



អង្គការសហគមន៍បឹងត្នោត

Sahmakum Teang Tnaut Organization • a Cambodian Urban NGO

Facts and Figures #48

July 2023



Boeung Tamok: An Update on the Cutting of the Lake



អង្គការសហគមន៍រោងចក្រ

Sahmakum Teang Tnaut Organization • a Cambodian Urban NGO

Sahmakum Teang Tnaut (STT) was founded in 2005 and officially registered in 2006 as a local NGO supporting urban poor communities. STT started as a small NGO that focused on technical upgrades in poor communities and has since grown to produce community maps, research and advocacy in order to achieve its goal of helping urban poor and vulnerable communities realize their rights to land and housing.

For more information contact:

Tel: (855)23 431 555

E-mail: director@teangtnaut.org, Web: www.teangtnaut.org

Facebook: <https://www.facebook.com/sttcambodia>

Twitter: <https://twitter.com/STTCambodia>

Telagram: <https://t.me/sttcambodia>

Table of Contents

I. General Situation of Boeung Tamok.....1

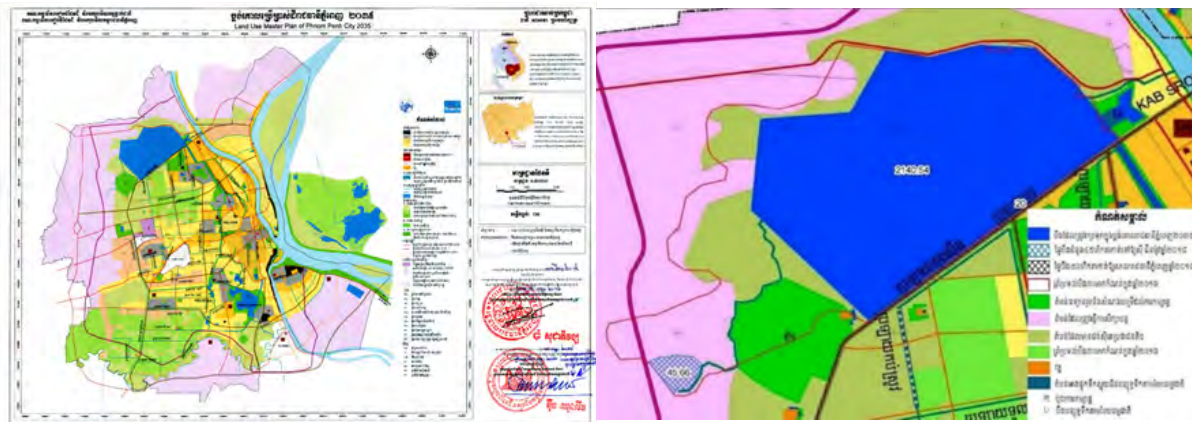
II. Summary Table of the Cutting of Boeung Tamok Lake’s area.....2

III. Laws and Analysis of General Aspects.....42

IV. Recommendations.....43

I. General Situation of Boeung Tamok

As of first week of July 2023, Boeung Tamok, an area spanning over 3,239.7 hectares, was reclassified from a state public property to a state private property as per the guidelines laid down in Sub-decree 20 ANK.BK on 3 February 2016 and a total of 2,369.8913 hectares of the lake's area, has been granted to private individuals and state institutions. 70 Cambodian Government sub-decrees and decisions publicly issued and available in the Royal Gazette¹ are responsible for the carve-outs and the modification of this once-beautiful lake. According to the 2035 Land Use Planning by Phnom Penh municipality², Boeung Tamok which was set to be preserved for about 2,140 hectares has now been cut out more than the said amount.



Below is the summary table of the cutting of Boeung Tamok lake. Boeung Tamok was cut and given away 70 times to private companies, state institutions, and individuals as gifts and exchanges.



¹ Office of the Council of Ministers, Royal gazette: <https://www.ocm.gov.kh/%E1%9E%80%E1%9E%98%E1%9F%92%E1%9E%9A%E1%9E%84%E1%9E%AF%E1%9E%80%E1%9E%9F%E1%9E%B6%E1%9E%9A/>

² Phnom Penh Capital Hall, Land use master plan of Phnom Penh city 2035, find out from ODC website: opendevdevelopmentcambodia: <https://data.opendevdevelopmentcambodia.net/km/dataset/land-use-master-plan-of-phnom-penh-city-2035>

II. Summary Table of the Cutting of Boeung Tamok Lake's Area:

Modification	Given to	Size	Via Sub-decree No/SaChaNa	Dated	Reason/Remarks
1	Sy Chin Mov	456,553 M ²	Sub-decree No. 132 ANK.BK	25 October 2018	
2	Phnom Penh Municipality	20 Hectares	Sub-decree No. 147 ANK.BK	1 November 2018	To build a vegetable market and a car parking lot
3	Suy Sophan	457,893 M ²	Sub-decree No. 62 ANK.BK	23 April 2019	Land purchased from individuals to keep ownership
	Men Sok	77,138 M ²			
4	Phnom Penh Municipality	75 Hectares	Notification No. 368 of Council of Ministers	13 March 2020	To build a park
	Central Department of Security of General Commissariat of National Police, Ministry of Interior	8 Hectares	Notification No. 369		
5	Chea Sophamaden	104,754 M ²	Sub-decree No. 89 ANK.BK	17 June 2020	
6	Ministry of National Defence	2,985,472 M ²	Sub-decree No. 90 ANK.BK	22 June 2020	
7	Kim Hea	30 Hectares	Sub-decree No. 94 ANK.BK	2 July 2020	
8	23 families of people	74,855 M ²	Sub-decree No. 125 ANK.BK	11 August 2020	
9	Ministry of Rural Development	150,330 M ²	Sub-decree No. 138 ANK.BK	1 September 2020	Note: On 4 January 2021, according to the Notification No.04, the Royal Government annulled 150,330 m2 previously given to the Ministry of Rural Development. But 7 months later, according to Sub-decree No. 64, dated 7 April 2021 and Sub-decree No.249, dated 21 December 2021, the same location was instead given to Her Excellency Soy Sophea (21st and 44th modifications).
	Seng Vuthy	80,236 M ²			
10	National Committee for Disaster Management (NCDM), Cambodian Human Rights Committee (CHRC), and Cambodian Mine Action and Victim Assistance Authority (CMAA)	150,000 M ²	Sub-decree No. 139 ANK.BK	1 September 2020	Note: On 4 Jan 2021, according to Notification No. 04, the Royal Government revoked 150,000 m ² , previously given to the National Committee for Disaster Management (NCDM), Cambodian Human Rights Committee (CHRC), and Cambodian Mine Action and Victim Assistance Authority (CMAA). However, 8 months later, according to Sub-decree No. 138, dated 12 August 2021, the same location was instead given to General Commissariat of National Police (24th modification).

11	Ministry of Justice	8 Hectares	Sub-decree No. 158 ANK.BK	25 September 2020	
12	Say Sophea	78,314 M ²	Sub-decree No. 175 ANK.BK	19 October 2020	
13	Lun Hak and Chhun Chanthy	20 Hectares	Notification No. 1099, SCN.MY	23 December 2020	In exchange for 1,571,189 m ² of land located in Sangkat Srah Chak, Khan Daun Penh, Capital of Phnom Penh. Note: On 13 January 2021, according to Sub-decree No. 08, the Royal Government revoked 20 hectares of land, previously given to Mr. Lun Hak and Mrs. Chhun Chanthy. However, 7 months later, according to Sub-decree No. 140 ANK. BK, dated 13 August 2021, the same location was instead given to General Commissariat of National Police (25th modification).
14	Ministry of Health	20 Hectares	Notification No. 1100, SCN.MY	23 December 2020	To build Calmette Hospital
15	Uy Borey and Kung Sothy	196.5659 Hectares	Notification No. 1102, SCN.MY and Sub-decree No. 212 ANK.BK	24 December 2020	
16	16 families of the national armed forces	27,659 M ²	Notification No. 1106, SCN.MY and Sub-decree No. 214 ANK.BK	24 December 2020	
17	Ministry of Civil Service	4 Hectares	Notification No. 63, SCN.MY and Sub-decree No. 21 ANK.BK	28 January 2021 and sub-decree 15 February 2021	To build Ministry of Civil Service
18	Ministry of Health	10 Hectares	Sub-decree No. 20 ANK.BK	15 February 2021	Granting ownership to Ministry of Health
19	General Commissariat of National Police	3 Hectares	Sub-decree No. 22 ANK.BK	15 February 2021	Granting ownership to General Commissariat of National Police
20	Mrs. Sam Cheng	199,375 M ²	Sub-decree No. 71 ANK.BK	27 April 2021	
21	Say Sophea	46,477 M ²	Sub-decree No. 64 ANK.BK	7 April 2021	2nd time
22	Ministry of Interior	100 Hectares	Sub-decree No. 128 ANK.BK	5 August 2021	
23	Say Sophea	158,587 M ²	Sub-decree No. 131 ANK.BK	6 August 2021	3rd time
24	General Commissariat of National Police	150,651 M ²	Sub-decree No. 138 ANK.BK	12 August 2021	
25	General Commissariat of National Police	182,372 M ²	Sub-decree No. 140 ANK.BK	13 August 2021	

26	23 families of people, represented by Mr. Phin Phy and Mr. Sum Phal	74,855 M ²	Sub-decree No. 142 ANK.BK	18 August 2021	
27	H.E General Sao Sokha, H.E General Vong Pisen, H.E General Ya Kim Y, H.E Major General Sia Sambath and Mr. Por Meng	359,727.5 M ²	Sub-decree No. 169 ANK.BK	26 August 2021	
28	Say Sophea	478,274 M ²	Sub-decree No. 175 ANK.BK	1 September 2021	
29	Lun Nary	43,946 M ²	Sub-decree No. 176 ANK.BK	2 September 2021	
30	Lun Hak and Mrs. Chhun Chanthly	285,000 M ²	Sub-decree No. 177 ANK.BK	27 September 2021	
31	Phnom Penh Capital Administration	55 Hectares	Sub-decree No. 188 ANK.BK	27 September 2021	
32	Ministry of Health	100 Hectares	Sub-decree No. 189 ANK.BK	27 September 2021	
33	Ministry of Justice	140 Hectares	Sub-decree No. 198 ANK.BK	13 October 2021	
34	Seng Long	578,700 M ²	Sub-decree No. 199 ANK.BK	13 October 2021	
35	Chim Pisey	63,221 M ²	Sub-decree No. 235 ANK.BK	24 November 2021	
36	Cheng Srunheng	192,309 M ²	Sub-decree No. 236 ANK.BK	24 November 2021	
37	Say Sophea	70 Hectares, 41 Acres, 65 Cents	Sub-decree No. 213 ANK.BK	4 November 2021	4th time
38	Som Sokdara Manu Erika, Som Somalika and Som Sokdara Rikio	1,218,039 M ²	Sub-decree No. 218 ANK.BK	8 November 2021	Lake sizes of the 5 locations: -Location 1: 570,462 M ² -Location 2: 230,457 M ² -Location 3: 321,628 M ² -Location 4: 57,257 M ² -Location 5: 38,235 M ²
39	Ching Theanseng	1,000,168 M ²	Sub-decree No. 230 ANK.BK	17 November 2021	
40	Kok An	1,553,832 M ²	Sub-decree No. 231 ANK.BK	17 November 2021	
41	Chhuor Sokyau	654,934 M ²	Sub-decree No. 232 ANK.BK	17 November 2021	
42	Oum Bopha	1,807,597 M ²	Sub-decree No. 233 ANK.BK	17 November 2021	
43	National Election Committee (NEC)	3 Hectares	Sub-decree No. 247 ANK.BK	17 November 2021	

44	Say Sophea	75 Hectares, 83 Acres, 86 Cents	Sub-decree No. 249 ANK.BK	21 December 2021	Lake areas of the 4 locations: -Location 1: 7 hectares, 25 acres and 59 cents -Location 2: 13 hectares, 8 acres and 49 cents -Location 3: 43 hectares, 75 acres and 74 cents -Location 4: 11 hectares, 73 acres and 64 cents
45	Kroch Phan	22,097 M ²	Sub-decree No. 250 ANK.BK	21 December 2021	
46	Ros Priboun	56,000 M ²	Sub-decree No. 277 ANK.BK	30 December 2021	
47	Hun Seng Ny and Lanh Pheara	209,536 M ²	Sub-decree No. 279 ANK.BK	30 December 2021	Lake sizes of the 7 locations: -Location 1: 1,317 M ² -Location 2: 17,915 M ² -Location 3: 14,319 M ² -Location 4: 28,692 M ² -Location 5: 8,006 M ² -Location 6: 16,176 M ² -Location 7: 123,111 M ²
48	Seng You Orn	61,836 M ²	Sub-decree No. 26 ANK.BK	1 February 2022	Lake sizes of the 2 locations: -Location 1: 32,312 M ² -Location 2: 28,524 M ²
49	Phnom Penh Capital Adminis- tration	281,634 M ²	Sub-decree No. 28 ANK.BK	4 February 2022	
50	Chhun Kimheng	26,565 M ²	Sub-decree No. 32 ANK.BK	9 February 2022	
51	Ho Sithivoan and Seng Socheata	385,768 M ²	Sub-decree No. 40 ANK.BK	21 February 2022	Lake sizes of the 8 locations: -Location 1: 211,371 M ² -Location 2: 79,517 M ² -Location 3: 10,796 M ² -Location 4: 15,599 M ² -Location 5: 11,573 M ² -Location 6: 2,211 M ² -Location 7: 33,996 M ² -Location 8: 20,705 M ²
52	Cheng Srunheng	34,519 M ²	Sub-decree No. 55 ANK.BK	16 March 2022	
53	Srey Rossitha and Ou Vouchlin	47,217 M ²	Sub-decree No. 58 ANK.BK	23 March 2022	
54	Ky Seng	26,259 M ²	Sub-decree No. 74 ANK.BK	12 April 2022	
55	Preab Sovath	29,814 M ²	Sub-decree No. 75 ANK.BK	13 April 2022	Lake sizes of the 4 locations: -Location 1: 26,593 M ² -Location 2: 2,000 M ² -Location 3: 57 M ² -Location 4: 1,164 M ²
56	Thai Uy and Taing Kim	156,299 M ²	Sub-decree No. 97 ANK.BK	20 May 2022	Lake sizes of the 2 locations: -Location 1: 29,300 M ² -Location 2: 126,999 M ²
57	Nut Ton	667,029 M ²	Sub-decree No. 98 ANK.BK	20 May 2022	

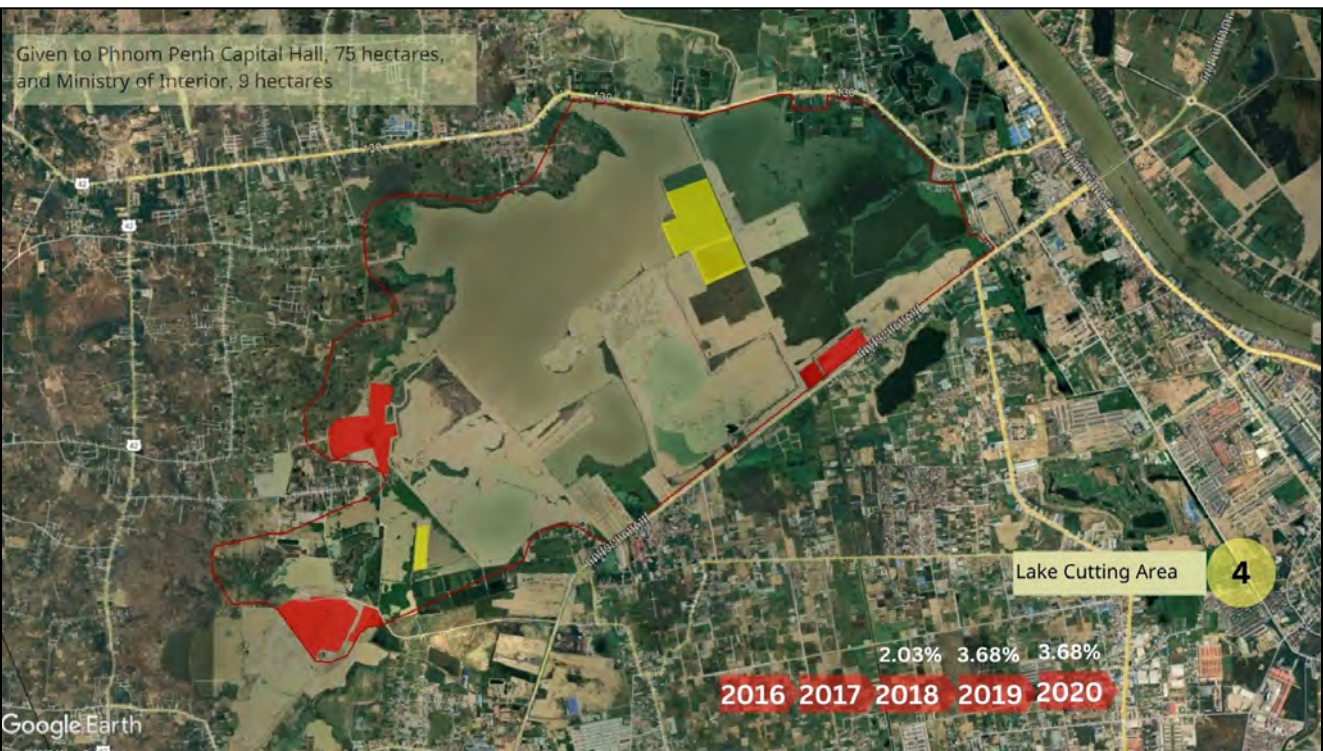
58	Tan Vanna	28,589 M ²	Sub-decree No. 99 ANK.BK	20 May 2022	
59	Taing Chan Putheavy	83,480 M ²	Sub-decree No. 100 ANK.BK	20 May 2022	Lake sizes of the 6 locations: -Location 1: 4,906 M ² -Location 2: 1,940 M ² -Location 3: 7,930 M ² -Location 4: 52,051 M ² -Location 5: 5,157 M ² -Location 6: 11,496 M ²
60	Electricite du Cambodge (EDC)	70,452 M ²	Sub-decree No. 136 ANK.BK	11 July 2022	
61	Taing Channy Thida	84,028 M ²	Sub-decree No. 168 ANK.BK	23 August 2022	
62	Mr. Sam Piseth and Mrs. Sim Sovicha	109,310 M ²	Sub-decree No. 169 ANK.BK	23 August 2022	Representative of 7 families
63	Mrs. Triv Kung-heng	36,582 M ²	Sub-decree No. 171 ANK.BK	24 August 2022	
64	Mr. Sreng Thoeun, Mr. Yem Chanraksmey, Ms. Treang Sinoeun and Ms. Phuong Somey.	303,716 M ²	Sub-Decree No. 237 ANK.BK	21 November 2022	Lake sizes of the 3 locations: - Location 1: 124,052 M ² - Location 2: 95,769 M ² - Location 3: 83,895 M ²
65	Mr. Say Sarem and Ms. Prum Sreyrot	57,323 M ²	Sub-Decree No. 238 ANK.BK	21 November 2022	Lake sizes of the 2 locations: - Location 1: 24,027 M ² - Location 2: 33,296 M ²
66	Mr. Chea Bunthai	63,477 M ²	Sub-Decree No. 240 ANK.BK	25 November 2022	Lake sizes of the 2 locations: - Location 1: 32,429 M ² - Location 2: 31,048 M ²
67	Mr. Sat Chanthy	129,504 M ²	Sub-Decree No. 263 ANK.BK	09 December 2022	Lake sizes of the 7 locations: - Location 1: 20,669 M ² - Location 2: 43,946 M ² - Location 3: 3,221 M ² - Location 4: 15,579 M ² - Location 5: 4,285 M ² - Location 6: 11,483 M ² - Location 7: 30,321 M ²
68	Mr. Suy Nymol	203,687 M ²	Sub-Decree No. 265 ANK.BK	09 December 2022	
69	Mr. Veng Veth and Ms. Earn Sokha	133,050 M ²	Sub-Decree No. 266 ANK.BK	09 December 2022	Lake sizes of the 5 locations: - Location 1: 1,308 M ² - Location 2: 20,308 M ² - Location 3: 8,145 M ² - Location 4: 30,696 M ² - Location 5: 72,593 M ²
70	Mr. Lach Pheara	133,729 M ²	Sub-Decree No. 2 ANK.BK	40 January 2023	Lake sizes of the 3 locations: - Location 1: 64,524 M ² - Location 2: 59,401 M ² - Location 3: 9,804 M ²

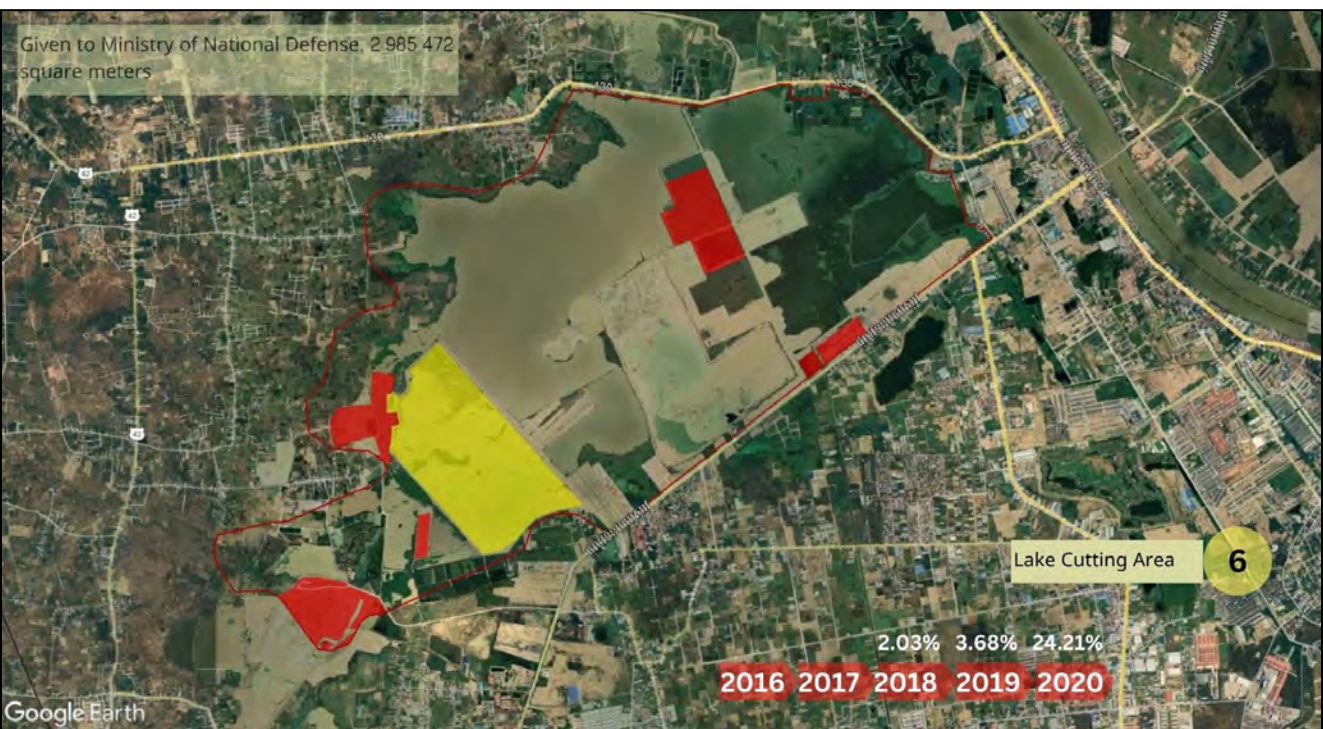
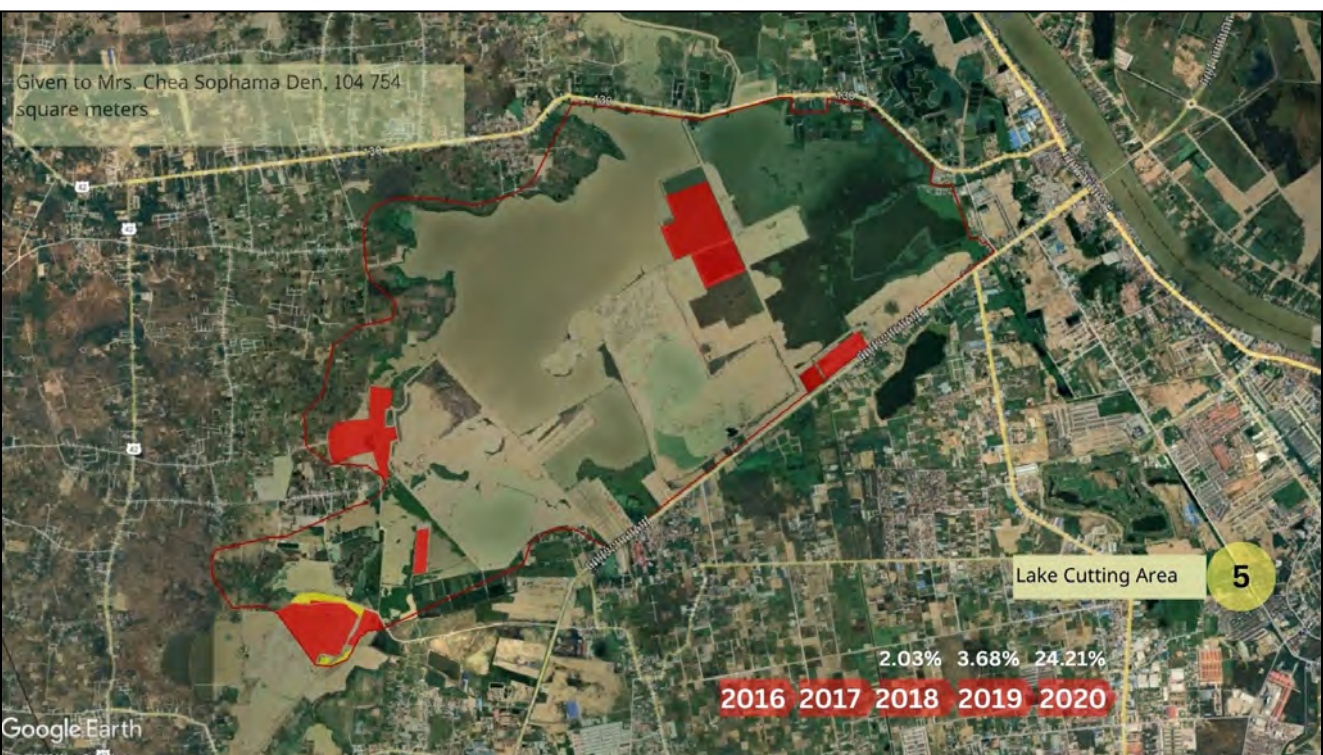
Maps of the Lake Surface Has Been Cut 70 Times

