was no e-government systems, the land management processes were divided into several parts. There was no the internet notice board that applicants should be easily find on. The condition was difficult to get the public acceptance in democracy. For the landless households, there was lack of accountability. There were a big red tape and various stages of processes. There



should be negotiation among these departments within interviewing and along working in the field. The authorities were distributed and have various land policy. In the GAD, the monitoring and evaluation on the land use management was very strong on the procedures and there should be made check and recheck to be true procedures but there was a weakness in reviewing. In managing the land use, there are four kinds of departments; Housing Department, Yangon City Development Committee and Land Record and Registration Department. There were a big red tape and various stages of processes. There were no negotiation among these departments and I did not hear about negotiation within interviewing and along working in the field. The authorities were distributed and have various land policy.

## REFERENCES

- Colchester, M and Chao, M (eds.), 2011 *Oil palm expansion in Southeast Asia: Trends and implications for local communities and indigenous peoples. Forest Peoples Programme and Perkumpulan Sawit Watch.*
- (2013). *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.* Centre for Agriculture Policy.
- Colchester and Chao. (2013). *Agribusiness Large-Scale Land Acquisitions and Human Rights in South-East Asia.*
- Union Government (2008), Constitution of the Republic of the Union of Myanmar, (2008)
- Constitution of the Socialist Republic of Vietnam, 2013. 66
- Dallinger, J. "Oil palm development in Thailand: Economic, social, and environmental considerations", 2011.
- Dang Hung Vo and Nguyen Van Thang, 2013, *Improving land governance in Vietnam, draft report*, Land Governance Assessment Framework.
- Deadline set for land-use certificates, 12 August 2013.
- Yangon Region Government (2016), Direction of Yangon Region Government, 2016.
- Head Office GAD, Directions of General Administration Department, 2006 to 2017.
- Directions Under The Lower Burma Town And Village Lands Act And The Rules Thereunder, 1913.
- Dwyer, M., "The formalization fix? Land titling, land concessions and the politics of spatial transparency in Cambodia." *Journal of Peasant Studies*, 2015.
- Embassy of Denmark, World Bank and Embassy of Sweden. 2011, *Recognizing and reducing corruption risks in land management in Vietnam.*
- Mintstry of Forest (2004), Forest Law, 2004.
- Grimsditch, M., Kol Leakhana and Sherchan, D., Access to Land Title in Cambodia: 2012, *A Study of Systematic Land Registration in Three Cambodian Provinces and the Capital* (Phnom Penh: NGO Forum on Cambodia,).
- Helwig, S. What is the Land Department? Price Sanond Lawyers, 18 February 2014.<sup>22</sup>Hul Reasmey, "Hun Sen again stresses need to develop irrigation

- systems.” Cambodia Daily, 19 August 2014.
- Iyer, L and Q-T Do. “Land titling and rural transition in Vietnam.” Economic Development and Cultural Change, April 2008.
- Law on the Vietnam Fatherland Front, 2015.
- Maryudi Sastrowihardjo (2015) Report, *Land Use System Approach to Sustainable Land Management in Indonesia*, the Ministry of Agrarian Affairs.
- Maximum Concession Period Cut to *Half Century in Investment Promotion Overhaul*. *Vientiane Times*, 18 April 2017.
- Ullah, K.M, 2014, Urban Land-Use Planning Using Geographical Information System and Analytical Hierarchy Process, Dhaka
- W, A. (2016, January 25). Expert Warns of Danger of Article 44. *The Nation Bangkok*.
- Wellmann, D., 2012, *The Legal Framework of State Land Leases and Concessions in the Lao PDR* (Vientiane: GIZ,).
- World Bank, 2004, Giné, X., *Cultivate or rent out? Land security in rural Thailand*.
- World Bank, 2007, *Sharing growth: equity and development in Cambodia. Report No.39809KH* (PhnomPenh).
- World Bank and DEPOCEN. *Land transparency study synthesis report*, 2014.
- World Bank, 2015, Land Administration and Management Project in Philippine
- Yangon Regional Facts and Figures, 2005 to 2017.
- Yee Win (2008) EMDevs Thesis, Development of Land Policy, Land Administration, Land Fragmentation and Farm Size in Myanmar (1993-2003), unpublished MDEV Thesis, Yangon University of Economics.
- Ye` Kyaw Thu (2006) MPA Thesis, A Study On Land Administration In Myanmar, unpublished MPA Thesis, Yangon University of Economics.
- Aimee Zaw (2016), Analysis of Land Use Policy Reform in Myanmar (2003-2013). Unpublished EMDev.S Thesis, Yangon University of Economics, Yangon.

