

Clarifying Existing Land Use Rights in China

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Abstract

After 3 decades of rapid urbanization spurred by reform and opening-up, China is currently entering a downturn in the real estate sector. The previous development model was based on the publicly-owned land system and leasehold system. However, top-down planning has established visible buildings and properties but has failed to clearly define the invisible newly established land use rights. Widespread privatization of land use rights has led to the stock development model. Empowering private landowners is necessary to mobilizing urban renewal initiatives and facilitate urban regeneration. Existing use rights need to be clarified. This paper examines the concepts of "existing use", reviewing legal definitions of "existing" as the time node that defines rights and "use" as the essence of rights under different land systems. Using Guangzhou and Shenzhen as examples, it analyzes the practical implications of "existing use" in national and local urban planning laws and regulations. It reveals that provisions related to "existing use" are scattered across planning technical standards and local urban renewal policy. However, local renewal policies cannot substitute legal provisions of "existing use." Moreover, the fact that policies substitute laws in interpreting "existing use" indicates current urban redevelopment are restricted to the single approach of land acquisition. This reality leads to the rigidity of land use, the suppression of private urban renewal initiatives, and the lack of legal basis for compensation in land acquisitions.

Keywords

Existing Use, Land Redevelopment, Land Use Right, Development Right

1. Introduction

After 3 decades of rapid urbanization spurred by reform and opening-up, China is now entering a downturn in the real estate sector. The previous development model was based on public land ownership, including state-owned urban land and collectively-owned rural land, on the one hand, and the land lease system borrowed from Hong Kong, on the other. By statutory detailed plan and land lease contracts, the government converted collectively-owned rural land to state-owned urban land and then granted state-owned land to private individuals for a certain number of years, usually 40 or 70 years. In this system, the government, as both landlord and planning authority (Booth, 1996; Lai, 1998), has played a dominant role in the process of marketization of land use rights. However, this system has established tangible buildings and properties but failed to clearly define the intangible land use rights. Widespread privatization of land use rights has led to a shift from incremental expansion based on land grants to stock development based on urban renewal. This problem has been highlighted in urban renewal where the lack of clear definitions of land use rights increases transaction costs, and emerging demands for self-renovation highlight the limitations on private rights. With the real estate downturn and local debt problems, local

governments find it challenging to continue their dominant role in urban development. Empowering private landowners is necessary to mobilize urban renewal initiatives and facilitate urban regeneration. Existing use rights need to be clarified as they form the basis of the redevelopment system.

Since “existing use” is not presented as a formal concept in the domestic legal documents, most of the relevant studies in China have introduced this concept in overseas planning, such as “non-conforming use” of existing use in New York’s zoning (Li, X., 2007; Li, S., 2020) and “existing use” in Hong Kong’s Town Planning Ordinance (Guo, 2022). In addition to urban and rural planning, other fields in territorial spatial planning in China also face similar existing use issues (Wu, 2018), which provides some reference perspectives. In contrast, as some other regions have already established the concept of existing use in their laws and practices, the relevant international studies present different research depths and orientations. The studies span a variety of fields such as planning, law, and land, with legal scholars contributing most of the research. They also span different land systems, with different regions focusing on different areas of concern. Scholars in the United States have explored the defining factors of the generation and acquisition of existing uses (Scott, 1956), the constitutionality of regulating existing uses (O’Connell, 1961) and the justification for special protection of existing uses (Serkin, 2009). Australia Scholars have explored the impact of amendments to planning regulations on existing uses (Nguyen, 2006) and the balance of planning ideologies in existing use rights cases (Schatz, 2015). British scholars have explored the impact of planning permissions on existing use rights (Fairest, 1971; Duxbury, 1984). In general, Chinese scholars have not widely recognized the significance of the concept of “existing use”, and have not extended their research from a simple introduction to a systematic and applied study of “existing use” in China’s land system.

This paper examines the concepts of “existing use”, reviewing legal definitions of “existing” as the time node that defines rights and “use” as the essence of rights under different land systems. Taking Guangzhou and Shenzhen as examples, it analyzes the practical implications of “existing use” in national and local urban planning laws and regulations. It finds that national laws do not explicitly define the concept of “existing use” or specify “existing use rights.” Provisions relating to “existing use” are scattered throughout planning technical standards and local urban renewal policy documents. The fact that policies substitute laws in interpreting “existing use” indicates that current urban renewal is restricted to the single approach of land acquisition. This reality leads to the rigidity of land use, the suppression of private urban renewal initiatives, and the lack of legal basis for compensation in land acquisition.

