



A COMPARATIVE ANALYSIS OF LAND READJUSTMENT AT INTERNATIONAL CONTEXT

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CONTENT

1. A Brief Introduction of LR
2. LR Operations at International Context
3. Challenges and Problems
4. Conclusion

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1. A BRIEF INTRODUCTION OF LR

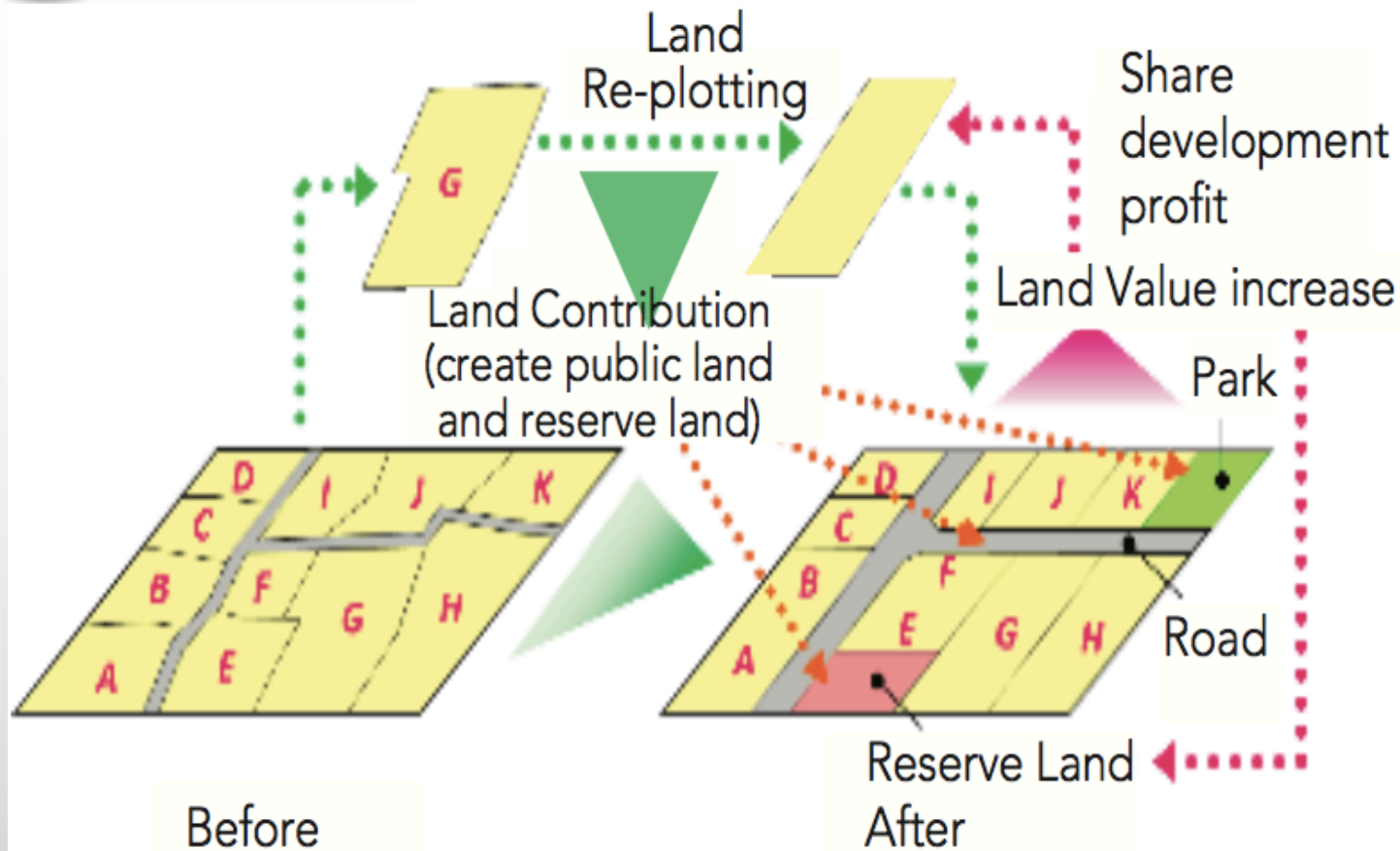


Figure 1 Conceptual Model of Land Readjustment


❑ A public-private-partnership

Assemble irregular land parcels

Re-plan & equip with infrastructures

Redistribute parcels

- Smaller in size but higher in value
- Certain area should be contributed for public facilities e.g. roads, parks and affordable housing, as levy of “developer obligations”



❑ A land management instrument which has been promoted by the United Nations and the World Bank and is incorporated as land use policy in Germany, Spain, Israel, Turkey, Australia, Japan and South Korea

❑ Peri-urbanization, inner-city revitalization, post-disaster reconstruction and large infrastructure provision





❑ Facilitate land developments by:

✓ Assembling land lots for comprehensive planning → efficient land use

✓ Financial mechanism built-in to recover cost → mitigate budget burden

✓ Promoting fair distribution of gains and costs among landowners and government → incentivize participation and avoid free-rider problem

✓ Easing social tension: minimized interruption to land title and community network → alleviate negotiation costs



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2. LR Operations at International Context

2.1 Innovative Means of Distribution

- ❑ Plots Outside The Project Area e.g. Germany

- ❑ Condominium Ownership In Buildings e.g. Israel, Japan

- ❑ Monetary Compensation e.g. German, Turkey

- In Germany, financial settlement may be provided when it is not possible to return plots within binding land use plan or building regulations (Linke, 2018).
- In turkey, parcels which are designated for off-site public services such as hospitals and official are obtained by the government through the expropriation process. (Turk, 2005).

- ❑ Building Rights e.g. Spain

- ❑ Company Stock e.g. Lebanon

