



# TAKING

# Land

**Compulsory Purchase  
and Regulation in  
Asian-Pacific Countries**

*Edited by*

*Tsuyoshi Kotaka and David L. Callies*

# Taking Land Compulsory Purchase And Regulation In Asian Pacific Countries

**Marcel A. Müller**



## **Taking Land Compulsory Purchase And Regulation In Asian Pacific Countries:**

**Taking Land** Tsuyoshi Kotaka, David L. Callies, 2002-01-31 The Asia Pacific region with its rapid urbanization has generated an immediate need for both land use control and compulsory purchase by national and local governments This book takes a comparative look at land use laws in ten Asia Pacific countries Australia China Hong Kong Japan Korea Malaysia New Zealand Singapore Taiwan Thailand as well as in the United States A land use scholar from each country describes and analyzes compulsory land acquisition and the means through which property owners can seek compensation when government regulations or policies become so burdensome that they approach the effect of compulsory purchase The book's major themes are land use control and eminent domain compulsory purchase Contributors examine land use control by focusing on land ownership statutory framework land use plans and planning zoning building regulations courts and common law and regulatory taking among the eleven countries Sections on eminent domain cover the right of government to take or reclaim private property General topics discussed include the source of authority often a country's constitution the public purpose and the extent of power compensation due process the importance of plans the effect of a colonial legal system and the accommodation of indigenous peoples' land rights With the publication of this volume legal scholars and practicing land use lawyers will be able to analyze and compare for the first time the individual legal approaches of developed and developing countries in the Asia Pacific region Contributors David L Callies Li Fu Chen Anton Cooray Glenys Godlovitch Tsuyoshi Kotaka Murray J Raff William J M Ricquier Eathipol Srisawaluck Won Woo Suh Grace Xavier Zhen Xian Bin

**Compulsory Property Acquisition for Urban Densification** Glen Searle, 2018-06-14 Densification has been a central method of achieving smart sustainable cities across the world This book explores international examples of the property rights tensions involved in attempting to develop denser more sustainable cities through compulsory acquisition of property The case studies from Europe North America eastern Asia and Australia show how well or not property rights have been recognised in each country Chapters explore the significance of local legal frameworks and institutions in accommodating property rights in the densification process In particular the case studies address the following issues and more Whether compulsory acquisition to increase densification is justified in practice and in theory The specific public benefits given for compulsory acquisition The role the development industry plays in facilitating encouraging or promoting compulsory acquisition What compensation or offsets are offered for acquisition and how are they funded Is there a local or national history of compulsory property acquisition by government for a range of purposes Is compulsory acquisition restricted to certain types or locations of densification Where existing housing is acquired are there obligations to provide alternative housing arrangements The central aim of the book is to summarize international experiences of the extent to which property rights have or have not been protected in the use of compulsory property acquisition to achieve sustainable cities via urban densification It is essential reading for all those interested in planning law property rights environmental law urban studies

sustainable urban development and land use policy

**The Constitution of Singapore** Kevin YL Tan, 2015-04-30 Singapore's Constitution was hastily cobbled together after her secession from the Federation of Malaysia in 1965. In the subsequent 50 years the Constitution has been amended many times to evolve a Constitution like no other in the world. Outwardly Singapore has a Westminster type constitutional democracy with an elected legislature, fundamental liberties and safeguards to ensure the independence of the judiciary. On closer inspection the Constitution displays many innovative and unusual characteristics. Most notable among them are the various types of Members of Parliament that have been introduced since the mid 1980s, the office of the Elected President and the fact that there is no constitutional right to property. This volume seeks to explain the nature and context of these constitutional innovations in the context of a pluralistic multi ethnic state obsessed with public order and security. The volatile racial mix of Singapore with its majority Chinese population nestled in a largely Malay Islamic world compels the state to search for ethnic management solutions through the Constitution to guarantee to the Malays and other ethnic minorities their status in the polity. In addition it examines how the concept of the rule of law is perceived by the strong centrist state governed by a political party that has been in power since 1959 and continues to hold almost hegemonic power.