## WEBSITE

<https://www.adb.org/publications/sustainable-land-management-asia>  
<https://vietnam.opendevelopmentmekong.net/topics/land/>  
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<https://www.sciencedirect.com/topics/agricultural-and-biological-sciences/land-management>  
<file:///C:/Users/acer/Downloads/Documents/ERIA-DP-2015-59.pdf>  
[http://lrd.spc.int/index.php?option=com\\_content&view=article&id=447:the-importance-of-good-land-use-management&catid=141:articles](http://lrd.spc.int/index.php?option=com_content&view=article&id=447:the-importance-of-good-land-use-management&catid=141:articles)  
<http://rightslinklao.org/?p=7389&lang=en>  
<http://www.ciesin.org/lw-kmn/slm/slm.html>  
<https://data.opendevelopmentmekong.net/dataset/conversion-of-land-use-in-vietnam-through-a-political-economy-lens/resource/befaf03c-9643-4f54-9c41-f3d766b2322d/view/89d92e68-7438-48a4-9fa0-1d30df0b0cfe>  
[https://www.fortifyrights.org/downloads/Follow-up\\_Submission\\_to\\_the\\_UN\\_Human\\_Rights\\_Committee\\_on\\_Thailands\\_Compliance\\_with\\_the\\_ICCPR\\_July\\_2018.pdf](https://www.fortifyrights.org/downloads/Follow-up_Submission_to_the_UN_Human_Rights_Committee_on_Thailands_Compliance_with_the_ICCPR_July_2018.pdf)  
<http://www.cityu.edu.hk/searc/Resources/Paper/188%20-%20WP%20-%20Dr%20Nelson.pdf>  
<http://www.fao.org/docrep/T1079E/t1079e02.htm>  
<http://www.khmertimeskh.com/news/39336/>  
<http://www.phnompenhpost.com/national/govt-denies-land-issues>  
[http://www.vientianetimes.org.land/FreeContent/FreeContent\\_Maximum.htm](http://www.vientianetimes.org.land/FreeContent/FreeContent_Maximum.htm)  
<https://data2.unhcr.org/en/news/18674>  
<https://landportal.info/book/countries/THA>  
<https://laos.opendevelopmentmekong.net/topics/state-land-leases-and-concessions/>  
<https://opendevelopmentcambodia.net/topics/land/69>

[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)

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## APPENDICES

Appendix –A

### Survey Questionnaire

#### Characteristics of the Respondents

PLEASE TICK (✓) YOUR ANSWER ON THE RIGHT BLANK.			
1	Age	(a)    Less than or equal to 30 years	
		(b)    Less than or equal to 45 years	
		(c)    Above 60 years	
2	Gender	(a)    Male	
		(b)    Female	
		(c)    Other	
3	Marital Status	(a)    Married	
		(b)    Single	
		(c)    Divorced	
4	Number of Family	(a)    Less than or equal to 3	
		(b)    Less than or equal to 5	
		(c)    Above 6	
5	Education Level	(a)    Basic	
		(b)    Above basis	
		(c)    Degree	
6	Occupation    -	(a)    Governmental servants	
		(b)    Self-employment	
		(c)    Company-workers	
		(d)    Unemployment	
7	Income per Family (MMK)	(a)    Less or equal to 5 Lakhs	
		(b)    Less or equal to 10 Lakhs	
		(c)    Above 10 Lakhs	
8	Residence Area	(a)    Downtown	
		(b)    Suburban	
		(c)    Village	