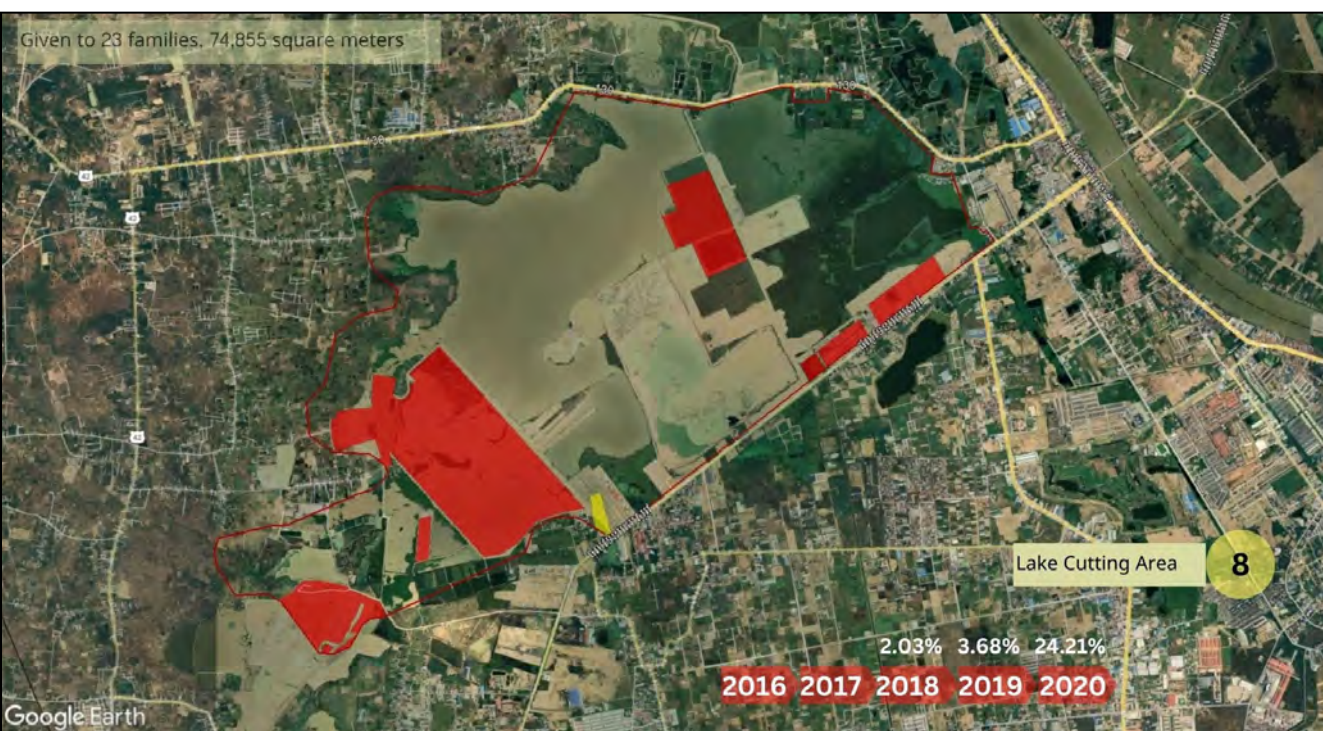
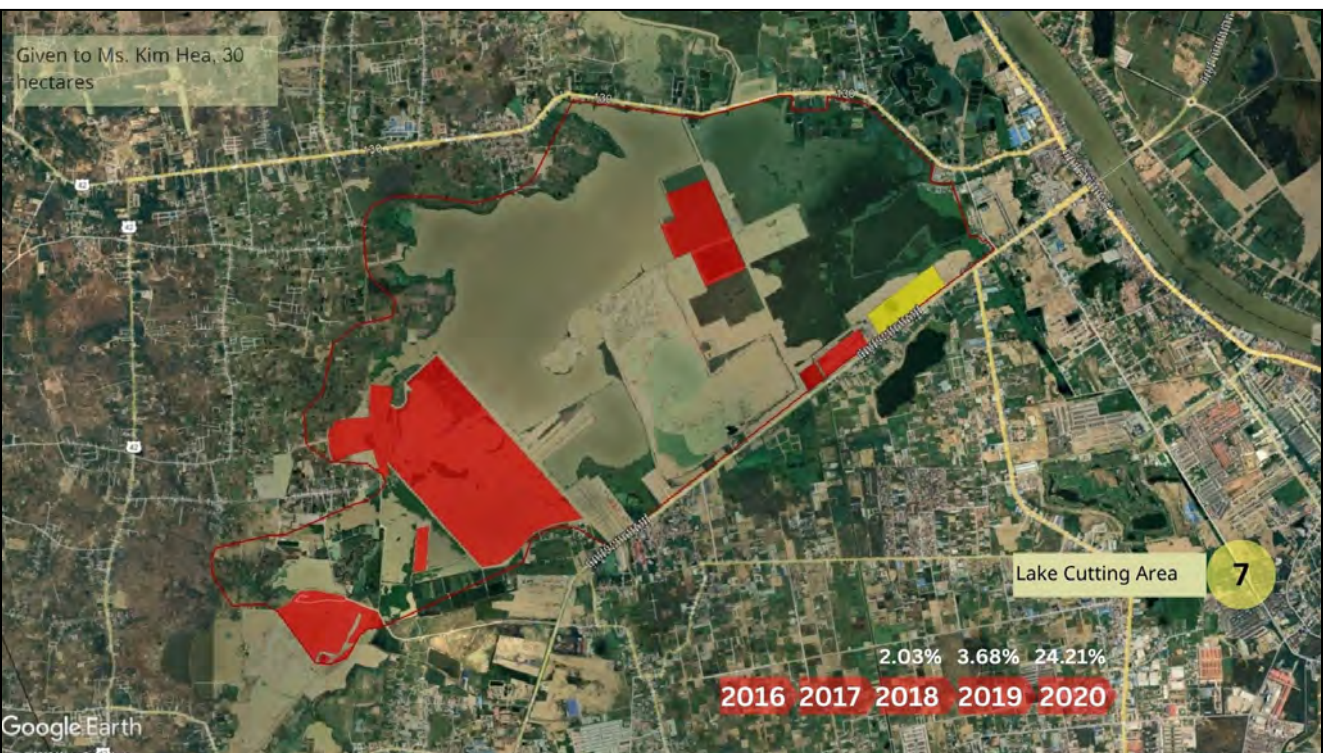


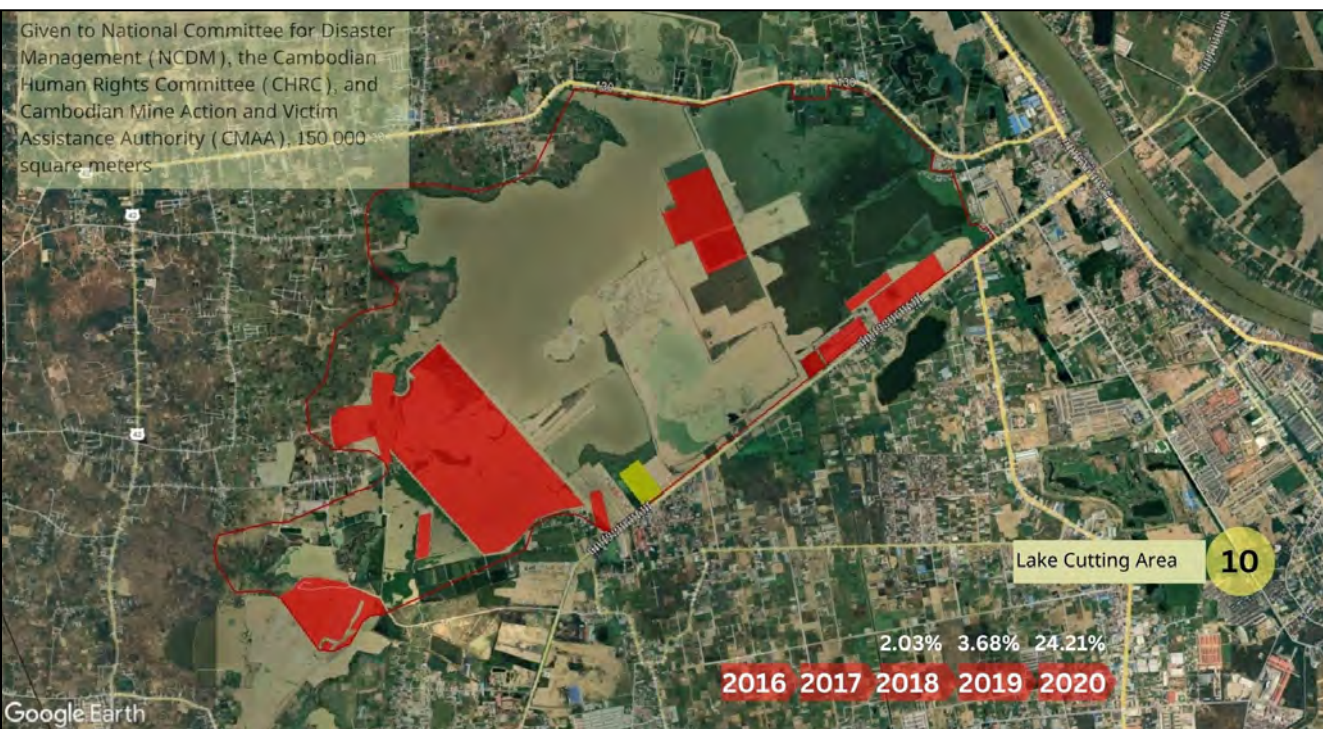
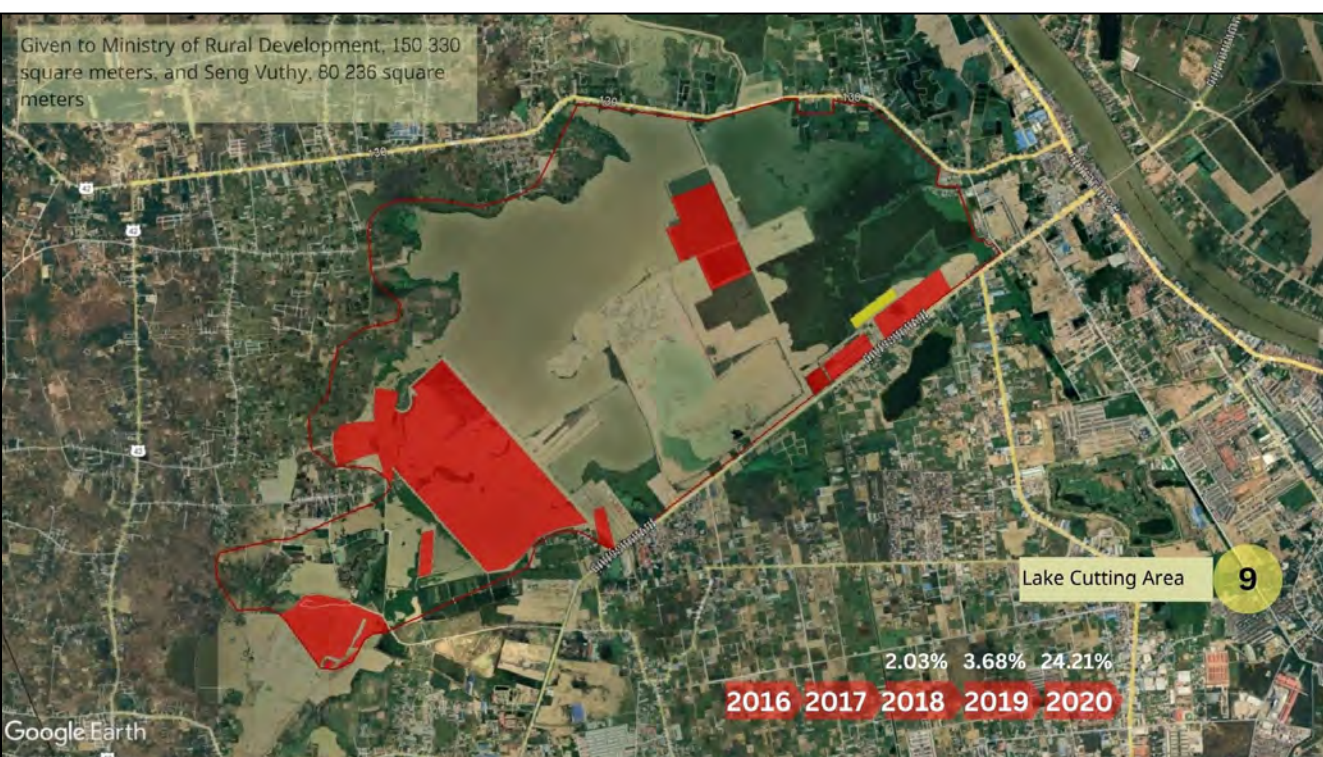
0

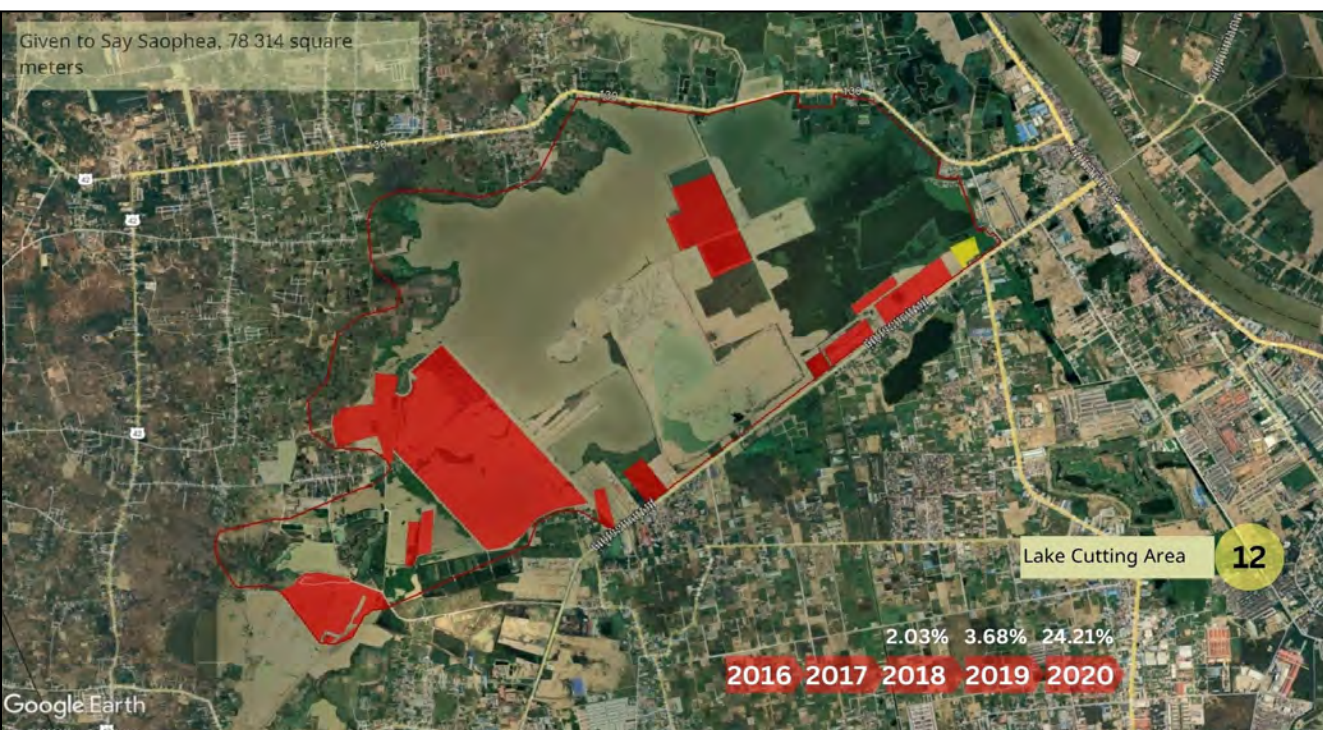
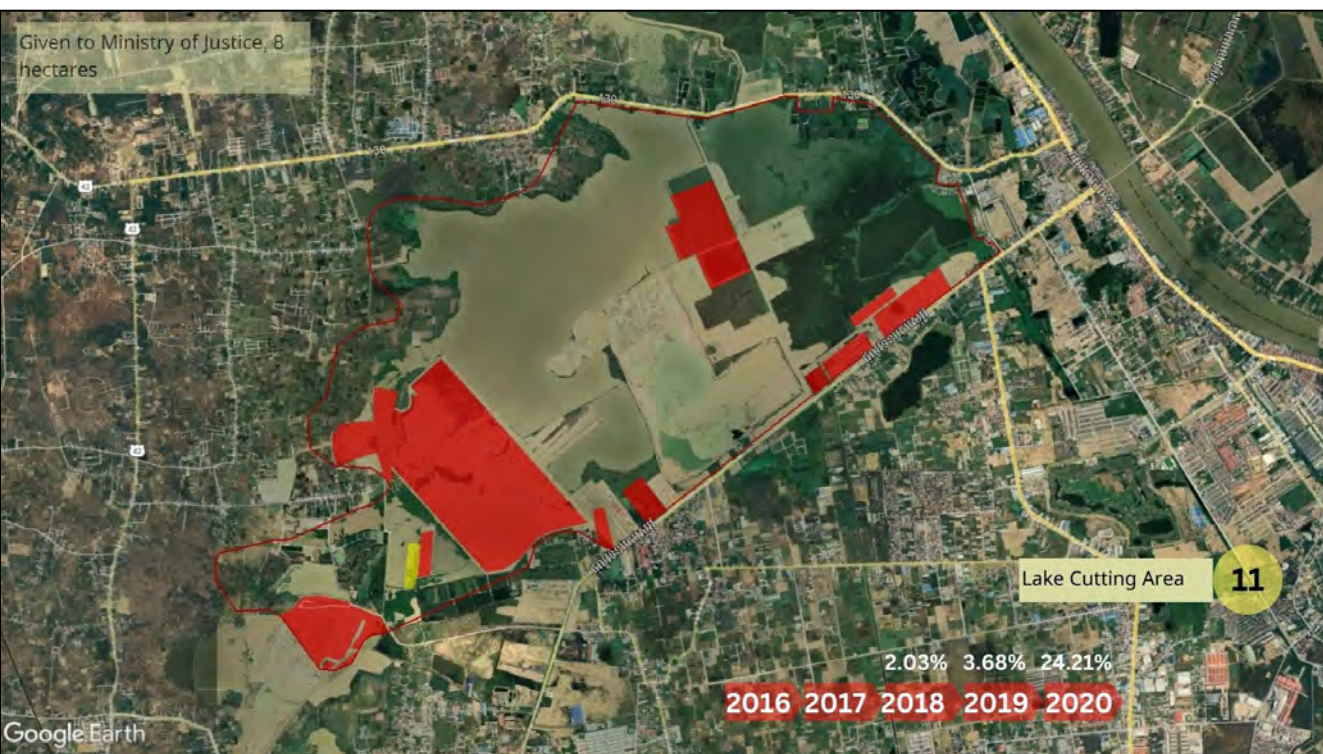


