

## **Reference of Land Registration System from Countries in Asia-Pacific Region: Comparison of the United States, Canada, Russia, South Korea, Japan and Australia**

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**Abstract:** *Land registration is the core of real estate registration, which can protect the legitimate rights and interests of the land holders, reduce the cost of land transfer and transaction, and provide public information services for various market subjects. As important countries in Asia-Pacific Region, the United States, Canada, Russia, Korea, Japan and Australia have a great influence on economic development and political stability in Asia Pacific and even the whole world, which is closely related to their unique land management system formed in long-term development. Most importantly, the land registration system with unity of organization, high quality of employees, perfect agent system, mature compensation mechanism, and information publicity and transparency is worth learning. At present, there are still many problems in China's land registration system, which needs to construct an essentially unified land registration institution, improve the management of land registration employees, standardize the land registration agent system, establish compensation fund for land registration error, and promote the publicity and transparency of land registration information system.*

**Keywords:** *Developed Countries in Asia-Pacific Region; Land Registration System; Contract Registration Mode; Right Registration Mode; Torrance Registration Mode*

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### **I. Introduction**

Land registration system refers to the systems that national statutory registration organs record the property rights and the variations of land holders in special booklets according to the provisions of relevant laws and certain procedures to protect the rights of the land holders and facilitate the land management. As a unity of natural complex, social complex and historical complex, land is featured with immovability, scarcity and high value, which is also the carrier of all the ground attachments and the most basic and important matter in real estate. Land registration covers the rights registration of both the land and other buildings on the ground. Hence, land registration is generally called the real estate registration [1, 2].

Originated from western countries, modern land registration system has experienced a long course of development. According to the views of some domestic scholars, the development of modern land registration system can be divided into three stages: rights differentiation, rights protection and transaction security [3]. In the beginning, the verification of land property came from the mutual recognition and habits of their own occupations of different holders, and stable property rights were formed under common recognition. This kind of land property only undertook the legal supervision and administration. The Law of the Twelve Tables formulated in 450 A.D. by the ancient Roman Republic first recorded the land property rights. In this law, the seventh table cleared stated that land boundary lawsuits should be handled according to the Law of the Twelve Tables. With the development of the society, considering the high value of the land and the requirements of taxation, the country started to verify land property rights and issue certificates to the holders, and the land registration system came into being. The Germanic Law is the earliest law sources of real estate registration system appeared in the Middle Ages [4]. According to the Germanic Law, the land transfer not only requires the contract and mutual agreements of the two parties, but also requires the documents that record the transfer of the land property rights as evidence. However, with the promotion of commodity economy, land transfer became more and more frequent with more and more complicated interest subjects and relations. Simple contracts or delivery methods can no longer protect the rights of the land holders well. As a result, many countries started to establish land registration systems and publicize the real estate rights to protect the land properties and normalize the transaction orders. In the 12th century, Germany first established the urban record booklet for land property rights transfer. In the 18th century, France started to register the land mortgage, which became popular in most of European regions [5]. In the late 19th century and early 20th century, Germany, Switzerland, the United States and the United Kingdom all introduced laws to specify the land registration system.

At present, land registration system has been widely established in western countries. It is mainly performed in three types: contract registration mode, rights registration mode and Torrens registration mode. Seen from current researches, Zhang Wei compared the land registration systems of France, Germany, the UK and Australia, and raised with references [6]; Zhang Chunyu and Liu Jingjuan specifically stated the three

modes of contract registration, rights registration and Torrens registration [7, 8]; Xu Jian compared the land registration systems between Japan and Hong Kong and raised some implications from them [9]; Shi Hang introduced the foreign land registration officer system and proposed some suggestions on perfecting the land registration personnel selection and appraisal mechanism of China [10]; Yang Yufan and Cai Huilian introduced the land registration system of UK and stated the inspiration of its high transparency on Chinese land registration [11, 12]; Yu Lina comparatively analyzed the differences of the land registration organs of Canada, USA, Taiwan and Korea [13]; Lin Kejing, Wei Shuying, Xia Jing and Huang Gangshou focused on the development process, existed problems and raised optimal suggestions for Chinese land registration system [14, 15, 16, 17].