**Constitutional Law in Hong Kong** Anton Cooray, 2022-10-20 Derived from the renowned multi volume International Encyclopaedia of Laws, this very useful analysis of constitutional law in Hong Kong provides essential information on the country's sources of constitutional law, its form of government and its administrative structure. Lawyers who handle transnational matters will appreciate the clarifications of particular terminology and its application. Throughout the book the treatment emphasizes the specific points at which constitutional law affects the interpretation of legal rules and procedure. Thorough coverage by a local expert fully describes the political system, the historical background, the role of treaties, legislation, jurisprudence and administrative regulations. The discussion of the form and structure of government outlines its legal status, the jurisdiction and workings of the central state organs, the subdivisions of the state, its decentralized authorities and concepts of citizenship. Special issues include the legal position of aliens, foreign relations, taxing and spending powers, emergency laws, the power of the military and the constitutional relationship between church and state. Details are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance. Its succinct yet scholarly nature, as well as the practical quality of the information it provides, make this book a valuable time saving tool for both practising and academic jurists. Lawyers representing parties with interests in Hong Kong will welcome this guide and academics and researchers will appreciate its value in the study of comparative constitutional law.

[Takings International](#) Rachelle Alterman, 2010 This book is the first large scale effort devoted to this controversial issue, providing a vast platform of comparative knowledge on direct, indirect, categorical and partial takings. Written for legal professionals, academics, urban and regional planners, real estate developers and civil society groups, the book analyzes thirteen advanced economy countries representing a variety of legal regimes, institutional

structures cultures geographic sizes and population densities

### **Environmental Law in Hong Kong** Anton

Cooray, 2021-08-20 Derived from the renowned multi volume International Encyclopaedia of Laws this book provides ready access to legislation and practice concerning the environment in Hong Kong A general introduction covers geographic considerations political social and cultural aspects of environmental study the sources and principles of environmental law environmental legislation and the role of public authorities The main body of the book deals first with laws aimed directly at protecting the environment from pollution in specific areas such as air water waste soil noise and radiation Then a section on nature and conservation management covers protection of natural and cultural resources such as monuments landscapes parks and reserves wildlife agriculture forests fish subsoil and minerals Further treatment includes the application of zoning and land use planning rules on liability and administrative and judicial remedies to environmental issues There is also an analysis of the impact of international and regional legislation and treaties on environmental regulation Its succinct yet scholarly nature as well as the practical quality of the information it provides make this book a valuable resource for environmental lawyers handling cases affecting Hong Kong Academics and researchers as well as business investors and the various international organizations in the field will welcome this very useful guide and will appreciate its value in the study of comparative environmental law and policy

### Eminent Domain Use and Abuse Dwight H. Merriam, Mary Massaron

Ross, 2006 As we continue in an era of simultaneous innovation and commoditization enabled by digital technologies managers around the world are asking themselves how can we both adapt to rapid changes in technology and markets and still make enough money to survive and thrive To provide answers to these important and urgent questions MIT Sloan School of Management Professor Michael Cusumano draws on nearly 30 years of research into the practices of global corporations that have been acknowledged leaders and benchmark setters including Apple Intel Google Microsoft Toyota Sony Panasonic and others in a range of high technology services and manufacturing industries These companies have also encountered major challenges in their businesses or disruptions to their core technologies If we look deeply enough he contends we can see the ideas that underpin the management practices that make for great companies and drive their strategic evolution and innovation capabilities From his deep knowledge of these organizations Cusumano distills six enduring principles that he believes have been in various combinations crucial to their strategy innovation management practices and ability to deal with change and uncertainty The first two principles platforms not just products and services especially for product firms are relatively new and broader ways of thinking about strategy and business models based on Cusumano's latest research The other four capabilities not just strategy or positioning the pull concept not just push economies of scope not just scale and flexibility not just efficiency all contribute to agility which is a mix of flexibility and speed Many practices associated with these ideas such as dynamic capabilities just in time production iterative or prototype driven product development flexible design and manufacturing modular architectures and component reuse are now commonly regarded as standard best

practices These six enduring principles are essential in a new world dominated by platforms and technology enabled services

