

❖ Australian-Chinese Legal
Profession Development Program

**Brief Comparison of Crown Lands of
Victoria and State-owned Lands of
China**

By

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❖ Brief Comparison of Crown Lands of Victoria and State-owned Lands of China

Definitions

- Crown Lands
 - lands held by the government for the interest of the people
- State-owned Lands of China
 - lands owned by the state for the interest of the people

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Conveyance

- Ownership of Crown lands can be transferred
- Ownership of state-owned lands is ***not*** allowed to be transferred; only the ***use rights*** of state-owned lands can be granted or allocated

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State-owned land use rights

- State-owned land use rights refer to the rights to use a land subject to certain conditions within a certain period--similar to leasehold
- State-owned land use rights are allowed to be transferred, leased, exchanged, mortgaged or disposed of in other lawful ways--have some nature of a freehold land

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Term (1)

- Terms of Crown land leases can be the maximum of 5, 10, 20, 21, 30, 35, 40, 50, 75, 99 years or even perpetual depending on the nature of the leases
- A lessee has the option to renew a lease after the expiration

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Term (2)

- The term of state-owned land use rights can be 40, 50, 70 years depending on the purposes
- The term for *residence* areas can be extended *automatically* but extension of terms for other areas are subject to approval of land authorities

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Sale/lease modes (1)

- Crown lands may be sold or leased by public auction or public tender
- State-owned land use rights for industrial, commercial, residential or amusement purposes or the use rights of a land that has more than one purchaser should be granted by public tender, public auction or listing-for-sale

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Sale/lease modes (2)

- Crown lands can be sold to public authority by private treaty
- State-owned land use rights can be allocated to public organizations by private treaty ***without consideration***

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Forfeit (1)

- Crown land leases can be forfeited without compensation if a lessee fails to comply with a lease
- State-owned land use rights can be forfeited without compensation if the grantee fails to comply with a state-owned land use rights grant contract

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- **Forfeit (2)**
- Crown lands or Crown land leases can be forfeited for public interests and compensation will be paid
- State-owned land use rights can be forfeited for public interests and compensation will be paid

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Protection of State-owned land use rights

- The principal of protection of citizen's private property rights has been specifically written into China's Constitution in 2004 although such a principal has been embodied in some previous laws and regulations
- Protection of citizen's private property rights is further confirmed in the newly-promulgated Property Rights Law

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Questions?

Thank you!