

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

**A STUDY ON LAND OWNERSHIP  
(TENURE MANAGEMENT) OF YANGON CITY  
DEVELOPMENT COMMITTEE**

**AUNG NAING WIN THAUNG  
EMPA - 4 (18<sup>th</sup> BATCH)**

**OCTOBER, 2022**

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**A STUDY ON LAND OWNERSHIP  
(TENURE MANAGEMENT) OF YANGON CITY  
DEVELOPMENT COMMITTEE**

A thesis submitted in partial fulfillment of the requirements for the  
Master of Public Administration (MPA) Degree

**Supervised by:**

Dr. Cho Cho Thein  
Pro-Rector  
Yangon University of Economics

**Submitted by:**

Aung Naing Win Thaung  
Roll No. 4  
EMPA (18<sup>th</sup> Batch)

**October, 2022**

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**MASTER OF PUBLIC ADMINISTRATION PROGRAMME**

This is to certify that this thesis entitled, “**A STUDY ON LAND OWNERSHIP (TENURE MANAGEMENT) OF YANGON CITY DEVELOPMENT COMMITTEE**”, submitted as the requirements for the Degree of Master of Public Administration has been accepted by the Board of Examiners.

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Department of Applied Economics  
Yangon University of Economics

-----  
U Khun Maung Gyi  
Associate Professor  
Department of Applied Economics  
Yangon University of Economics

**October, 2022**

## **ABSTRACT**

Land laws and procedures are a key factor in applying for land ownership and by understanding the land laws and procedures will one be able to transfer, divide and rename land. The objectives of the study are to identify land management system and land use administration in Myanmar and to examine challenges of application for land ownership in YCDC. In this study applied descriptive method and based on primary data and secondary data. This study found that most of the applicant of the land ownership does not know about the types of land. Most of the applicant has knowledge about the landlord's rights and land registered. The numbers of respondents were known about the legal and evidential about land application. It also found that there are many weaknesses in matters related to land laws. Therefore, it is suggested that the government or related organizations should create easier and faster ways to apply for land ownership and provide training on land laws.

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## **LIST OF ABBREVIATIONS**

GP	General Power
LMS	Land Management System
LUC	Land Use Certificates
MOECAF	Ministry of Environmental Conservation and Forest
NLUP	National Land Use Policy
NSDI	National Spatial Data Infrastructure
SP	Special Power
UN	United Nation
USAID	United States Agency for International Development
YCDC	Yangon City Development Committee

# CHAPTER I

## INTRODUCTION

### 1.1 Rationale of the Study

Land is a finite resource for which the competition is intensifying because of rapid urbanization, growing populations, economic necessities etc. Land Management Systems (LMS) are institutional frameworks that are complicated by the tasks they must perform, as well as by national cultural, political, and judicial settings, as well as by technology (Enemark et al., 2005). Because an effective land governance and property rights system are fundamental to the broad process of economic and political development, countries should establish their LMS based on their understanding of property rights, restrictions, and responsibilities to manage the relationship between land and people (Bennett et al., 2006; USAID, 2013). According to the Bogor Declaration (FIG-UN, 1996), land tenure and land tenure rights should be secured, and land markets should be activated, for sustainable development and land management. This is only possible if modern cadastral infrastructures are developed. Land use planning and national cadastral infrastructures are promoted in the same declaration in order to meet the needs of rising populations. The "use" of land tenure is important in this context.

The rapid growth of the world's urbanization, especially in developing countries, is one of the major challenges for governments and planning agencies. The inevitable outcomes from this process are the spatial expansion of towns and cities beyond their juridical limits and into their hinterlands and peripheries in order to accommodate the growing urban population. Therefore, effective governance and planning to achieve a more sustainable urban form are crucial for urban planners and policy makers (Mosamma et al., 2017).

One of the most serious global issues is urbanization. Urbanization is regarded as a global trend that has accelerated in the last century. At the moment, urban areas house half of the world's population, and this figure is expected to rise further. Land use planning is a fundamental process for planning, organizing, and managing a

mechanism to control existing or new land uses assigned for various purposes through the collaboration of building and development control authorities, local district government departments, and local residents (Behzadi and Ali, 2013) It is also a method of overcoming inappropriate urban land uses through collaborative efforts (Viegas, Saldanha, Bond, Jose, and Selig, 2013). Global socioeconomic considerations are inextricably linked and recognized with land use planning. When cities meet the needs of their inhabitants, socioeconomic development and land use planning become a necessity for today's world population. When cities are considered as a future for humanities, urban areas must be socially neutral, economically advantageous, and environmentally sustainable (Cities Alliance, 2007).

The system of legal requirements and regulations that apply to land in order to achieve desirable and harmonious development of the built environment is known as land use management. Every property in the city is subject to a set of regulations that govern development. The zoning of the property determines these regulations. The applicable Town Planning Scheme specifies property zoning, which governs aspects such as possible land use, floor area, coverage, building lines, parking provisions, and so on. Currently, different Town Planning Schemes exist for various areas of the city. Because the specific requirements of the schemes differ, it is critical to determine which scheme applies to which area. In addition to zoning regulations, development is governed by title conditions. These conditions are spelled out in each property's Title Deed and can limit how a property can be developed. When an area is used for a specific purpose to meet people's wants and needs, land use is taken seriously.

Urbanization in Myanmar is steadily on the rise with approximately 30 percent of the population now living in cities. Much of this is attributed to internal migration flows. The majority of migrants move to cities for employment. Other push actors of rural-to-urban migration include market shocks, rural poverty, landlessness and natural disasters. The economic growth in cities has been fueled by an expansion in construction, services, and manufacturing. Yangon is the country's most popular city and contributes approximately 25 percent of the country's GDP (WB, 2019). The lack of comprehensive, integrated land use and infrastructure plans to guide urban growth is a noted shortcoming in Myanmar (Harvard Kennedy School, 2012). The lack of land ownership records is a challenge that Myanmar is currently addressing. Land records are in poor condition and people often do not register land transactions. Land use certificates (LUC) often contain errors and inconsistencies and many of them

must be replaced. Aside from informing land use decisions and timing infrastructure in tandem with growth, a comprehensive urban plan can facilitate the conservation of built and natural heritage. YCDC, Planning and Land Administration department, among whose responsibilities are urban planning and urban design. Myanmar's current land administration challenges are legacies of the British colonial period and subsequent regimes. There are multiple and overlapping institutional mandates (World Bank, 2017c) The situation is further exacerbated by indeterminate land entitlements; lack of a comprehensive land registry and geospatial information; lack of a formal method to protect and recognize customary land rights; Weak awareness and knowledge of land laws, land policies, and land regulations by government staff, business, civil society and professionals has contributed to disputes, conflicts and confusion in Myanmar land sector. Thus the study intends to describe the land management system of Myanmar in general and particularly in land tenure management in YCDC.

## **1.2 Objectives of the Study**

The objectives of the study are to identify land management system and land use administration in Myanmar and to examine challenges of application for land tenure management in YCDC

## **1.3 Method of Study**

The study used descriptive method based on primary data and secondary data. The primary data were collected by using the random sampling method from Urban Land Administration Department (ULAD) of YCDC. The selected sample size is 150, which is about 50% of daily applicants for the application of land ownership in YCDC. The secondary data are collected from the ULAD of YCDC, published articles, journals, books, and internet websites.

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

This study focused on the land ownership application from the Urban Land Administration Department in YCDC at 2021-2022. Surveys were conducted and get the required data from the land ownership applicant in the City Planning and Land Administration Department. Land using, land tenure and property rights are essential to include but the ~~more~~ most are commonly lack of evidence ~~is~~ of their right to ownership. This study does not reflect of the other departments from the land ownership pattern.

#### **1.5 Organization of the Study**

This study is organized into five chapters. Chapter one is organized by 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 two describes about literature review -Chapter three is presented the role of land administration system and policy in Myanmar. It is organized together with land administration in Myanmar, land acquisition and land transfer, General Administration Department and land use management and land administration in YCDC. Chapter four is survey analysis results. Chapter five is conclusion with findings and suggestions.

## **CHAPTER II**

### **LITERATURE REVIEW**

#### **2.1 Concepts of Urban Land and Land Management**

Urban land is the land portion located within the jurisdiction of an urban area. It may be developed, being developed, and urban land can also be defined as the plant form for all human activities taking place in urban centers and which is very scarce due to rapid urbanization and the natural increase of urban population that it needs efficient management. Urban land comprises only a small part of the earth surface, but it is an important part because it is where almost half of the world's human population lives and where more than half of the world's economic activity occurs. Land management can be defined as a system of land administration concerned with the judicious allocation and it is the process by which the resources of land are put into good effect. It is also the system of land administration concerned with the appropriate use of land for different activities, controlling the general performance of urban growth through different measures and the efficient utilization of urban land. Therefore, a clear understanding and application of the concept of urban land management is important to manage urban land properly. This involves establishing procedures with make land for development rapidly available to the public (Bacry Yusuf, Sileshi Tefera and Admit Zerihun, 2009).

Land use planning is the term used for a branch of public policy that encompasses various disciplines which seek to order and regulate the use of land in an efficient and ethical way. For land use management to flourish and more importantly to create convenient and conducive environment for present and future generations; there is the need for fundamental rethinking of land use control mechanisms, policies, and strategies. An interdisciplinary approach is essential towards reducing the existing inefficiencies and malpractice in urban land use planning and implementation (Aribigbola, 2007).

The earliest spatial models explaining urban land use and urban growth can be seen in the writings of Johann Heinrich von Thunen in 1826. Von Thunen's theory

stated that the agricultural land use decreases as the distance from the city increases in a pattern of rings that radiate out from the city center (Onsted, 2007). Land use of a particular area is indicated as being influenced by the distance of the area from the markets and its geographic conditions (Rodrigue, 2015). Land use change and urban growth is one such real life event that has been analyzed and modeled using a variety of different techniques. Understanding the changes in land use and urban growth patterns enable forecasting and prediction of effects of human behavior as well as natural phenomenon.