2. The concept of “existing use”

It is clear that “existing use” is a technical term, one which has a separate and distinct meaning from actual physical utilization or alteration of realty (Scott, 1956). In many national and regional planning systems, “existing use” or “existing use right” is presented as a legal term (see Table 1). In general, existing use refers to a land use that existed prior to the effective date of certain plans, zoning or regulations, and is protected as a property right to varying degrees in different systems.

Table 1. Relevant concepts and definitions of existing use

Provenance	Concept	Definition
Building Zone Resolution 1916, City of New York	Existing building and premises	Any use existing in any building or premises at the time of the passage of this resolution and not conforming to the regulations of the use district in which it is maintained
Zoning Maps and Resolution 1961, city of New York	Existing uses	In all districts, after the effective date of this resolution, the use of any existing building or other structure; any existing tract of land
	Non-conforming	Any lawful use, whether of a building or other structure or of a tract of land. Which does not conform to any one or more of the applicable use

	use	regulations of the district in which is located, either on the effective date of this resolution or as a result of any subsequent amendment thereto.
Town Planing Act 1990, UK	Existing buildings and uses	Buildings or works constructed or carried out, or a use of land instituted, before the date of the application
	Established use	(a) it was begun before the beginning of 1964 without planning permission and has continued since the end of 1963; (b) it was begun before the beginning of 1964 under a planning permission granted subject to conditions or limitations, which either have never been complied with or have not been complied with since the end of 1963; or (c) it was begun after the end of 1963 as the result of a change of use not requiring planning permission and there has been, since the end of 1963, no change of use requiring planning permission.
Environmental Planning and Assessment Act 1979, New South Wales	Existing use	(a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for this Division, have the effect of prohibiting that use, and (b) the use of a building, work or land— (i) for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and (ii) that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse.
Planning Act 2016, Queensland	Existing lawful uses	A lawful use of premises immediately before a planning instrument change
Town Planning Ordinance, Hong Kong	Existing use	in relation to a development permission area means a use of a building or land that was in existence immediately before the publication in the Gazette of notice of the draft plan of the development permission area
Standard Master Schedule of Notes to Statutory Plans for urban area, Hong Kong		(i) before the publication in the Gazette of the notice of the first statutory plan covering the land or building, ● a use in existence before the publication of the first plan which has continued since it came into existence; or ● a use or a change of use approved under the Buildings Ordinance which relates to an existing building; and (ii) after the publication of the first plan, ● a use permitted under a plan which was effected during the effective period of that plan and has continued since it was effected; or ● a use or a change of use approved under the Buildings Ordinance which relates to an existing building and permitted under a plan prevailing at the time when the use or change of use was approved.
Standard Master Schedule of Notes to Statutory Plans for rural area, Hong Kong		the use of any land or building which was in existence immediately before the first publication in the Gazette of the notice of the (interim development permission area plan/draft development permission area plan) conform to this Plan

2.1. The concept of “status quo use” in planning survey

“Status quo use” in the context of planning survey, based on Geddes' rational process planning method of “survey-analysis-planning”, is the purpose and result of the act of “survey”. The “status quo” refers to a wider time frame, referring to the state of the land at the present time, usually before the final planning action. In rational process planning, planning is seen as a scientific process rather than a political process

(Taylor, 1998), and the status quo use is seen as an object of the planning action, an object to be interfered with, rather than an vested right that needs to be treated equally. Therefore, “Status quo use” in the context of planning surveys is presented more as a material and functional base map of the status quo for planning and less as a rights-based aspect.