Overall, current researches have two aspects of deficiencies: firstly, most of the researches focused on the land registration systems of European countries. Other countries and regions are lack of comparisons and researches; secondly, there are certain time lags of the researches on Chinese land registration systems. Most of current achievements are made around the promulgation of Property Law of the People's Republic of China in 2007, and the status of the land registration system after the implementation of Interim Regulation on Real Estate Registration since 2014 is less concerned. Hence, it is worthy of analysis to comparatively analyze the land registration systems of developed countries in Asia-Pacific region, and put forward references in respect to the new status of Chinese land registration system.

## II. Comparisons on the land registration systems of developed countries in Asia-Pacific region

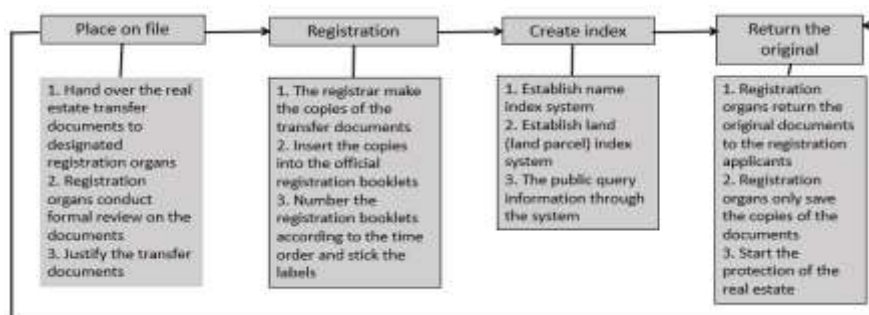
As the main developed countries in Asia-Pacific region, the United States, Canada, Russia, Korea, Japan and Australia have great significance on the political stability of the Asia-Pacific region as well as the economic strategy of the world. In the long-term of development, the countries have formed their own mature and unique land registration systems. Comparatively speaking, the land registration systems of the United States and Japan belong to contract registration mode; the land registration systems of Russia and Korea belong to rights registration mode; the land registration systems of Australia and Canada presented the features of Torrens registration mode.

### 2.1 The United States and Japan: contract registration mode

Contract registration mode means that the transfer of the real estate property rights can be accomplished only by mutual agreements and credit contracts of the parties rather than further registrations. The main features of contract registration mode include: registration antagonism-no registration cannot counter the third party; formalistic reviewing method without substantive review; follow the principle of voluntary registration, not mandatory; the registration has no credibility; the compiling is conducted according to the order of the holders, dynamic registration. Contract registration mode is originated from France, which is also known as the French registration mode.

#### 2.1.1 Land registration system of the United States

The United States has a long history of land registration. In the early 17th century, the British colony Massachusetts started the land registration to facilitate the taxation on local people. The colonial government required to measure the lands and the buildings attached on the lands, and record the data in the special booklets. In 1640, the colonial government promulgated special land registration law and required that all the transfer, alteration and mortgage of real estate properties should be registered. The personal properties that are not registered are not protected by the law. This law is also the earliest law resource for land registration laws. Affected by this, other states of the United States also started to establish normative land registration systems according to their own situations. At present, most of the states in the United States adopted the contract registration mode for the land registration. Only few states including New York implemented the registration according to Torrens registration mode. But most of them observe the same strict registration process (see Fig. 1).



**Fig1** Land Registration Procedure of the United States of America

The content of US land registration mainly includes underground rights (mineral resources rights), ground rights and surface rights (air rights or development rights). In the United States, lands mainly belong to individuals, federal government and state government. Private lands occupy as much as 59%. Generally, the government would not interfere the land transactions between individuals. The transactions can be realized only when the two parties have reached a contract or agreement. But all the private lands recognized by the law are registered in government departments. When changing the land property rights, the registration needs to be altered first. The registration will need a certain charge which is mainly used for the compensation for the property rights holder whose rights have been violated. The land registration officers of the United States are court clerks from each state and counties. They are mainly responsible for the registration of rights transfer and mortgage in land transactions on special booklets, as well as the sorting, preservation and archiving of related documents. In addition, local governments also established land registration systems. As a part of US government departments, the land registration system mainly provide various services and guidance for land registration.