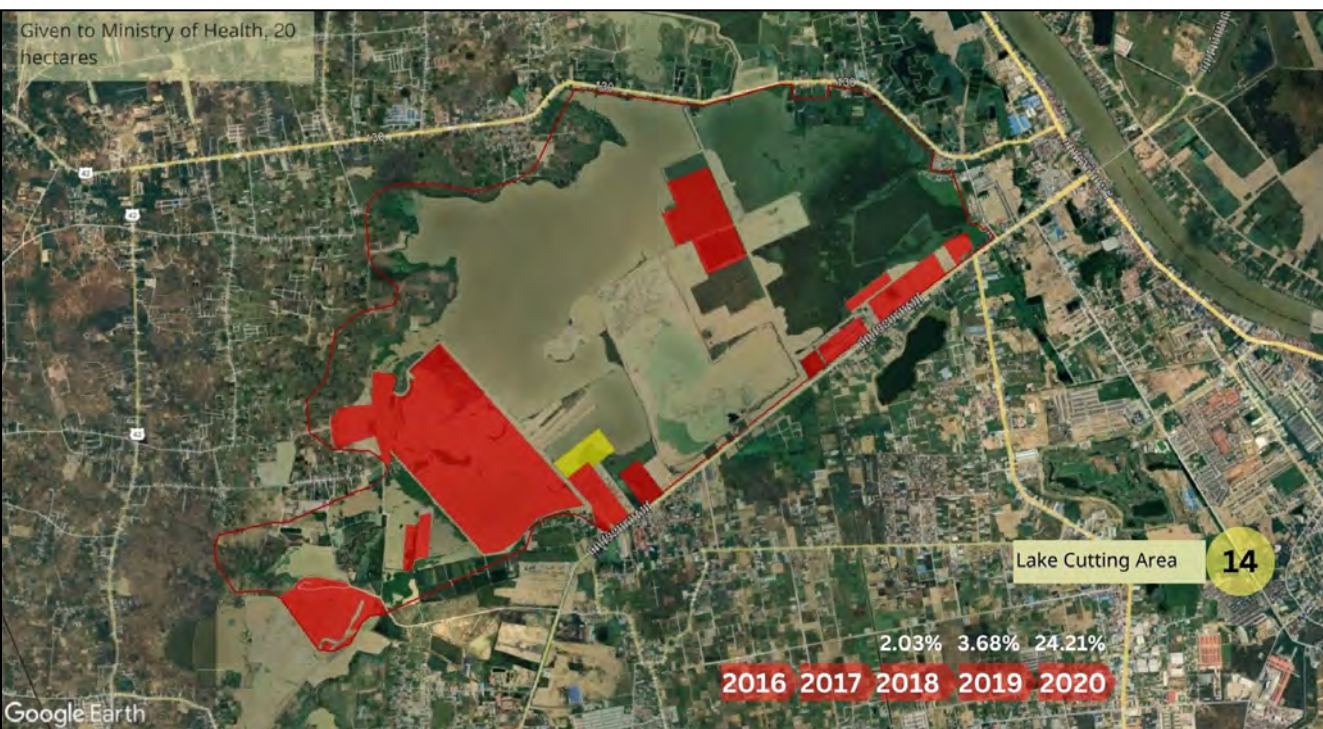
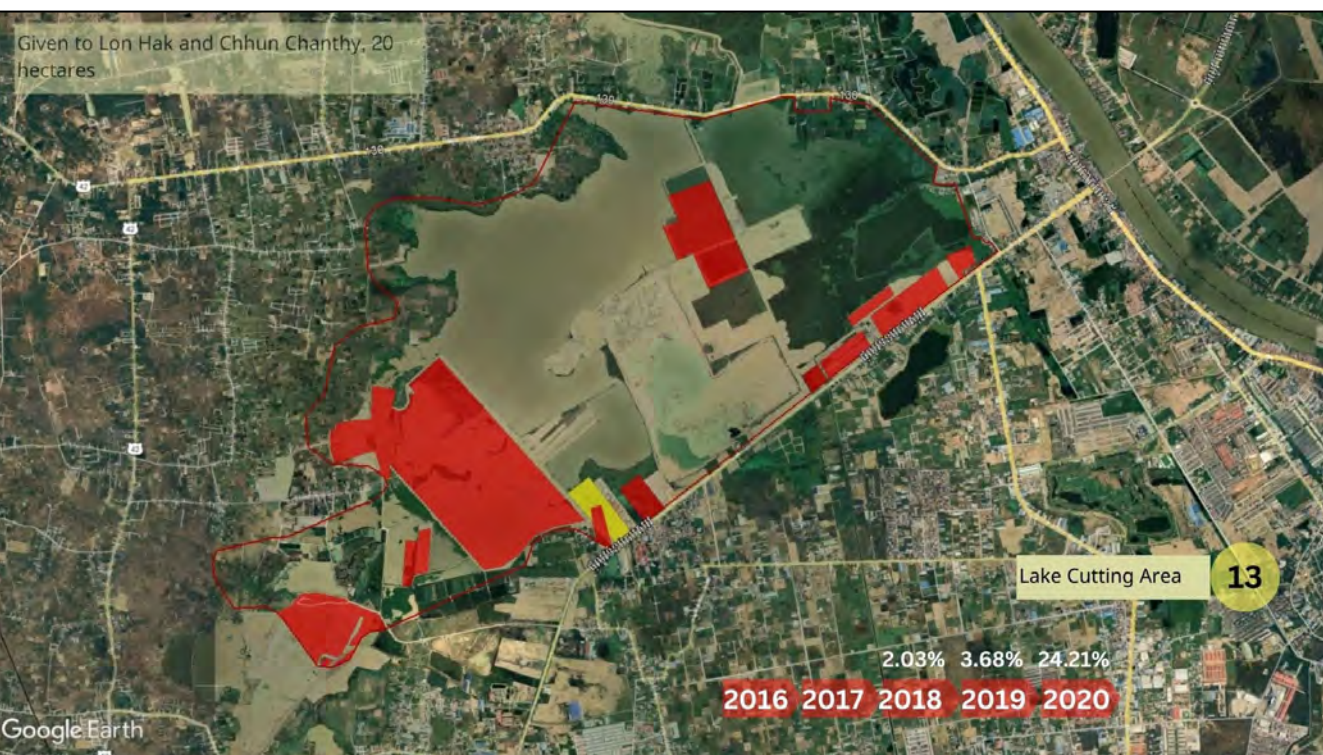


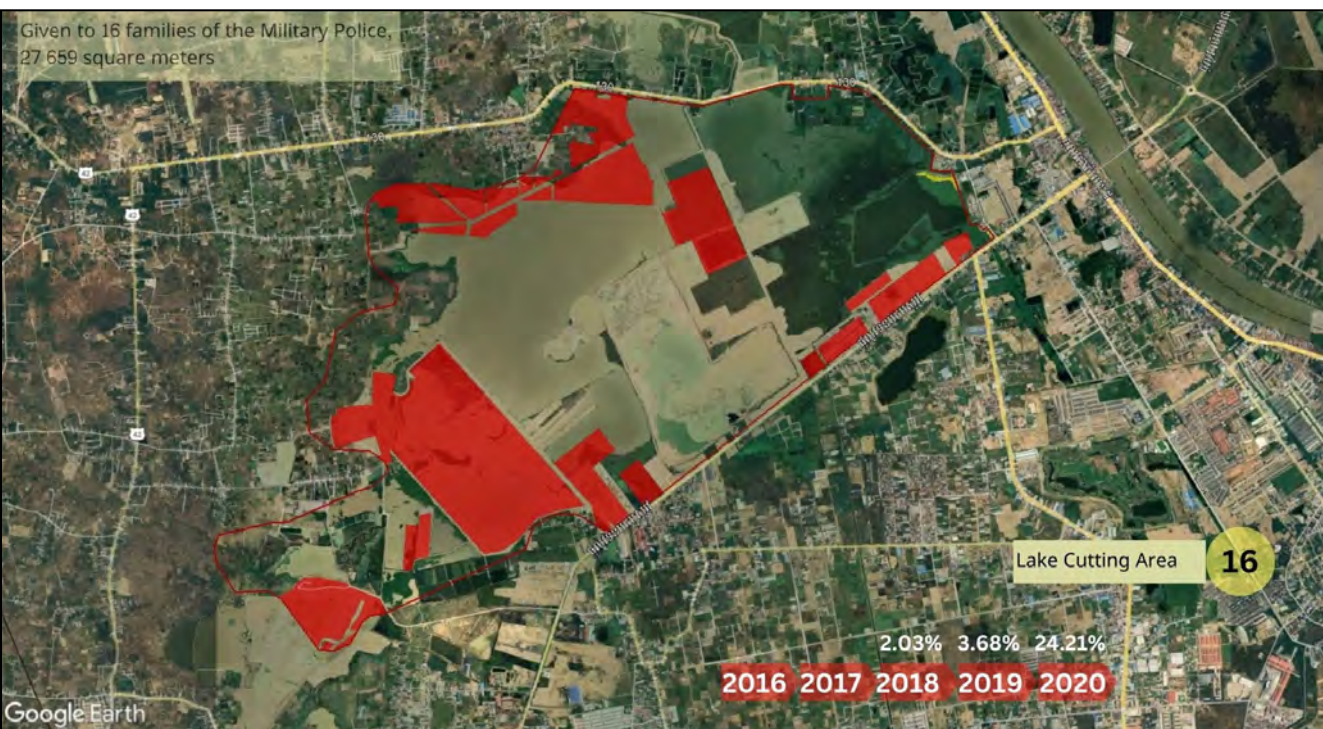
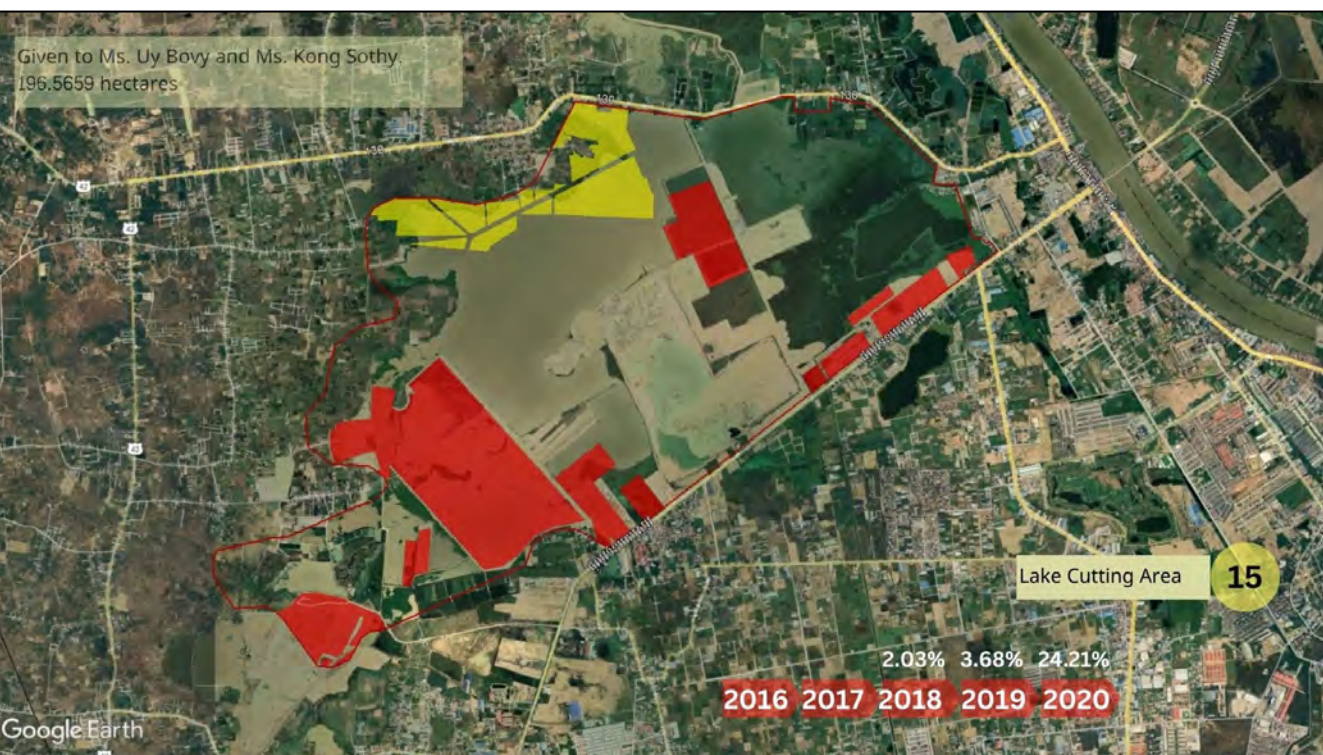


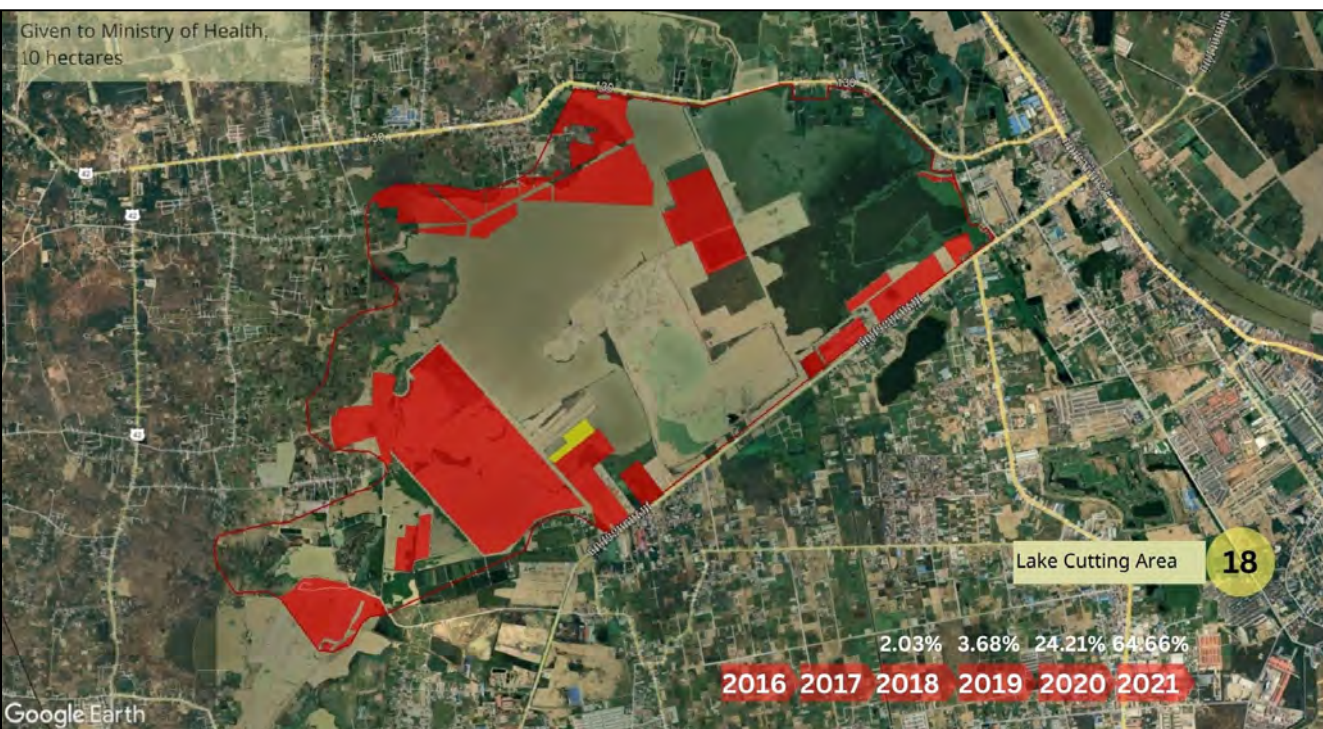
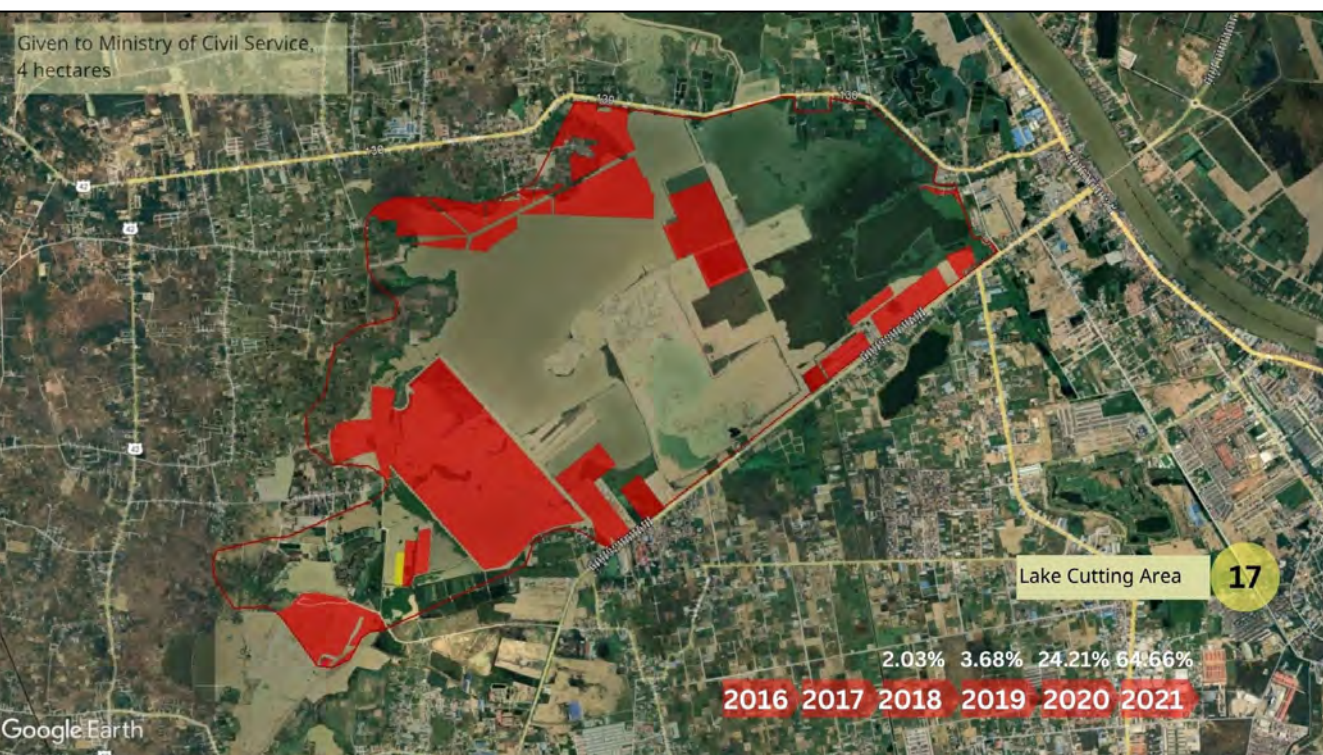


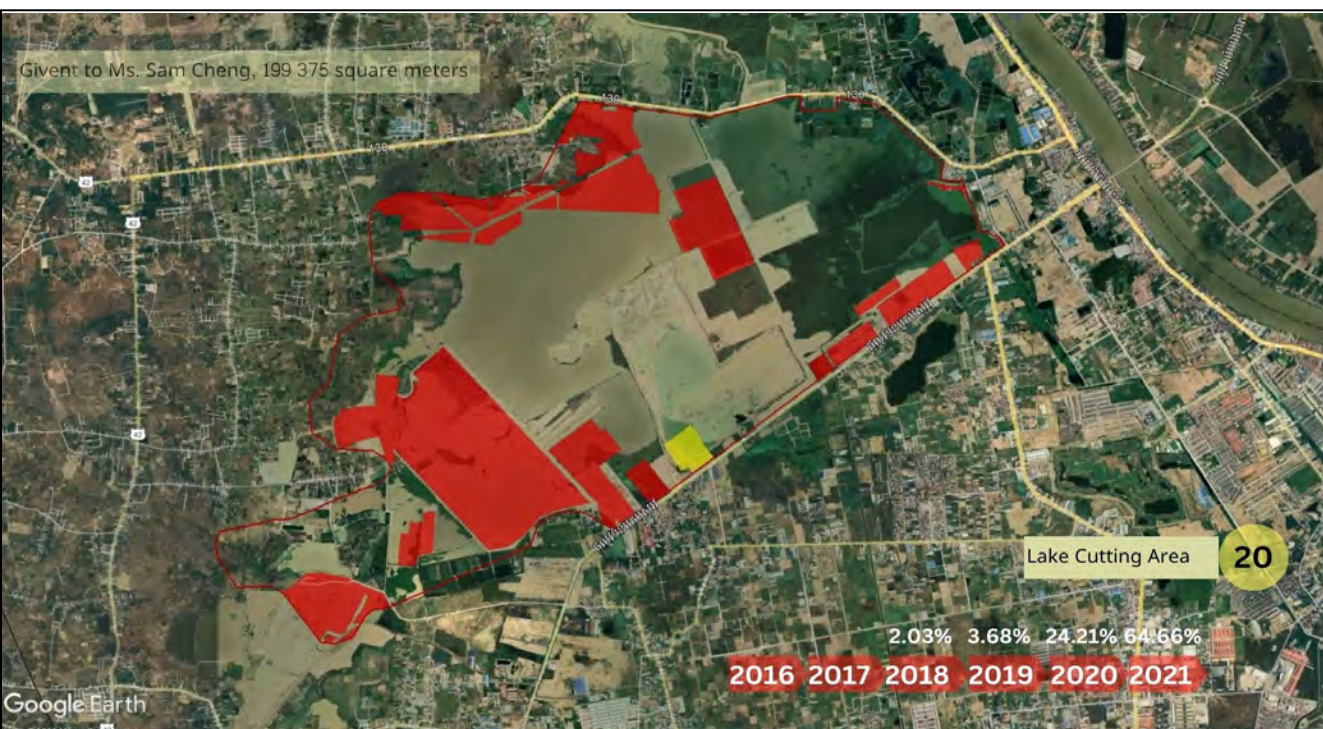
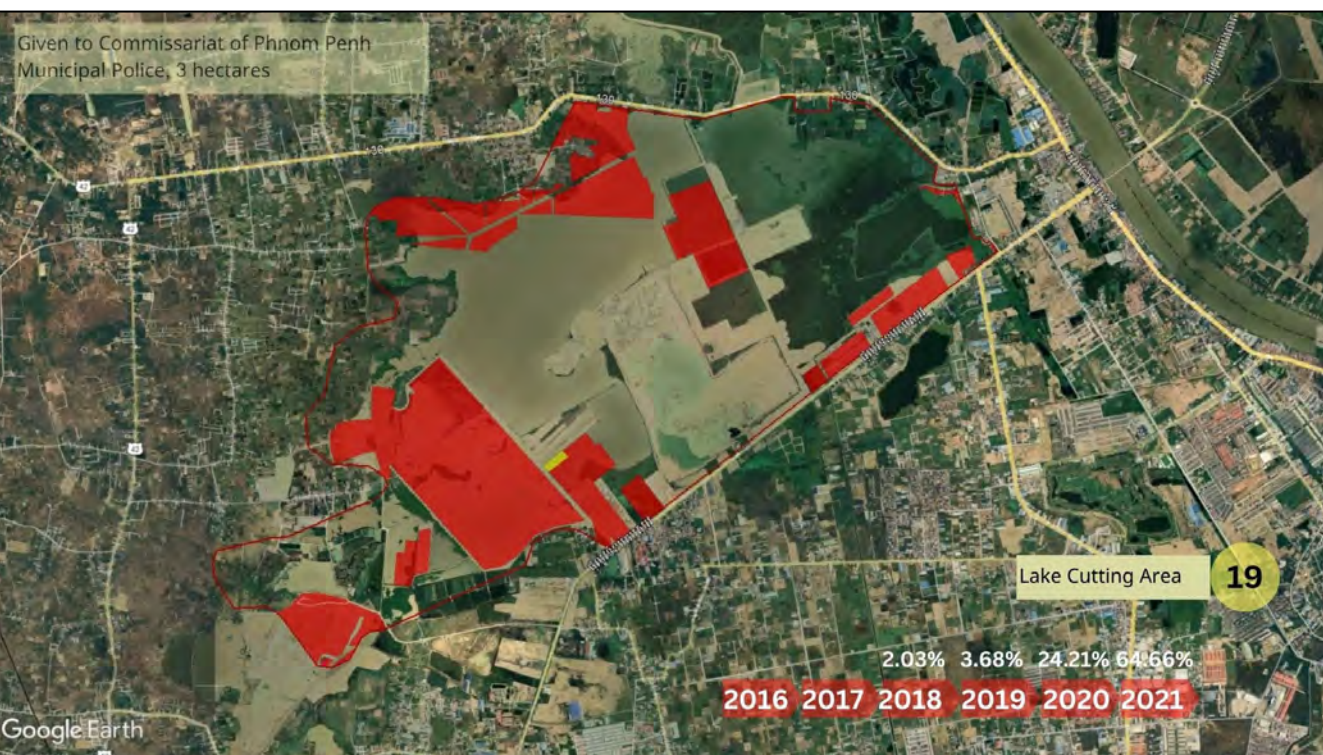