2.2. The concept of “existing use” in planning intervention

“Existing use” is presented in the context of planning powers interfering with private property rights. In the public interest, planning in the broad sense of planning regulations, planning instruments, and zoning almost always intervenes in land, either by imposing on an area a vision of the future that differs from the present situation (planning control) or by directly interfering with the right to use and develop the land (development control). when these interventions are imposed on built-up areas, established land uses may become non-compliant, even if they were previously legally acquired. If the land is privately owned, a paradox arises: land use is protected as a private property under the property laws of most countries, while planning authorities have the power to intervene, whether this power comes from the police power in private ownership or from the government's inherent power to control the land in public ownership. And, as a dynamic set of documents, plans and regulations change over time, so land use and property rights may face some uncertainty from time to time. Essentially, this is a conflict between private property rights and planning powers: for existing uses, the property law wants to protect them, while the administration wants to interfere with them, and “the public interest nature of planning encounters the traditional tendency of courts to protect private property rights.”(Schatz, 2015)

At this point, the concept of “existing use” is introduced, identified as a pre-existing right prior to planning intervention, as distinguished from a future use designated by the plan (Booth, 2002). Planning only intervenes in the future and cannot retroactively apply to property rights that existed prior to planning. Existing use rights protect private land users to some extent from changes in planning law and allow landowners to continue to use their property for lawful purposes. By separating existing uses from planned future uses, the conflict that needs to be addressed shifts from the conflict between private rights versus planning power to the relationship between existing use versus future use (see Figure 1).

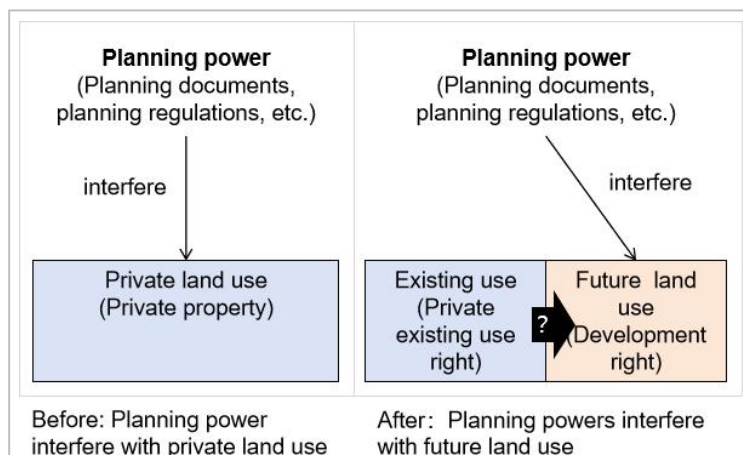


Figure 1. The establishment of existing uses: separation of existing and future uses

In summary, there are two prerequisites and one trigger for existing use. First, private property right in land is a prerequisite; if ownership and use are public, then housing and land use is simply just a “status quo use” that serves as a base map for planning, and intervention in it is subject only to the costs of construction and not to the transaction costs associated with property rights. Second, it is “existing” and precedes the plan or regulation that intervenes. Finally, planning or regulatory intervention on private property triggers the need to define existing use. Existing uses and existing use rights, as well as their

counterparts future uses and development rights, do not arise from planning interventions, which “merely bring the issue to light” (Li,F.,2015) .

3. Definition of “existing” (the time node that defines rights) and “use” (content of rights) in the context of existing use

3.1. Definition of “existing”: when are existing rights defined under different land systems?

In different land systems, there are differences in the way land use is generated. As a result, the relationship between land use and planning powers and development rights varies, as does the generation of existing uses and the timing at which “existing” is defined.

3.1.1 Private land ownership, regulated private development rights: the zoning model of New York

In some private land ownership system, existing uses arise from the inherent tenure of the land long before the birth of planning intervention, and before the birth of planning land use was primarily subject only to the common law of ex post remedies for nuisances, and it was only after the birth of planning law and planning that ex ante interventions in future land use and the constraints on the development right arose. New York is an example, where zoning began to impose extensive interventions in land use with the passage of the first zoning resolution in 1916. Zoning provided for the continuation of “any use existing in any building or premises at the time of the passage of this resolution,” but the future land use and development rights were regulated, with future uses and development rights that conformed to zoning remaining private, or being granted to private persons in advance by zoning, but those that did not conform to the zoning being physically restricted. For a factory zoned R1 Residential, it can continue industrial use under its existing use rights (this part of the existing use rights is entirely private), or it can follow the zoning rules and develop on its own without a permit to convert to a conforming use (this part of the development rights is pre-granted to a private party by the zoning), but to convert to any other use that does not conform to the R1 rules, it may require a permit or simply be prohibited (this part of the development rights is actually controlled by the police power).