- In Lebanon, upon the completion shareholders could alternatively sell their stock holdings and buy back land within the project area or elsewhere (Home, 2007; Hong, 2008).

2.2 Legal and Policy Frameworks

□ Why legal framework is essential?

- LR will interfere with existing property rights and structures
- Formal execution procedures and principles should be established
- The implementation agency should be enabled to enforce A program

Conflicts and delays may arise once there is any gap in legislation! (Yilmaz, 2015)

Table 1 Summary of LR Legislations

Japan	Land Readjustment Law and the related regulations and guidelines.
Germany	Federal Building Code
Australia	Sections 6, 7, and 13 of the Town Planning Development Act
South Korea	Urban Development Act; 1966 Land Readjustment Law (was abolished in 1980s)
Turkey	Reconstruction Law No. 3194 and Article 18 of the Turkish Zoning Law
Spain	Valencia Regional Planning Law
Indonesia	The 1991 Regulation of the Head of the National Land Agency No 4
Israel	Planning and Building Law chapter 3, section 7
Taiwan	Articles 56,76 and 161 of 1957 bylaws of Equalization and Urban Land Rights Law and 1979 Act of Promotion of Private-Owners Initiated Land Readjustment
Nepal	Town Development Act (TDA) BS 2045

2.3 Implementation Process

□ Four stages

- Project initiation; preparation of project plans; infrastructure construction; subdivision and redistribution
 - Finish when serviced land parcels are reregistered on property registry
- In Germany, Turkey and Indonesia, infrastructure construction is not incorporated in LR process but is the duty of local or central government after LR. Therefore, costs for infrastructure should be covered by government budget

2.3 Implementation Process

❑ Ownership structure

- Land parcels designated for public infrastructure and cost recovery is legally transferred to the government
- Land holding rights of original landowners are preserved and reregistered at the end of a LR procedure in most countries
- In Australia and Turkey, all the plots should be exchanged to the government temporarily and landowners receive back land titles of serviced plots later on