### **2.1.2 Land registration system in Japan**

Japan has a small territory area. The subjects of the land ownership mainly include individuals, social organizations and the country. Of them, individuals occupy more than a half of the lands. To Japan, land and houses are the most important resources, which are also the most important part of real estate. Japan has formed a mature land registration system in land administration. The land registration of Japan dated from the Meij government period. At that time, the country already promulgated some laws to regulate the land transactions and transfers, and recorded property rights alteration in special booklets. Most importantly, free transactions of private lands are allowed, although no normative legal texts have been formulated. In the late 19th century, the Japan government already promulgated the "Registration Law". But this law was lack of normative. Until 1899, the Law of Real Estate Registration was launched officially, which became the first systematical law on land registration of Japan and has been used till today after some amendments.

In Japan, land registration belongs to real estate registration. Real estate registration includes the registration of land and registration of the buildings as houses on ground. The two registrations are proceeded separately. According to the Law of Real Estate Registration, Japan's land registration follows the principle of contract registration. The registration has no credibility, and the law stated that: "Any publicity of real estate, or setting, conservation, turnover, alteration of the nigh rights including ownership, surface rights, permanent tenancy, easement, priority privilege, pledge rights, mortgage, rental rights and mining rights, and limitation or revocation of behaviors need to be registered in the government or local office of legal affairs." [18]. As for the content, Japan's land registration mainly includes ownership change registration, false registration, mark registration and cancellation registration. Among them, false registration is the so-called advance-notice registration, which refers to the temporary registration when the property rights are changed and are going to take effect but related formalities have not been completed. Mark registration is to record the actual property rights change on legal booklets to verify the consistency of registration.

Japan's land registration organizations adopted vertical management system. Land registration organizations are set from central to local, and each level of registration organization set different number of registration officers according to actual situations. Registration officers are given the power of formal review on the submitted registration documents and power of substantial review on the authenticity of the documents. Japan has a strict management standard on registration officer. To be a qualified registration officer, one should take a national judicial examination uniformly organized by the state and get the qualification certificate of registration officer, and they can't deal with the land registration for their immediate relatives that have blood relationship with them. Meanwhile, the Law of Real Estate Registration also stated that for any benefit impairment on the rights holder caused by the fault of the registration officer, the officer should take the responsibility and may be dismissed if necessary. In addition, Japan's land agent system is also distinctive. With the development of land registration system, "judicial scrivener" appeared in Japan, who mainly provides registration services for the public, and most of the registrations are land registration [19]. Based on this, Japanese government enacted the Judicial Scrivener Law in 1950 to standardize the qualification acquisition, organizational management and job responsibilities of judicial scriveners and promote the efficient work of land registration.

### **2.2 Russia and Korea: Rights registration mode**

Rights registration mode not only requires a contract between the two parties, but also requires a registration in legal land registration organs to record the property rights alteration in designated booklets before the alteration coming into effect. The characteristics of rights registration mode include: mandatory registration, not effective if not registered; the authenticity of the application materials is verified by substantial review; the registration is credible; the compiling is conducted according to the order of the subjects, which is static registration. Rights registration mode is originated from German, which is also known as German registration mode.

### **2.2.1 Russia's land registration system**

Russia has a territory area of 17.0982 million square kilometers, which has the largest area of land in the world. As early as in the period of the feudal serfdom, Russia started to explore the reformation of land systems. Since the collapse of the Soviet Union and foundation of Russian Federation in 1991, Russia further improved its land management system. At present, Russia's land mainly includes the state-owned land and private land. State-owned land includes the federally owned land and municipally owned land, and private land covers all the individual-owned land and corporation-owned land.