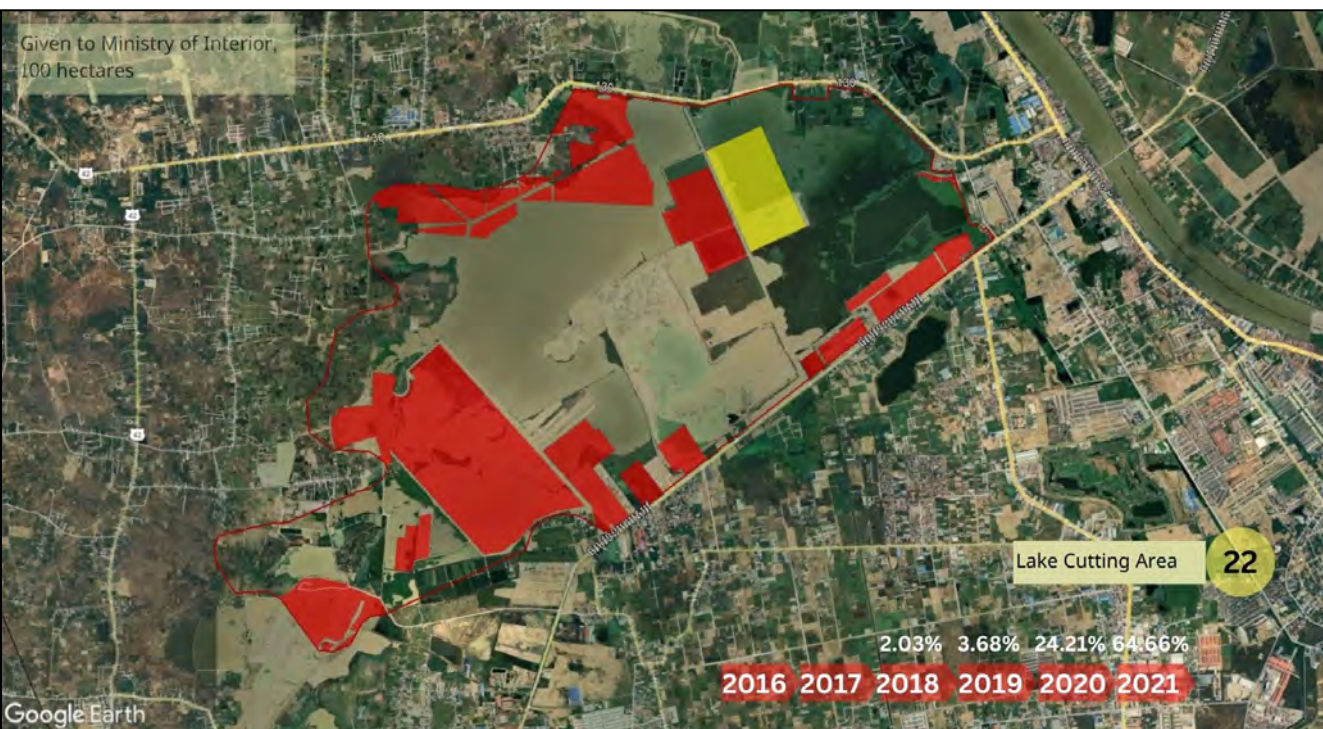
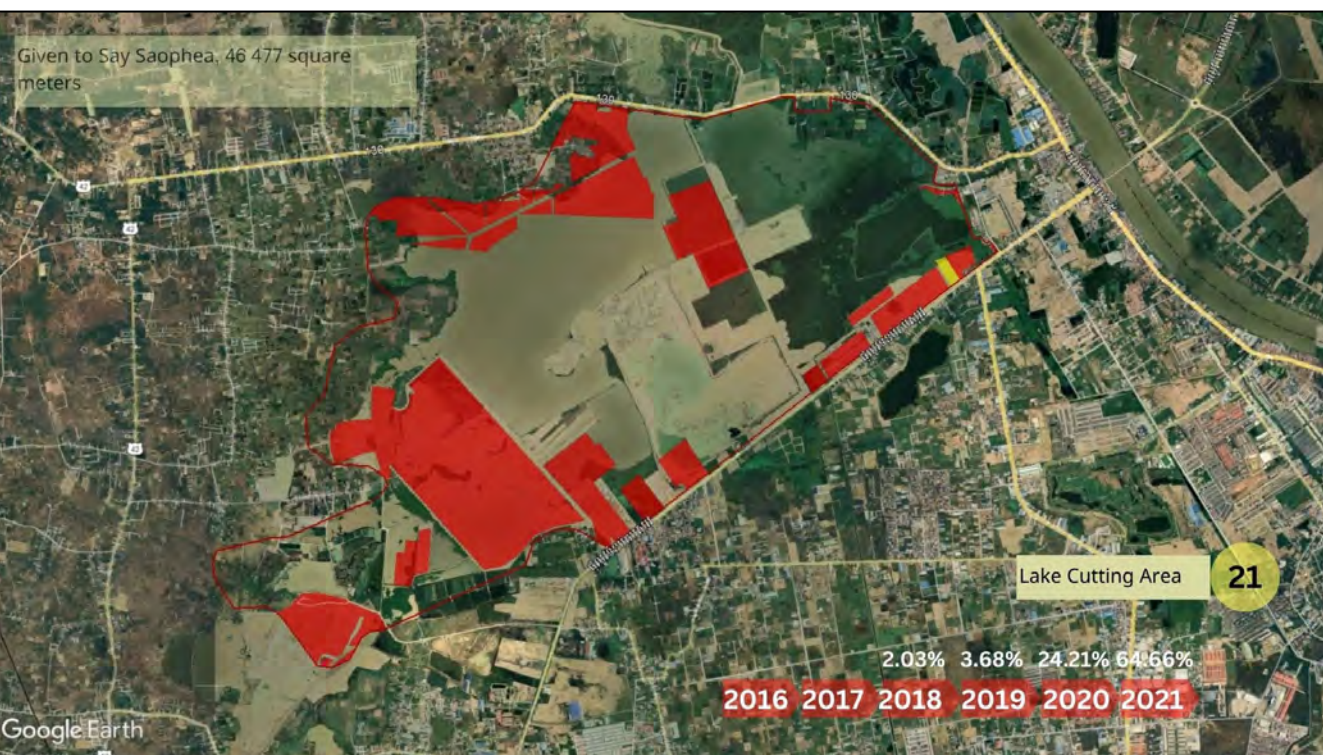


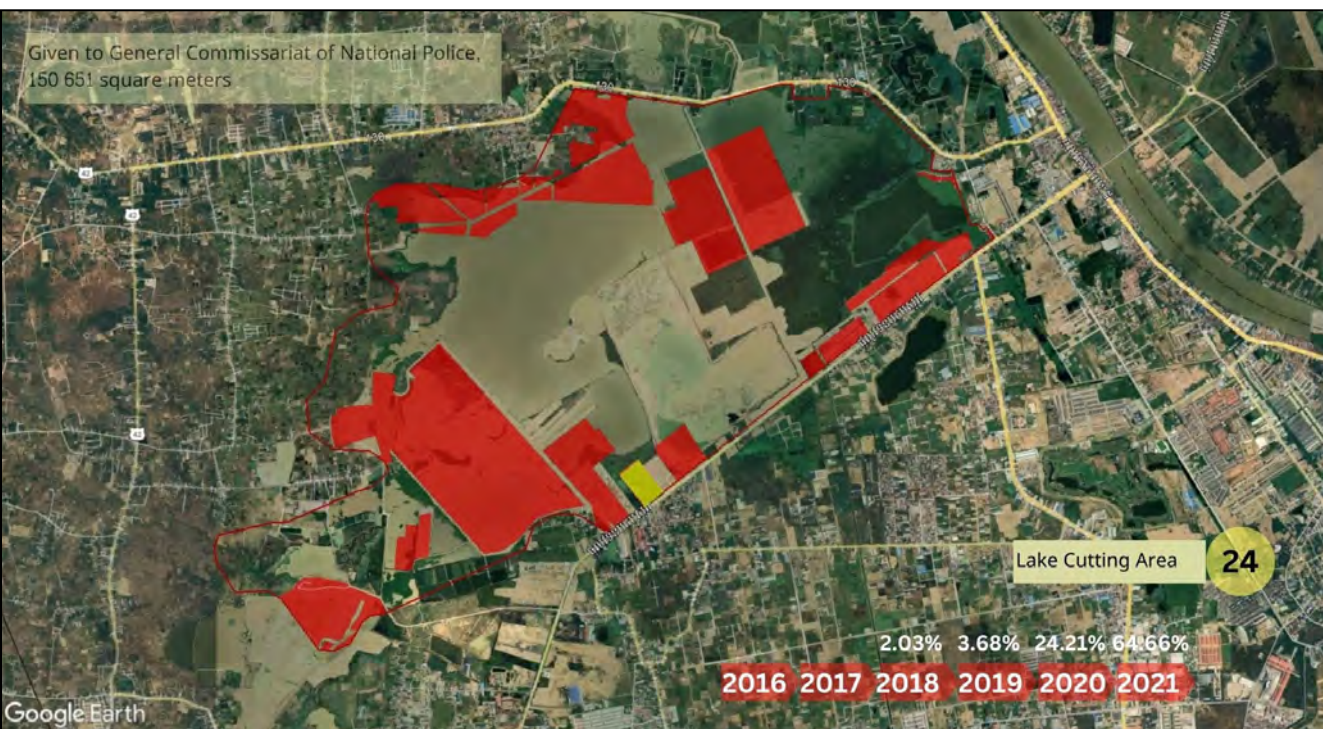
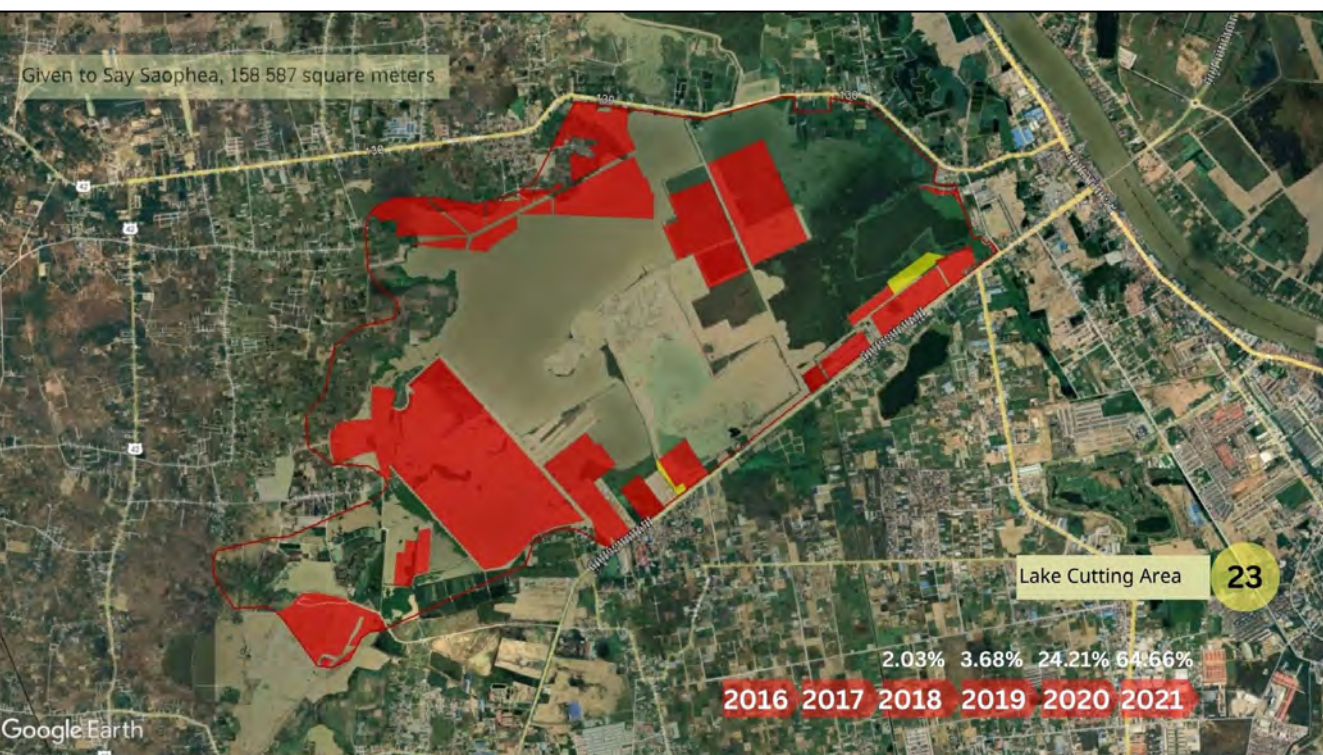


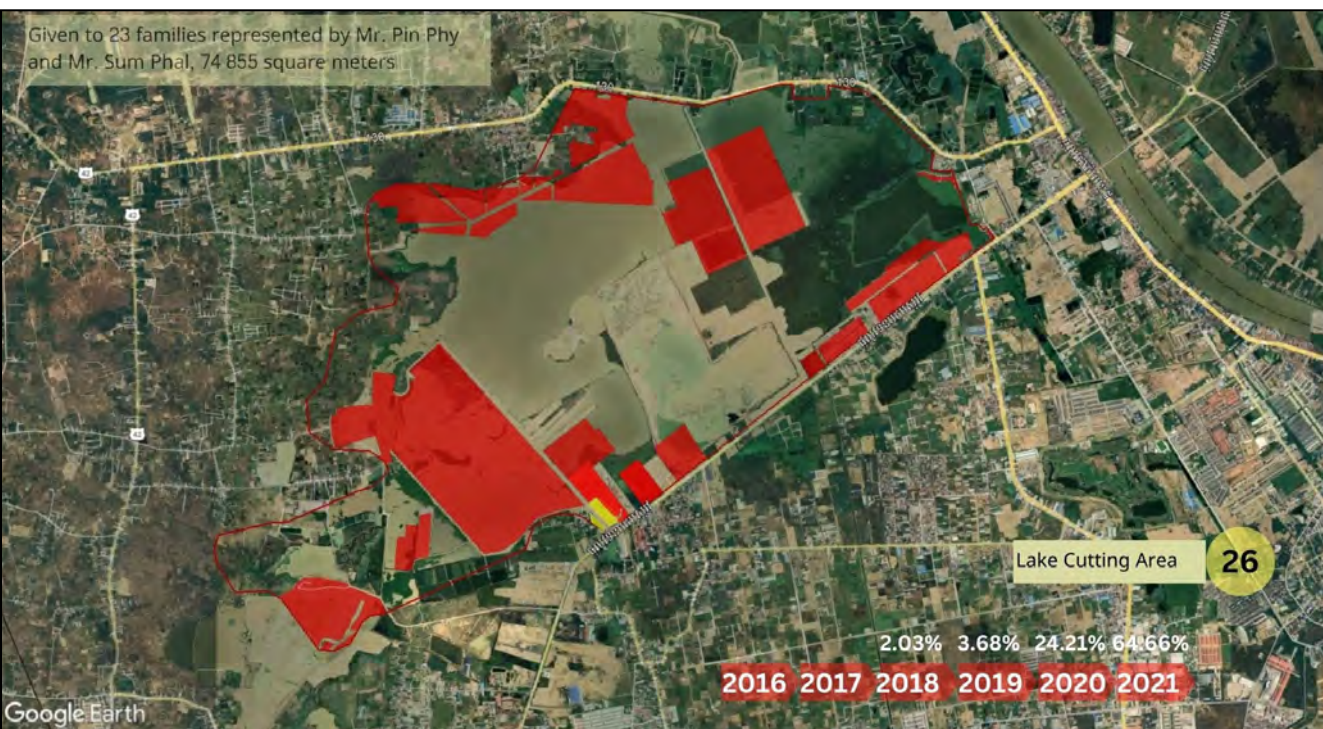
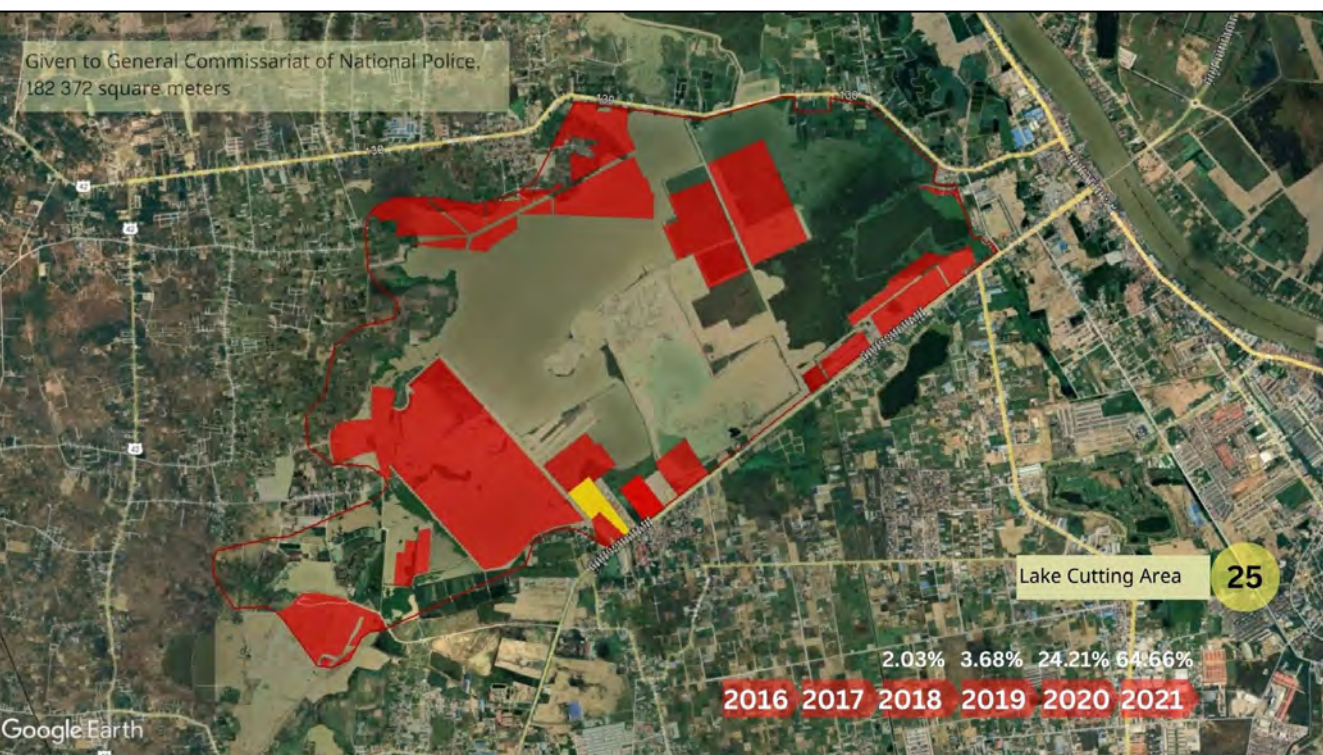


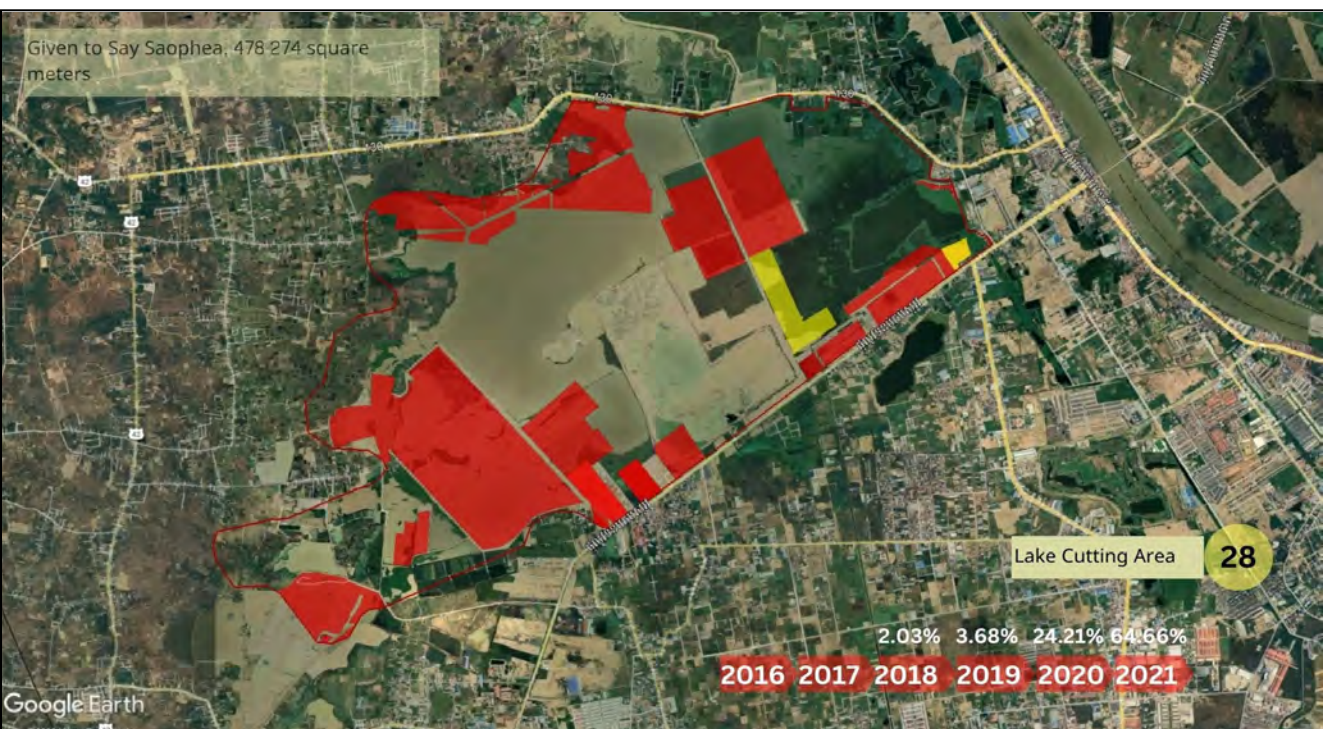
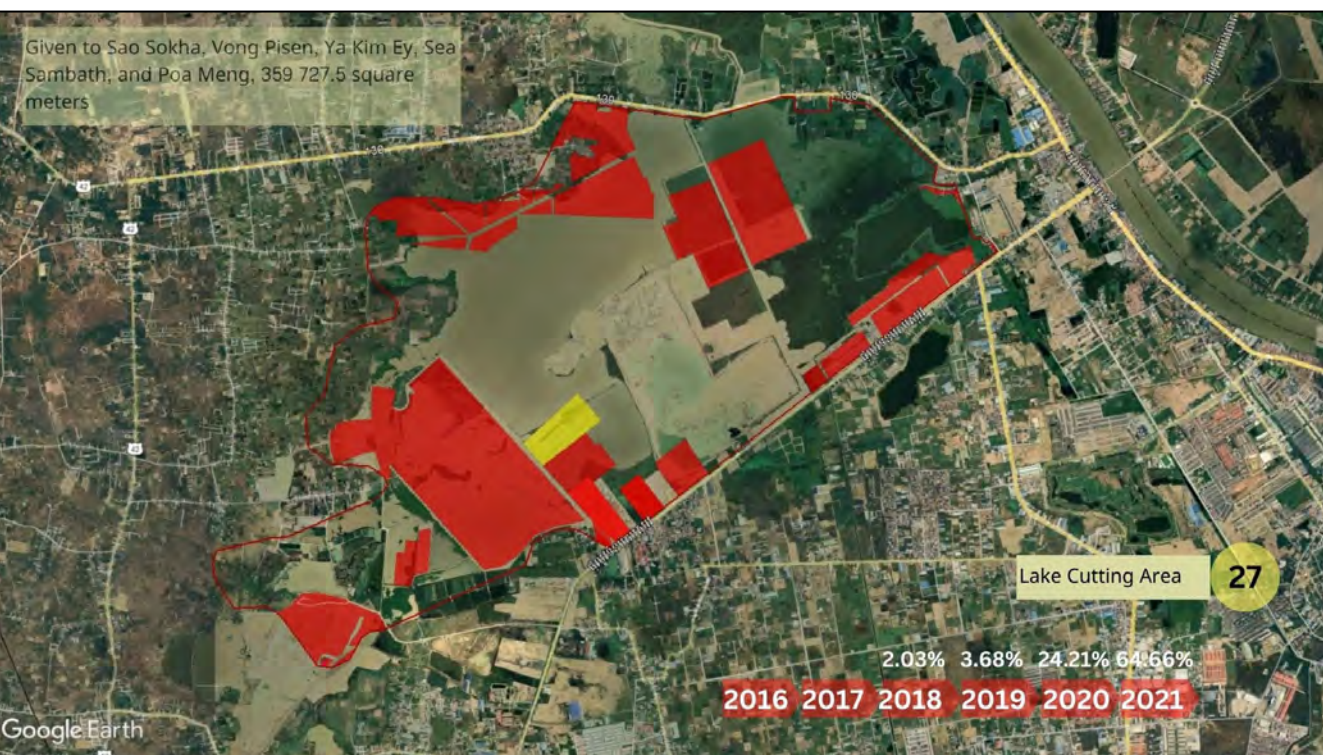