Land use change and urban growth is one such real life event that has been analyzed and modeled using a variety of different techniques. Understanding the changes in land use and urban growth patterns enable forecasting and prediction of effects of human behavior as well as natural phenomenon. Awareness of such possible urban growth patterns and land use change is critical to a variety of stakeholders including city planners, resource managers, environmentalists, and policy makers, to name a few. Having knowledge of how land could change differently under various polices, programs and scenarios allow these stakeholders to engage in knowledgeable and productive planning, policy, and informed decision making. The United Nations (UN) estimates the world's population at 7.9 billion and this population is expected to increase to 9.7 billion in 2050, up more than 50% from 6.1 billion in 2000 and thereafter to 10.9 billion in 2100. Concurrently, the world is also undergoing rapid urbanization and urban growth. Since 2008, more than 50% of the global population has been living in cities and towns. Currently, 55% of the global population lives in cities and towns, anticipated to increase to 68% by 2050, an increase of 2.5 billion people over the current global urban population (World Bank, 2020) earlier in 2012; UN-DESA estimated that the urban population will increase by 75% to 6.3 billion, from 3.6 billion. Indeed, it was anticipated that by 2020, the 21st century's great migration to the cities would be well underway. The idea to live in healthy environment continues to attract global attention.

The world is faced with environmental challenges such as waste and climate change imperatives especially in cities and other urban areas. Apart from their following relevance in terms of revolutionizing preservation: storage, longevity of numerous products; facilitating the ease of transporting products from factories to markets; and substituting for energy intensive materials such as iron and steel as well as their low cost plastics continue to receive wider application and increase in

production (OECD,2018). The weak urban development and management arrangement in developing countries is well known. Challenges such as poor land administration and management as well as valuation systems, weak urban planning and governance regimes, weak institutional capacities and inefficient land and property markets among others are all well-rehearsed in the literature. Because of the impact of modern technology on the built environment and how it is disrupting traditional real estate economics, developing countries and the players in their built environment must pay close attention as their cities and urban centers grow and expand their frontiers. Land administration and management will rely heavily on technology. It is well documented that most land administration and management services are delivered in person rather than digitally in the developing world, which greatly contributes to inefficiencies in land administration and management systems.

## **2.2 Types of Land Tenure**

There are three main categories for land tenure that allows different property rights. ; Freehold land, grant and lease, and agricultural land.

## **2.3 Land Tenure and Property Rights Systems**

Land tenure is the mode in which land is held or owned, or the set of relationships between people concerning the use of land and its product. Property rights can also be defined as a recognized interest in land or property vested in an individual or group, and they can apply to land or development on it separately. Access, use, development, and transfer are examples of rights that can exist alongside ownership. Rights to land and property exist within a regime of rights in general. The key factor in any system of land tenure and property rights is therefore the relationship of an individual to the group and of different groups to each other and the state and their collective impact on land. From this, it follows that concepts of land tenure are an expression of the values to which a society adheres or aspires. As such, they vary enormously from those at one end of the spectrum which regard land as a sacred trust, to be protected for future generations, to those at the other end which regard it as a commodity to be enjoyed or exploited like any other. Tribal, feudal, colonial, capitalist, socialist and religious societies have all evolved distinctive concepts concerning the ownership and use of land. Countries which have been



subject to colonialism have particularly complex tenure arrangements, since indigenous and imposed tenure patterns may exist at the same time in the same area.

### **2.3.1 Customary Tenure and Property Rights**

Customary tenure systems have been defined by the United Nations as the rights to use or to dispose of use-rights over land which rest neither on the exercise of brute force nor on the evidence of rights guaranteed by government statute but on the fact that those rights are recognized as legitimate by the community, the rules governing the acquisition and transmission of these rights being usually explicit and generally known though not normally recorded in writing'. As Fisher (1993), has noted, "the major characteristic of customary tenure is that the land is regarded as belonging not to the individual but to the whole social group. Customary land is not subject to personal ownership, although use-rights are alienable within and between members of the community. There is a birthright to subsistence opportunity for each family head; each family is granted use-rights of habitation and cultivation according to their need". Continuously, "these characteristics shape not only the relationship between the community and its land, but also between the individual members of the community. Security of tenure and of subsistence opportunity arises out of kinship with and membership of the community group. Land is a social resource; it is through his or her relationship with the land that the individual perceives a sense of place and of personality".

A wide range of customary tenure concepts exist throughout Africa, the Pacific, parts of the Middle East and North America. They also account for a large proportion of the total land area of many countries. Most were developed by tribal societies which considered their role as stewards with a life interest to be passed onto future generations through kinship networks (Dewes 1985, Mabogunje 1990 p16). A late Ghanaian chief encapsulated the essence of customary tenure by claiming that "land belongs to a vast family of whom many are dead, few are living and countless hosts are still unborn" (Ollennu 1961). Under customary land systems, there is an individual right of occupation and use, but only a communal right of alienation.

Several groups could enjoy different rights to the same land, such as rights of occupation, grazing, or passage in addition to the group claiming primary rights. The extensive nature of customary tenure systems did not prevent individual allocation of customary land, however, even during the 19th century in parts of Africa. Customary

tenure concepts have evolved from the needs of agricultural societies and are generally based on the notion that land initially belonged to the person who cleared it. Given its relative abundance, and the practice of shifting cultivation, land had virtually no economic value, so the need to retain or develop any system of rights to a particular area of land that could not be protected was both unnecessary and illogical when land was abundant (Feder and Noronha 1987). In areas where communities were competing for scarce land resources, however, disputes were common and were often resolved by armed conflict. In other cases, disputes were avoided by gathering control under the jurisdiction of a central authority. In Thailand and Swaziland, for example, all land was traditionally owned by the monarch, but there was sufficient for everyone to claim a plot on which to live and farm. The interests of families were protected by an inalienable right to use land for residence and farming, etc (Russell 1986).

Customary rights derived from membership in the political community and, traditionally, no cash payment was made for the land. Instead, a token payment, sometimes referred to as "cattle money" was expected for the services rendered. As pressure on customary land increased with urbanization, so the amount of this token payment has tended to increase so that, in some cases, it approximates to a market value. The process of allocation, however, generally remains the same. Russell (*ibid*) notes that this system puts considerable power in the hands of chiefs, who retain the right to banish anyone from their area. While this is rarely enforced, its threat acts as a powerful incentive to conformity to the wishes of the local community and the will of the chief.

These customary systems fuse the rights of the individual with those of the group and individuals possess extensive rights, but not land as such (Kludze 1983). Ownership in these cases is therefore corporate rather than proprietary. To some extent, this acts as a constraint to those desiring social mobility (UN 1973 Vol VII) by making it more difficult for individuals to obtain loans for economic development, since they are generally unable to use land as collateral for such loans. Whilst customary systems have been generally successful in ensuring the equitable distribution of land and reasonably efficient in stimulating productivity, this success is greatest where the rate of social change and the demand for land are both modest (Feder and Noronha 1987; see also Bromley and Cernea 1989, p38). In many cases, lands held under customary tenure are under threat from expanding rural populations

or urbanization. Under other tenure systems, such as private freehold, the legal status of customary holdings may become ambiguous or even subordinate, reflecting shifts in influence in the larger legal and institutional environment.

### **2.3.2 Private Land Tenure and Property Rights**

The concept of private property rights is an essential component of European society's legal framework (United Nations 1973). It is thought to have evolved in response to feudal society's rules, according to which a local lord had superior rights of ownership, particularly land ownership, and all tenants in the area paid him 'feuds' or fees. Private ownership is embodied in English common law, but it is expressed in its purest form in the French Civil Code of 1804-8, which was drafted after the Revolution of 1789 finally overthrew feudalism. It is commonly referred to as the Napoleonic Code because it was imposed on countries that he and subsequent French governments colonized or influenced. The Code defines ownership as the right to completely free enjoyment and disposal of objects, provided they do not violate any laws or regulations. Private ownership can be in perpetuity (freehold) or for a set period of time (leasehold). In the latter case, renewal terms and conditions may be based on statutory or contractual considerations. For the last two centuries, the combination of private ownership and extensive individual rights has been the cornerstone of Western European and North American societies, to the point where they are commonly referred to as property owning democracies.

Despite the primacy of the individual in such societies, governments frequently exercise the right of "eminent domain." This gives the state the right to acquire some or all of a property as long as due process is followed and compensation is paid. In addition to these statutory constraints, private constraints may be imposed through the use of restrictive covenants. Private land ownership and the registration of individual property rights is largely an imported concept in developing countries, and it is most common in urban areas, where it was introduced or strengthened by colonial administrations for the benefit of European settlers (Mabogunje 1990 p18). As a result, it may coexist with other concepts, such as customary tenure. Private land ownership allows for the unrestricted exchange of land and property, as well as the development of land and property markets in which supply and demand are balanced through the pricing mechanism. It is also intended to ensure the most efficient and flexible use of land and, in most cases, results in the simple transformation of rural

land into urban use, subject to statutory controls and enforcement. However, in many countries, a common source of concern with this concept is its inability to ensure equitable access to land or property for lower-income groups.

### **2.3.3 Public Land Ownership or Control**

To some extent, almost all societies recognize the concept of public land ownership. In its most extreme form, the state may own all land and allocate rights of access, use, development, and transfer, as is the case in half of Sub-Saharan Africa (ibid p20). In other cases, public ownership may be reserved for areas of strategic importance or community benefit, or as a reserve right for future use. Public control of land use, in the form of statutory provisions governing permissible land development, is becoming more widely accepted as a means of safeguarding the public interest. The concept of public land ownership arose in part as a reaction to the perceived limitations of private ownership in providing equal access to land for all segments of society. In some cases, this manifested itself as a return to pre-colonial concepts of communal rather than individual ownership, whereas in others, it was the result of socialist ideology. It was hoped that by allocating resources based on perceived need, greater equity would be achieved. The major limitations of this concept have proven to be the demands it places on administrative systems' capability and integrity, as well as their ability to respond efficiently to changes in demand. Difficulties in practice have increased the costs of land management while also limiting levels of investment and development that would have benefited lower-income groups. Bureaucratic inertia may have also hampered the conversion of public land from rural to urban use.