Although both existing uses and a large proportion of development rights are private under zoning, a clear distinction needs to be made between existing use rights and development rights. Development rights that comply with zoning rules are theoretically private, but they are potential and unfulfilled rights that depend on the recognition of the zoning, and this part of the development rights can change when the zoning changes. This is why in some cases there are disputes about whether development rights have been acquired under zoning. For example, if someone was in the process of developing the land as of right under previous zoning, and a new zoning ordinance was enacted, the court need to determine whether the development rights have been acquired on the half-built lot, and whether the new “existing use” has been realized (Scott, 1956). In the Court's opinion, a certain amount of physical construction can be considered to have acquired development rights and to have fixed the development rights to the existing use, essentially recognizing the realization of the property right to the existing use by recognizing this physical input.

3.1.2 Private land, nationalized development right: the development control model of the UK

Also under a private land ownership system, “existing use” was introduced in the UK not through planning or zoning intervention in future use, but through the nationalization of development rights under the Planning Act. Despite the enactment of the first Town and Country Planning Act as early as 1909, the lack of central support for local government made it difficult for planning schemes to intervene in private land use and development under the huge expropriation compensation costs (Cullingworth & Nadin, 2014). Following the passage of the new Town and Country Planning Act in 1947, development

rights were nationalized once and for all, with private individuals retaining only the existing (1947) use rights and values in their land, and any development required a permit. It separated the right to existing use from the right to the further development of land (Booth, 1996). The withdrawal of development rights through legislation represented the nationalization of all future land use possibilities. The difference with the zoning model is that “existing use” in the UK is not because the plan depicts a future use that is different from the current one, but because all future land use and development rights no longer belong to private individuals and have to be determined and allocated by the state. There is a clear distinction between existing use rights and development rights, which belong to the private sector and the state respectively. Due to the excessive administrative control of the nationalization of development rights, development rules were subsequently introduced to grant a portion of the development rights that comply with the rules to private individuals in advance.

3.1.3 State-owned land, private land use right: the hybrid model of Hong Kong

In the case of Hong Kong, under the public land ownership and leasehold system, the existing land uses are basically separated from the publicly owned land and granted by the government to private individuals. The formation of the land system in the history of Hong Kong is divided into several parts. On Hong Kong Island, after it was ceded to the British in 1842, the Letters Patent in the following year declared that the colonial land belonged to the British Crown, and thereafter, all land was to be held under leases granted by the Crown. In the New Territories, after the British imposed a lease in 1898, some of the land was resumed as Crown land and the land originally recognized by land leases as having full private property rights was restricted from future development rights, while another portion of the rural land was exchanged for Crown leases, converting the private land ownership into tenancy rights (Guo,Z., 2020). The current land system in Hong Kong is a combination of state-owned land and leasehold system. The land use was intervened in since its inception, and prior to the advent of planning, this intervention was mainly from the control of land contracts, which represented private property rights to land. Before Hong Kong was colonized by the British, the right in the land contracts (granted by the Qing government) was still freehold. But later on, when Hong Kong was colonized, the freehold gradually change to leasehold. And the emergence of statutory plans imposed further control over the future land use. There are different plans that intervene in the future land use in different areas: for example, in areas covered by the Outline Zoning Plans for the urban areas, the existing use is determined by the date of “the publication in the Gazette of the notice of the first statutory plan covering the land or building” .

3.1.4 The point in time when the delineation of an existing use: the moment when the right is interfered with

The cases above show that there is often a point in time at which the delineation of an existing use occurs and that this is the point at which the right is interfered with. Although the system varies from place to place, the delineation of existing use is triggered whenever there is a legal intervention in land use through plans or regulations. In most areas, the point in time is before the passage or coming into force of a legally binding plan or zoning, such as New York's 1916 and 1961 zoning resolutions and Hong Kong's statutory plans. Not all plans will be the point in time. Only plans that directly affect rights, rather than policy-oriented plans, will trigger the definition of existing uses. In the UK, the time node is more specific, being the date of enactment of the planning legislation, with the withdrawal of development rights being a direct intervention in rights. In summary, existing uses are delineated when future rights are interfered with. Earlier plans, zoning, and regulations provided an initial definition of existing uses, and all subsequent land uses must be converted to new existing uses based on existing uses and in compliance with current plans, regulations, and permits. Later, new plans, zoning, and regulations become the new criteria and time nodes for delineating existing uses. The time node of “existing” reflects the actual legally binding planning tools in the planning systems of different places. “Existing” also reaffirms the difference