**Land Rights and Expropriation in Ethiopia** Daniel W. Ambaye,2015-02-13 This thesis provides a new approach to the Ethiopian Land Law debate The basic argument made in this thesis is that even if the Ethiopian Constitution provides and guarantees common ownership of land together with the state to the people this right has not been fully realized whether in terms of land accessibility enjoyability and payment of fair compensation in the event of expropriation Expropriation is an inherent power of the state to acquire land for public purpose activities It is an important development tool in a country such as Ethiopia where expropriation remains the only method to acquire land Furthermore the two preconditions of payment of fair compensation and existence of public purpose justifications are not strictly followed in Ethiopia The state remains the sole beneficiary of the process by capturing the full profit of land value while paying inadequate compensation to those who cede their land by expropriation Secondly the broader public purpose power of the state in expropriating the land for unlimited activities puts the property owners under imminent risk of expropriation

**Land Law and Disputes in Asia** Yuka Kaneko,Narufumi Kadomatsu,Brian Z. Tamanaha,2021-09-16 Through an in depth legal analysis by leading scholars this book searches for the exact legal causes of land related disputes in Asia within the histories legal systems and social realities of the respective countries It consists of four main parts examining the relationship between law and development land taking in developmental stages common ownership and proposals for new approaches to land law and dispute resolution With a combination of orthodox legal interpretations and the empirical approach of legal sociology the contributors undertake an extensive comparative legal analysis across common and civil law traditions Most importantly they propose pathways forward for legal transformations in the pursuit of sustainable development in Asia This book is vital contribution to the study of comparative law and especially property law in East and Southeast Asia

**Chinese (Taiwan) Yearbook of International Law and Affairs, Volume 24 (2006)** ,2020-02-03 The Chinese Taiwan Yearbook of International Law and Affairs commenced publication in 1981 under the auspices of the Chinese Taiwan Society of International Law The Yearbook publishes on multi disciplinary topics with a focus on international and comparative law issues regarding Taiwan Mainland China and the Asia Pacific region The Yearbook is one of the foremost publications in the world concentrating on issues of greater China

**Cities for Profit** Gavin Shatkin,2017-09-15 Cities for Profit examines the phenomenon of urban real estate megaprojects in Asia massive privately built planned urban developments that have captured the imagination of politicians policymakers and citizens across the region These controversial projects embraced by elites occasion massive displacement and have extensive social and economic impacts Gavin Shatkin finds commonalities and similarities in dozens of such projects in Jakarta Kolkata and Chongqing Shatkin is at the vanguard of urban studies in his focus on real estate Just as cities are increasingly defined and remapped according to the value of the land under their residents feet the lives of city dwellers are shaped and constrained by their ability to keep up with rising costs of urban life Scholars and policy and planning

professionals alike will benefit from Shatkin's comprehensive research. *Cities for Profit* contains insights from more than 150 interviews, site visits to projects, and data from government and nongovernmental organization reports and data, urban plans, architectural renderings, annual reports, and promotional materials of developers and newspaper and other media accounts.

*China's Modernization I* Georg Peter, Reuß-Markus Krauß, 2015-09-09 The idea of only one way leading to a modern society seems to be hardly tenable. But even if we agree to this, our theories and terms describing modernization are gained on our own Western history. So social science has to reconsider its basic terms to describe China's modernization and maybe even the understanding of modernization itself. The first of two volumes on China's modernization collects articles by leading Chinese and Western scientists focusing on the main conflicts and differences this process involves. In a first section, *Changing China: Dealing with Diversity*, Björn Alperman analyses the terms Class, Citizenship, and Individualization in China's Modernization. Andrew Kipnis analyses the Chinese Nation Building as 'Instead of and Before Globalization' while John R. Gibbins examines *Principles for Cosmopolitan Societies: Values for Cosmopolitan Places On Modernization, Law, Business, and Economy in China*. The second section deals with *Modernizing Chinese Law: The Protection of Private Property in China* by Sanzhu Zhu, *Chinese Organizations as Groups of People Towards a Chinese Business Administration* by Peter J. Peverelli, and *Income Gaps in Economic Development: Differences among Regions, Occupational Groups, and Ethnic Groups* by Ma Rong. The last section, *Thinking Differentiations: Chinese Origin and the Western Culture*, concentrates on the role of religion with articles by Richard Madsen, *Christianity and Hybrid Modernity in China*, and Thorsten Botz-Bornstein, *Confucianism, Puritanism, and the Transcendental: China and America*. Jeffrey N. Wasserstrom argues that Nathan Sharansky's test for free nations should take regional variations into account in China and the *Town Square Test: In Metaphor, Poetry, and Cultural Implicature*. Ying Zhang examines if the Western understanding of metaphor can be transferred to Chinese language and culture. The additional rubric *On Contemporary Philosophy* involves three articles about the question *Can Science Change our Notion of Existence* by Jody Azzouni, *The Epistemological Significance of Practices* by Alan Millar, and *On Cappelen and Hawthorne's Relativism and Monadic Truth* by J. Adam Carter. Content and abstracts: [www.protosociology.de](http://www.protosociology.de)