### **2.3.4 Indigenous and Imported Tenure Concepts**

In practice, there are numerous variations on all of these concepts. A variety of tenure concepts and practices may coexist within a single country, and even within a single category, such as customary tenure, different ethnic groups may have their own legal systems (Kludze 1983). A number of other practices, often based on very different interests, have been added to these complex tenure traditions, colonialism being one of the most prominent. Local leaders initially received significant revenues from granting land concessions to European settlers while retaining their inalienable rights under local tradition (Russell 1986). When Europeans took over as colonial

rulers, they found the overlapping rights of several parties to a single tract of land intolerable and immediately set about regularizing what they saw as a chaotic state of affairs (ibid). The colonial solution in countries such as Swaziland was to deprive the nation of land rights by granting freehold title to most foreign concessionaires (who constituted 1.1% of the population in 1911). The Swazis thus lost control of the majority of their land, while the portion of land seized by the British Crown was quickly sold as freehold to settlers to raise revenue for roads, bridges, and other services required by the new settler state (ibid).

Variations on this approach were adopted in the majority of the new colonies, and nowhere was this more clearly stated than by Harry Sewell, New Zealand Minister of Justice in 1870, when he declared that "The purpose of the Native Lands Act was twofold: to bring the vast majority of Maori lands in the Northern Island within the reach of colonization. The main goal was to detribalize the Maoris...(and) it was hoped that by individualizing land titles and giving them the same individual rights as we did, they would lose their communistic character and their social status would become assimilated to ours " (Dewes 1985). The colonial power, of course, dictated the terms of assimilation. To compensate for colonial restrictions on access, residence, and purchase of urban land by the local population, colonial administrations introduced various devices into customary land tenure systems. Among these were 'occupancy permits,' 'occupancy certificates,' and 'livret de loguer,' which were essentially state leases. Customary tenure also experienced adaptive responses as an increasingly mobile local population sought access to land. In most parts of Africa, Asia, and the Pacific by the end of the nineteenth century, indigenous land tenure systems were coexisting with European concepts. With local people's access to colonial urban areas strictly controlled and urban growth rates relatively low, these parallel tenure systems functioned reasonably well. However, as countries gained independence and rural-urban migration caused rapid urban growth, the anomalies became more visible. Even countries that had never experienced colonialism found it difficult to reconcile imported European tenure systems with traditional practices. Turkey, for example, had implemented the Ottoman Land Law of 1858, which allowed villagers in Anatolia's sparsely populated areas to settle and cultivate 'miri' land. When these villagers migrated to Ankara, they, understandably, followed the same pattern and settled on undeveloped land on the city's outskirts. They were acting perfectly legally in traditional terms, but the city was being

developed according to imported planning concepts, and the migrants quickly found themselves at odds with the authorities (Payne 1982). The negative impact of inherited, imposed, or imported tenure systems is most easily seen when compared to one of the few countries that have built its economy on indigenous systems. Thailand has never been colonized and has a well-established and accepted Civil and Commercial Code as well as a Land Code that collectively establish the rights and duties of individual land-owners. These land laws are now part of Thai culture, allowing the country to choose the most appropriate systems and laws for government operation. They have been amended numerous times over the last century in response to changing needs (UN 1991:16-17).

In developing countries, the importance of land tenure and property rights in rural development has been widely acknowledged and researched. However, for some reason, it has received less attention in urban areas, despite its importance in achieving developmental goals. Because the issues are similar in some ways, assessing the rural experience can provide useful guidance. However, urban areas are more complex and raise a number of additional issues that require special consideration, such as the interactions between formal and informal decision-making processes and individual and community needs.

### **2.3.5 Contemporary Urban Tenure Systems**

The main difference between urban and rural land tenure issues is that urbanization has dramatically increased population pressure on, and demand for, land in and around cities. In general, urban areas embody a broader range of tenure concepts and practices for a given area, making the land issue more politically contentious than in rural areas. With urban populations doubling every decade, traditional tenure concepts have proven incapable of meeting the needs of people with low incomes and little, if any, savings or collateral. In many cases, land on the outskirts of cities is not registered, making determining the tenure status of owners and users extremely difficult and costly. Lower-income groups responded to the lack of formal settlement opportunities in market or state supply systems in the 1950s and 1960s by invading land and establishing squatter settlements. Many of these grew to accommodate large populations, and tenure subsystems such as squatter tenancies or the 'company' housing found in some African cities evolved. In other cases, land settled under legally sanctioned tenure was illegally sublet or transferred. These

initially non-commercial processes have been commercialized in many towns and cities by the emergence of agents skilled at transferring and developing land in accordance with the needs and resources of lower income groups while avoiding official regulations and procedures. Unauthorized commercial subdivisions have given rise to a new type of tenure with which policymakers must contend. Such illegal subdivisions are frequently sold on a hire purchase basis, with a number of irregularities, but at prices that many low-income households can afford (see Payne 1989 for examples). They are viewed as an important means of densifying existing settlements, such as those found in Lusaka. Most plots are purchased from people with conventional titles, and some form of title (such as the "hisselitapu" or shared title in Turkey) is given, often with the promise of title at the end of the payment period. The subdivision is not officially sanctioned in these settlements, and housing is typically built without official building permits. Land rental is another type of non-formal tenure that is becoming more common. This occurs when landowners wish to generate income from their property while keeping it officially vacant. Such subdivisions frequently include the provision of water and electricity, and they are the dominant system for housing the poor in Bangkok, where both private and public owners rent land while ensuring that tenants do not construct permanent structures on the land. In many cases, tribal groups have also been willing to allow migrants to settle on their land, albeit for a limited time and usually for monetary compensation. Such action, though piecemeal, tends to integrate customary land into urban land markets. In most countries, these 'non-formal' tenure systems provide housing for a large and growing proportion of urban populations.

The reasons for informal settlements vary by location, but the most critical factors are a lack of affordable legal options, poverty, high demand, insufficient standards and regulations for urban development, and a lack of savings and investment institutions geared toward the needs of the poor. As a result, the current situation in most developing countries' urban areas has become extremely complex, with land held under various tenure systems and, in some cases, with no clear status. Despite this complexity, a clear trend toward the establishment of land markets, in which de facto individual ownership has taken root, can be discerned, regardless of the formal rules governing such developments. Land prices in some countries' major cities are frequently as high as or higher than in the capital cities of industrial economies, and even pavement dwellers in Bombay or Calcutta can command

relatively large sums for their pitches. High rates of urban growth support these land prices, further excluding large segments of the population from access to land, encouraging nonproductive speculation, and undermining public trust in the legal framework. Several attempts to categorize contemporary urban land tenure systems have been made in the last decade or so. Some authors, such as Baross (1983) and Gilbert and Ward (1985), concentrate on the variety of non-formal tenures available to lower-income groups, whereas Mabogunje (1990) covers all formal and traditional tenure categories found in Sub-Saharan Africa. Doebele (1983) examines all of the major proprietary types and weighs their benefits and drawbacks against predefined criteria, but only briefly mentions the wide range of non-formal tenure categories. When interpreting this or any other typology, keep in mind that the de-jure tenure status of a given parcel of land can differ significantly from its de-facto status. A squatter or resident of an illegal subdivision, for example, may have no legal rights of occupation, use, or transfer but may still feel physically secure enough to invest in house building and improvement due to numerical strength or political support. In Karachi, for example, only 10% of settlers in illegal settlements applied for government leases, presumably because they already felt secure and did not want to incur the costs of title transfer and property taxes. Residents in unauthorized settlements in Turkey are generally eager to pay taxes as proof of occupation, and many are able to claim formal titles after paying such taxes for twenty years. In contrast, households with legal title to a plot but no official permit may have their dwelling labeled as illegal by authorities, making them vulnerable to demolition or harassment.

#### **2.4 Importance of Land Management and Governance**

Governments around the world pursue urban land policy objectives, and they rely on a vast range of policy tools and institutions to ease land management. Many cities use master plans, zoning, subdivision regulations, building codes, and other public policies to shape development. These regulations are normally adapted to help to protect the urban and natural environment, gear infrastructure investments with development, and maintain and enhance property values. Other goals are more difficult to achieve, such as providing poor people with access to land, controlling land speculation, and preventing land inflation. Many policymakers believe that achieving these goals will necessitate stronger medicine, such as nationalization of



land, public land development, and highly centralized property registration systems to control and monitor land use ownership (David and Giles, 1994).

#### **2.4.1 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 reviewed and renewed. 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 is defined as the "process of determining, recording, and disseminating information on ownership, value, and use of land when implementing land management policies" in the report of the United Nations Land Administration Guidelines. Dale defines land administration as "the determination (someone's known as adjudication) of rights and other attributes of the land, the survey and description of such lands, detailed documentation of such lands, and the provision of relevant information about the land and any property attached to it. The need for a solid and reliable information base to support government planning, development, and management activities is implicit in the above definition (Dale 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).

#### **2.4.2 Land Management Strategies**

Land management strategies have not been concisely conceptualized in the literature, and the scope varies across countries and disciplines (Louw 2008). Some studies refer to the entire process of preparing land for urban development as 'land assembly.' Land assembly is defined by Golland (2003) as the acquisition of land, land preparation, planning of the built form, streets, open spaces, and main services, sub-division of land for buildings, and delivery of the planned form. According to Louw (2008, p. 70), a critical aspect of land assembly is the acquisition of required land parcels to facilitate property development and infrastructure provisions. As a result, land assembly is regarded as a distinct stage in the property development process. We prefer to refer to land management strategies, as van der Krabben and Jacobs (2013) do. Land management strategies, according to van der Krabben and Jacobs (2013, p. 775), have three goals. First, land must be made available for a proposed and desired (or government-mandated) development. Because current landownership is a response to past requirements, changes in social and economic conditions necessitate urban redevelopment (Louw 2008, p. 70). Landowners may not undertake or cooperate with redevelopment due to various constraints or a preference for the status quo. Such circumstances necessitate a type of land assembly—the transfer of land from passive to active ownership. Second, a land management strategy requires that the costs of public works be recovered in full or in part. This could be accomplished by striking a positive balance between the value increment from new development and the costs of development. A third major goal, though politically contentious (Alterman 2009), is to capture a portion of the unearned increase in land value resulting from the development area's change in land use and use it for public purposes. The (potential) use of the strategies, as well as the (legal) tools and instruments, are clearly contextualized. Land management strategies in countries where land is owned by the state differ significantly from those in countries where land is owned privately. According to Shukla, the strategy also depends on whether the process is participatory (involving landowners) or non-participatory (2020). Planning and land laws limit the use of certain legal instruments and tools. Problems with institutional capacity may weaken local governments' positions in land

markets. Local government investment strategies in land markets are legally restricted in some countries. The effectiveness of both public and private sector land management strategies is influenced by local land and real estate market conditions.