Russia's land registration belongs to national cadastral management. In the beginning, when land transactions became more and more frequent, land became an important source of revenue for the nation. In order to levy tax on land, the Government of the Russian Federation established a cadastre. With the development of the society and continuous land reforms, Russia attached more and more important to land registration. In 2000, the Government of the Russian Federation promulgated Land Cadastral Law, which stated that all the national cadastral information and documents belong to the federal government; the main body for the land cadastral management is the country; the specific implementation main body is the cadastral management departments specially established by the country; Russia's federal cadastral committee is established, including cadastral division, land evaluation and land use division, and land planning division; the law specified the content of land registration, which symbolized the formal emergence of Russian land registration system. Then in 2004, the Russian Federation changed the name of the cadastral committee to the Real Estate Cadastral Administration, affiliated with the Ministry of Economy and Trade. In 2007, the Real Estate Cadastral Administration is led and supervised by the Ministry of Justice, which continues to this day [20]. Now the Real Estate Cadastral Administration has 13 divisions. 6 of them is related with cadastral management, which showed the importance of real estate management and registration to the Russian Federation. Besides, the whole federation also established a nationwide cadastral management information system, which realized the sharing of real estate information between different regions and departments, and facilitated the query of related information for the public.

Land registration is the most important part of Russia's cadastral management, including cadastral registration and rights registration[21]. Cadastral registration is to record the real estate cadastral information in cadastral booklets. Russia's Land Cadastral Law specified the land and ground attachments as the basic units of cadastral registration. During the cadastral registration, the name, size and address of each land, and the construction date, structure and materials of the buildings should be substantially reviewed to verify the accuracy and authenticity of the cadastral information. Besides, the map of land registration and cadastral archives should be also formulated. According to Russia's National Registration Law of Real Estate Rights and Legal Behaviors, rights registration refers to the behaviors of recording the property rights alteration of land transactions in booklets by registration organs, which has defensible validity, compulsivity and credibility. As the land registration is conducted by the National Real Estate Cadastral Administration which is affiliated with the Department of Justice, the land registration is actually a judicial administrative action rather than an administrative action.

### **2.2.2 Korea's land registration system**

Similar to Japan, Korea is also a country with a large population but limited lands. In Korea, private ownership holds the dominant position with more than 60% of the lands belong to few landlords. Nevertheless, due to the limited land area, Korean government has maintained a strong and powerful macro-control in land management.

Korea's land registration system is also originated from cadastral management system. Before the 1960s, Korea's land registration system was included in the cadastral management system and the Ministry of Finance was responsible for the work planning and coordinating. Then, with the continuous improvements of Korea's administrative system reforms and land reforms, the two systems started to fall apart. The central administrative organs and their subordinates are responsible for the cadastral management, including the statistics of cadastral information, formulation of files and preservation of related documents; the courts in judicial organs are in charge of land registration and record the rights alteration into registration booklets according to specified procedures to realize the protection of the property rights of the land holders. Korea's Civil Law and Real Estate Registration Law are the main legal basis of land registration. Article 183 in Civil Law stated that "any transfer or alteration of property rights caused by real estate legal action should be registered to take effect"[22]. Real Estate Registration Law specified the principle of "on real estate, one registration." Real estate registration includes land registration and buildings registration, which are conducted separately.

Korea's land registration organs are also structured as a vertical leadership system. The top department is the court, followed by local courts (12), branch courts (38) and registration offices (151) successively. Among them, registration offices are the main executors, who are responsible for the land registrations in their own

jurisdiction area, and non-interference should be followed for different jurisdiction areas. The personnel engaged in land registration are called the registration civil servants, who are selected from clerical officers, clerks and deputy governor from court. The registration civil servant should be responsible for their behaviors. For any benefit impairment on the rights holder caused intentionally or by mistake by the registration civil servant, the country will compensate the rights holder according to the National Compensation Law, and recover the compensation on the registration civil servant. To better carry out land registration, Korea implemented law officer system to provide land registration services for the public, and also promulgated the Law of Law Officer which clearly stipulated the qualification and business area of law officers. Regardless of the maturing of the land registration system of Korea, the problems as discordant management organizations, non-uniform land and building registrations, and unqualified registration credibility are still widely criticized.

### **2.3 Australia and Canada: Torrens registration mode**

In Torrens registration mode, registration organs make the real estate property rights into ground certificates during the first registration time of the rights holders. When the land is on sale or transfer, the land registration organ will issue the rights certificate to the new rights holder together with the ground certificate or clearly state the property transfer on the ground certificate. The characteristics of Torrens registration mode mainly include: property rights transfer; substantial review; voluntary principle of registration, not mandatory; with credibility; compiled in the order of property rights; compensation fund is set for the registration. Torrens registration mode is created by Sir Robert Torrens in Australia in 1858, which is also called Australian registration mode.