2.4 Project Initiation and Landowners' Participation

- ❑ A project is formally initiated and legally enforced when
 - the submitted proposal is sanctioned by relative planning authority or local governor and;
 - an agency is formed to execute LR

Table 2 Summary of LR Initiation Requirements

Initiator	Landowners' Participation		Countries or Regions
Public authorities	Compulsory without consensus building process		Germany, Australia, India, Turkey, Spain and Israel
Public authorities	Agreement of the majority of landowners is obligatory	50% (in number or area)	Taiwan
		75% landowners	Indonesia
		85% (in number and area)	Nepal
Public authorities or landowner association	* Public projects: landowners' consent is not required; * Association projects: consent from at least 2/3 (both in number and area) landowners		Japan and South Korea

2.5 Administration Body

Japan	Public project: directly managed by local <u>LR departments</u> Association projects: managed by <u>LR departments</u> or by a <u>non-profit organization</u> set up by LR departments; the decision making body is the general <u>meetings of all landowners</u>
India	Once the draft scheme is approved, the state government will appoint a <u>town planning officer</u> supervise and execute the scheme
Indonesia	<u>National land agency</u> is in charge of implementation. <u>LR Controlling Team</u> (provincial): formulating guidance, undertaking evaluations; <u>LR Coordination Team</u> (district): determine directions of spatial planning, select location and supervise the use of reserved cost-recovery land <u>LR Task Force</u> (local), operational executor

2.5 Administration Body

Spain	<u>An urbanizing agent</u> will be selected as implementer through a public tender and should be statutorily empower to enforce a LR plan and recoup costs from landowners
Turkey	<u>A public corporation</u> or <u>private surveying company</u> is authorized to implement
Germany	The <u>municipal office</u> is responsible for preparing plans and negotiating with landowners; final decisions shall be made by the independent <u>land readjustment boards</u> .
Isreal	Part of the regular statutory land use planning process. <u>Local planning commissions</u> are authorized to execute LR without additional planning procedures

2.6 Cost Recovery and Benefit Sharing

- ☐ Generally, landowners should give up a certain portion of land holdings:
 - for public facilities construction and;
 - for public sale to partly or wholly recover the project costs
- ☐ In some cases, landowners are provided to pay the costs in cash in exchange for less land dedication;
- ☐ In some cases, there is no benefits sharing mechanism and all the betterment is entirely captured by one party.

Table 3 Summary of cost and benefit sharing mechanism

Japan	<ul style="list-style-type: none">• Around 30%, 20% for infrastructure land, 12%-15% for cost recovery;• Public subsidies and grants are available for public facilities.
South Korea	<ul style="list-style-type: none">• up to 55%, 30% for public facilities and 20% for cost recovery;• No mechanism to capture development gains and the gains were solely returned to private landowners
Spain	<ul style="list-style-type: none">• 60-80% for projects with floor ratio > 1 and 30-60% with floor area ratio < 1;• Extra 5%-15% of the building rights as betterment charge ;• Landowners must pay all the construction cost in cash or in kind

Table 3 Summary of cost and benefit sharing mechanism continued

- Australia
- All project costs should be charged to landowners;
 - The government does not capture the land value increments

- Taiwan
- Up to 40% for public purpose and cost recovery;
 - New plots facing streets or on the corners contribute more;
 - Outside Landowners bear betterment charges if benefit from the project

India

landowners are obliged to contribute up to 40%, usually 8-10% for sale and 20-30% for roads and infrastructure

Table 3 Summary of cost and benefit sharing mechanism continued

Turkey	<ul style="list-style-type: none">• Up to 40% for public use. Excess is acquired by monetary compensation;• No cost recovery lands and the cost is born by municipalities
Nepal	<ul style="list-style-type: none">• 5% for public open spaces and amenities, 5% for cost recovery, 4% to 36% for roads;• Over-run costs will be subsidized by government budget

Table 3 Summary of cost and benefit sharing mechanism continued

Germany ➤ By size principle:

- 10% (developed previously) and 30% (developed for the first time)
- Compensation must be made for the exceeding part. Landowners should pay the difference in cash if land deducted is under the maximum permit

➤ By value principle

- landowners gain the value increase resulted from land use change;
 - the value increment due to LR will be claim back by municipality through monetary payment
- infrastructure costs has to be paid by the municipalities and any surplus of the extraction can be used to recover project costs
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3. CHALLENGES AND PROBLEMS

3.1 Opposition from landowners

❑ Japan

- Severe opposition in 1970s & 1980s: some were delayed or even were abandoned
- Local explanation sessions and meetings are held;
- Work hard to obtain community leaders' or largest landowners' consent;
- Organizers will start only when 80% consent is ensured.

❑ Taiwan

- Increasing opposition from landowners because 50% consent rule is too easy to satisfy and infringes upon the will of remaining landowners

❑ Nepal

- Almost all the LR projects encountered landowners' opposition before commencement due to poor negotiation skill of project managers

3.2 Rampant speculation and unaffordable housing

❑ South Korea

- Some landowners were suspicious and sold their sites to middlemen who hoarded land for speculation
- LR agencies tried to keep land prices high in order to ensure the recovery of expenses

❑ Taiwan

- LR areas always attract developers' investment. Land and housing prices are high in readjustment areas and surrounding areas accompanied with a high vacancy

❑ Turkey

- Land values rise by 400% to 600% after LR and some landowners readjusted leave parcels vacant to await further value increase.

3.3 Operation Problems

☐ Privatization of development profits

- South Korea

- The excessive private capture of land value increments led to social tensions. landowners accumulated enormous wealth and stratification of society was aggravated

☐ Unfair redistribution

- Turkey

- The area-based method is accused mostly for equity concerns because each building plots have different characteristics which directly affect the value

3.3 Operation Problems

❑ Insufficient technical support

- Indonesia

- land valuation is not rigorous and the after value is substantially undervalued

- Turkey

- No research on social relations and leads to problems when landowners become shareholders in parcels with somebody they do not like

- shortage of surveying engineers in many municipalities, makes the operation of LR projects difficult

- Unstandardized procedures and outdated cadastral information make it error-prone and time-consuming

- Repetitions of mistakes are common in many projects due to lack of a platform to share experiences

3.4 Delay in development after LR

❑ Delayed Infrastructure provision

- In Turkey and Indonesia, infrastructure is excluded from LR process. Local governments have to seek financing following LR projects which cause delays in the construction of roads and other basic facilities. Thus, development on replotted plots are impeded.
- In Taiwan and Turkey, co-ownership structures make construction on or sale of new parcels impossible without all shareholders' participation.
- In India, construction after LR is delayed because of complex and lengthy bureaucratic procedures to obtain building permission.

3.4 Delay in development after LR

- ❑ No legal request to build on or sell the replotted plots

- In South Korea, Taiwan, Turkey and Nepal, landowners keep readjusted parcels vacant for a long time and await higher prices