### **2.4.3 Land for Infrastructure Models**

Based on the idea that both road and public transport infrastructure investments lead to higher land and real estate prices, many countries have implemented policies for integrated transit-oriented development (TOD) projects. These policies aim to integrate land and real estate development with transport infrastructure investments in different ways. We consider these policies as partial land management strategies, since they may contribute to the financing of investment in land and also serve as a value capture mechanism. Next to many more studies of how land value can be captured to finance TOD (including Cervero et al. 2004; Cervero and Murakami 2009; Ingram and Hong 2012; Murakami and Gregory 2012; Li 2013; Medda 2012; Sun et al. 2017). Suzuki et al. (2015) provide a good overview for developing countries in Asia and elsewhere of how land value capture instruments can be used to optimize and finance TOD strategies. In other contexts, many (developing) countries make use of different types of land for infrastructure models. Public-private partnerships (PPPs) have been used as successful funding mechanism for the construction of major infrastructure projects in many developing countries in Asia (ADB 2008). The most common PPP model is the build-operate-transfer (BOT) model. Less familiar is the build-transfer (BT) model, which can be considered a land value capture tool. Land for infrastructure models can be seen as a specification of the BT model. Investors are offered ‘sweetheart’ price discounts or attractive rights to develop the land as compensation for constructing the infrastructure. The advantage of these models is that the authorities are able to develop economic infrastructures without having to incur expenditure through public funds. Investors generate their returns from the commercialization of acquired land. The possible downside of the land-for-infrastructure mechanism lies in the public sector’s weak position to negotiate the terms of the concession contract as public agencies aim to balance their urban planning objectives with motives for value capture. Frequently the original owners feel cheated when they see they were bought out at low market prices and the benefit of the value added is reaped by wealthy private developers who gain political advantage from their public sector partners.

## **2.5 Land Administration in Some Selected ASEAN Countries**

Land administration is the process by which land tenure rules are applied and implemented. Land administration, whether formal or informal, includes a wide range of systems and processes to manage. Land administration processes include the transfer of rights in land from one party to another via sale, lease, loan, gift, and inheritance; the regulation of land and property development; the use and conservation of the land; the collection of revenues from the land via sales, leasing, and taxation; and the resolution of disputes concerning the ownership and use of land. Land administration functions can be broken down into four categories: legal, regulatory, fiscal, and information management. These land administration functions can be organized into agencies in charge of surveying and mapping, land registration, and land valuation. Because Myanmar is a developing country among ASEAN countries, the land management practices of other ASEAN countries such as Cambodia and Laos should be studied (Dale & McLaughlin, 1999).

### **2.5.1 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, large-scale land acquisitions for cash crop production and extractive industries have occurred in the resource-rich uplands and border areas. As a result of the resulting displacement and land disputes, Asia now has one of the highest rates of land inequality in the world. The Paris Peace Agreement in 1991 ended Vietnamese occupation and established a market economy, paving the way for the 1993 Constitution to restore private land ownership. Agriculture employs more than 40% of Cambodians, but many more live in rural areas and rely on agriculture in some way. Rice production is reliant on the availability of arable land as well as irrigation systems (Ullenberg, 2009; Kol Leakhana and Sherchan, 2012; Reaksmeay, 2014). Since the passage of the Land Law in 2001, the Cambodian government has made strides in the development of policy, regulatory, and administrative frameworks for land management. The Land Law allows for large-scale land concessions to be granted to domestic and foreign investors. While there are constitutional provisions in Cambodia for private ownership through fully transferable land title, the majority of

surveyed and untitled land remains the property of the state, making concessions on that land easier to grant. 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, 2015).

Beginning in 2002, with donor assistance, the government began systematically classifying and registering all land parcels according to the categories outlined in the 2001 Land Law. The program for registering all land aimed to eliminate uncertainty over land ownership, which caused conflicts and tenure insecurity. A Cadastral Commission was established to settle disputes that arose 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 frequently linked to ownership disputes. Many low-income families live on land that is not registered in the national land registration system. In these instances, households are protected by possession rights rather than the more powerful legal category of ownership rights. Only legal possessors have the right to become owners under the law, while illegally possessed households do not. NGOs, for example, observe that while possession is legal, residents are frequently evicted. Under the terms of economic land concessions, investors have been granted nearly 12 percent of the country's land area, or approximately 2 million hectares. 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)

### **2.5.2 Land Administration in Lao**

State land leases and concessions in Laos are economic arrangements in which the Lao Government rents state land to both domestic and foreign investors for a yearly fee for a variety of economic activities such as agricultural and tree plantations, mining, hydropower, infrastructure, manufacturing, and real estate. Leases and concessions are legally equivalent, with the main difference being that concessions cannot be granted for less than five years, whereas leases have no minimum duration. Leases are typically granted for smaller plots of land and for shorter periods of time than concessions (Wellmann, 2012). Leases are also typically allocated for the use of already developed land (infrastructure, exploited resources, etc.), whereas concessions are typically granted for undeveloped land. The maximum land area and duration that can be granted vary depending on the type of investment activity and the type of land acquired, but they cannot be greater than 50,000 hectares or longer than 50 years. Land leases and concessions have become an important component of the Lao Government's strategy for transitioning to a market-based economy, generating rapid economic growth, and allowing the country to exit the Least Developed Countries category by 2020. (Schumann, G., P. Ngaosrivathana, Soulivanh, Kenpraseuth, Onmanivong, Vongphansipraseuth, and Bounkhong, 2006). The Prime Ministerial Decree on Land of 1992 was the first piece of legislation to permit foreign investment in land. Turning Land into Capital (TLIC), though not formalized or specified in a legal document, broadly promotes activities such as leases and concessions that use land to generate economic value, development, and revenues. Other TLIC-related activities include the development of land markets via land titling programs and the exchange of high-value government land for private-sector infrastructure.

### **2.6 Reviews on Previous Studies**

Many scholars conducted the land management system and land policies from different part of view Thu, Y. K. (2006) revealed that “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. Win Y. (2007) studied that “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.

Ullah K. M. (2014) investigated Geographical Information Systems (GIS) as a tool for a city's sustainable development, resulting in a complex decision-making process. His dissertation was titled, "Urban Land-Use Planning Using Geographical Information System and Analytical Hierarchy Process: Case Study Dhaka City." As a result of his thesis, he determined that highly suitable areas should be designated as urban residential zones, moderately suitable areas should be designated as mixed use zones, low suitable areas should be reserved for agricultural use and open spaces, and not suitable areas should be protected from all activities other than 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.

**Sastrowihardjo M.** (2015) applied that “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.

## **CHAPTER III**

### **OVERVIEW LAND ADMINISTRATION AND POLICY IN MYANMAR**

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

The Myanmar constitution of 2008 provides for private property rights in Section 37(a) of Chapter-1, while maintaining that the state is the ultimate owner of all lands and natural resources, and that economic forces must supervise the extraction and utilization of state-owned natural resources. The state owns all land in the country and distributes ownership to individuals, businesses, 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 differ depending on the type of land. The Ministry of Agriculture and Irrigation is in charge of lowland land, while the Ministry of Natural Resources and Environmental Conservation is in charge of upland or (forest) land. Meanwhile, residential land is managed at the city level. The new government's enactment of new laws and formation of new institutions, including the MOECAAF established in 2011, has resulted in bureaucratic overload.

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 to Union Ministries, Organizations and Committees for Land Use Management**

In accordance with the above mentioned provisions of the Constitution, 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 Union Government's Ministry of Office manages town and village land, grants, leases, land acquisition and transfer, allotment, maintenance, and cancellation of grazing grounds in accordance with the Land and Revenue Act of 1876, Upper Myanmar Land and Revenue Regulations of 1889, Lower Myanmar Town and Village Lands Act of 1898, and the Land Acquisition Act of 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 Vacant, Fallow, and Virgin Land Administration 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.
- (k) 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
- (l) 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**

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.

### **3.1.3 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**

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)

### **3.2 Land Policy and Regulatory Framework**

Secure land tenure and property rights are essential to inclusive urban development, as they underpin economic development and social inclusion. When land is poorly managed, associated problems often lead to disputes and corruption, land degradation, and lost socio-economic opportunities. While many countries have tried to harmonize modern statutory laws with customary ones, land tenure and property rights still are often affected by complex and contradictory and set of rules, laws, procedures, customs, traditions, perceptions and other barriers (UN-Habitat and GIZ, 2014). In Myanmar, a good number of citizens, especially in rural areas, have historically possessed and used land without formal documentation. As a result, their land and property rights are not secure, causing fundamental vulnerability in their livelihoods. The 2008 Constitution stipulates that land is owned by the State and that citizens have property rights, and it is essential that these rights are secured to achieve a market-led economy with a vibrant land market. Other aspects of exclusion to land in cities noted in the literature relate to citizenship (or obtaining proof of citizenship through the Citizenship Scrutiny Card which can be more difficult for ethnic or religious minorities), documentation of inheritance, transfers and ownership, literacy in Burmese, and high costs of registering deeds which can be prohibitive for low or middle-income families.