### Housing Condition of Respondents

PLEASE TICK (✓) YOUR ANSWER ON THE RIGHT BLANK.			
1	For Residents Use	Wooden Building	
		Brick Nogging Building	
		Reinforce Concrete	
		Two storeys	
		Above two storeys	
		others	
2	For commercial Use	Wood	
		Brick and Concrete	
		Steel Structures	
		Two storeys	
		Above two storeys	
		others	

### Residential Land Condition of Responentents

PLEASE TICK (✓) YOUR ANSWER ON THE RIGHT BLANK.			
1	Owner Opportunity	Guarantee such as Grant	
		Land Holder Right	
		Non-holding	
		Living with the Agreement of Ward Administrator Agree	
		Other	
		Guarantee such as Grant	
2	Land Use Area (Square Feet)	20×60	
		40×60	
		60×60	
		80×60	
		others	
3	Duration of Land Use	Less than 5year	
		Less than or equal to 10years	
		Less than or equal to 20 years	
		Less than or equal to 40 years	
		Above 41 years	
4	Current Price of Land	Less than 100 Lakhs MMKs	
		Less than or equal to 200Lkahs	
		Less than or equal to 300 Lakhs	
		Less than or equal to 500 Lakhs	
		Over 500 Lakhs	

### KAP of Respondents on GAD

	Content	Strongly Disagree	Disagree	Neither Disagree nor Agree	Agree	Strongly Agree
Knowledge	Good Residential Knowledge about grants					
	Good Residential Knowledge about Land Laws					
Attitude	Opportunity getting by Grant or Lease issued is suitable for people.					
	The accountability of Township GAD was good.					
Practice	The activity of Township GAD was good.					
	Wishes reading and studying land laws in Myanmar					

(Source from Survey, 2019)

### Behaviour and Perception of Respondents

	Content	Strongly Disagree	Disagree	Neither Disagree nor Agree	Agree	Strongly Agree
Perception	The land and Revenue Act and other Law is necessary to amend or delete, or to act again.					
Behaviour	Public participation about Land Use Management, are necessary.					



**Key Informant Interviews (KII)****(a) KII with District Administrator in Yangon South District GAD**

<b>Key Informant Interview</b>	<b>Date</b>	<b>Interview</b>
<b>Questions for Township Administrator</b>	<b>Day/Month/Year</b>	<b>Code</b>
	-----/-----/2019	-----/-----
To be completed by Interviewer		

Interviewer: **Mg Tin Swe Myint**Roll No. **68**Class **EMPA-16<sup>th</sup> Batch**University **Yangon University of Economics**

1. How do you assume on issuing the grant or lease?

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2. How do you study monthly the land laws, procedures, directions and orders?

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3. How do you want to say on the application of grant/ lease by the people?

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4. How do you make workshop to share knowledge of land use the people? Or, how do you arrange the public talk?

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-----

5. How and when do you do to give the good service of issuing the grant/ issues the people?

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6. Would you like to give other comment?

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**(a) KII with Deputy District Administrator in Yangon South District GAD**

1. How do you assume on issuing the grant or lease?

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2. How do you study monthly the land laws, procedures, directions and orders?

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3. How and when do you do to give the good service of issuing the grant/ issues the people?

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4. Have you give other comment?

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**(b) KII with Township Administrator in Kyauktan Township GAD**

1. How do you study monthly the land laws, procedures, directions and orders?

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2. How do you want to say on the application of grant/ lease by the people?

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3. How do you make workshop to share knowledge of land use the people? Or, how do you arrange the public talk?

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4. How and when do you do to give the good service of issuing the grant/ issues the people?

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5. Have you give other comment?

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**(c) KII Survey with Deputy Township Administrator in Kyauktan Township GAD**

1. How do you assume on issuing the grant or lease?

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2. How do you study monthly the land laws, procedures, directions and orders?