between “status quo use” and “existing use”: “existing” is a legal concept, referring to the moment when the law intervenes; it is not an arbitrary point in time, but a point in time when public and private rights are divided.

3.2. Definition of “use”: what is the content of existing use rights?

Once the time node for defining existing uses has been determined, how should the content of existing use right be defined? For example, should the existing use of a coffee shop be recognized as “coffee shop”, “restaurant” or “store”? On the surface, this seems to be a matter of classification or accuracy of language, but in reality, it is a matter of initial allocation and establishment of rights. Defining the use of a coffee shop as a “store” gives it a greater right than defining it as a “coffee shop” or “restaurant”. In defining the existing use, the definition of “use” will determine the range of the right. An overly broad use may result in a nuisance with excessive land use rights, while an overly subdivided use may result in too narrow a right and make it difficult to fully utilize the land.

Some regions have developed a set of use classes to standardize the expression of existing uses and to define existing use rights, such as the Use Classes Order (UCO) in the United Kingdom, which was developed as a companion piece of legislation to the 1947 reform of the nationalization of development rights, and which is a typical tool for defining uses and rights. In the context of the nationalization of development rights, land use would have been very rigid if owners had only the pre-1947 status as their existing use rights while the rest of the land use possibilities could only be obtained by applying for permits. Therefore, the first UCO of 1948 divided the uses into 22 classes, with one class being a bundle of rights for an existing use, thus transforming the pre-1947 land use status into a set of rights. Under the UCO, the existing use of a coffee shop was a “shop,” and all uses within the “shop” class fell within its existing use bundle, within which the owner could change uses at will. Over the next half-century, the UCO has been revised and the number of classes has been simplified from the original 22 to 10, and the bundle of existing use rights has gradually been merged and expanded (Su, Zhou and Pang, 2024). For example, a coffee shop was initially entitled as a “shop”, which was adjusted to “class A3. food and drink” in the 1987 revision, and then to a larger class of “class E. Commercial, business and service” in the 2020 revision. In the process, even if the physical form and activity of the pre-1947 existing use remains the same, the existing use rights may change as the UCO is revised.

There are similar tools including broad use in Hong Kong, in which a use is identified as a certain type of broad use, and all activities under that broad use are covered by the land use right. For example, the existing use of a canteen is “eating place”, then the “cooked food centre” and “restaurant” under “eating place” will also fall within the range of its existing use right. To summarize, under different land system, there are different “existing” time node and “use” rights (see Table 2).

Table 2. Summary of definitions of “existing” and “use” of existing uses under each land system

Region	Land system and property	Time node of “existing”	Definition of “use”
New York	Private land, private development right	after the effective date of the resolution	Use groups
New South Wales		before the coming into force of an environmental planning instrument which would have the effect of prohibiting that use	-
Queensland		before the commencement of the Act; before the commencement/an amendment of a planning instrument	-
UK	Private land, nationalized development right	before the appointed day	Use classes

Hong Kong	State-owned land, private leasehold	before the publication in the Gazette of n otice of the draft plan of the DPA	Broad use
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4. Existing uses in China : case study of Guangzhou and Shenzhen

So what about existing uses in China? To briefly review the formation of China's land system, starting with the prevailing private property rights over land before 1949, China nationalized urban land and collectivized rural land through a series of land reforms in the 1950s and 1960s, and marketed and privatized land use rights through the land grant system in the 1970s and 1980s, which is a “a legal reversion to private property rights”. Today, China's land-use system consists mainly of a public land system with state ownership of urban land, collective ownership of rural land, and a system of land-use rights grants, an “equivalent of the Hong Kong leasehold system”(Lai, 1995). Existing uses are established by detailed plan as the statutory plan and land grant contracts , on which land use classification explain the content of rights. However, the land grant-oriented land use classification established in the era of incremental development gives only the types of buildings that can be developed without interpreting the land-use activities contained therein. It serves as a technical tool for the planning preparation and implementation that translate planning objectives into construction projects, rather than a set of rules as a statutory tool for land empowerment. The resulting existing use is a single activity and physical form of land use, rather than a set of adaptive land use rights and rules.