The National Land Use Policy (NLUP) includes a dedicated section on gender equality, guaranteeing, among others, equal inheritance rights and land tenure to women. A study drawing on paralegal casework in Myanmar, however, found that

while the law is gender-neutral in issues relating to land and property ownership, 80 percent of clients who sought paralegal assistance for land registration issues were men, likely because men more commonly hold land rights. 87 percent of male clients were also married, suggesting that in married households, it is typically the case that men hold legal rights to the couple's property. More than 15 percent of female clients lacked land possession documents, compared to only 5 percent of men. This suggests that women are more vulnerable to land-related disputes as they more commonly lack evidence of their right to ownership.

Myanmar's current land administration challenges are legacies of the British colonial period subsequent regimes. There are multiple and overlapping institutional mandates (World Bank, 2017c). The situation is further exacerbated by indeterminate land entitlements; Lack of a comprehensive land registry and geospatial information; lack of a formal method to protect and recognize customary land rights; lack of Free, Prior and Informed Consent (FPIC) process (critical for Myanmar's Indigenous population); excessive use of state power on eminent domain; and policies for land concessions that override customary rights and other rights holders (FAO, 2016). Weak awareness and knowledge of land laws, land policies, and land regulations by government staff, business, civil society and professionals has contributed to disputes, conflict and confusion in Myanmar land sector (World Bank, 2017c).

**Table (3.1) Government Agencies Providing Land Services**

Agency	Description
Department for Agricultural Land Management Statistics (DALMS)	Under the Ministry of Agriculture, Livestock, and Irrigation's (MOALI), DALMS takes most of the responsibility for land services. Established in 1907, the SLRD's roles were the fixation of land revenue rates, assessment of land revenue, maintenance of registers on land administration cases; and surveying of land and preparation of maps for the said purpose.
General Administration Department (GAD)	Under the Ministry of Home Affairs (MoHA), GAD is responsible for administering Department (GAD) and managing all non-forest and non-farm land in the country, which included town, village, religious and common land, riverbanks, ponds, cemeteries, grazing pastures and disposable state land. While GAD holds management responsibility, technical functions rest with the SLRD in most cases.
Urban and Housing Development Department {UHD}	Planning in urban and housing development, Supervise the implementation, Expanding and preparing the structure of the Department of Urban and Housing Development in order to carry out operations effectively, Establishment of specialized Urban and Housing Development Department offices in regions and states.
Survey Department (SD) City Development Committees (CDCs)	Survey Department (SD) Scales and supports the first and second order geodetic network of the country. In the three main cities of Myanmar, Yangon, Mandalay and Nay Pyi Taw, City Development committees provide land services instead of DALMS and GAD.

Source: World Bank, 2017



**Table (3.2) Laws and Regulations Related to Land Rights**

<b>Agency</b>	<b>Description</b>
The (Lower Burma) Land and Revenue Act, 1879	<ul style="list-style-type: none"><li>- The first law to clarify rights related to cultivable (agriculture) land</li><li>- The law sets the assessment and collection of land revenue</li></ul>
The Upper Burma Land and Revenue Regulation, 1889	<ul style="list-style-type: none"><li>- Land revenue collection extended to Upper Burma</li></ul>
The Land Acquisition Act, 1894	<ul style="list-style-type: none"><li>- The law determines boundary demarcations and settlement operations for land revenue for land within towns and villages</li><li>- The law also determines the procedures related to eviction from land acquired by the government</li></ul>
The Lower Burma Town and Village Lands Act, 1899	<ul style="list-style-type: none"><li>- The order allows vacant lands and fallow lands at the disposal of the Government to be transferred</li></ul>
Land and Revenue Order, 1911	<ul style="list-style-type: none"><li>- Sets rules on processes of objections</li></ul>
Land Acquisition Rules, 1932	<ul style="list-style-type: none"><li>- Compilation of land acquisition related laws including notices and directions, and provided procedures for land acquisition</li></ul>
Land Acquisition Manual, 1947	<ul style="list-style-type: none"><li>- The Law determines rights of land ownership for certain cases</li><li>- The law serves as a basis for all land to be nationalised and distributed</li></ul>
Land Nationalisation Act, 1953	<ul style="list-style-type: none"><li>- The Law prohibits a person to sell, buy, give away, pawn, exchange or transfer by any means immovable property with a foreigner or foreign owned company</li></ul>

**Table (3.2) Laws and Regulations Related to Land Rights (Continued)**

Agency	Description
Transfer of Immovable Property Restriction Law, 1987	- Determines procedures and conditions for: (i) application and conditions for usage of vacant, fallow, and virgin lands; (ii) conditions for guarantees and land revenue; and (iii) roles, regulations, and monitoring to be imposed upon usage of lands
Vacant, Fallow, and Virgin Lands Management Law	<ul style="list-style-type: none"> <li>- The law determines boundary demarcations and settlement operations for land revenue for land within towns and villages</li> <li>- The law also determines the procedures related to eviction from land acquired by the government</li> </ul>

Source: JICA, 2016

### 3.3 Land Administration and Tenure

The lack of land ownership records is a challenge that Myanmar is currently addressing. Land records are in poor condition and people often do not register land transactions. Land use certificates (LUC) often contain errors and inconsistencies and many of them must be replaced. Furthermore, to implement NLUP, Myanmar maps have not been properly maintained and deed registers for updating plot ownership is often not used. The lack of an up-to-date land record have led to disputes concerning alleged land grabbing and government staff are often tasked with resolving essential that the nascent geospatial infrastructure time consuming individual cases (World Bank, 2017c). Issuing certificates of land ownership and ensuring that all land measurements are made on a common comprehensive national spatial data infrastructure system and digitizing the data are among the priorities. A Land Information System (LIS) has been of piloted to identify land titles, zoning ordinances affecting the land use, and the status of any planning permit or development on the land (Ministry of Construction, 2016).

To successfully implement the NLUP, a union-level council must be established to bring together the disparate groups that may attempt to implement the policy in various ways. The council is anticipated to be a “technical advisory body that includes representatives from different stakeholders' groups, such as farmer associations, ethnic nationalities, civil society, academia, the private sector and

others." Furthermore, to implement NLUP, Myanmar must develop a comprehensive legal and regulatory framework (which may include amending outdated laws, regulations and procedures) that ensures a land governance system this fair and inclusive. Finally, it is critical that the nascent geospatial infrastructure and services be systematically supported in the process (and eventually development into a comprehensive national spatial data infrastructure NSDI) to ensure overall efficiency and effectiveness of the sector.

In January 2016, the Government adopted the new National Land Use Policy (NLUP), intended as a living document that will form the basis of a new National Land Law. Driven by the need to unify the current diverse set of lands laws in the country, the NLUP establishes policies to manage, administer, and use the land resources of Myanmar for the purposes of "livelihood improvement of the citizens and sustainable development of the country". Furthermore, N L U P outlines the common vision among Myanmar's government, civil society, businesses and academia for building the infrastructure to provide institutionally sanctioned, automated means for easy access and sharing of authoritative geospatial information and delivery of land related e-services (World Bank, 2017c).

### **3.4 Land Administration of YCDC**

YCDC created Planning and Land Administration Department appeared. Now, this Department is responsible to keep the town land records in proper order and for issuing land map and history of the plot concerned where it is in the city area to it is in newly-constructed Industrial Zones, the issuing of its land map and history is still the duty of the Department of Urban and Housing Development. The Department in accordance with laws and their rules or regulations, have the right to sue any person or organization in infringement or violation of such laws or rules. In the past, the power to issue, terminate or cancel grant, lease or permit for any plot of land in the districts all over Myanmar was vested in the jurisdiction of Financial Commissioners, Sub-Divisional Officers and Township Officers of general Administrative Department under the Ministration of Home Affairs. Now, in the area of jurisdiction the power of Financial Commissioner in connection with land administration has been transferred to YCDC.

YCDC by applying the power entrusted in YCDC Law, Section 33(a) has issued the by-laws in connection with City Planning and Land Management on 7<sup>th</sup> May 2001 by the Notification NO,3/01. Under this Notification, Chapter (3) mentions

about “Management of Land” In Rule 4, In accordance with the by-laws, the Committee has the authority to manage as follows:

- (a) Draw the city plan and implement to use the land
- (b) Establishing new towns and plots in accordance with the urban plan
- (c) Issuing of lease, licenses and permits, allow to use and residing
- (d) Fix the terms of lease, licenses and permits, extension of these and abolish if the rules are breached
- (e) Exchange the land, change the name of the holder, surveying dissecting of the land and manage by other means
- (f) Levying and collection of land revenue and taxes, changing of levying the tax, declaration from the list and refund of the surplus
- (g) Prohibition for illegal trespassed and removal of illegal buildings and suing them
- (h) Issuing of 3(b) under land nationalization Act, 1953 which mentions that if do not include in that the farm land
- (i) Remove the private building that are not free from the implementation of City Development Plan
- (j) Coordinating with the Ministry concerned and to be handed over new towns, zones and housing settlements and which are established according to city plan and manage in accordance with these by-laws
- (k) If wards, building in and outside of the city, factories and workshops, government offices were burnt which are managed systematically to be compatible with the urban development and to coordinate with government departments and organizations
- (l) Managing and systematic allocation of lands due to collapsing of river and creek banks and erosion of water
- (m) Management of the cemetery land that are closed in accord with City Development plan

YCDC has established new towns for the squatters in Yangon City and placed them to these new towns. High class housing plans emerged as the symbols of the urban development. City Planning and Land Administration Department manage the land of 33 townships in Yangon Municipal Area. This Department is responsible for issuing of fix term of lease, licenses and permits change the name of the holder, surveying and dissecting of the land and manage by other means in accordance with the existing Municipal Laws, By-Laws, regulations and procedures.

### 3.5 Tax and Revenue Collecting Process

YCDC is running its operation with its incomes. The sources of income are various. The income includes taxes and fees. The tax means the cost that is levied, this tax is also needed or be fixed in advance. The fee means the cost that is prescribed to levy in accordance with the time, place and occasion. The following table shows that kinds of tax and fee which support YCDC income.