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---

3. How do you want to say on the application of grant/ lease by the people?

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4. How do you make workshop to share knowledge of land use the people? Or, how do you arrange the public talk?

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5. How and when do you give the good service of issuing the grant the people?

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6. Would you like to give next comment?

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**(d) KII Survey with Deputy Staff Officer in Kyauktan Township GAD**

1. What do you serve in Thanlyin Township GAD?

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2. How do you serve the land revenue?

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3. What weakness do you face in Township GAD?

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4. What challenges do you face on field about grants?

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5. What would you like to say?

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**(e) KII Survey with lower clerk in Kyauktan Township GAD**

1. What do you do in issuing the grant or lease?

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2. Do you have trouble?

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**(f) KII Survey with ward clerk in Kyauktan Township GAD**

1. What do you do in issuing the grant or land use?

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2. What is your trouble?

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3. Do you study the land law?

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**(g) KII Survey with village clerk in Kyauktan Township GAD**

1. What do you do in issuing the grant or land use?

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2. What do you want to say?

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3. Do you study the land laws?

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(h) **KII Survey with ward administrator in Kyauktan Township GAD**

1. What do you do in issuing the grant or land use?

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2. What do you want to say?

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3. Do you study the land laws?

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4. What trouble do you face?

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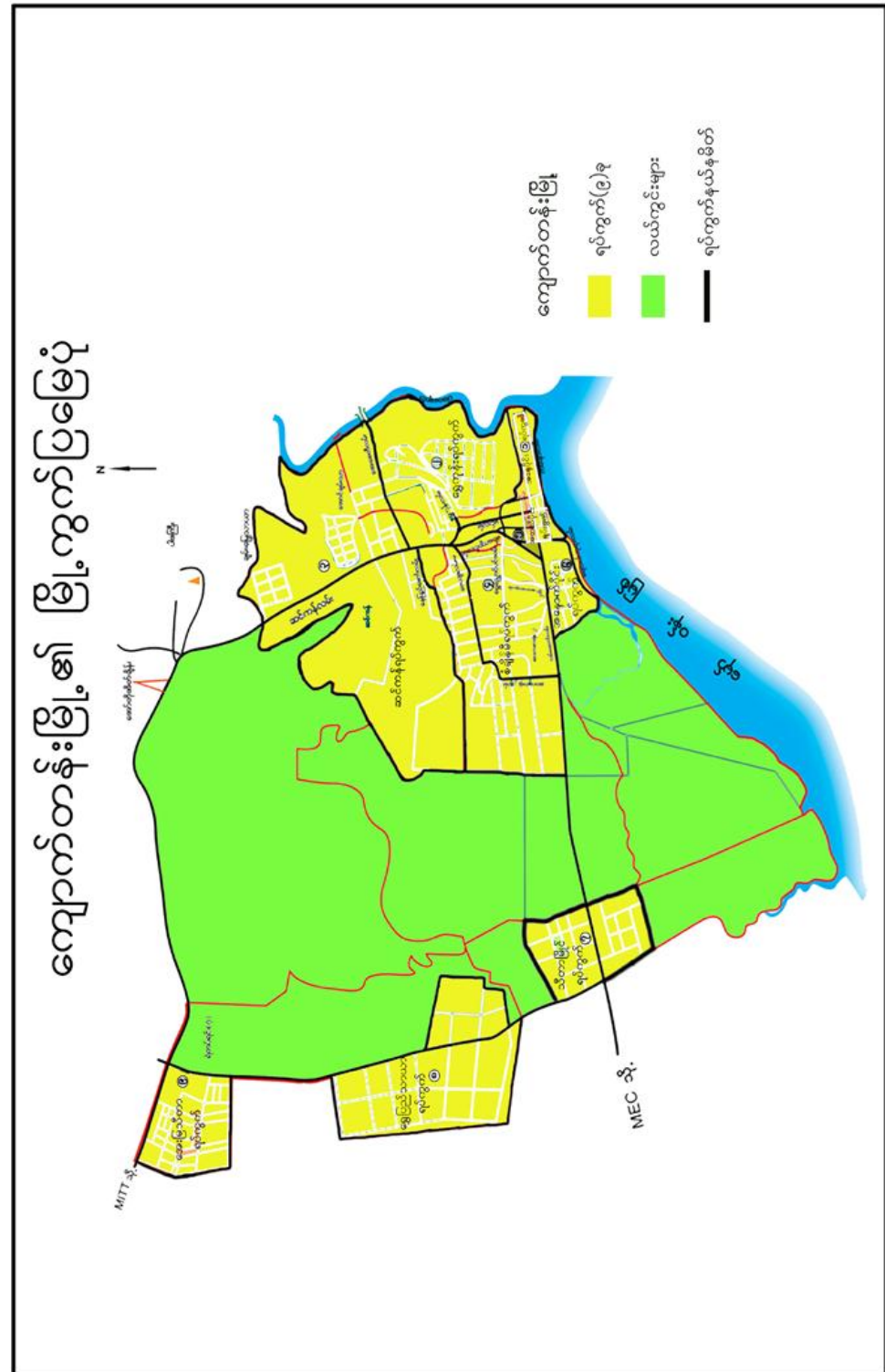
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5. What do you want to recommend?