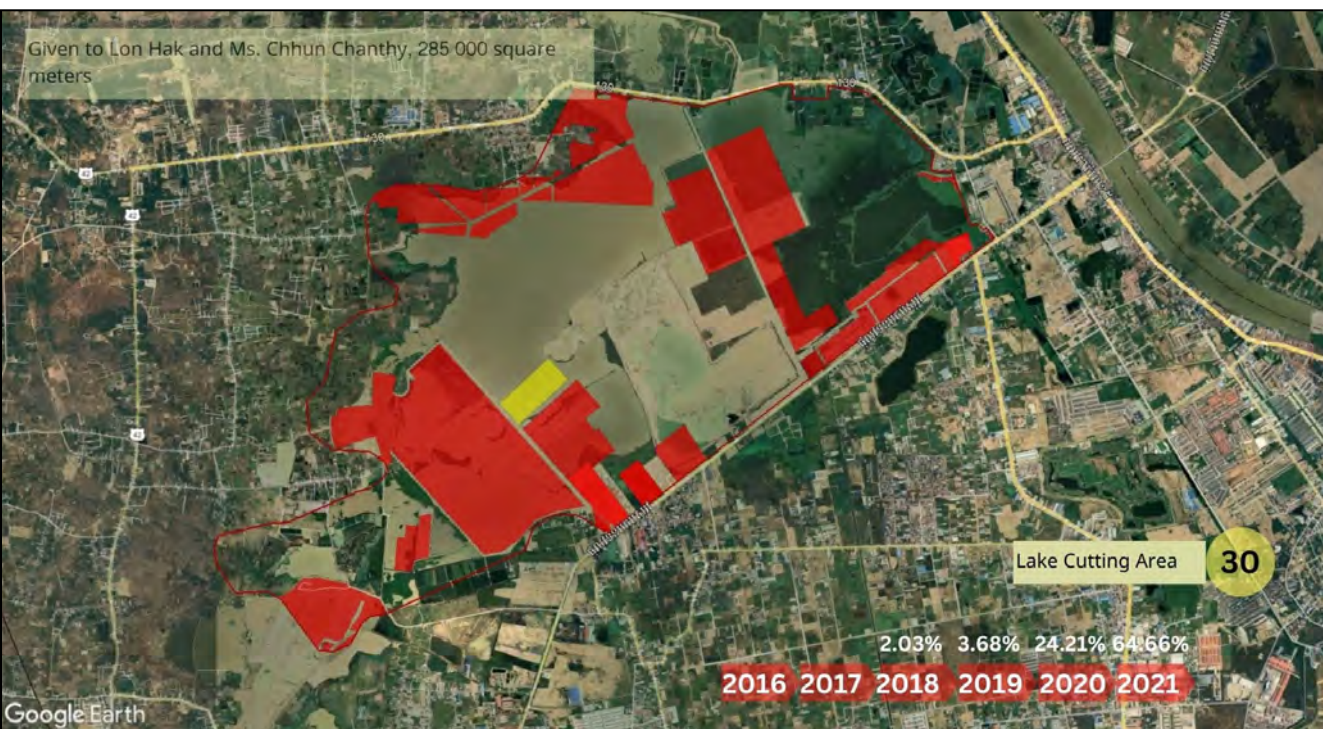
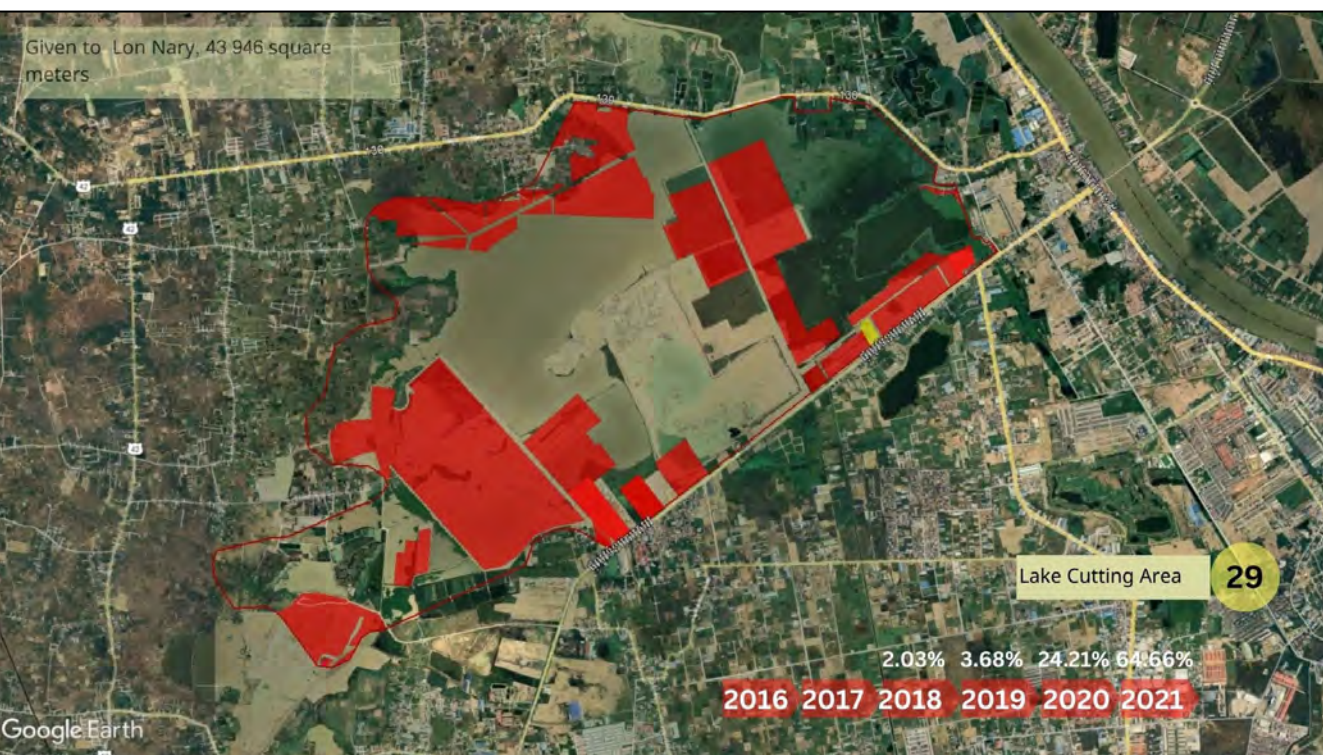


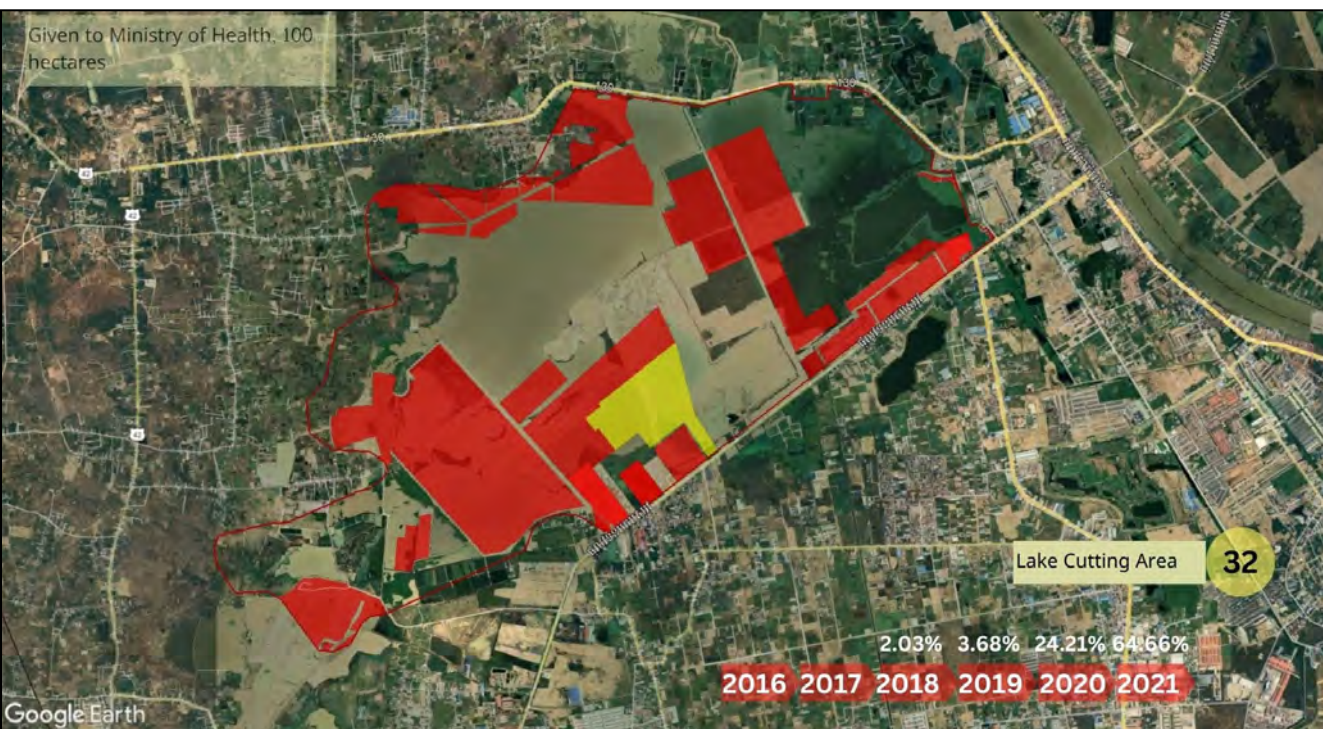
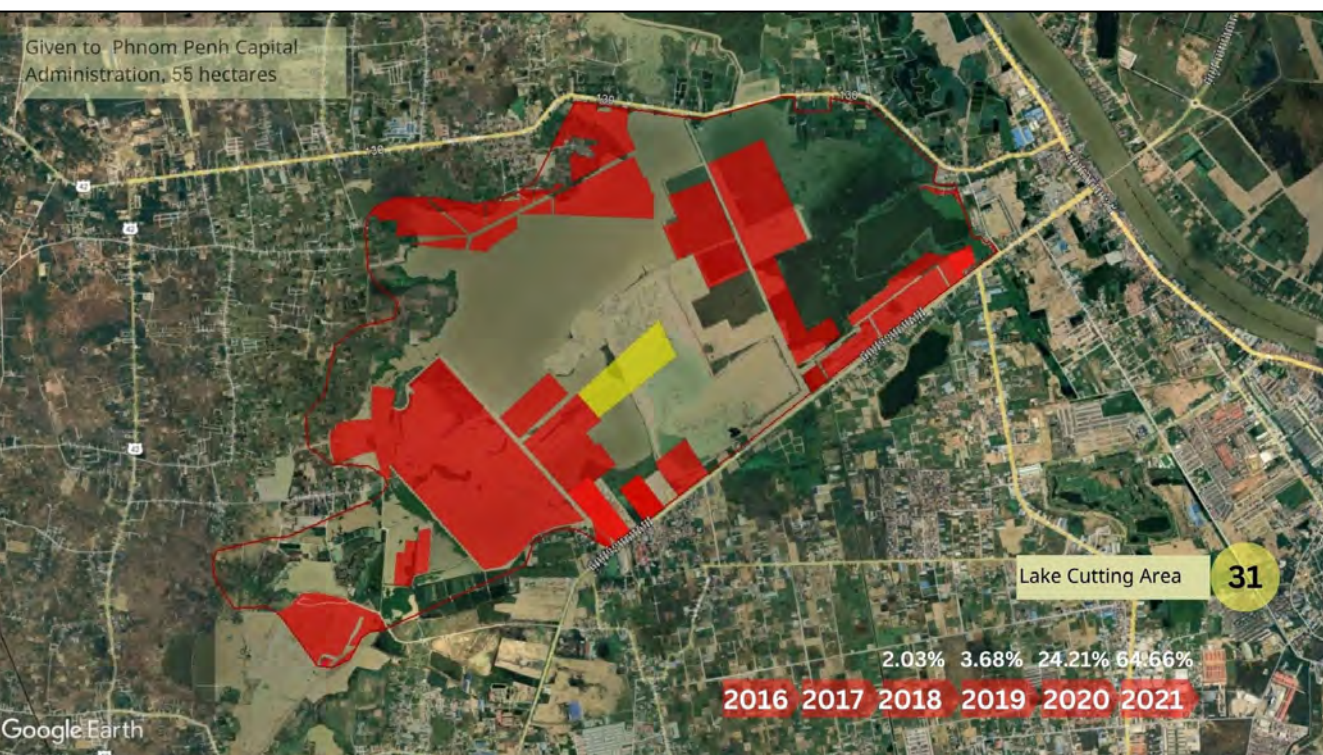


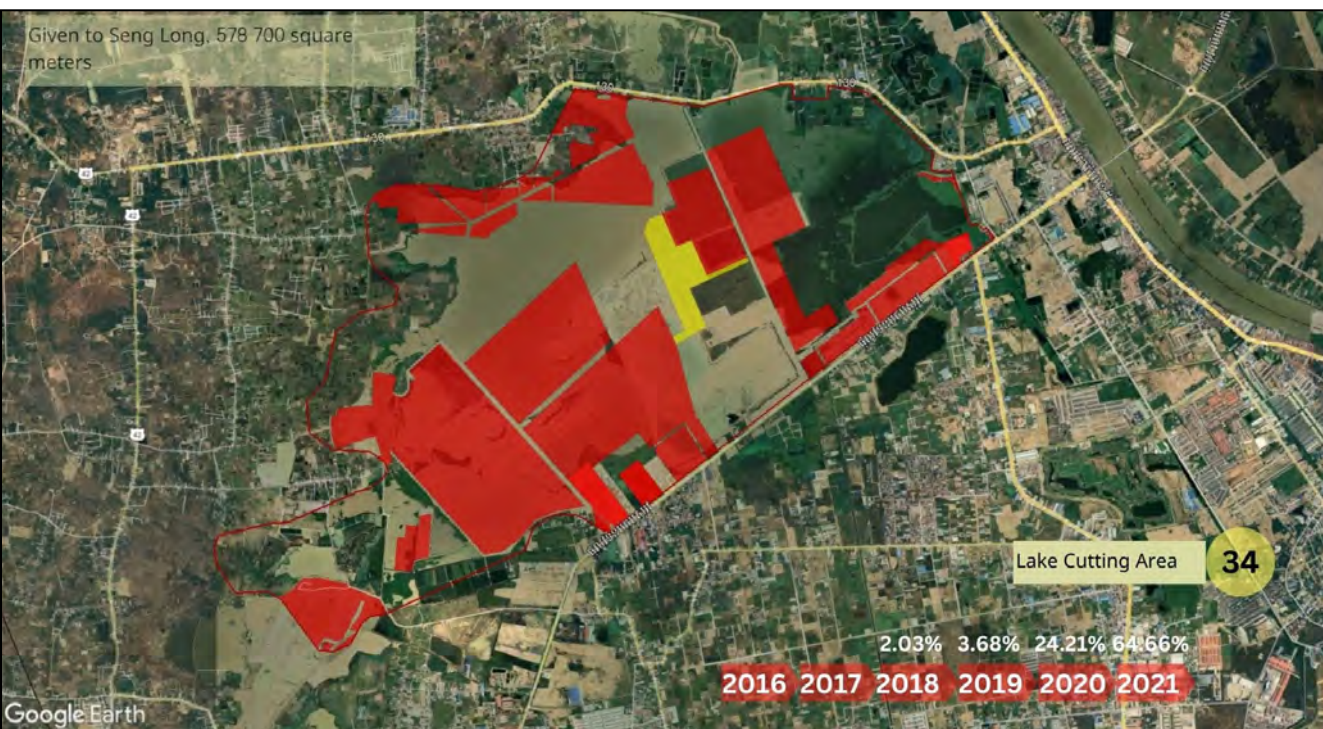
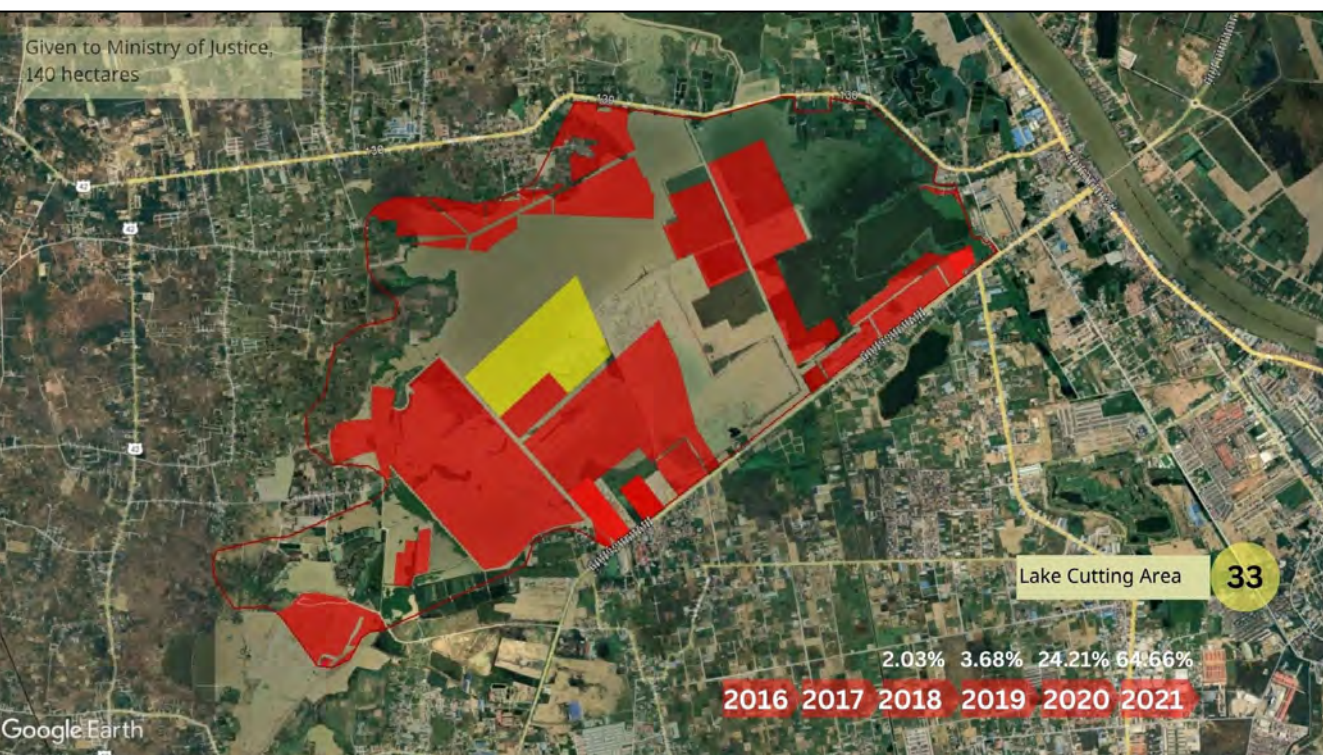


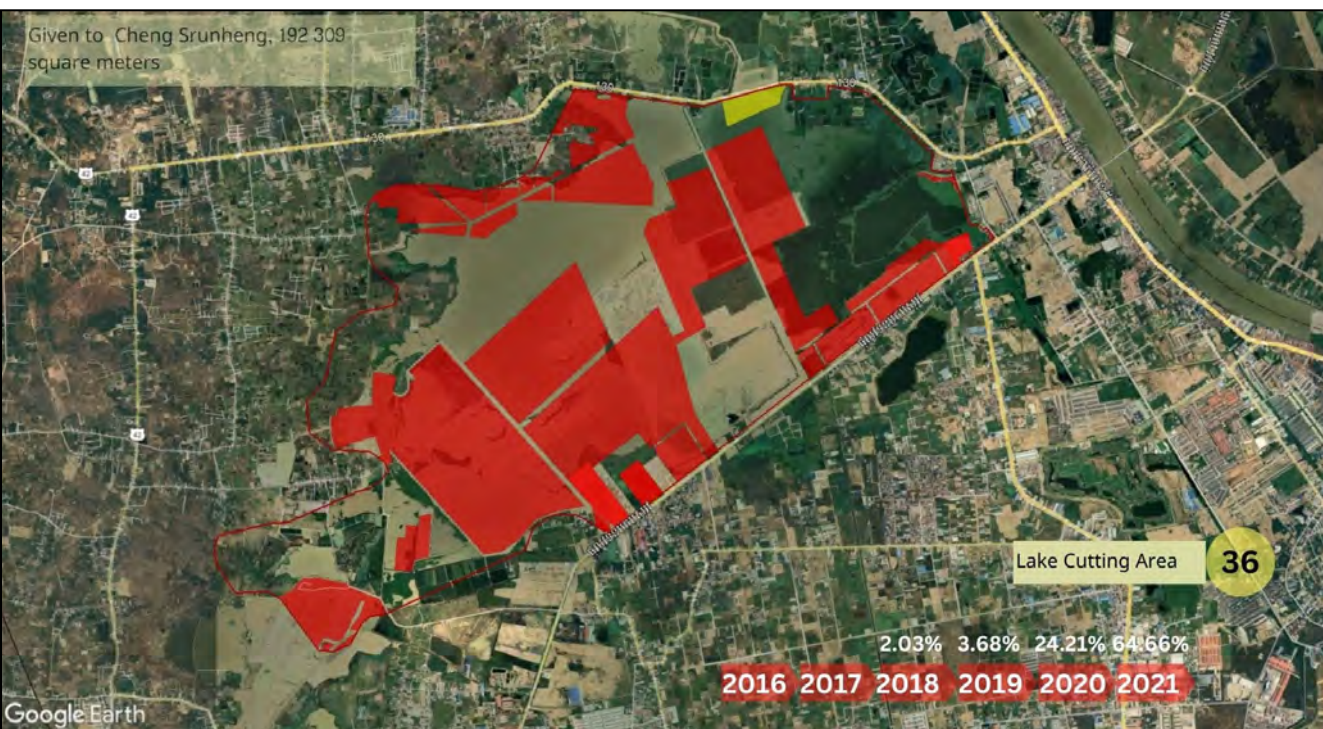
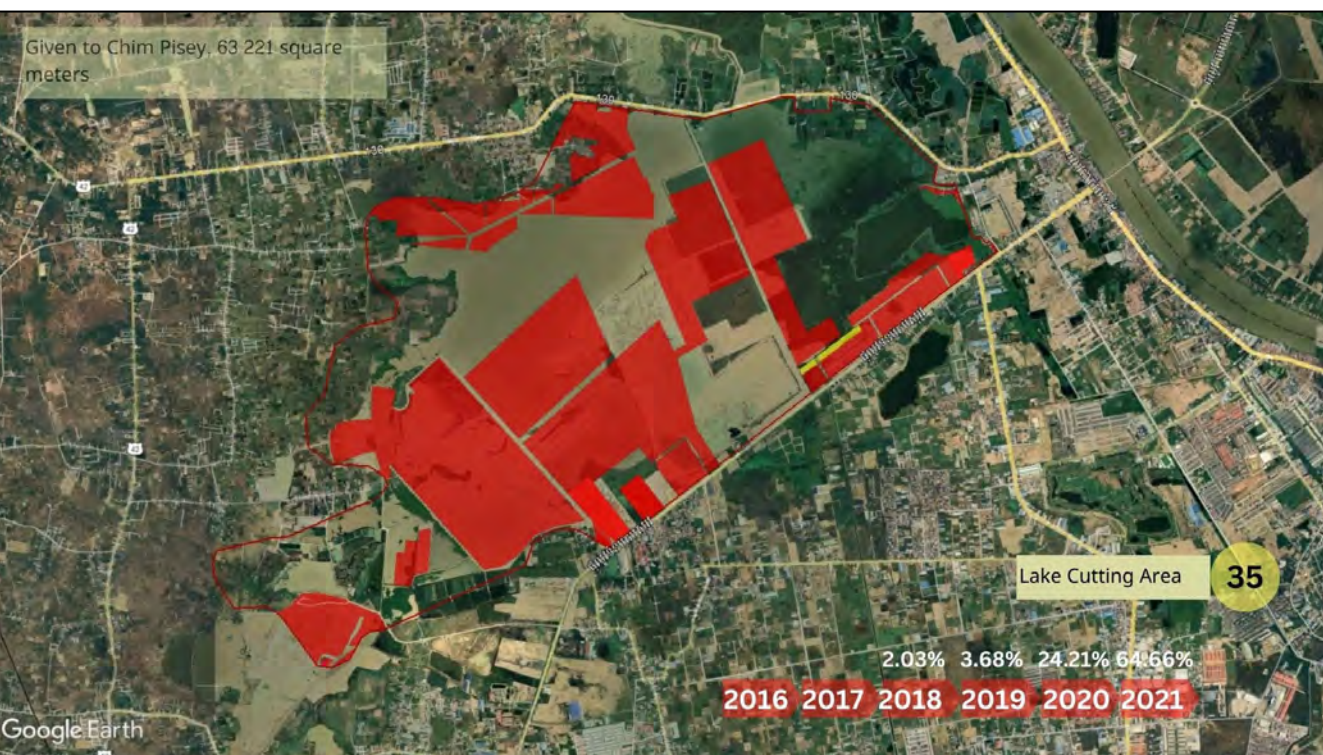