**Table (3.3) Taxes and Respective Forms of Collection of the Department of YCDC**

Sr. No.	Name of Department	Kinds of Tax and Fee
1	Assessor Department	Property, Lighting, Conservancy and General
2	Revenue Department	Taxes, Fees and Toll of Various Kinds
3	Engineering Department (Water and sanitation)	Water Tax, Water Charges and Other Services Fees
4	Engineering Department (Building)	Taxes on various matters concerning construction and services fees
5	Engineering Department (Roads and Bridges)	Wheel tax, Parking Fees, Vehicles Passing Fees
6	Pollution Control and Cleansing Department	Fervency Tax, Cemetery Tax and fee, Toilet Fees
7	City Planning and Land Administration Department	Land Tax, Land Lease Tax and Fees and Other Taxes and Fees Concerning Land
8	Veterinary and Slaughter Houses Department	Animal Breeding Tax, Slaughtering License Taxes and fees, Meat and Fish Shop License Fees
9	Playgrounds, Parks and Garden Department	Admission Fees to Sports Grounds and Parks
10	Markets Department	Markets Lighting Fees, Shop Fees, Security Fees, Sanitary Fees, Toilet Fees, Sign-Board Advertisement Fees, Vehicle Admission Fees

Source: YCDC

There are altogether 20 departments in YCDC. City Planning and Land Administration Department that collect land tax, land lease tax, fees and other taxes city inhabitants. After levying taxes, the department granted various application and use systematic supervision of officials and collaboration of staffs. The authorities concerned made surprise checks in connection with levying taxes and cooperation with other departments. This department supports committee's finance more than other department.

City Planning and Land Administration Department generates income through land revenues and land taxes. Land revenue defers from land tax. Land Revenues covers the income from services such as grant; change the name, surveying, dividing the land, extension for grant, 3(b), permits and licenses. Again, land tax consists of the income from grant, 3(b), permits and licenses through hiring the land.

**Table (3.4) Land Revenue (Fees) of City Planning and Land Administration Department from (2016-2017) to (2021-2022)**

<b>Sr. No.</b>	<b>Year</b>	<b>Land Revenues (Thousand Kyats)</b>
1	2016-2017	1,178,629.41
2	2017-2018	1,035,947.51
3	2018-2019	2,260,342.57
4	2019-2020	1,380,406.60
5	2020-2021	1,351,734.80
6	2021-2022	718,465.49

Source: Urban Land Administration Department

Table (3.4) shows the land revenue (fees) of the city planning and land administration department from (2016-2017) to (2021-2022). In collecting land taxes, only after applying for matters related to land ownership, the presence and absence of ground rent arrears are carefully checked, and if any arrears are paid, the applied land ownership issue is approved. In the years 2018-2019, when there are many land applications to the department, more land rent is collected, and in the years 2016-2017, 2017-2018, 2020-2021, when there are fewer applications, the land rent is less.

In 2021–2022, only one quarter of the first six months of the year is collected, so the land rent is decreasing.

**Table (3.5) Land Tax of City Planning and Land Administration Department from (2016-2017) to (2021-2022)**

<b>Sr. No.</b>	<b>Year</b>	<b>Land Tax (Thousand Kyats)</b>
1	2016-2017	61,106.21
2	2017-2018	62,077.42
3	2018-2019	62,472.05
4	2019-2020	62,748.64
5	2020-2021	62,847.11
6	2021-2022	62,857.19

Source: Urban Land Administration Department

According to Table (3.4) and (3.5), the income by land tax for the YCDC is increasing year after year. The land tax rate is the same as municipal taxes such as garbage tax and sanitation tax, and is collected at a fixed rate; therefore there is little difference in annual land tax revenue. YCDC stands on its own finance provided by various departments under YCDC management. The Department of Urban and Land Administration is one of the most important departments in financing YCDC. Above table (3.5) indicates that the amount of land tax collection in thousand kyats does not increase significantly year by year however the increasing numbers of land tax-payers are undeniable.

## **CHAPTER IV**

### **SURVEY ANALYSIS**

#### **4.1 Survey Profile**

In 1958, the Care Taker of Government assigned a Commissioner of the Municipal on 1<sup>st</sup> December in 1958 who had strived with efforts with the slogan of “Cleaning the City with the Sweat” and carried out the tasks of municipal works utmost and had upgraded the status of Yangon City to compatible with the Union of Myanmar independent status with six months period. In 1958-1959, South Okkalapa, North Okkalapa and Thaketa towns were established and areas are collectively 19.25 square mile. In 1962, the Yangon Municipal had developed more and could administer the city systematically. In 1962, Thingangyun, Kanbe and Insein, Kamayut and Thaming were included in municipality of the city of Yangon has been extended up to 78 square mile. In 1965, under the Revolutionary Council period Thuwanna was established for service personnel by voluntary service.

In 1974, the Yangon Municipal was renamed as Yangon City Municipal and was placed as an organ in the Department of the General Administration which is under the Ministry of Home Affairs. In 1977, by Pyithu Hlyutaaw Law No.13, the Yangon Division People’s Council Executive Group is empowered to form the Yangon City Development Committee and the Chairman of Yangon Division People’s Council must act as the Chair man who is the Mayor of Yangon, thus Yangon City Development Committee was under the Yangon Division People Council again. In 1985, Yangon City Development Committee was formed separately Notification of the Ministry 3/85 but has to implement its work by taking the decision laid down by the Home and Religious Affairs Ministry. From 1958 to 1962 during the rule of the Revolutionary Council, the municipal works were carried out distinctly by Municipal group but afterwards up to year 1988 the set-up, administration and implementation were intertwined with the supervision on one Ministry with the administration of the Division Council concerned and so the Municipal Law could not be implemented clearly.



After 1988, it has repealed the amended laws are inconsistent with the country's current political and economic situation and amended and promulgated laws to conform with the current situation. Among then City of Yangon Development Law is one which has never been done during the other administration after Myanmar's independence. The City of Yangon Development Law was enacted as the Law No.11/90 on 14<sup>th</sup> May in 1990. The duties and functions relating to the administration of land within the limits of Yangon Municipality were transferred to the Yangon City Development Committee. According to the City of Yangon Development Law, the Yangon Development Committee has been formed. The municipal area of the City of Yangon has been extended to 23.22 square in 19<sup>th</sup> June 1991 and satellite towns are established as the population growth was increased up to 2.9 billion. Those are Hlaing Thayar, shwe Pyi Tha, Dagon Myo Thit, Shwe Paunk Kan, Waie Bar Ghee townships.

Yangon City Development Committee has laid down in objective the conversion of Yangon with the characteristics of a city of international standard. In order to implement the enormous task of rehabilitation of the City successfully, it is needed to restructure the organization set up of the City Committee and empowered fully to carry out its function. There are altogether 20 Departments in YCDC. Among them the Engineering Department (Road and Bridges), Budget and Account Department, Coordination Department, Public Relation and Information Department and Markets Department are under the supervision of secretary of YCDC. Administration Department, City Planning and Land Administration Department, Veterinary and Slaughter House Department are under the supervision of joint secretary of YCDC. Pollution Control and Cleaning Department, Inspection Department, Motor Transport and Workshop Department, the Engineering Department (Buildings) under the supervision of Committee Member (3) of YCDC. Markets Department, assessor Department, Security and Discipline Department are under the supervision of Committee Member (4). Revenue Department, Central Store Department, Production Department are under the supervision of Committee Member (5). The Engineering Department (Water and Sanitation), Playground, Parks and Garden Department and Health Department are under the supervision of Committee Member (7).

## 4.2 Survey Design

Sample surveys are the most commonly used method for primary data collection. The survey was conducted in City Planning and Land Administration Department in YCDC. In this study, random sampling method was used to carry out sample survey and the sample size 150. The questionnaire consists of three sections. The first section contains a number of personal questions discussing name, marital status, educational status, demographic characteristics and social status of the applicant. The second sections include residential land conditions opportunities of ownership, land use area, duration of land use and types of land applied for land ownership and final section challenges of application for land ownership.

## 4.3 Survey Results

Survey findings are presented in three sections socioeconomic characteristics of the respondents, condition of residential land and challenges of application for land ownership.

### 4.3.1 Characteristics of Respondents

**Table (4.1) Socio-Demographic Characteristics of Respondents**

<b>Sr. No.</b>	<b>Particulars</b>	<b>No. of Respondents</b>	<b>Percentage</b>
<b>1</b>	<b>Gender</b>		
	Male	114	76.0
	Female	36	24.0
<b>2</b>	<b>Age</b>		
	Less than 30	3	2.0
	31 to 45	6	4.0
	46 to 60	92	61.3
	Above 60	49	32.7
<b>3</b>	<b>Material Status</b>		
	Single	16	10.7
	Married	134	89.3
	Widow	0	0

**Table (4.1) Socio-Demographic Characteristics of Respondents (Continued)**

<b>Sr. No.</b>	<b>Particulars</b>	<b>No. of Respondents</b>	<b>Percentage</b>
<b>4</b>	<b>Educational Level</b>		
	Primary level	4	2.7
	Middle Level	10	6.7
	High School Level	10	6.7
	Graduated	92	61.3
	Master Degree	34	22.7
<b>5</b>	<b>Occupation</b>		
	Governmental servants	16	10.7
	Self-employment	130	86.7
	Company Staff	4	2.7
<b>6</b>	<b>Average Monthly Income</b>		
	Less than 5 Lakhs	31	20.7
	6 to 10 Lakhs	71	47.3
	Above 10 Lakhs	48	32.0

Source: Survey Data (2022)

Table (4.1) shows the socio-demographic characteristics of the respondents. When interviewed, 76% of respondents were males and 24% of respondents were female. For the age group, 92% of respondents are 46 to 60 years of age, and 49 % are over 60 years. Out of the total respondents, 89.3% are married, 10.7% are single, and the rest are divorced. For the education level, the majority of the respondents have 61.3% have graduated, 22.7% have a master's degree and only a basic education level, while 16.1% have a basic education level. It is seen that self-employed respondents are accounted for 86.7% of the total respondents. The average monthly income is 47.3%, having 6 to 10 lakhs, and 32.0% of the respondents are above 10 lakhs.