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## URBAN VIEW OF KYAUKTAN TOWNSHIP



ကျောက်တန်းမြို့နယ်အညွှန်းပြမြေပုံ

ကျောက်တန်းမြို့နယ်

မြို့နယ် (၁)  
မြို့ (၂)  
ရပ်ကွက် (၁၃)ခု  
ကျေးရွာအုပ်စု (၄၄)စု  
ကျေးရွာ (၈၀)ရွာ

ရန်ကုန်မြို့

သန်လျင်မြို့

စကေး ၁ လက်မ = ၂ မိုင်

သုံးစွဲခြင်း



**ရန်ကုန်တောင်ပိုင်းခရိုင်မြေပုံ**

ရန်ကုန်မြောက်ပိုင်းခရိုင်

မဟာရန်ကုန်

တုံ့တေးမြို့နယ်

အလဲမြို့နယ်

သန်လျင်မြို့နယ်

ကျောက်တန်းမြို့နယ်

ချမ်းမြို့နယ်

ပဲခူးခရိုင်

မုတ္တမဝင်လယ်ကွေ့

ကုန်းခြံကုန်းမြို့နယ်

ဧရာဝတီတိုင်းဒေသကြီး

ကိုကိုးကျွန်းမြို့နယ်

မြို့နယ်	၁၀
မြို့	၉
ရပ်ကွက်	၁၀၀
ကျေးရွာအုပ်စု	၃၇၅
ကျေးရွာ	၁၀၀၇

LAND REVENUE II

L. B. Lease 1(a).

Entered in Land Register 3 (Volume                      page                      )

Revenue Proceedings No. ----- of 20                      - 20                      ----- District Office.

**[COUNTER PART]**

**Form of Lease for Short Term without the Power of Renewal under the  
Lower Burma Town and Village Lands Act\***

(Rule 8 and 29 of the Rules under the Lower Burma Town and Village Lands Act)

□ □ □ □ □ □ □

THIS LEASE made the ----- day of -----two  
thousand                      and ----- BETWEEN THE  
GOVERNMENT OF THE REPUBLIC OF THE UNION OF MYANMAR (hereinafter called  
"the Lessor" which expression shall be taken to mean and include the said Government of the  
Republic of the Union of Myanmar and his successors in office and assigns except when the  
context requires another and different meaning) of the one part and -----  
-----  
-----of ----- son of -----  
----- (hereinafter called "the Lessee" which expression shall be  
taken to mean and include the said ----- his  
heirs executors administrators representatives and assigns except when the context requires  
another and different meaning) of the other part: WITNESSETH that in consideration of the  
rent hereinafter reserved and of the covenants by the Lessee hereinafter contained the Lessor  
DOTH hereby lease unto the Lessee all that piece of land described in the schedule hereto  
together with all rights easements and appurtenances to the same belonging save and except  
all mines and mineral products buried treasure coal petroleum oil and quarries whatsoever in  
under or within the said land with liberty for the Lessor and his Lessees licensees agents and  
workmen and all other persons acting on his behalf to dig search for obtain and carry away  
the same on making reasonable compensation to the Lessee on account of any disturbance or