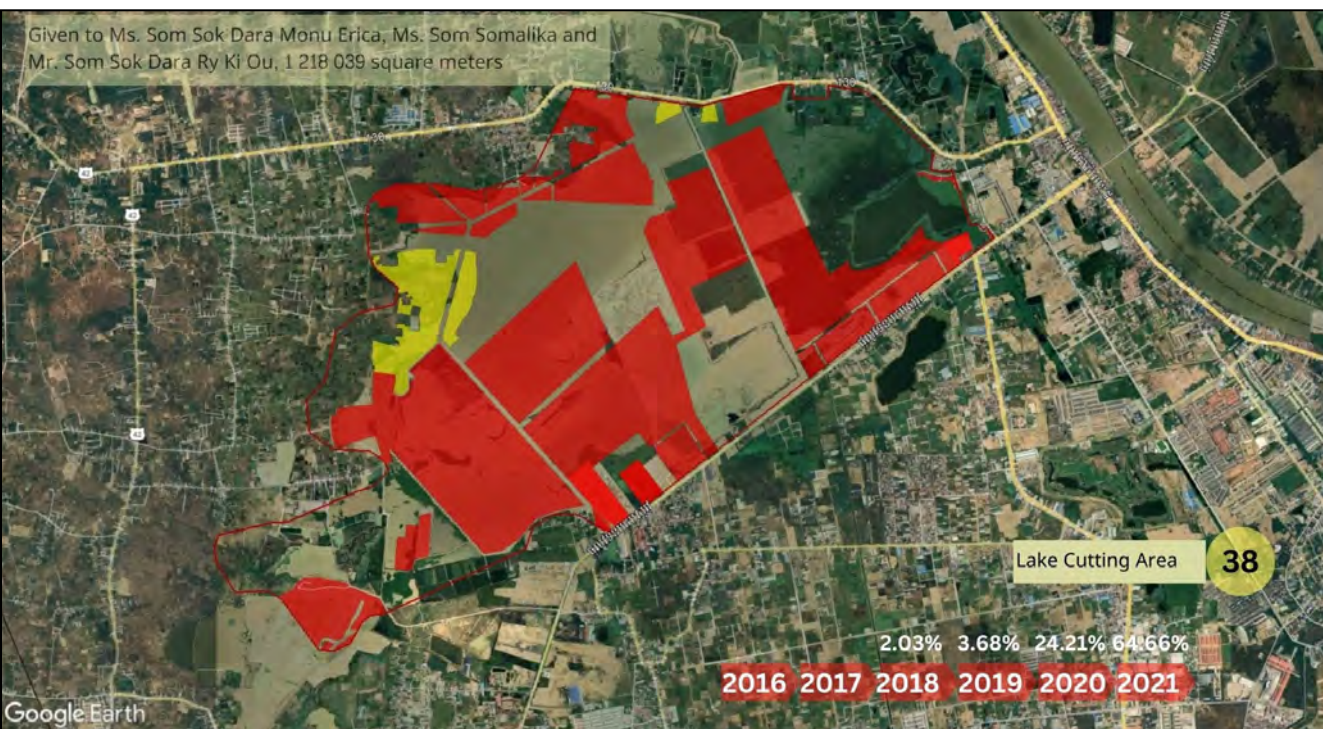
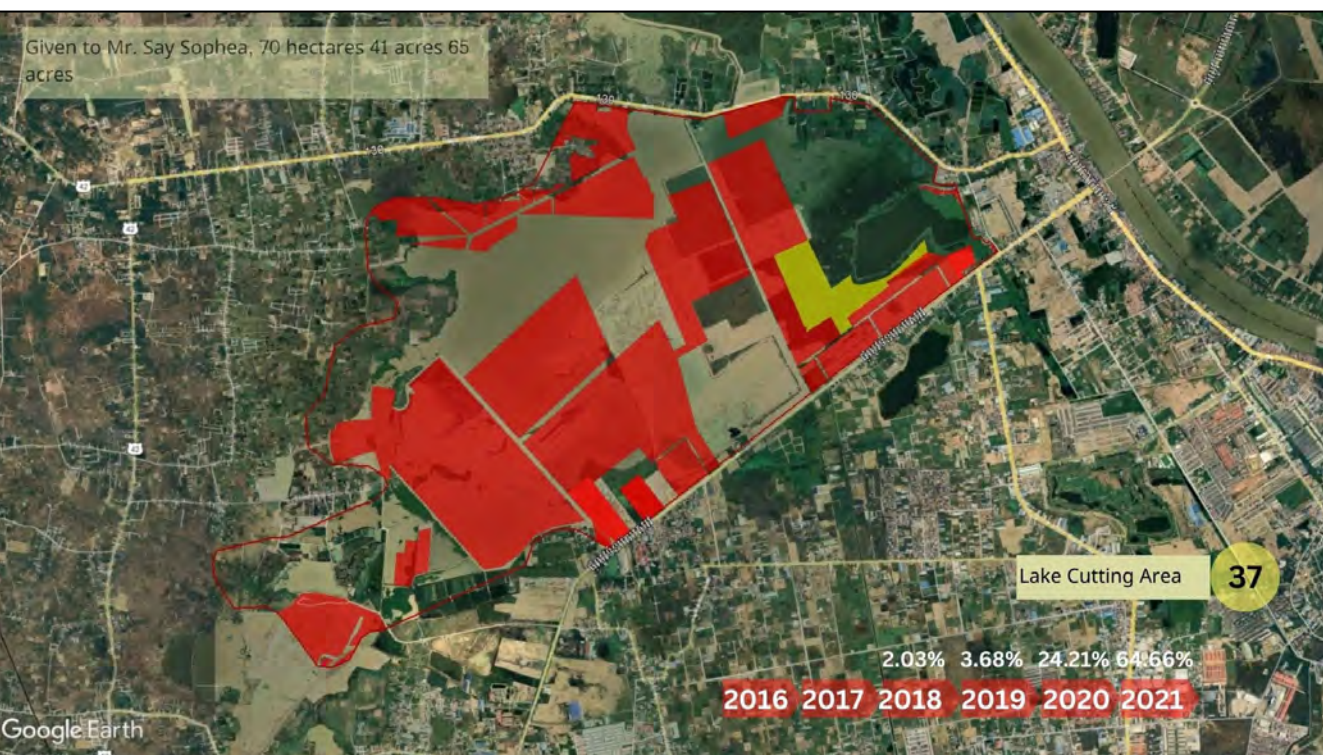


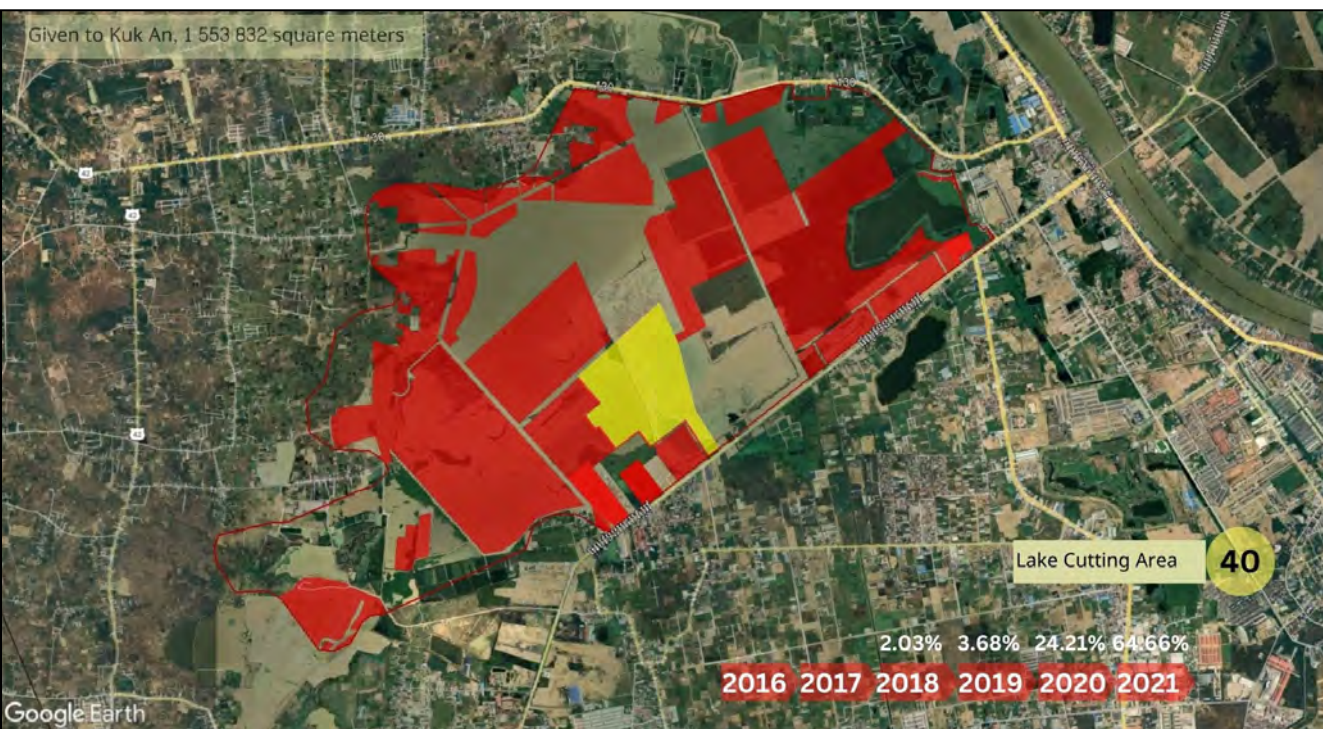
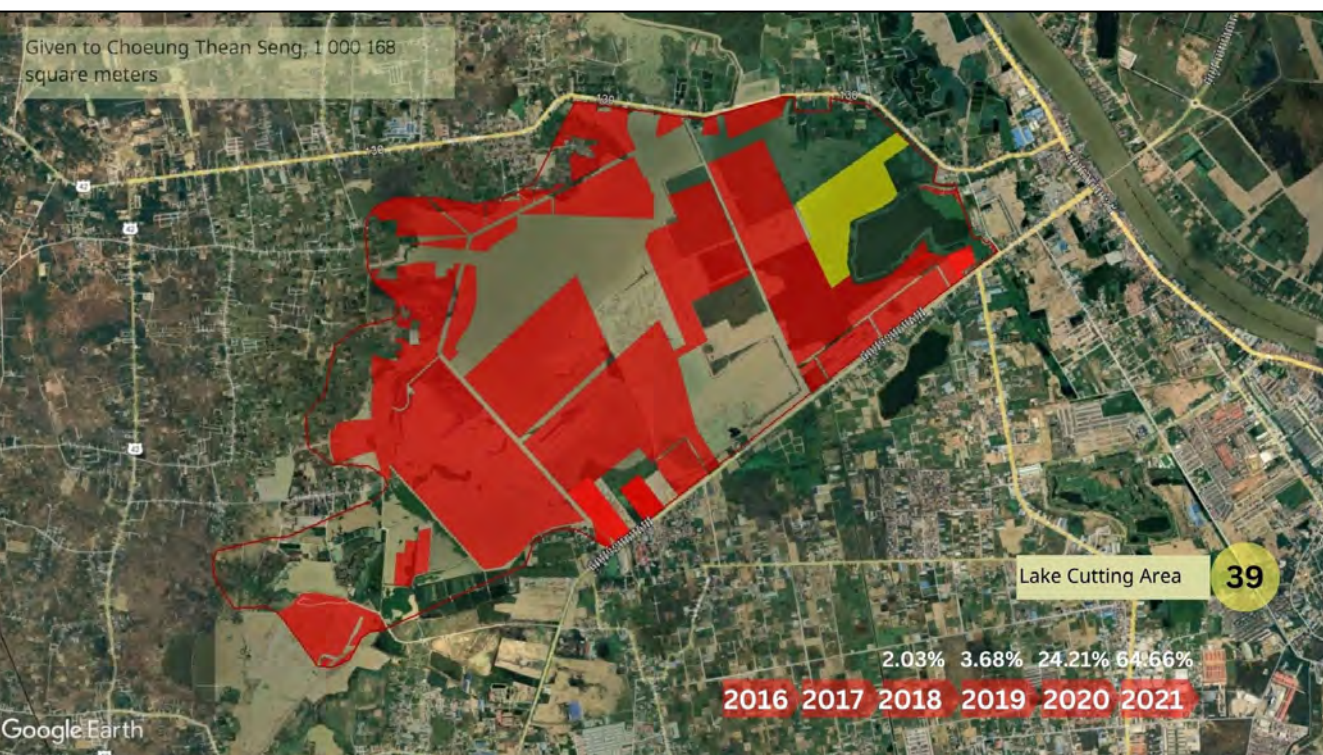


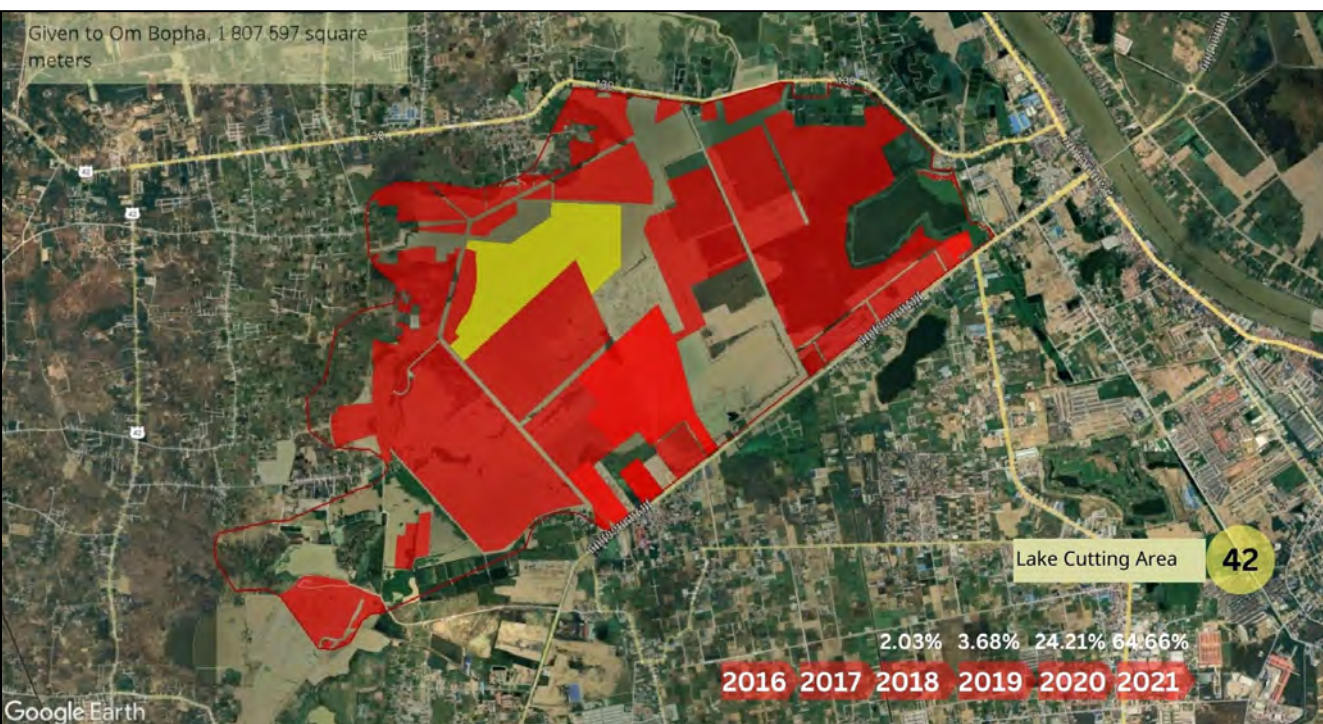
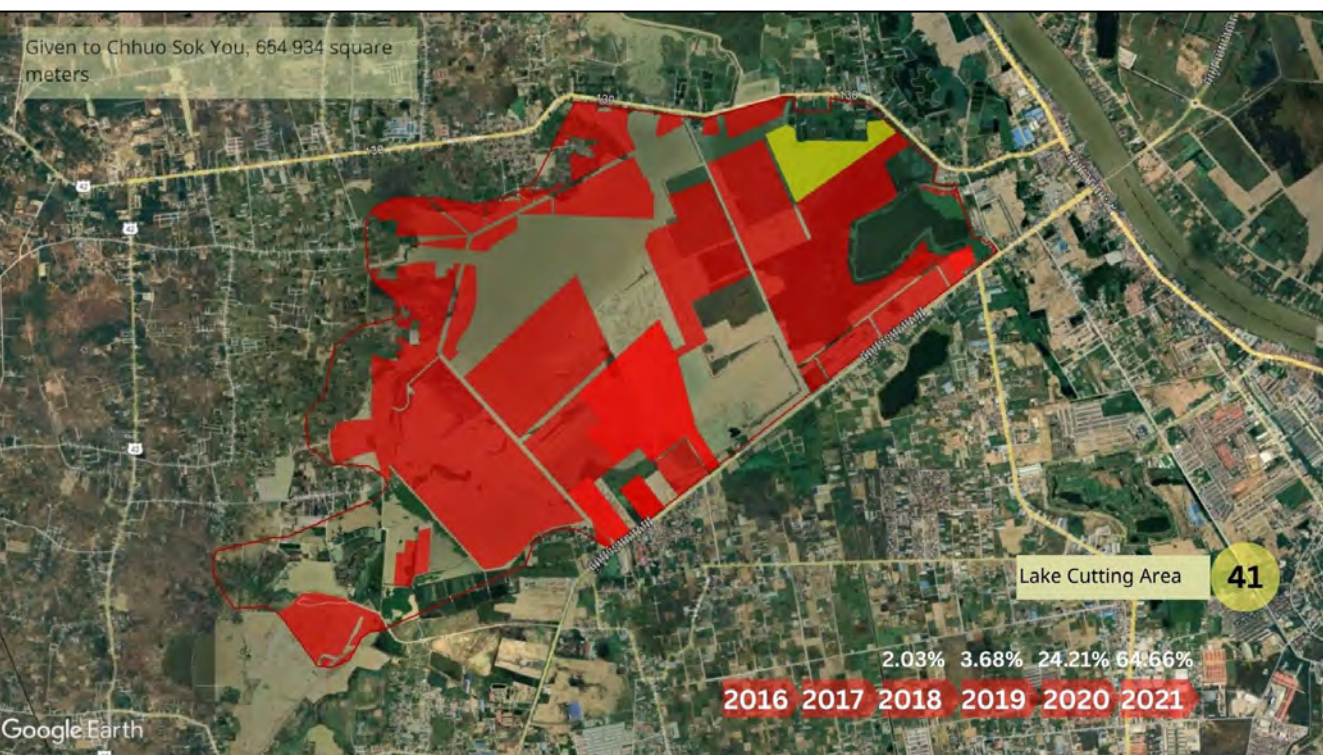


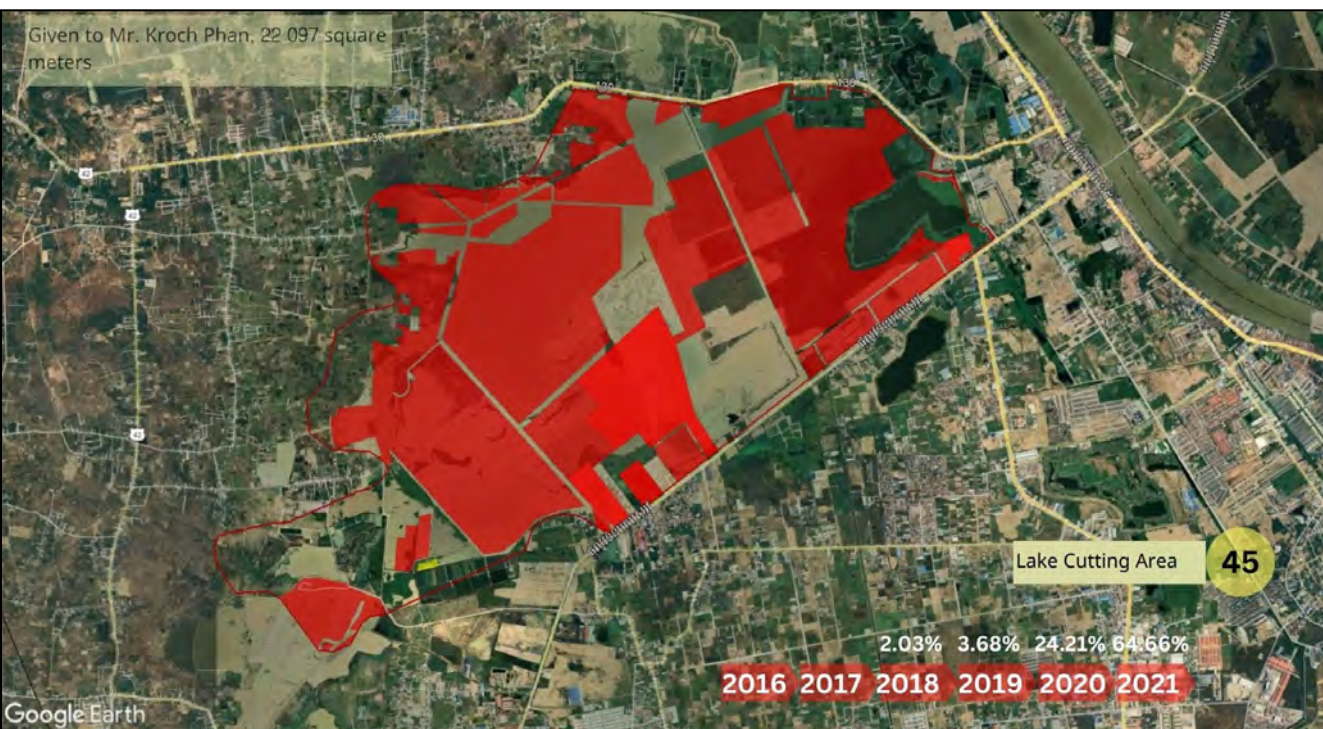
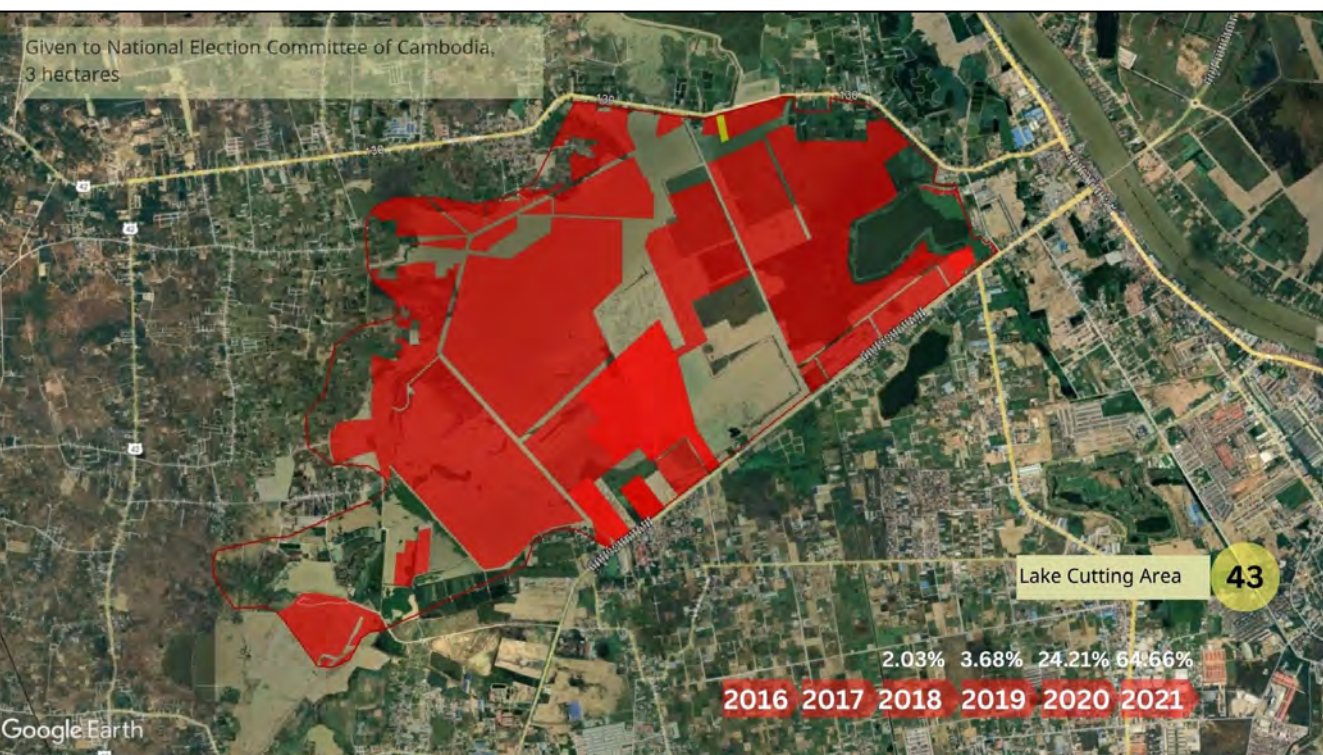