#### **2.3.1 Land registration system of Australia**

Australia is a federal country located in the south of the Pacific. Although Australia has a vast territory with a sparse population, it adopts extremely strict land management policies. It is one of the earliest countries that established land registration systems, and has a profound influence on the surrounding southeastern Asian countries.

There are mainly three types of land ownership in Australia: private tenancy state-owned land, private owned land and the royal unallocated land[9]. According to the law of Australia, any type of land is not mandatory to be registered. However, once the land is registered, any change of the land property should be registered in land registration organs. In Australia, the land departments of local states are responsible for the specific land management work to assure the effective proceeding of land registration. Specific registration organs are set in each land department of the local state, which are also called the land registration bureau. Different states have different situations, and the registrations of each land registration bureau are also different. Among them, the land registration bureau of the New South Wales has made the most remarkable achievements. The land registration bureau set eight divisions, including measurement division, information services, law division, documents registration, file sorting, certificate issuing, administrative services and technical services. There are totally 600 personnel, who are specialized in land registration. Through the charge of registration, the government not only can solve the economic problem, but can also earn about 25 million Australian dollars each year[23].

Specifically, the land registration in Australia not only includes the registration of the land itself, but also includes the registration of the attached buildings on the ground. But the two registrations are unified, which are different from Korea. In land registration, except for basic texts and tables, it is also required to provide the cadastral maps and the structural diagram or plan of the ground buildings, and the land unit, address, limits as well as the structure and materials of the buildings are also need to be substantially reviewed. The land registration information and documents of Australia are open and transparent. Any people can query the information any time easily without any procedures. The information is also credible and reliable for the public. In addition, Australia also established perfect registration compensation systems. When the benefits of rights holders are violated by registration personnel, then will be compensated through the compensation fund specially set by the registration income.

#### **2.3.2 Land registration system of Canada**

Same as Australia, Canada is also a federal country with a vast territory and a sparse population. But It also established a distinctive land management system. There are two types of land ownership in Canada: public ownership and private ownership. Public-owned lands include all the lands belong to the country and each province. Private-owned lands means the lands belong to individuals. In Canada, Public-owned lands occupy the main proportion.

In Canada, the government established the cadastre for each legally obtained land and recorded the related information in specialized booklets. If news lands are required, they should be measured by professional departments and applied to land departments of the government for approval. The management of lands is very

strict. Till today, the land registration system of Canada has been established for more than 200 years, and is trusted by the government and citizens. For the government, land registration can better facilitate their management on the use and plan of the lands. For common citizens, land registration can protection their ownership of the land ownership.

The land registration departments established in each province are the executors of land registration of Canada, which are generally the land registration bureau. Among all the land registrations in Canada, Ontario is the most outstanding province in land registration. The land registration organ in this province is the land registration bureau, which belongs to the provincial consumer and business service department, including 700 personnel and more than 50 offices[24]. Besides, Ontario also established a perfect set of land registration information system based on land ownership. Each registered land unit is numbered and recorded in computer system, and all the land registration information are open to the government and the public, which can be obtained any time. The land registration of Canada also adheres to the principle of voluntariness. The government has no mandatory requirements on land registration. But the lands that are not registered in land registration organs are not protected by law. Hence, land holders should get their lands registered to protect their lands from violence. The effects of land registration mainly include: facilitate the taxation of the country, reduce transaction costs, easier to get the bank loan, and promote the environment protection. In order to avoid the loss of the rights holders due to the registration mistakes, the Canadian government also established special funds for the compensation of the rights holders.

#### **2.4 Summary of the land registration systems of the United States, Canada, Russia, Korea, Japan and Australia**

As the most basic and important means of production, land is the important carrier of all the substances and the core content and components of real estate, which has the dual attributes of resource and asset. As the developed countries in Asia-Pacific Region, the United States, Canada, Russia, Korea, Japan and Australia have formed mature and distinct land registration systems in the long-term development. Although they belong to different registration modes, they all have many inspirational aspects. Comparatively speaking, the referential experience from their registration systems can be concluded as: complete real estate registration law can provide top design and legal support for land registration; unified registration organs can solve the discordant problems between different departments and can reduce the costs of land registration; strict selection standard for land registration personnel can assure the expertize and good quality of the personnel; standardized land agent system can promote the orderly operation of land registration, which can lighten the burden of the government to some extent; perfect registration compensation fund system can sufficiently protect the rights of the land registers; open and transparent land registration information system can help the public and government provide registration documents and can obtain their credibility.