damage that may be caused thereby to the surface of the said land and that such compensation shall in case of dispute be determined by the Deputy Commissioner of -----  
---as nearly as may be in accordance with the provisions of the Land Acquisition Acts of Regulations for the time being in force TO HOLD the said land unto the Lessee for the term of ----- years from the date of this lease YIELDING and PAYING therefore the clear yearly rent of Kyats ----- payable in advance on the third day of January of each year and the Lessee doth hereby to the intent that the burden of the covenants may run with the said land and may bind the owners there of for the time being covenant with the Lessor :

1. To pay the said rent on the day and in the manner hereinbefore, appointed for payment thereof and also to pay all taxes rates and assessments that now are or may hereafter during the said term be imposed upon the said Land or any buildings that may be erected thereupon or upon the Lessee in respect thereof.

2. To commence to erect upon the said land within -----months from the date hereof the buildings the measurements elevation and materials of which shall receive the previous approval in writing of the Deputy Commissioner and to complete such buildings within ----- months from the date hereof and during the

---

\* Prescribed by Financial Commissioner's Notification No. 118, dated the 23<sup>rd</sup> June 1910. Exempted from Registration, *vide* the Registration Act, section 90, clause (d). Blank copies are stamped with the adhesive labels in Rangoon without payment and transferred from the stock of stamps in Rangoon to District Treasuries for sale. *See* Direction 14 of the Stamps on Instruments Directions.

currency of this lease to keep such building in good repair to the satisfaction of the said Deputy Commissioner.

*\* Alternative*

2. To erect upon the land within ----- months from the date hereof and thereafter at all times during the said term to maintain thereon a good and substantial ----- as described in his application according to the rules and bye-laws which now are in force or hereafter may be in force under any Act

governing the administration of urban areas in respect to materials to be used in and method of construction of buildings.

3. Not to alter the position mode of construction or material of the said buildings or of any other buildings that may hereafter be erected on the said land without the consent in writing of the said Deputy Commissioner and not to erect any other building upon the said land without first obtaining such consent.

+ *Alternative*

3. Not to erect any other building on the said land without first obtaining the consent in writing of the said Deputy Commissioner.

4. Not to use the said land and buildings that may be erected thereon during the said term for a lodging-house or for a cooly-barrack or for any other purpose than -----  
----- without the consent in writing of the said Deputy Commissioner.

In the event of the Lessee obtaining subject to any further restrictions and conditions or subject to enhanced rent the consent of the Deputy Commissioner to erect maintain keep or use buildings on the land for the purpose of a lodging-house or a cooly-barrack to comply with all such restrictions and conditions and to pay on the dates aforesaid such enhanced rent as if they were part of this lease.

5. Without first obtaining such consent not to subdivide the said land or to part with the possession or transfer or sublease a part only of the said land.

6. To register all changes in possession of the whole of the said land whether by transfer otherwise than by registered document succession or otherwise in the register of the said Deputy Commissioner within one calendar month from the respective dates of such changes and if the Lessee shall without sufficient cause neglect to register such changes the said Deputy Commissioner may impose on him for each such neglect a penalty not exceeding Ks. 100 and a further monthly penalty not exceeding Ks. 50 for each month that such breach shall continue and the said Deputy Commissioner may enforce the payment of such penalties in the same manner as arrears of revenue on the land be may recovered.

7. That the said Deputy Commissioner and all persons acting under his orders shall be at liberty at all reasonable times in day time during the said term to enter upon the said land or any buildings that may be erected thereon for any purpose connected with the lease.