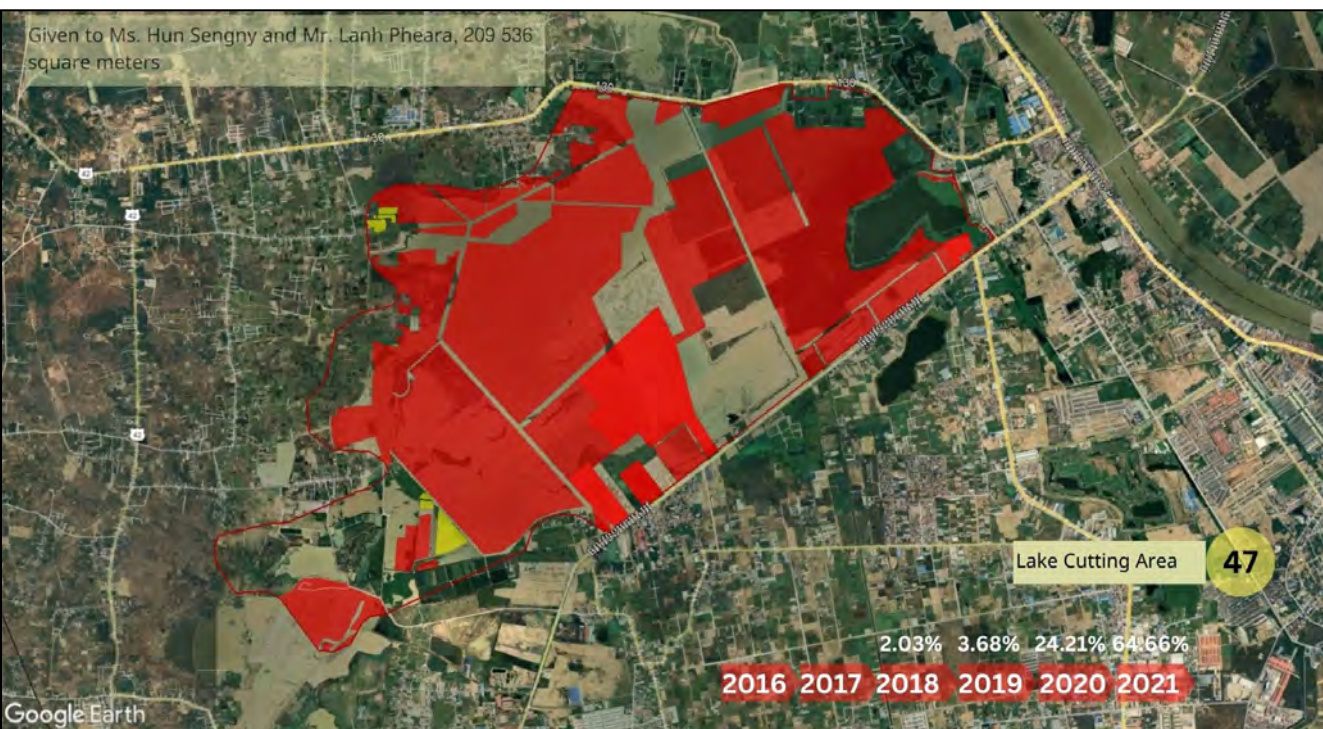
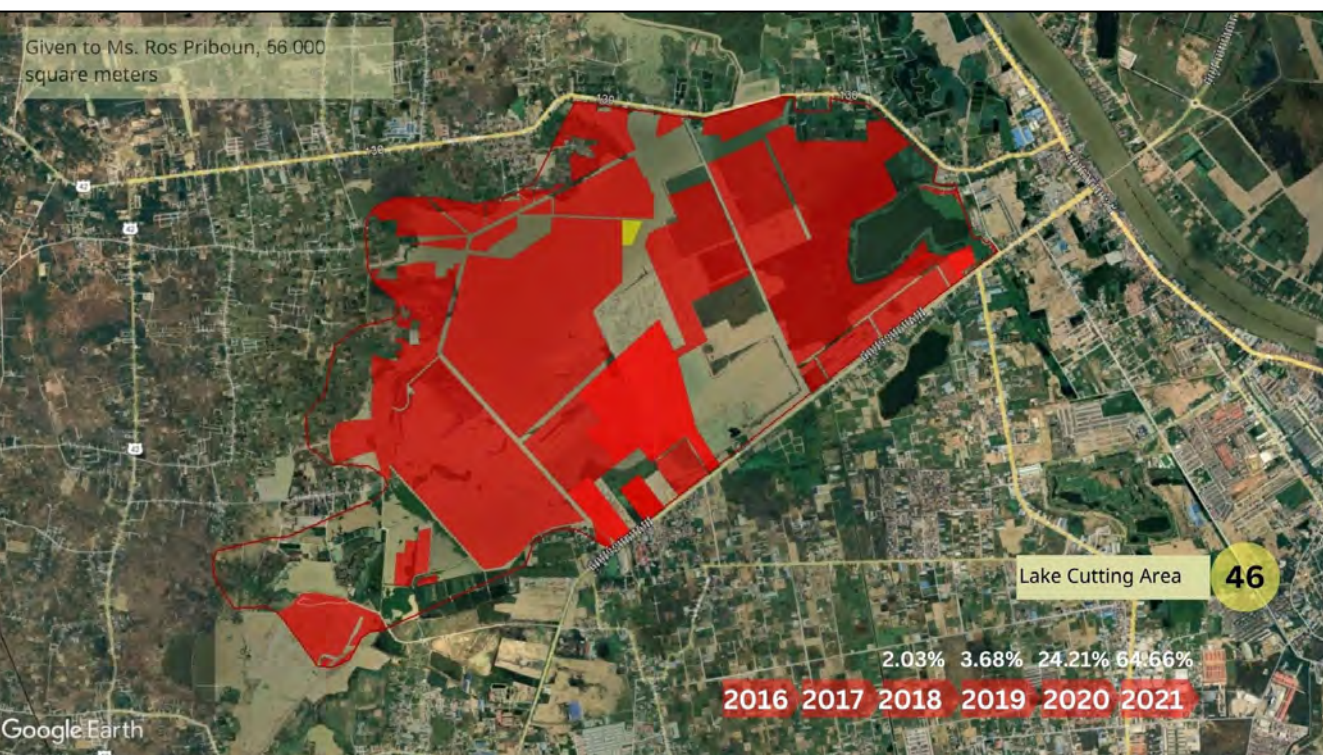


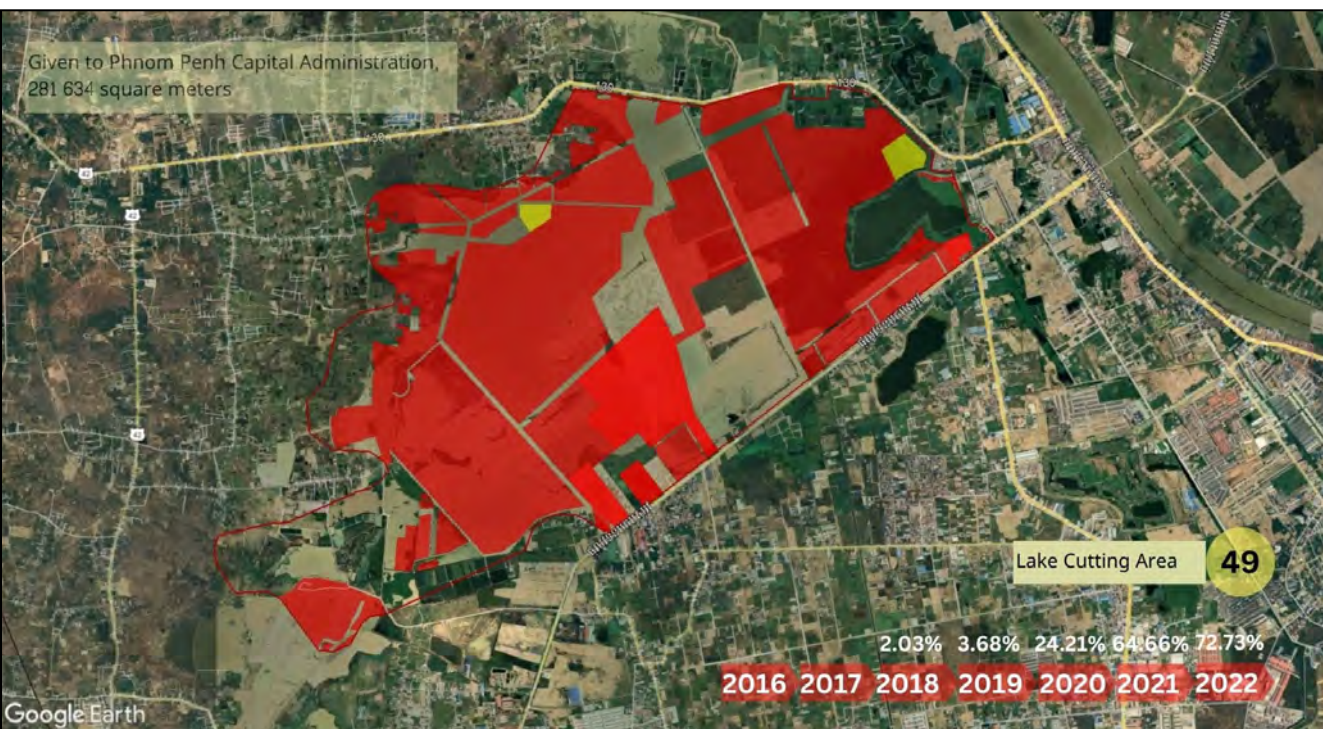
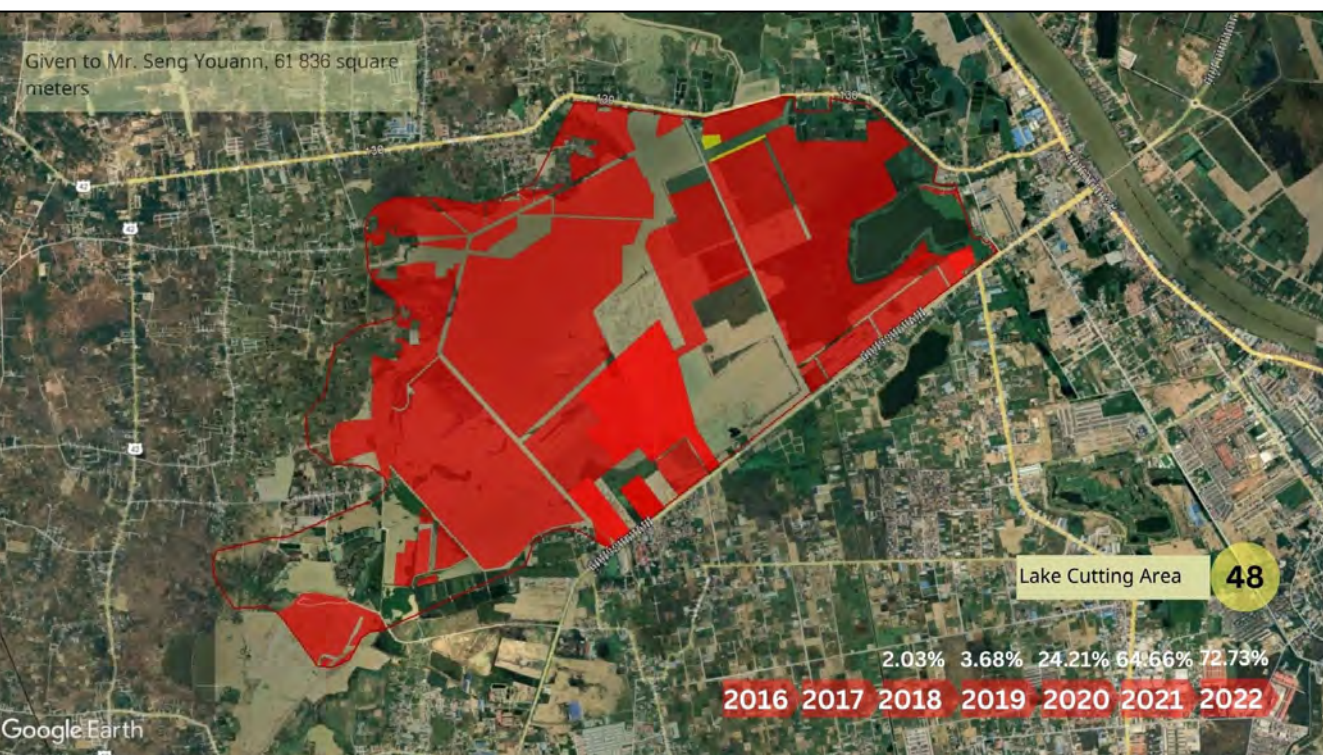


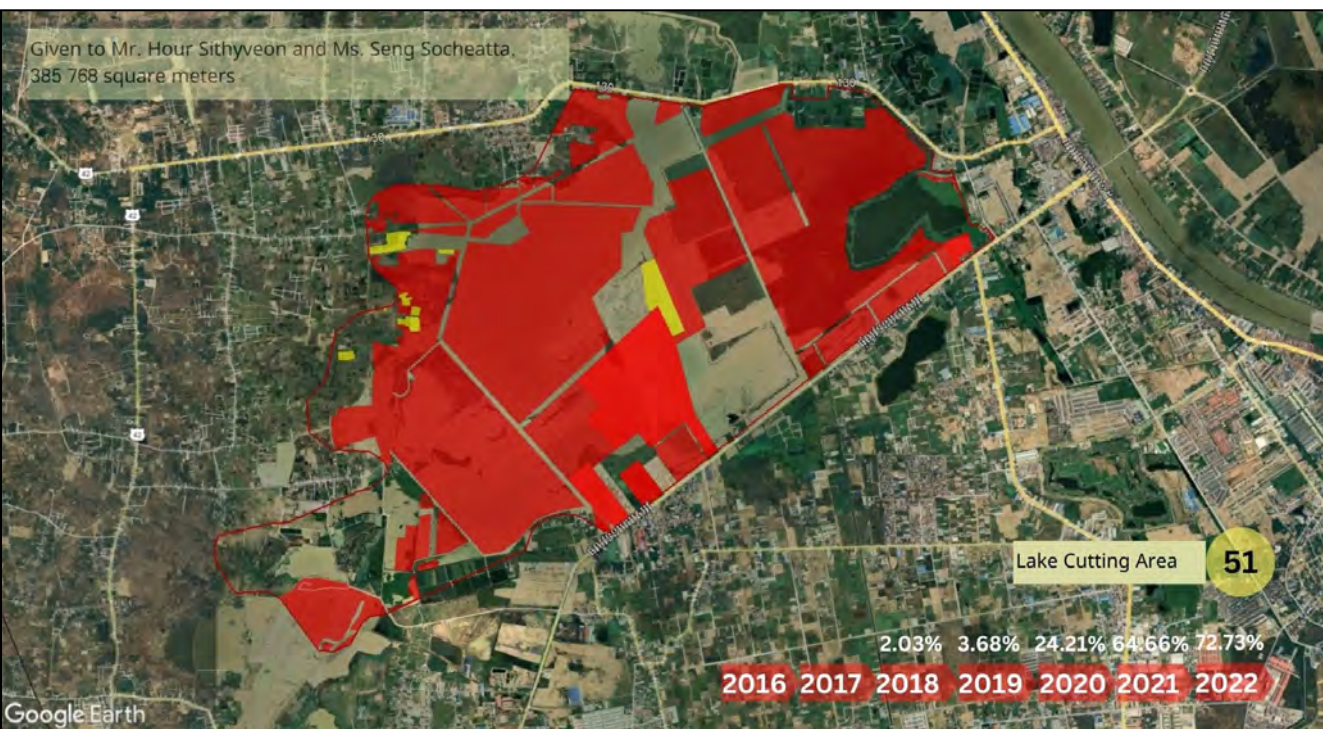
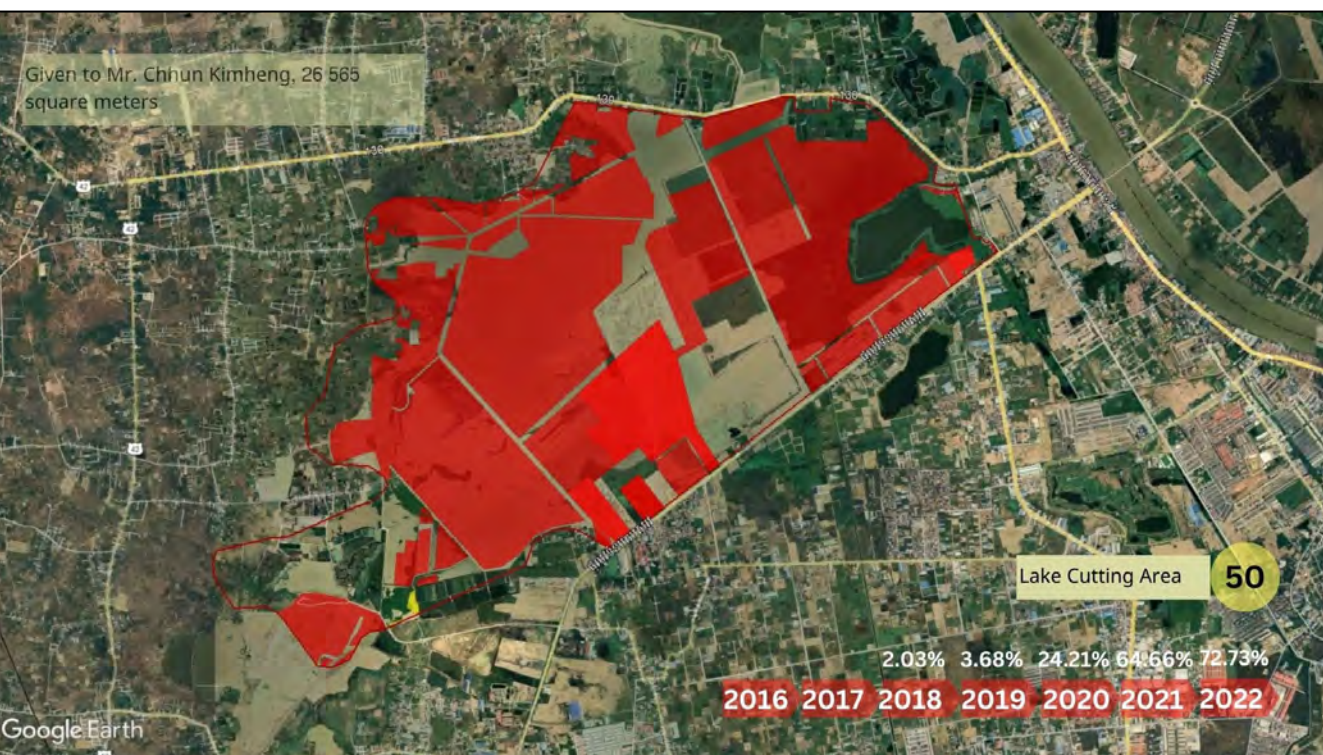


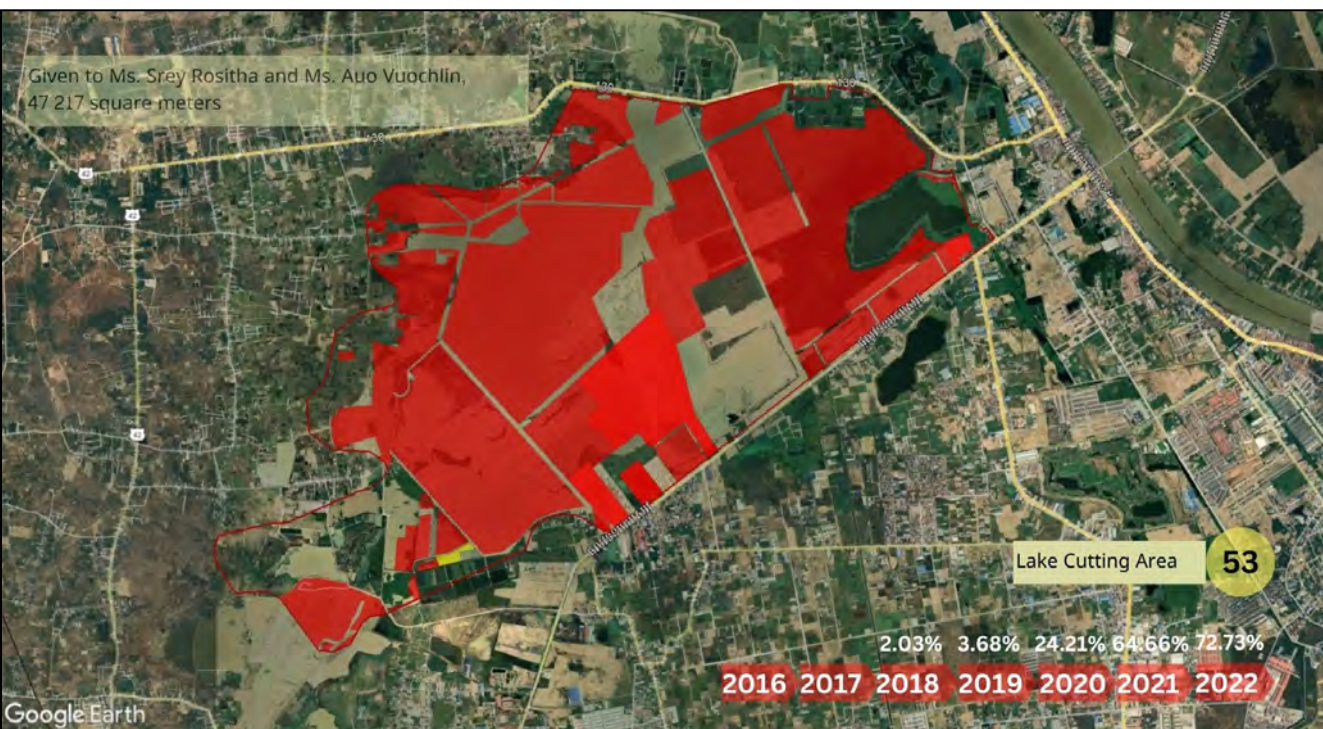
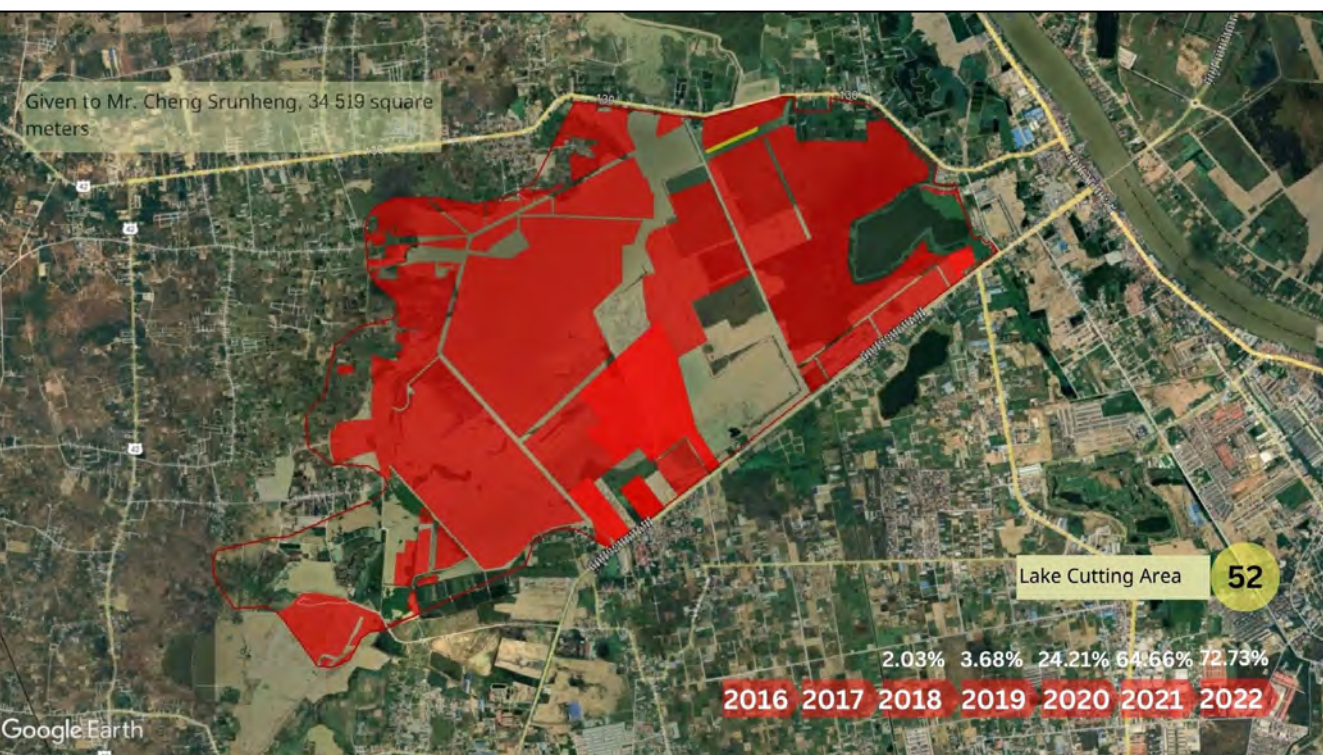