### **III. Policy suggestions on the development and perfection of Chinese land registration system**

The land registration of China also experienced a long and tortuous development process. The prototype of land registration system already formed in the ancient society. In the Qin dynasty, the policy of “farmers own the actual lands and should report to the government” was implemented, and the government already conducted the cadastral verification on the lands of the farmers, which was used as the basis for the taxation of the government. Till Tang dynasty, with the promotion of Equal-filed system, contract and official document system was implemented for land sale and transfer to prove the legitimacy of the land source. Song dynasty adopted the fielding measuring system of “Zhenji Booklet”, in which the government recorded the measured lands in certain booklets and handed out to the land holders, which were taken as the proofs of the land transactions. This system was used till Ming and Qing dynasties. In the modern times of China, both the Beiyang Government in the Republican period and Jiang Jieshi government promulgated special land laws and real estate registration laws to stipulate the contents, methods and procedures of land registration. The modern sense of land registration in China appeared after the establishment of the People’s Republic of China. From 1949 when the Ministry of the Interior established the Department of Land Administration to take advantage of the cadastral check and land registration of the whole country to 2014 when the Real Estate Registration Provisional Regulations was promulgated and implemented, China’s land registration system becomes more and more better (as shown in Table 1).

**Table 1** The development of China’s land registration systems after the establishment of the People’s Republic of China

Year	Content
1949	Established the Department of Land Administration, which is administered by the Ministry of the Interior and mainly takes charge of issuing land certificates to the land holders.
1950	Promulgated the <i>Suburban Land Reform Act</i> to carry out an overall check, registration and certification of the lands.
1953	Promulgated the <i>Land Reform Act of the People’s Republic of China</i> to issue land certificates for the

	reformed lands.
1954-1978	Due to the impacts of the People’s Commune Movement and the Great Leap Forward Movement, the land registration in this period was stagnated and recovered until the adoption of Reform and Opening-up.
1982	Established the Bureau of Land Administration in the Ministry of Agriculture and restarted the pilot work of land registration.
1986	The <i>Law of Land Administration of the People’s Republic of China</i> was promulgated, which stipulated the principle and contents of land registration.
1989	The <i>Land Registration Rules</i> was formed, which represented the formal establishment of China’s modern land registration system.
1998	Established the Ministry of Land and Resources, in which the Department of Cadastral Administration was set specially for land registration.
2007	The National People’s Congress approved the <i>Property Law of People’s Republic of China</i> , which stipulated types, procedures and principles of land registration.
2007	The Ministry of Land and Resources promulgated the <i>Land Registration Measures</i> , which is implemented since Feb. 1 <sup>st</sup> , 2008.
2014	The State Council announced the <i>Real Estate Registration Provisional Regulations</i> , which realized the unity of real estate registration organs and information management platforms, and stipulated the situation and responsibilities of compensation for registration mistakes.

At present, the Law of Land Administration of the People’s Republic of China, Property Law of People’s Republic of China, Land Registration Measures, and Real Estate Registration Provisional Regulations are the main legal basis of the land registration of China. Regarding the content, according to Article 2 of the Law of Land Administration, “Land registration is to record and publicize the state-owned land use rights, collective land use rights, collective land use and mortgage rights, servitudes, and other land rights to be registered according to the laws and regulates on land registration booklets.” Among them, state-owned land use rights include state-owned construction land use rights and state-owned farmland use rights; collective land use rights include collective construction land use rights, homestead rights and collective farmland use rights (not including contractual rights of land). The features of land registration mainly include: mandatory registration; substantially review; registration effectiveness; compiled in the order of registration; issuing rights certificates. Currently, our land registration system is more and more normalized and standardized. However, due to the late start, there are still many problems compared with developed countries, including the unsubstantially unified registration organs, mismatching of the registration work and the quality of land registration personnel, unregulated land registration agency system, unsound registration compensation mechanism and insufficient openness of land registration information system, which led to numerous land rights dispute cases (As shown in Fig. 2). Hence, based on the investigations on the land registration systems of the United States, Canada, Russia, Korea, Japan and Australia which are also important Asia-Pacific countries, this paper proposed some policy suggestions on the construction of China’s land registration system.