Examining the laws and regulations relating to existing uses (see Table 3, table 4), China has not put forward the concept of existing use or defined the right of existing use at the legal level. The Civil Code and the Planning Act only set out the general principles of protecting of lawful private property and owners enjoying rights in accordance with the law, but fail to answer the question of what happens to existing uses when statutory planning conflicts with lawful land use. They only clarify the path of expropriation of existing use where the public interest requires it , while ignoring other dispositions of existing uses in redevelopment. Provisions for the continuation of existing uses and the right of the owner to change the use on his own or to adapt the existing use to a conforming use are missing. In practice, due to legal restrictions in China, except for qualified developers, it was almost difficult for private individuals holding property rights to acquire development rights to develop on their own (Zhou & Qi, 2008). The expropriation of housing and the recovery of land use rights have almost become a mandatory stage of redevelopment (Shan, 2017).

Table 3. National laws, regulations and policies relating to existing uses

laws	Urban and Rural Planning Law
	Property Law
	Land Administration Law
Regulations	Regulations of Housing Acquisition and Compensation on the state-owned land

Table 4. Local regulations and policies relating to existing uses in Shenzhen and Guangzhou

Shenzhen	Urban renewal Regulations, Shenzhen SEZ
	Measures for the implementation of housing Acquisition and compensation, Shenzhen
	Provisions on handling illegal private houses left over from history, Shenzhen SEZ
	Several provisions on handling illegal production and business buildings left over from history, Shenzhen SEZ
	Decision on the disposal of illegal buildings left over from the history of rural urbanization, Shenzhen

Guangzhou	Measures for compensation of expropriation of collectively owned land of farmers, Guangzhou
	Measures for the implementation of the expropriation and compensation of houses on state-owned land in Guangzhou
	Measures for Cost Accounting of Comprehensive Renovation of Old Villages in Guangzhou

Provisions related to existing use are scattered in planning technical standards and local urban renewal policy documents, especially in expropriation compensation policies. At present, the compensation standards issued by different regions are complicated. In Guangzhou and Shenzhen, for example, for the expropriation of residential houses alone, there have already been two types of compensation standards: commercial houses and rural houses. Compensation for commercial housing is based on the market value and floor area of the house being expropriated, and monetary compensation and property right exchange are not lower than these two types of benchmarks. Compensation for rural houses is based on the maximum residential floor area permitted to farmers under the policies (Guangzhou's standard is 280 square meters for one people and one house and Shenzhen's is 480 square meters). In the case of non-commercial residences of indigenous villagers in Shenzhen, for example, a house with a floor area of less than 480 square meters can be subject to monetary compensation or property rights exchange at the standard of 480 square meters, while a house with a floor area of more than 480 square meters, in the case of property rights replacement, can only be exchanged at 480 square meters, with the excess part being compensated in monetary terms (see Figure 2). Compensation rates for expropriation are decentralized and vary according to the city, land use, owner and other factors.