**Eminent Domain** Il-chung Kim, Iljoong Kim, Ho-jun Yi, Hojun Lee, Ilya Somin, 2017-04-06 A collection of essays that examines the use and abuse of eminent domain across the world.

*Law and Class in America* Paul Carrington, Trina Jones, 2006-06 In *Law and Class in America*, a group of leading legal scholars reflect on the state of the law from the end of the Cold War to the present, grappling with a central question posed to them by Paul D. Carrington and Trina Jones: have recent legal reforms exacerbated class differences in America? In a substantive introduction, Carrington and Jones assert that legal changes from the late 20th century onward have been increasingly elitist and unconcerned with the lives of poor people having little access to the legal system. Contributors use this position as a springboard to review developments in their own particular fields and to assess whether or not legal decisions and processes have contributed to a widening gap between privileged and

unprivileged people in this country From antitrust and bankruptcy to tax and election law the essays in this unique volume invite readers to reflect thoughtfully on socio economic justice in the new century and suggest that a lack of progressive reform in all areas of law may herald a form of undiagnosed class dominance reminiscent of America s Gilded Age Contributors Margaret A Berger M Gregg Bloche David L Callies Paul D Carrington Paul Y K Castle Lance Compa James D Cox Paula A Franzese Marc Galanter Julius G Getman Lawrence O Gostin Joel F Handler Trina Jones Thomas E Kauper Sanford Levinson John Linehan Joseph D McNamara Burt Neuborne Jeffrey O Connell Judith Resnik Richard L Schmalbeck Danielle Sarah Seiden Richard E Speidel Gerald Torres David M Trubek Elizabeth Warren and Lawrence A Zelenak

*Eminent Domain* Iljoong Kim,Hojun Lee,Ilya Somin,2017-04-03 The taking of private property for development projects has caused controversy in many nations where it has often been used to benefit powerful interests at the expense of the general public This edited collection is the first to use a common framework to analyze the law and economics of eminent domain around the world The authors show that seemingly disparate nations face a common set of problems in seeking to regulate the condemnation of private property by the state They include the tendency to forcibly displace the poor and politically weak for the benefit of those with greater influence disputes over compensation and resort to condemnation in cases where it destroys more economic value than it creates With contributions from leading scholars in the fields of property law and economics the book offers a comparative perspective and considers a wide range of possible solutions to these problems     **Routledge Handbook of Transport in Asia** Junyi Zhang,Cheng-Min Feng,2018-06-12 Asian transportation systems and services as well as their usage are fraught with challenges This handbook therefore seeks to examine the possible solutions to the problems faced by the region It illustrates the history of transportation development in Asia and provides a comprehensive overview of research on urban and intercity transport Presenting an extensive literature review and detailed summaries of the major findings and methodologies this book also offers suggestions for future research activities from top level international researchers Written from an interdisciplinary perspective the topics covered include Transportation systems across Asia Traffic accidents Air pollution Land use and logistics Transport governance Considering the population and economic development scale as well as the diverse cultures of Asia the Routledge Handbook of Transport in Asia will be a valuable resource for students and scholars of transportation Asian development and Asian Studies in general     **Urban Land Markets** Somik V. Lall,Mila Freire,Belinda Yuen,Robin Rajack,Jean-Jacques Helluin,2009-10-07 As urbanization progresses at a remarkable pace policy makers and analysts come to understand and agree on key features that will make this process more efficient and inclusive leading to gains in the welfare of citizens Drawing on insights from economic geography and two centuries of experience in developed countries the World Bank s World Development Report 2009 Reshaping Economic Geography emphasizes key aspects that are fundamental to ensuring an efficient rural urban transformation Critical among these are land as the most important resource and well functioning land markets Regardless