**Table (4.2) Residential Land Condition of Respondents**

<b>Sr. No.</b>	<b>Particular</b>	<b>No. of Respondents</b>	<b>Percentage</b>
<b>1</b>	<b>Ownership Opportunity</b>		
	Land Holder Right	38	25.3
	Non-holding	17	11.3
	Living with the Agreement of Ward	8	5.3
	Administrator Agreement	9	6.0
	Other Guarantee such as Grant	78	52.0
<b>2</b>	<b>Land Use Area (Square Feet)</b>		
	20×60	39	26.0
	40×60	43	28.7
	60×60	17	11.3
	80×60	10	6.7
	Others	41	27.3
<b>3</b>	<b>Duration of Land Use</b>		
	Less than 10 years	8	5.3
	11 to 20 years	3	2.0
	21 to 30 years	11	7.3
	31 to 40 years	61	40.7
	Above 40 years	67	44.7
<b>4</b>	<b>Current Price of Land (20*60)</b>		
	Less than 500 Lakhs MMKs	73	48.7
	501 to 600 Lakhs	8	5.3
	601 to 700 Lakhs	11	7.3
	701 to 800 Lakhs	23	15.3
	Above 800 Lakhs	35	23.3
<b>5</b>	<b>Types of land applied for land ownership</b>		
	Permit	36	24
	Grant land	66	44
	Ancestral Property (La/Na(39)/La/Na(3-B))	42	28
	License	6	4

Source: Survey Data (2022)

Table (4.2) shows the residential land condition of the respondents. There were 52% of respondents that possessed grants. There are 25.3% with non-holding rights and 22.6% of respondents in other categories. There were a total of 50% of respondents that had no grant and YCDC made arrangements to issue grants. In this case, YCDC must cooperate and coordinate transparently with the residents and report to the district government to make the necessary arrangements. In issuing a grant or lease, the government pays a grant for the resident for living or commercial purposes and a lease for foreign investment or joint ventures with the government.

For the grants, the issued land must be 1200 square feet. In spite of issuing grants, some houses had to be built with the wood. When the application area is narrower than 1200 square feet, the grant is not issued because it is not suitable for living for one family in the house and to avoid fire hazard and the distribution of viruses that can cause diseases through the air. There were 26 % of grant holders of 20×60 land area. YCDC was allowing an area of less than 1200 square feet. The buildings are systematically constructed in the YCDC Area, and there have been the first safety programs in health. In other areas, the advanced health care system is not easily accessible. Among the respondents, 44.7% had been living on this land for more than 40 years. The number of respondents living longer than 10 years accounted for 5.3% of the total. In the study area, 48.7% of respondents said the current price of land is less than 500 lakhs MMKs and 23.3% of respondents said it is above 800 lakhs MMK. For the types of land applied for land ownership, 44% of respondents are grand land and 28% of the respondents are ancestral property (La/Na (39)/La/Na (3-B)).

**Table (4.3) 12 Questionnaires Knowledge of Applicants are set based on land tenure regarding license, grant, permit, ancestral and agricultural land**

<b>Sr. No.</b>	<b>Particulars</b>	<b>Yes (Percentage)</b>	<b>No (Percentage)</b>
<b>5</b>	Do you know about the types of license land?	25 (16.7%)	125 (83.3%)
<b>8</b>	Do you know the age of the lease agreement of land tenure?	23 (15.3%)	127 (84.7 %)
<b>10</b>	Do you know about the types of land that can issue land lease contracts	42 (28%)	108 (72%)
<b>11</b>	Do you know the qualifications that can issue a land lease?	12 (8%)	138 (92 %)
<b>12</b>	Did you know that if you buy and own grant land, you have to sign a registration contract?	105 (70%)	45 (30 %)
<b>14</b>	Do you know the term of the lease agreement?	128 (85.3%)	22 (14.7%)
<b>15</b>	Do you know about the types of ancestral land?	44 (29.3%)	106 (70.7 %)
<b>18</b>	Do you know that grand land and ancestral land, if the name is changed, tax must be paid	130 (86.7%)	20 (13.3%)
<b>22</b>	Do you know the terms and conditions included in the Land Permit?	62 (41.3%)	88 (58.7%)
<b>24</b>	Did you know that you can apply for a 3(a) certificate if you don't have proof of ownership in ancestral lands?	42 (28%)	108 (72%)
<b>26</b>	Did you know that when a lease expires, it must be renewed?	119 (79.3%)	31 (20.7%)
<b>27</b>	Did you know that you can still apply for a religious land grant for leased land and ancestral land?	3 (2 %)	147 (98 %)

Source: Survey Data

According to Table (4.3), they are the most knowledgeable about some of the rules that must be followed by respondents when applying for land ownership as a base on land types in the sample area. The number of respondents were who know about the type of land they own in land ownership is who said they knew about the land's requirement to sign a registration contract if they bought and owned land was 105 (70%), The number of respondents who know the term of the land lease contract (Gran) was 128(85.3%), who said they know that if there is a land ownership dispute, they will have to take the decision of the court is 130(86.7%), and 119(79.3%) know they were aware that if the lease contract expires, it must be renewed.

The following are some of the problems that the respondents found to be difficult to understand when asked those who applied for land ownership as a base on land types who did not know the terms and conditions of the land lease contract was 127(84.7%), who said that they do not know about the types of land that can issue land lease contracts 108(72%), The number of respondents who did not know about the qualifications that can issue land lease contracts was 138(92%), The number of respondents they do not know about ancestral land types 106 (70.7%), The number of respondents who did not know about the terms of the land permit was 88(58.7%), who did not know that they could apply if no proof of ownership in ancestral lands is provided, 3(a) certificate 108 (72%).The number of respondents that they do not know whether they can continue to apply for land lease contract (grant) land and ancestral land as religious land grant (147,98%).

**Table (4.4) 12 Questionnaires knowledge of applicants are set to identify about land ownership system of YCDC**

<b>Sr. No.</b>	<b>Particulars</b>	<b>Yes (Percentage)</b>	<b>No (Percentage)</b>
<b>1</b>	When applying for land ownership, do you know the type of land you own?	104 (69.3%)	46 (30.7%)
<b>4</b>	Do you know your landlord's rights?	81 (54 %)	69 (96%)
<b>6</b>	Do you know about the types of land that can be registered?	34 (22.7%)	116 (77.3% )
<b>7</b>	Do you know about the tax rates set for land tax and land rent by land survey district, land plot, land ownership type?	3 (2 %)	147 (98%)
<b>9</b>	Do you know whether or not they had the right ownership of the land they wanted to buy	38 (25.3% )	112 (74.7%)
<b>16</b>	According to Burmese tradition, land ownership is inherited Do you know?	123 (82%)	27 (18%)
<b>19</b>	Did you know that you can get a bank loan by mortgaging your own land?	131 (87.3% )	19 (12.7 %)
<b>13</b>	Do you know how to apply for a land survey if you want to fence and construct a building on your own land?	112 (74.7%)	38 (25.3%)
<b>23</b>	Do you know that the owner can divide or integration for his land is possible?	120 (80%)	30 (20%)
<b>25</b>	Did you know that excess land associated with land ownership can be purchased at a fixed service charge?	107 (71.3%)	43 (28.7%)
<b>28</b>	Did you know that foreign investment ventures can only be done if the land owner is right?	107 (71.3 %)	43 (28.7%)
<b>30</b>	Did you know that land ownership size (1200 square feet) and above is only allowed to be rented?	108 (72 %)	42 (28%)

Source: Survey Data



According to Table (4.4), the number of respondents were knowledge about land application who know about the type of land they own in land ownership is 104 (69.3%), who know that the required documents must be completed when registering land ownership is 83(55.3%). 81(54%) of the respondents stated that they are aware of landowners' rights.

The number of respondents who did not know about the types of land that can be registered was 116(77.3%), respondents who they did not know the tax rates set for land tax and land rent by land survey district and land ownership type, 147(98%), the number of respondents they did not know whether or not they had the right ownership of the land they wanted to buy was 112 (74.7%).

**Table (4.5) 6 Questionnaires Knowledge of Applicants regarding legal documents are set for Legal documents of land ownership**

<b>Sr. No.</b>	<b>Particulars</b>	<b>Yes (Percentage)</b>	<b>No (Percentage)</b>
<b>2</b>	When applying for land ownership, the necessary supporting documents must be completed.	83 (55.3%)	67 (44.7%)
<b>3</b>	Do you know the legal rules and regulations for applying for land ownership?	38 (25.3%)	112 (74.7%)
<b>17</b>	Did you know that if there is a land ownership dispute, you have to take the decision of the court?	130 (86.7%)	20 (13.3%)
<b>20</b>	Did you know that if the landowner is unable to come to the office in person, a proxy SP/GP must be provided?	130 (86.7%)	20 (13.3%)
<b>21</b>	Did you know that if the owner of the land is missing the proof of ownership, they have to apply for a copy?	121 (80.7%)	29 (19.3%)
<b>29</b>	Did you know that foreigners are not entitled to land titles?	106 (70.7%)	44 (29.3%)

Source: Survey Data

According to Table (4.5), the number of respondents were legal and evidential about land application who know that the required documents must be completed when registering land ownership is 83(55.3%). who said that they are aware of the topics related to applying for a land survey if they want to fence and constructs a building on their own land, 112 (74.7%), who know that they have the right to inherit land according to Myanmar's traditional customs was 123(82%). The number of respondents who said they know that if there is a land ownership dispute, they will have to take the decision of the court is 130(86.7%). The number of respondents who know that they can get a bank loan by mortgaging their own land was 131(87.3%). The number of respondents who know that a land owner can divide and bind his land was 120(80%). The number of respondents who know that excess land associated with land ownership can be purchased by paying a fixed service charge. 107 (71.3%) and 108 (72%) of the respondents who stated that land ownership of 1200 square feet or more is not permitted. According to the findings mentioned above, it was found that some of the rules are easily understood by the households applying for land ownership, but there are still many difficulties in understanding some of the rules. Some of the problems that the respondents found to be difficult to understand when asked those who applied for land ownership. The numbers of respondents were who did not know legal rules and regulations for applying for land ownership 112(74.7%).