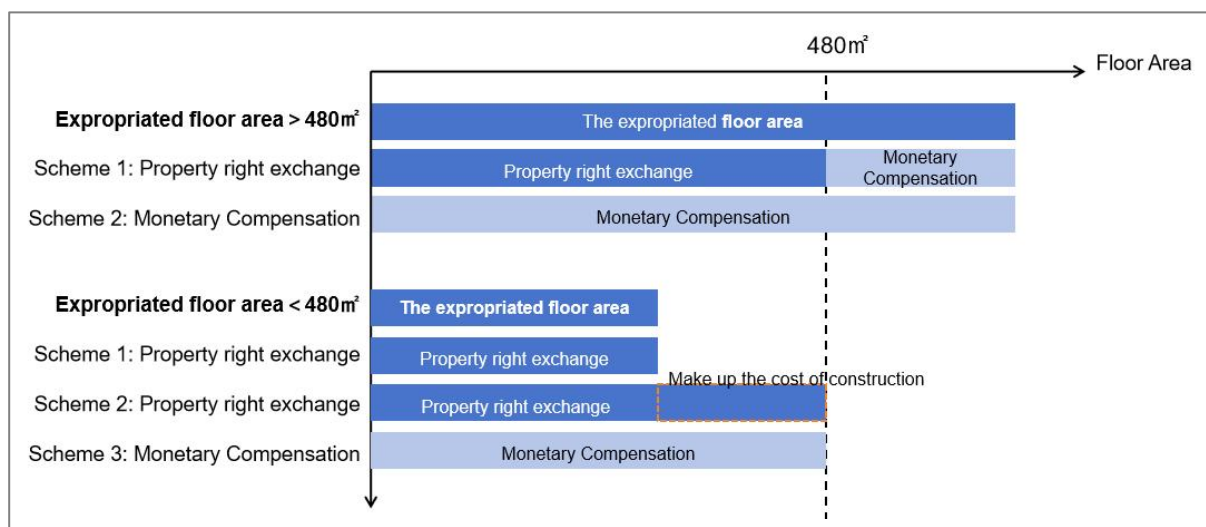


Figure 2. Expropriation compensation scheme of non-commercial housing of indigenous villagers in Shenzhen

In fact, the lack of a clear definition of existing use rights makes compensation for expropriation without a legal basis. Most of the local renewal compensation policies use the “market price of real estate” as the basis for actually recognizing the existing right to use, and to some extent, existing use seems to be recognized more through these local policy documents than through the law. However, the compensation standards only state the rights that can be redeemed in the single case of expropriation, but not the legal recognition of existing use rights. “What rights are included” and “what compensation can be obtained” are actually two different issues. The compensation standard in these policy documents is actually the result of the existing use right superimposed on a number of practical factors, including other urban renewal policies and the games and bargaining between the government and private parties

in the renewal practice. "The Takings Clause is the most likely source of protection, but it cannot fully account for courts' treatment of existing uses." (Serkin, 2009)

To summarize, there is a lack of a rights perspective in the definition of existing uses in land use regulation. Existing use in the built environment is not without legal rights; if an existing use can be put into use in the process of planning implementation and land grant, then it must have been granted rights. However, the detailed plan and land use classification established for the purpose of land grant have failed to establish a clear and appropriate scope of land use and rights, and have only provided a vague and fragmented interpretation of the use and rights based on technical standards. What emerges is that the land use rights acquired by private individuals are more in the form of "status quo use" of a single activity and material form than in the form of clearly defined "existing use" and existing use rights.

5. Conclusion

This paper identifies the nature of existing use as a legal concept by recognizing the difference between "status quo use" and "existing use". It refers to the land use that has existed before the effective date of certain plans, zoning or regulations and arises from planning intervention in Property Rights and is protected as a property right. The time node that defines "existing" relate to those planning tools with legal force. The "use" that explain the range of rights is usually defined by planning or development control tools like use classes or use groups. Existing use is distinguished from future use in planning or regulatory interventions on private land use, and existing use rights are distinguished from development rights. It draws the line between public power and private rights in land use, gives the basic rules for land use in the functioning of the built environment, and serves as a benchmark and starting point for planning and urban renewal.

A review of existing use-related national laws and local regulations reveals that the concept "existing use" or "existing use right" are not introduced in laws at the national level. Provisions related to "existing use" are scattered across planning technical standards and local urban renewal policy documents. especially expropriation compensation policies. Existing use rights are confined to a single current land use or land cover defined by the current imperfect Land Use Classification standards. And current urban redevelopment are restricted to the single approach of land acquisition, which means the suppression of private urban renewal initiatives. The absence of definition of "existing use" leads to the lack of legal basis for compensation in land expropriation.

Future studies could focus on Establishing the general concepts of "existing use" in laws at the national level under China's land system. What is now needed is to reaffirm detailed plan as a statutory planning tool that explains land use rights. In defining "existing use", reference can be made to Hong Kong to Hong Kong, whose land system and regulation model are similar to China's. More broadly, research is also needed to formalize rules regarding existing use right by use groups or use classes tools.

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