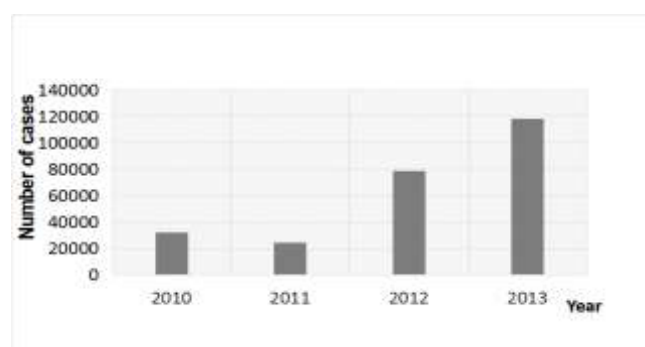


Fig. 2 Number of land property disputes from 2010 to 2013

### 3.1 Establish substantially unified land registration organs

For a long time, our land registration system adopted a separate registration on the land and the buildings on the ground, and the registration organs are also not unified. The separated registration not only caused the low work efficiency and increased the labor cost, but also led to the disordered management of land cadastral information and lowered the protection on the land properties of the land holders due to the poor cooperation between different departments with the interest barriers. Based on this, in 2014, China promulgated the Real Estate Registration Provisional Regulations, and stated: “The competent departments of land and resources of the State Council are responsible for the direction and supervision of real estate registration.” Viewing from the content, the regulations seemed to have unified the real estate registration organs. However, as the regulations only stipulated that the competent departments of land and resources are the supervision and direction organs for real estate registration without stating the specific departments to implement land

registration, the local government can designate different administrative entities as registration organs according to different requirements. So the real estate registration organs are not substantially unified. However, it is very important to establish substantially unified land registration organs or real estate registration organs. According to the experience from Asia-Pacific developed countries, special land registration organs can be established under judicial organs, such as the land registration offices under Japan's Office of Legal Affairs, land registration bureau under US court, and the land registration office under Korea's court. Secondly, full-time land registration organs can be set under administrative organs, such as the land registration bureaus of each state in Australia. This paper suggested the first establishment way, which can truly realize the unity of land registration organs and can avoid excessive administrative intervention.

### **3.2 Optimize the management systems of land registration personnel**

The management on land registration personnel in China started in the 1990s. During that time, the personnel are required to know well about the basic knowledge of land registration and related laws and regulations, and should attend examinations and obtain the Land Registration Qualification Certificate. After that, China promulgated a series of legal papers and regulated the qualification, duties and procedures of land registration personnel. However, there are still many shortcomings of our land registration personnel management system: the selection of registration personnel is limited in the interior of organs, which resulted in the lack of professional skills; there is a large mobility of personnel, which is bad for the long-term stability of registration; undifferentiated management on the positions and insufficient stimulation on the personnel. According to the experience from developed countries, Korea's land registration personnel are mainly designated from clerical officers, clerks and deputy governor from court, and Australia required that the land registration personnel should have at least five years of working experience. Besides, they adopted differentiated appraisal system, which can assure the professional skills of the personnel and can also promote their work performances. Combining the actual conditions of our country, the optimization of registration personnel management system should be carried out from three aspects: in one aspect, enlarge the selection scope of the registration personnel from the interior of organs to the public so that to introduce more talented people; secondly, strengthen the professional skills training and professional ethics training of the personnel and reduce the mobility rate; at last, establish differentiated appraisal and reward system to stimulate the registration personnel.