8. At the expiration of the said term hereby granted quietly to surrender and deliver up possession of the said land but not the buildings or fixture that may be thereon to the Lessor provided that if the Lessor shall re-enter upon the said land and determine this lease under clause 10 hereof the Lessee shall thereupon quietly deliver up possession of the said land and the building and fixtures that may then be thereon to the Lessor.

---

*\* Strike out alternative not required.*

*+ Strike out alternative not required.*

9. Provided always that always that if the said rent or any part thereof shall be in arrear and unpaid for one calendar month after the same shall have become due whether the same shall have been demanded or not or if the Lessee shall not observe and perform the covenants hereinbefore contained the said Deputy Commissioner may immediately and notwithstanding the waiver of any previous breach or right of re-entry cancel this lease and take possession of the land and the buildings and fixtures that may then be thereon.

And the Lessor doth hereby covenant and with the Lessee\_

10. That the lessee may at the expiration of the said term hereby granted if this Lease shall not have been previously cancelled under clause 10 here of and if the Lessee shall have paid the said rent and duly observed and performed the covenants by the lessee here in contained up to the expiration of the said term take away and dispose of all buildings and fixtures that may be erected and fixed to the said land provided that lessee makes good and repairs any damage that may be caused to the said by such removal.

11. Provided also and it is hereby agreed that the Lessor his successors or assigns may at the expiration of the said term hereby granted if the Lessee shall not have obtained a renewal of this lease under clause 12 here of elect to purchase the said buildings and fixtures that may then be in or upon the said land on giving to the Lessee one calendar month's previous notice in writing of such his intention and the price shall in case of dispute be determined by the Executive Engineer of the said district according to the actual value of such buildings and fixtures and his decision shall be final and conclusive and altogether binding upon the Lessee.

IN WITNESS WHERE OF \_\_\_\_\_

acting for and on behalf of the Government of the Republic of the Union of Myanmar and

---

\_\_\_\_\_ have hereunto set their hands.

THE SCHEDULE ABOVE REFERRED TO

ALL that piece of land situate in the \_\_\_\_\_ ward of  
the town of \_\_\_\_\_ known as lot No  
\_\_\_\_\_ in block No. \_\_\_\_\_ containing \_\_\_\_\_ or thereabouts  
bounded as follow: \_

*North.* \_\_\_\_\_

*South.* \_\_\_\_\_

*East.* \_\_\_\_\_

*West.* \_\_\_\_\_

and shown in the annexed plan marked red.

Signed by the said \_\_\_\_\_

}

in the presence of \_\_\_\_\_  
*Commissioner,*

*Deputy*

\_\_\_\_\_

*District.*

*Witnesses* \_

Signed by the said \_\_\_\_\_

}

in the presence of \_\_\_\_\_  
*Lessee.*

*Signature of*

*Witnesses* \_

**(On the Reverse of the Counterpart of Lease)**

To

THE REVENUE SURVEYOR, \_\_\_\_\_ Charge, \_\_\_\_\_

Please enter the particulars of this lease, i.e., name of the lease, area and description of the land leased, rental and serial number and form of lease, dates of issue and expiry in your rent demand roll returned to you, and the plot the area leased as shown in the attached plan on the Town map, and return this copy of the deed with a certificate that you have done so.

*Dated* \_\_\_\_\_ }  
*The* \_\_\_\_\_ 20 }

FROM \_\_\_\_\_ *Officer making*  
*Lease* \_\_\_\_\_  
  
\_\_\_\_\_ *(Designation.)*

THE REVENUE SURVEYOR, \_\_\_\_\_ Charge, \_\_\_\_\_  
\_\_\_\_\_

. To

- (1) Counterpart of lease, with map attached, received on
- (2) Returned on

Certified that I have entered the particulars of this lease in the rent demand roll, and that I have plotted the area leased as shown in the attached plan to the Town map.

*Dated* \_\_\_\_\_ }  
*The* \_\_\_\_\_ 20 } *Revenue*  
*Surveyor.*

Received

File in proceedings.

*Dated* \_\_\_\_\_ 20 \_\_\_\_\_ *Officer making Lease*