

A Speech at Panel Discussion of Session 9

Prof. Yang Kai (SBSM, China) / 26 Oct. 1999

Mr. Chairman , Ladies and Gentlemen :

It is indeed a great pleasure for me to join the panel and give some comments here.

Firstly, I would like to say that the UN-FIG Workshop and Conference on Land Tenure and Cadastral Infrastructures for Sustainable Development were all very successful and effective. This comes from our common acknowledgement that global changes exist, understanding the current issues in land administration and the desire to balance economic growth against conservation of the environment, while facing the challenge of our era into the next millennium in the relationship of humankind with land.

Consequently, the Bathurst Declaration , which is the product of this workshop and conference , is no doubt a new flag guiding people to facilitate the legal, technical and institutional changes that are necessary in land administration to properly support the sustainable development objectives. So we all can congratulate each other on the success of this big event, but special thanks should be made to Professors Don Grant and Ian Williamson as well as their teams for their contributions in initiating and organizing this event.

Secondly, I would like to take this opportunity to draw your interests to the land administration system in China. The Land Administration Law of the People's Republic of China, first version of which was promulgated in 1986 ,has been revised and adopted by the Standing Committee of the National People's Congress of the People's Republic of China in 1998 and entered into force as of January 1, 1999. The purpose of enacting and revising the law is to strengthen land administration, maintain the socialist ownership of land, protect and develop land resources , make proper use of land, effectively protect cultivated land and promote sustainable development of the society and economy in China. The law includes eight chapters separately related to the general provisions; the ownership of land and right to the use of land; the overall plans for land utilization; the protection of cultivated land; the land to be used for construction; the supervision and inspection; the legal responsibility; and the supplementary provisions.

In accordance with the Law, the People's Republic of China practises socialist public ownership of land, namely, ownership by the whole people and collective ownership by the working people; the State-owned land and land owned by peasant collectives may be lawfully determined to be used by units or individuals., According to the principle of the ownership being separated from the right to the use of the land, the State implements the system whereby the use right to the land may be assigned and further transferred, leased, mortgaged or used for other economic activities.

Also in accordance with the Law, the State applies a system of control over the purpose of use of land. The State formulates overall plans for land utilization in which to define the purpose of use of land and classify land into land for agriculture, land for construction and unused land; to value land highly, use land rationally and protect cultivated land effectively is China's basic policy; the overall plan for land utilization at lower level shall be drawn up on the basis of such a plan drawn up at a higher level; and all units and individuals shall use land in strict compliance with the purpose of use defined in the overall plan for land utilization.

Thirdly, I would like to emphasis that this conference has covered a lot of issues which are vital for land administration system of countries in the world to face the challenge of sustainable development in next century. This was very beneficial for us to learn possible solutions and find rational direction for improving existing systems. For instance, shall we widen the concept and the scope of cadastre infrastructure and regard it as the fundamental part of the Land Information Infrastructure or say Geospatial Information/Data Infrastructure? The answer at least from my point of view would be positive. But it is also very important that each country should find solution exactly according to their practical situation. For example, China's land administration system and relevant policies may be different from that in other countries, but I do believe that the general principles reflected from China's system and policies are consistent with the objectives of Agenda 21 as well as the spirit of Bogor declaration and Bathurst declaration.

Finally, thanks to the Bathurst workshop and the Melbourne conference for providing me such a wonderful opportunity to get to know you personally as well as experiences and lessens from your countries and thank you for your attention.