### **3.3 Further standardize land registration agency system**

Land registration agency system is formed with the development of land registration system and market economy, which is a supplement of land registration system. Our country started to implement land registration agency system in 2001. Land holders can entrust land agency organs to register in national land registration organs. In 2014, Real Estate Registration Provisional Regulations further stated: "The parties or their agents should apply real estate registration at workplaces of real estate registration organs." The expertise of the land registration agency organs directly influences the vital interests of the land holders and the efficiency of the registrations. Viewing from the current situation of our land registration agency system, there are still many problems to be solved, such as unqualified agency organs and lack of expertise of agency organ personnel, etc. Based on this, we need to learn from Japan's judicial scrivener system and Korea's law officer system, promulgate a special law of land registration agency system to specify the qualification of the land registration agency organs, the qualification, work content and duties of the registration agency personnel, establish specialized organs for supervision and appraisal management and standardize the management to truly provide registration services for the public.

### **3.4 Establish special compensation fund for land registration mistakes**

Land registration compensation system is an important part of land registration system. A sound responsibility recovery mechanism can assure the effect of land registration and is also related to the legal rights of the land holders. The Property Law of the People's Republic of China already stated the two compensation situations of land registration: for the first situation that the property loss is caused by the objective fault or mistake of the registration personnel, the land registration organ should compensate the rights holder; for the other situation that the property loss is caused by the subjective intent or cheating of the registration personnel, the land registration organ should compensate the rights holder, but will recover the compensation on the registration personnel. The Real Estate Registration Provisional Regulations increased the compensation regulation for the situation that the loss is caused due to the false information the applicant provided. The above legal papers provide the basis for the compensation of land registration. However, the source of the compensation fund is still not specified. Many countries established special land registration compensation fund to protect the properties of the land holders. Australia's registration compensation fund is originated from the registration charge on real estate. Canada also has special compensation fund. Hence, we should consider the



mature practices of these countries, establish special compensation fund for land registration mistakes to fully realize the protection on the interests of the land holders. Regarding the source of fund, we can charge certain differentiated registration fee according to the averaged real estate value of different regions. Meanwhile, we can insure with insurance companies to diversify the risks. What's more, a third organ can be introduced for the supervision to prevent the rent-seeking due to the over-interference of administrative forces.

### **3.5 Increase the openness and transparency of land registration information system**

The openness and transparency of land registration information can enable the land holders and the public obtain related information more conveniently and easily. The publication and notification to the public is also the premise to get the credibility. The Real Estate Registration Provisional Regulations made specific regulations on the land registration information and protection, and constructed a unified real estate information management platform. However, our land registration information system needs to be more transparent. On the one hand, the applicants need to prove their identifications before querying some land registration information, and can get the information only their identifications are approved. On the other hand, the update of land registration information is usually lagged behind, which cannot satisfy the demands of the public. In developed countries, Australia's land registration organs established special information service departments, which adopted automation systems for their office work. As a result, their work efficiency is extremely high, and people can get the required information only with a certain amount of cost; Korea adopted the advanced AROS system to conduct a digital management for their land registration, which makes the business operations more quick and can realize the effective cooperation with other departments. Hence, in order to enhance the openness and transparency of our land registration, we need to reduce the institutional obstacles on information query, enlarge the range of information, innovate land registration information technology and improve work efficiency and timeliness of information updates.

## **IV. Conclusion**

As an important part of land management system, land registration system concerns the verification of land property rights and protection of property safety of land holders. An effective and perfect land registration system has great significance in the political, economic, cultural and social developments of a country. Same as the United States, Canada, Russia, Korea, Japan and Australia, China is also an important country in the Asia-Pacific region, which has great importance in promoting the economic development and political stability of the Asia-Pacific region as well as the whole world. However, compared with other developed countries, China's land registration system started late, which is still immature and has many problems. Based on the development experience of land registration systems of the United States, Canada, Russia, Korea, Japan and Australia, this paper raised some policy suggestions on the construction and perfection on China's land registration system: establish substantially unified land registration organs; optimize the management systems of land registration personnel; further standardize land registration agency system; establish special compensation fund for land registration mistakes; and increase the openness and transparency of land registration information system. Based on our data it seems that the participants were able to develop not only their skills but also their tactical knowledge and understanding of the game of basketball. It also seemed that sport education provided the participants with opportunities to develop their game-play competency. The participants managed to execute strategies appropriate to the complexity of each game. This advanced their self-improvement and as a result their team progress. During the course of the unit students were taught the advantages and disadvantages of each tactic. Data from this study suggested that the students were able to critically select specific tactics which seemed to be suitable for the specific situations. (此黄色标注部分需删除)

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