## **CHAPTER V**

### **CONCLUSION**

#### **5.1 Findings**

It is a study of the extent to which applicants for land ownership are aware of topics such as land laws and regulations, procedures, and required evidence when applying for land ownership. In Myanmar, land tenure is defined in relation to land uses. There are nine classifications of land use, and various laws define the extent of the rights the users may enjoy under each category: agricultural land, garden land, grazing land, cultivable land, fallow land and waste land, forest land, town land, village land, cantonments, and religious land. All land in Myanmar is owned by the government, but individuals and private companies may enjoy a degree of ownership of parcels as prescribed by law. There are three types of 'ownership; freehold, grant and lease, and agricultural land rights. It has been found that there is consistency with the objective of the study. According to the socio-demographic characteristics of the respondents, the majority of respondents were males, and for the age group, most of the respondents were 46 to 60 years of age. Out of the total respondents, 89.3% are married. At the education level, the majorities of the respondents have graduated and are self-employed. The average monthly income ranges between Ks 6 and 10 lakhs. In the study area, 52% of respondents that got grants and others had no grants. If residents refuse to pay land tax and commercial tax, public awareness of taxes must be seriously emphasized. The majority of respondents lived in less than 40×60 square feet and chose not to divide their land areas for fire safety. If the living area gets narrower than 20×60, there can be an expansion of the residential house. The duration of land use of the respondents is over 40 years, and most of the respondents have lived very long lives. The current estimated price of land 20×60 in the sample is less than 500 lakhs, and the land applied for ownership is grand land.

YCDC must cooperate and coordinate transparently with the land owner and report to the district government to make the necessary arrangements. In issuing a grant or lease, the government pays a grant to the resident for living or commercial

purposes and a lease for foreign investment or joint ventures with the government. For the grants, the issued land must be 1200 square feet. In spite of issuing grants, some houses had to be built with the wood. When the application area is narrower than 1200 square feet, the grant is not issued because it is not suitable for living for one family in the house and to avoid fire hazard and the distribution of viruses that can cause diseases through the air. YCDC was allowing an area of more than 1200 square feet. The buildings are systematically constructed in the YCDC area, and there have been the first safety programs in health. In other areas, the advanced health care system is not easily accessible.

They are the most knowledgeable about some of the rules followed by respondents when applying for land ownership in the sample area. Most of the respondents who know about the type of land they own and land ownership know that the required documents must be completed when registering land ownership and they are aware of landowners' rights. Most of the respondents knew about the land's requirement to sign a registration contract if they bought and owned land. They were aware of the topics related to applying for a land survey if they wanted to fence and construct a building on their own land. The term of the land lease contract (Grant) means they have the right to inherit land according to Myanmar's traditional customs. There is a land ownership dispute. They must accept the court's decision. They must pay tax if they change the name of their grand land and ancestral land. They can get a bank loan by mortgaging their own land. The landowners cannot come to the office in person and must provide SP/GP. If the landowner's proof of ownership is missing, they must apply for a copy. This study found that some of the rules are easily understood by the households applying for land ownership, but there are still many difficulties in understanding some of the rules.

There are some of the problems that the respondents found to be difficult to understand when asked those who applied for land ownership. Most respondents did not know the rules regarding the types of land licenses, the types of land that can be registered, the tax rates set for land tax and land rent by land survey district and land ownership type, the terms and conditions of the land lease contract, whether or not they had the right ownership of the land they wanted to buy, the qualifications that can issue land lease contracts and whether they can continue to apply for land lease contract (grant) land and ancestral land as religious land grant. When applying for land ownership, most landownership applicants do not know the contents of land laws

and regulations, procedures, and required evidence, so they have to hire other people to do it, and there are many additional costs.

## **5.2 Suggestions**

This study indicates that the valid official laws, regulations and procedures of YCDC are written in English, that resulted citizens to understand hardly or unable to understand to apply in their day-to-day living. As a result, there was a big gap between the land laws and the landowners. Therefore this study suggests that the land laws are compulsory to enact in both English and Burmese language. The land laws and land management system of YCDC is limited capacity to promote officially in public. The living conditions must be limited by the budget constraints that the land revenue must be collected in accordance with the existing land laws. The land must be used not only for living purposes but also for commercial, social, and environmental control purposes because it is needed to fulfill the wants of several people. The information sought focused on well-functioning areas, existing challenges, gaps, and suggestions for improvement. The main problems are identified the concerned changes in land ownership, land use and land registration. Procedures in these areas, in particular, are overly long, overly complex, and involve far too many government institutions. As a result, landowners proposed simplifying land transfer and land use change processes, improving disclosure of land-related information, and ensuring transparent and consistent application of land laws, government policies, and practices. Applicants are currently having difficulty verifying land ownership, as procedures vary by region. This study suggests that the government should reduce taxes for land transfers, which would encourage compliance with the laws and accurate registration of interests. YCDC is required to promote legal knowledge of applicants regarding land issues when applying for land ownership. It is necessary to provide training to land ownership applicants on the relevant land laws and regulations, procedures, and required evidence, clarify the laws, procedures, and necessary evidence, and disseminate knowledge.

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(I) Characteristics of the Respondents

**1. Gender**

- a. Male
- b. Female

**2. Age**

- a. Less than 30
- b. Female
- c. 31 to 45
- d. 31 to 45
- e. 46 to 60
- f. Above 60

**3. Material Status**

- a. Single
- b. Married
- c. Widow

**4. Number Of Families**

- a. Less than 3
- b. 4 to 5
- c. 6 to 7
- d. Above 7

**5. Educational Level**

- a. Primary level
- b. Middle Level
- c. High School Level
- d. Graduated
- e. Master Degree

**6. Occupation**

- a. Governmental servants
- b. Self-employment
- c. Company Staff
- d. Unemployment

**7. Average Monthly Income**

- a. Less than 5 Lakhs
- b. 6 to 10 Lakhs
- c. Above 10 Lakhs

**8. Residence Area**

- a. Downtown
- b. Suburban
- c. Village

**(II) Residential Land Condition Of Respondents**

**1. Ownership Opportunity**

- a. Land Holder Right
- b. Non-holding
- c. Living with the Agreement of Ward
- d. Administrator Agree
- e. Other Guarantee such as Grant

**2. Land Use Area (Square Feet)**

- a. 20×60
- b. 40×60
- c. 60×60
- d. 80×60
- e. Others

**3. Duration of Land Use**

- a. Less than 10 years
- b. 11 to 20 years
- c. 21 to 30 years
- d. 31 to 40 years
- e. Above 40 years

**4. Current Price of Land (20\*60)**

- a. Less than 500 Lakhs MMKs
- b. 501 to 600 Lakhs
- c. 501 to 600 Lakhs
- d. 601 to 700 Lakhs
- e. 701 to 800 Lakhs
- f. Above 800 Lakhs

**5. Types of land applied for land ownership**

- a. Permit
- b. Grand land
- c. Ancestral Property (La/Na(39)/La/Na(3-B))
- d. License

**(III) Challenges of Application for land ownership in YCDC**

<b>No</b>	<b>Particulars</b>	<b>Yes</b>	<b>No</b>
<b>1</b>	When applying for land ownership, do you know the type of land you own?		
<b>2</b>	When applying for land ownership, the necessary supporting documents must be completed.		
<b>3</b>	Do you know the legal rules and regulations for applying for land ownership?		
<b>4</b>	Do you know your landlord's rights?		
<b>5</b>	Do you know about the types of license land?		
<b>6</b>	Do you know about the types of land that can be registered?		
<b>7</b>	Do you know about the tax rates set for land tax and land rent by land survey district, land plot, land ownership type?		
<b>8</b>	Do you know the age of the lease agreement?		
<b>9</b>	Do you know whether or not they had the right ownership of the land they wanted to buy		

<b>No</b>	<b>Particulars</b>	<b>Yes</b>	<b>No</b>
10	Do you know about the types of land that can issue land lease contracts		
11	Do you know the qualifications that can issue a land lease?		
12	Did you know that if you buy and own grand land, you have to sign a registration contract?		
13	Do you know how to apply for a land survey if you want to fence and construct a building on your own land?		
14	Do you know the term of the lease agreement?		
15	Do you know about the types of ancestral land?		
16	According to Burmese tradition, land ownership is inherited Do you know?		
17	Did you know that if there is a land ownership dispute, you have to take the decision of the court?		
18	Do you know that grand land and ancestral land, if the name is changed, tax must be paid		
19	Did you know that you can get a bank loan by mortgaging your own land?		
20	Did you know that if the landowner is unable to come to the office in person, a proxy SP/GP must be provided?		

<b>No</b>	<b>Particulars</b>	<b>Yes</b>	<b>No</b>
<b>21</b>	Did you know that if the owner of the land is missing the proof of ownership, they have to apply for a copy?		
<b>22</b>	Do you know the terms and conditions included in the Land Permit?		
<b>23</b>	Do you know that the owner can divide or integration for his land is possible?		
<b>24</b>	Did you know that you can apply for a 3(a) certificate if you don't have proof of ownership in ancestral lands?		
<b>25</b>	Did you know that excess land associated with land ownership can be purchased at a fixed service charge?		
<b>26</b>	Did you know that when a lease expires, it must be renewed?		
<b>27</b>	Did you know that you can still apply for a religious land grant for leased land and ancestral land?		
<b>28</b>	Did you know that foreign investment ventures can only be done if the land owner is right?		
<b>29</b>	Did you know that foreigners are not entitled to land titles?		
<b>30</b>	Did you know that land ownership size (1200 square feet) and above is only allowed to be rented?		

Appendix (1)





### Appendix (3)

### Yangon City Development Committee Area Location Map