of the stage of urbanization flexible and forward looking institutions that help the efficient functioning of land markets are the bedrock of successful urbanization strategies In particular institutional arrangements for allocating land rights and for managing and regulating land use have significant implications for how cities deliver agglomeration economies and improve the welfare of their residents Property rights well functioning land markets and the management and servicing of land required to accommodate urban expansion and provide trunk infrastructure are all topics that arise as regions progress from incipient urbanization to medium and high density

*Routledge Handbook of Contemporary Issues in Expropriation* Frances Plimmer, William McCluskey, 2018-09-18 The Routledge Handbook of Contemporary Issues in Expropriation reviews the contemporary major issues involving expropriation eminent domain compulsory purchase in an international context Expropriation is a right reserved to all governments and thus it has an impact on all societies This book the first of its kind considers the essential issues from the point of view of both developing and developed countries and their needs for major infrastructure projects The content covers major issues principles and policies and includes the experiences of and examples from different countries and regions including Australia Asia China Europe India and the USA Rather than providing an in depth examination of individual countries legal systems the book focuses on international issues and also provides a reflection on how national experiences can be related to global needs Key themes include Nature and quantum of compensation Land rights and the acquisition of traditional land rights Issues surrounding public interest Alternatives to expropriation The future good practice debate and reform This handbook is an essential resource for students and researchers in the areas of land policy land law property law and rights and international development

**The Nature of Asian Politics** Bruce Gilley, 2014-09-15 The Nature of Asian Politics is a broad and thematic treatment of the fundamental factors that characterize politics in the fourteen key countries of Southeast and Northeast Asia Bruce Gilley begins with an overview of state society relations then moves on to the fundamental questions of development and democracy and finally shifts to an exploration of governance and public policy in the region This book proposes an Asian governance model that is useful for understanding politics from Japan to Indonesia By reviving an earlier paradigm known as oriental despotism and applying it to political theories on the Asian region this book is likely to attract wide debate among students of Asian politics and among Western policy makers seeking to engage the region

**Frontiers of Real Estate Science in Japan** Yasushi Asami, Yoshiro Higano, Hideo Fukui, 2021-02-01 This open access book presents recent research and hot topics in the field of real estate science in Japan It features carefully selected English translations of peer reviewed papers and excellent articles published in the Japanese Journal of Real Estate Sciences as well as papers presented at the Japan Association of Real Estate Sciences JARES annual conference The topics covered include market analyses of vacant houses policies for reuse of vacant houses property tax policy issues of land for which the owners are unknown disaster and real estate values the siting optimization plan and its influence on real estate big data and ICT technology for the real estate business and public real

estate management Real estate science in Japan has developed in step with international research in the fields of law and economics regional science civil engineering environmental science architectonics and related areas At the same time it has evolved into a unique discipline that focuses on policy oriented practical science with arguments for the reform of outdated laws regulations and traditional customs Asian countries are currently growing rapidly and are catching up with developing countries The lessons learned and know how accumulated by JARES is helpful for practitioners and policymakers not only in Japan but also in other Asian countries

The Enigmatic Realm of **Taking Land Compulsory Purchase And Regulation In Asian Pacific Countries**: Unleashing the Language is Inner Magic

In a fast-paced digital era where connections and knowledge intertwine, the enigmatic realm of language reveals its inherent magic. Its capacity to stir emotions, ignite contemplation, and catalyze profound transformations is nothing short of extraordinary. Within the captivating pages of **Taking Land Compulsory Purchase And Regulation In Asian Pacific Countries** a literary masterpiece penned by way of a renowned author, readers embark on a transformative journey, unlocking the secrets and untapped potential embedded within each word. In this evaluation, we shall explore the book is core themes, assess its distinct writing style, and delve into its lasting impact on the hearts and minds of those that partake in its reading experience.

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