3.5 Urban sprawl

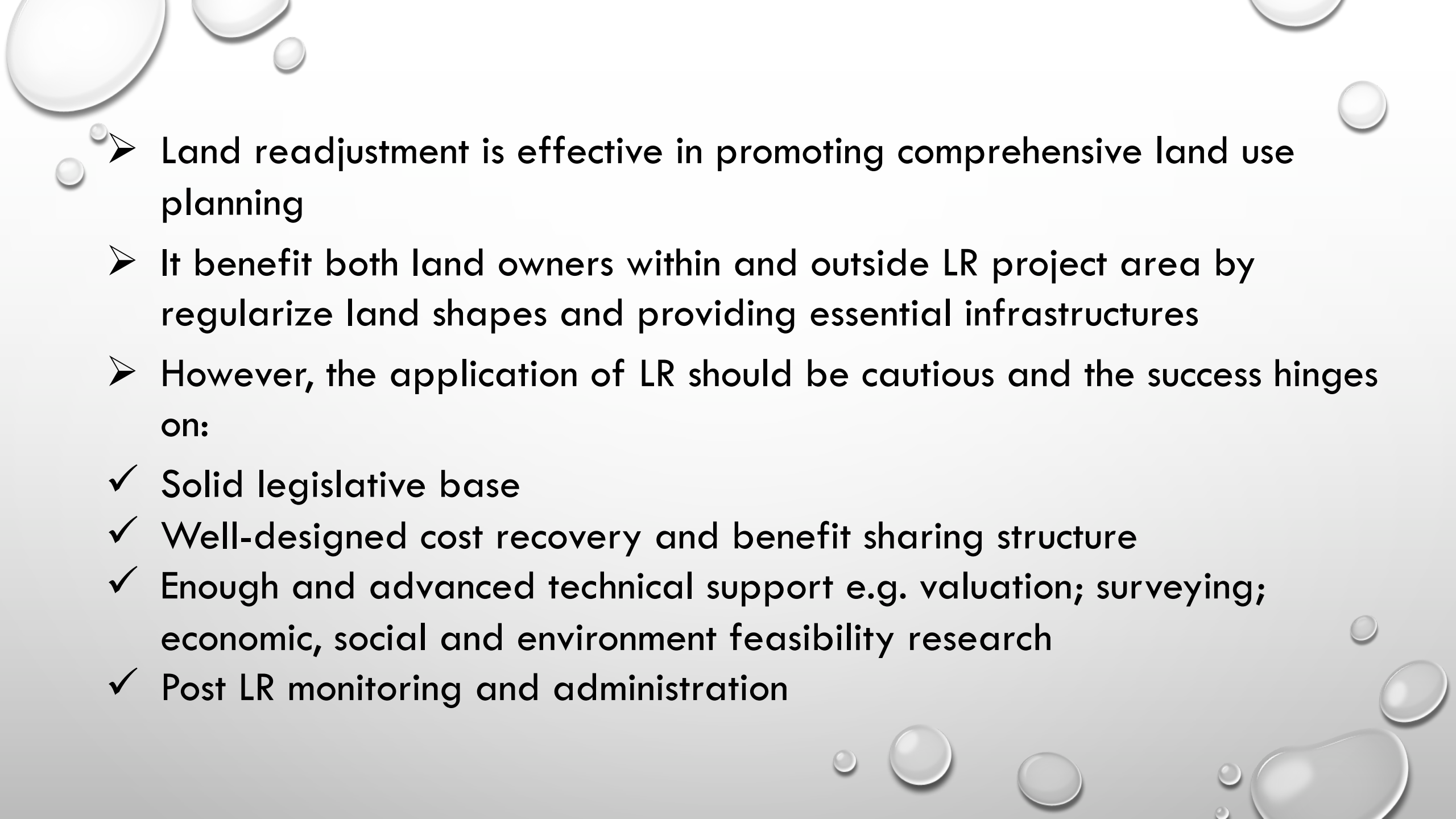
- In Tokyo, Japan and Taiwan, LR schemes are often undertaken in city outskirts far away built up areas:
 - Higher value increase and less involved landowners made consensus building process easier

3.6 Damages on cultural heritage and natural landscapes

- Lebanon and Spain, where LR is implemented by private companies, suffer from strong complaints about insufficient protection of cultural heritage and natural landscapes.

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4. CONCLUSIONS

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- Land readjustment is effective in promoting comprehensive land use planning
 - It benefit both land owners within and outside LR project area by regularize land shapes and providing essential infrastructures
 - However, the application of LR should be cautious and the success hinges on:
 - ✓ Solid legislative base
 - ✓ Well-designed cost recovery and benefit sharing structure
 - ✓ Enough and advanced technical support e.g. valuation; surveying; economic, social and environment feasibility research
 - ✓ Post LR monitoring and administration

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THANK YOU

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