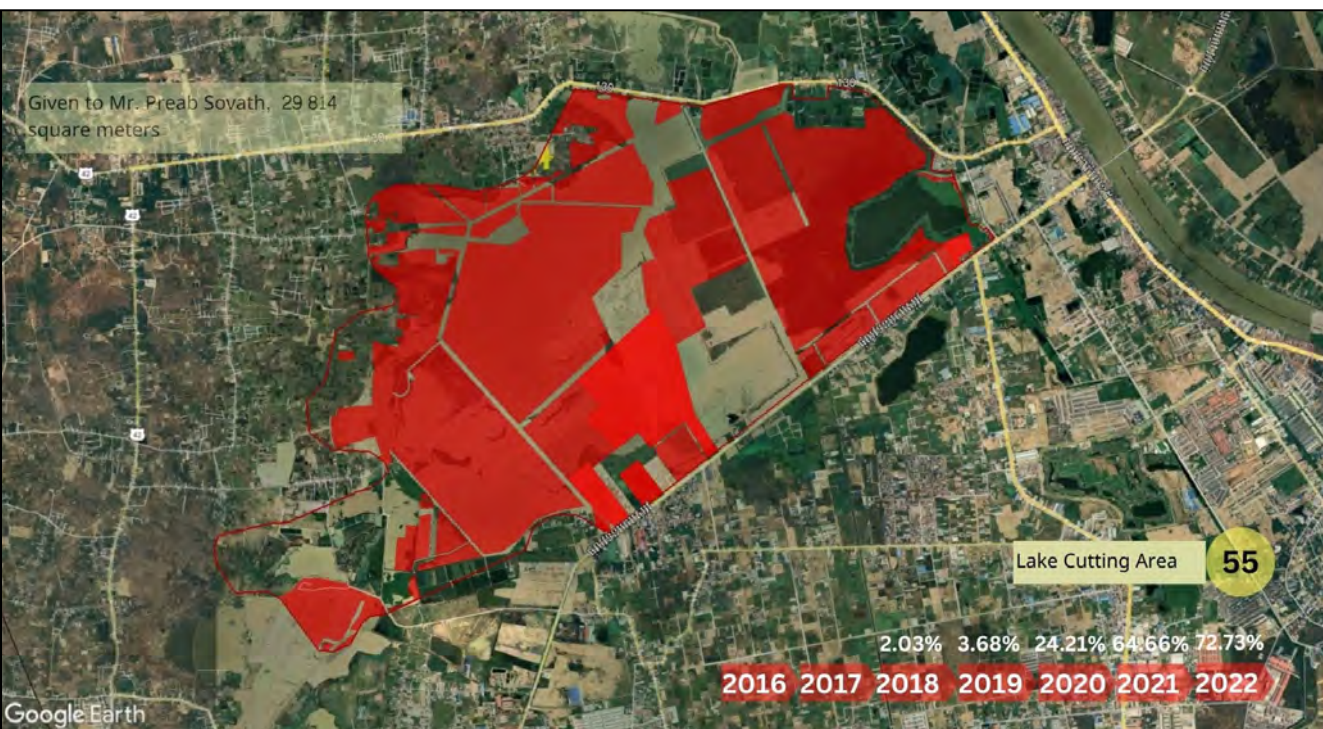
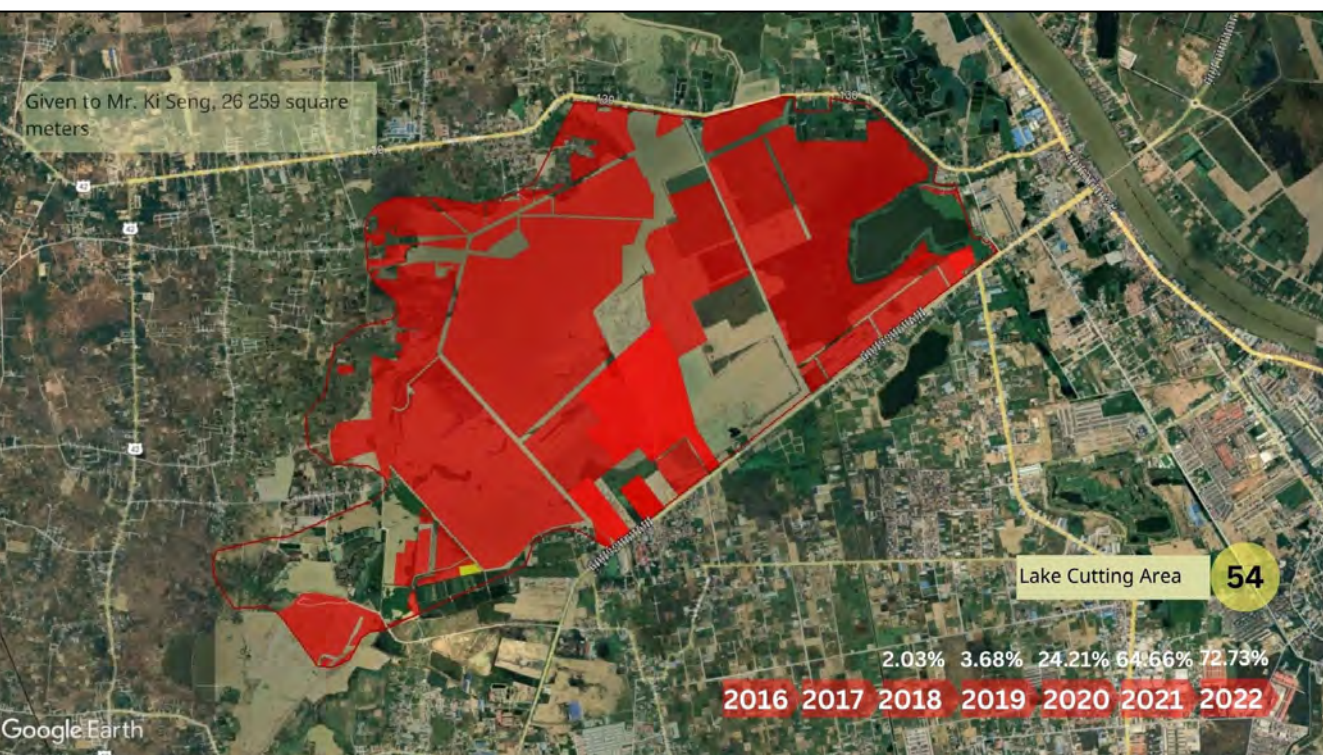


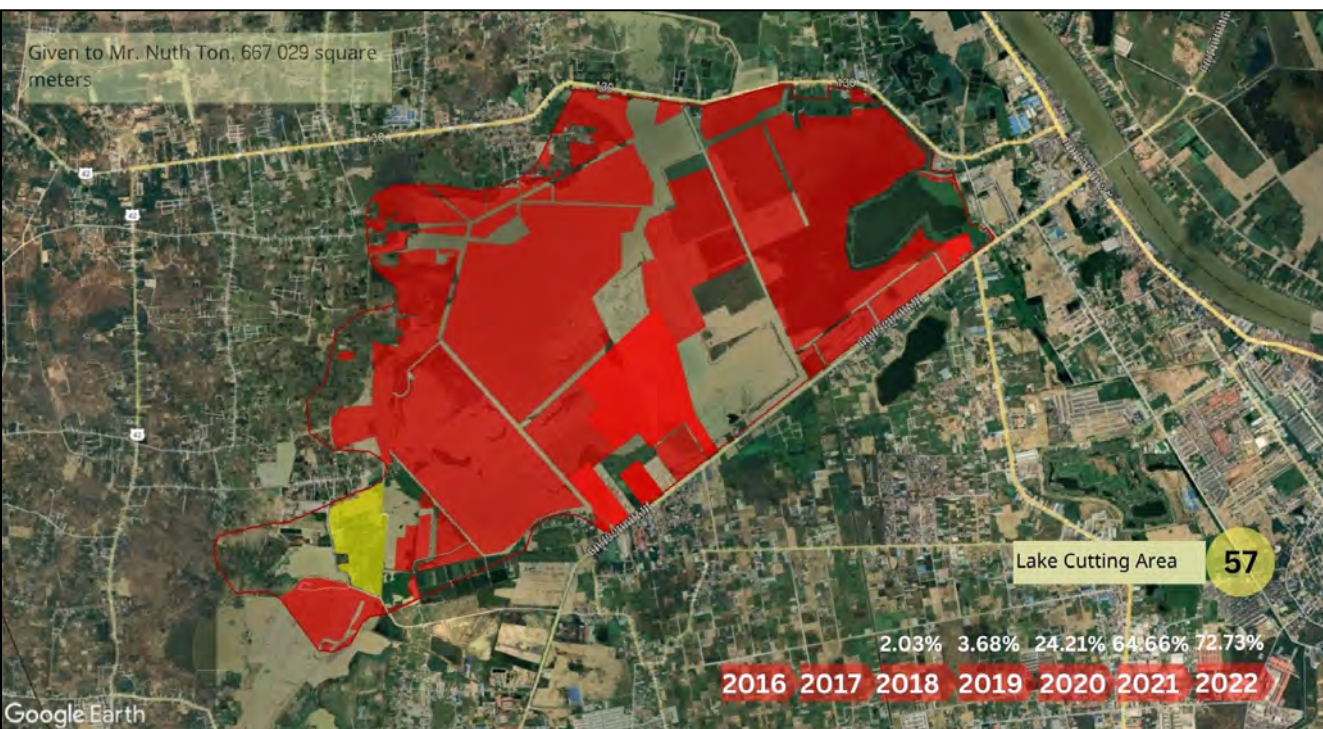
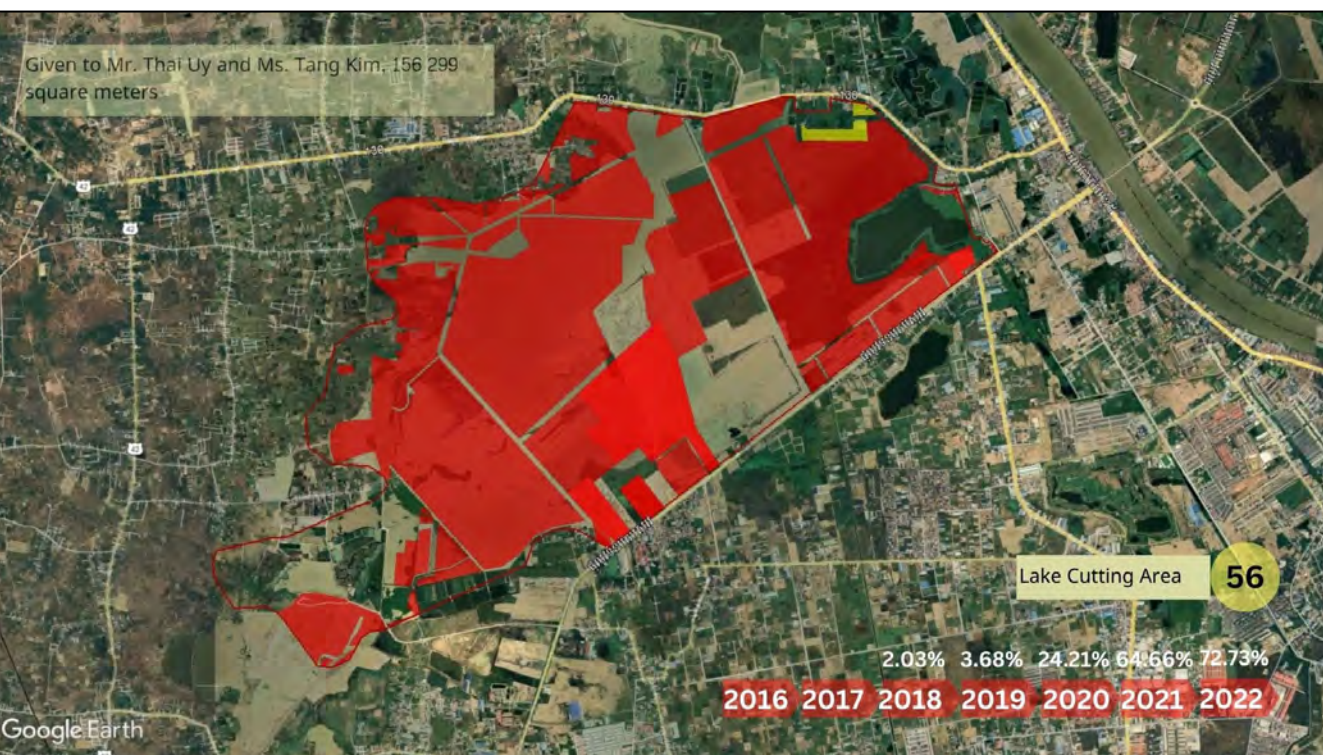


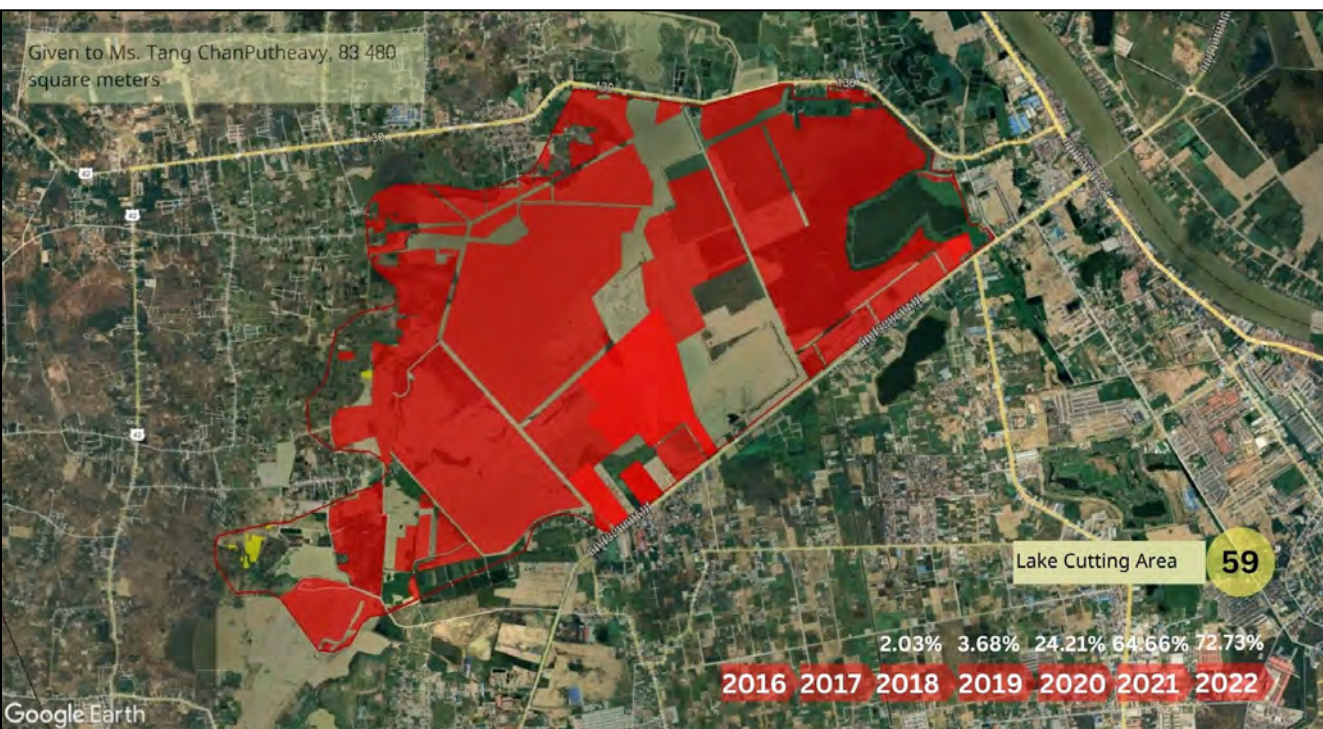
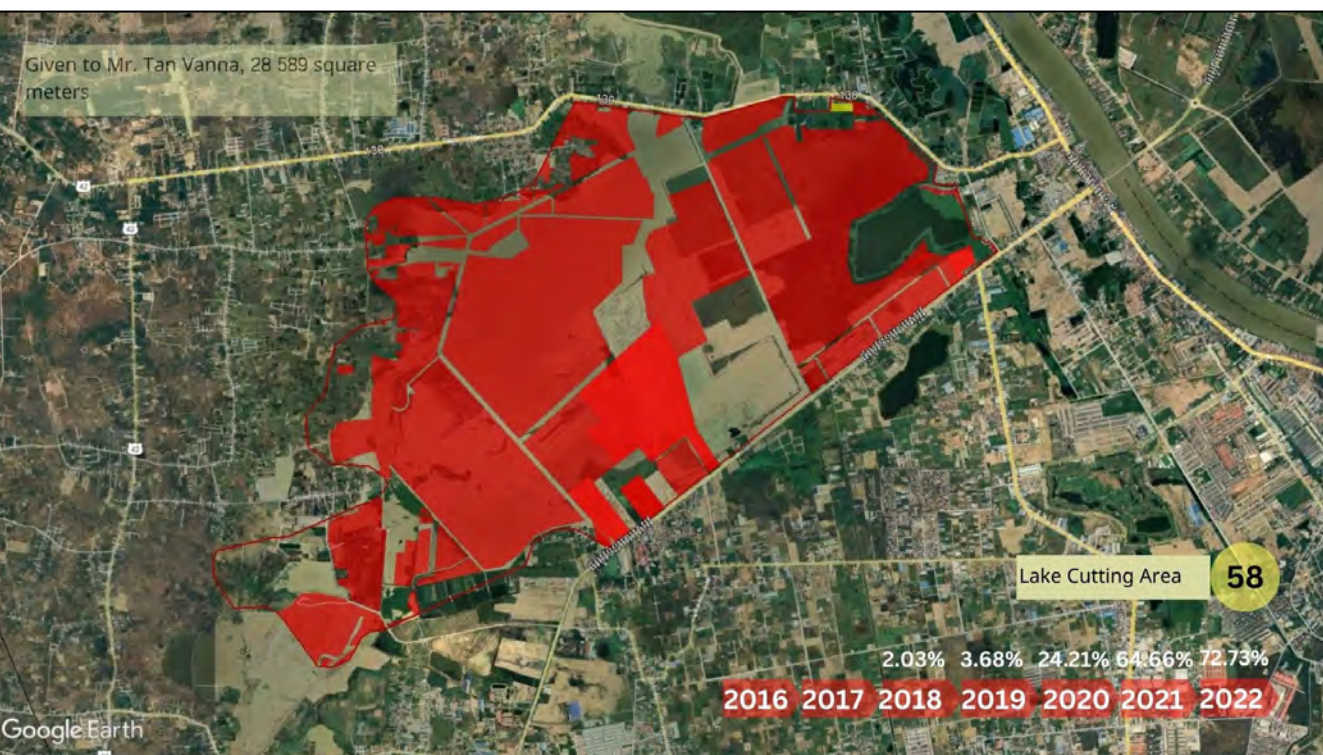


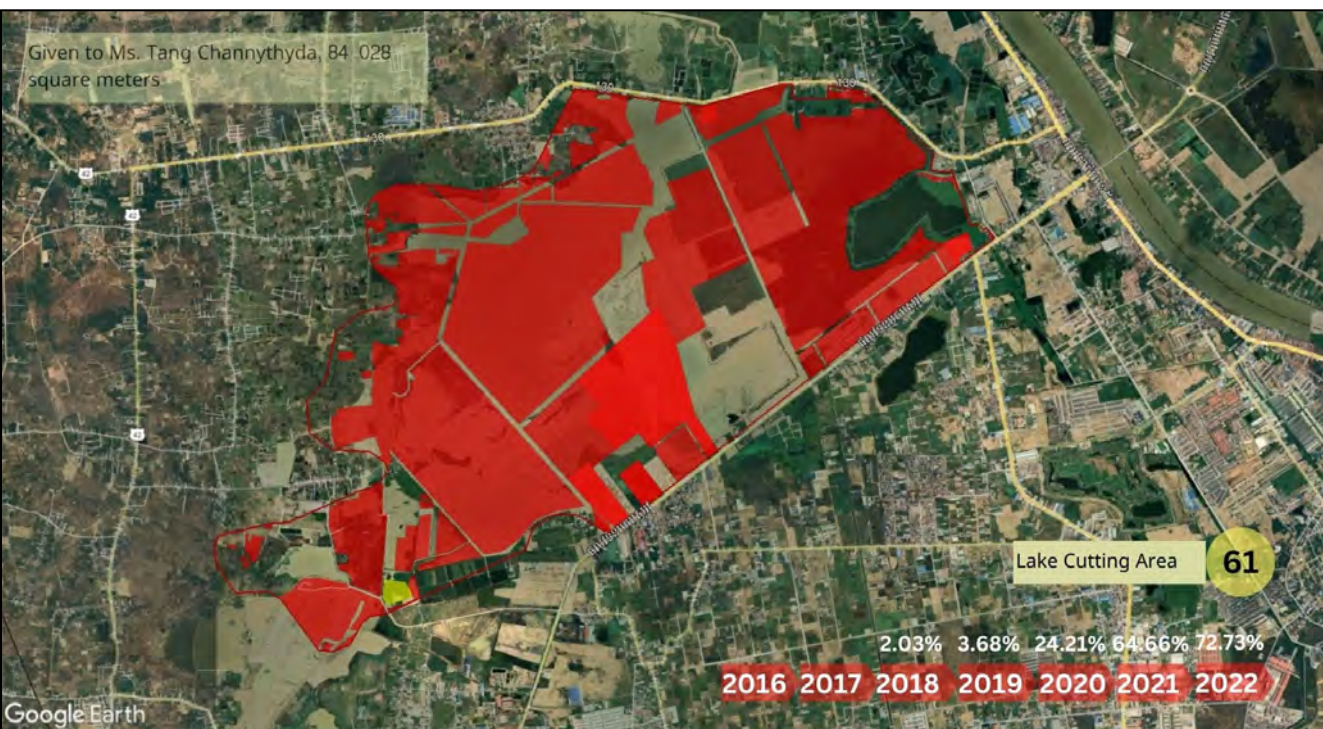
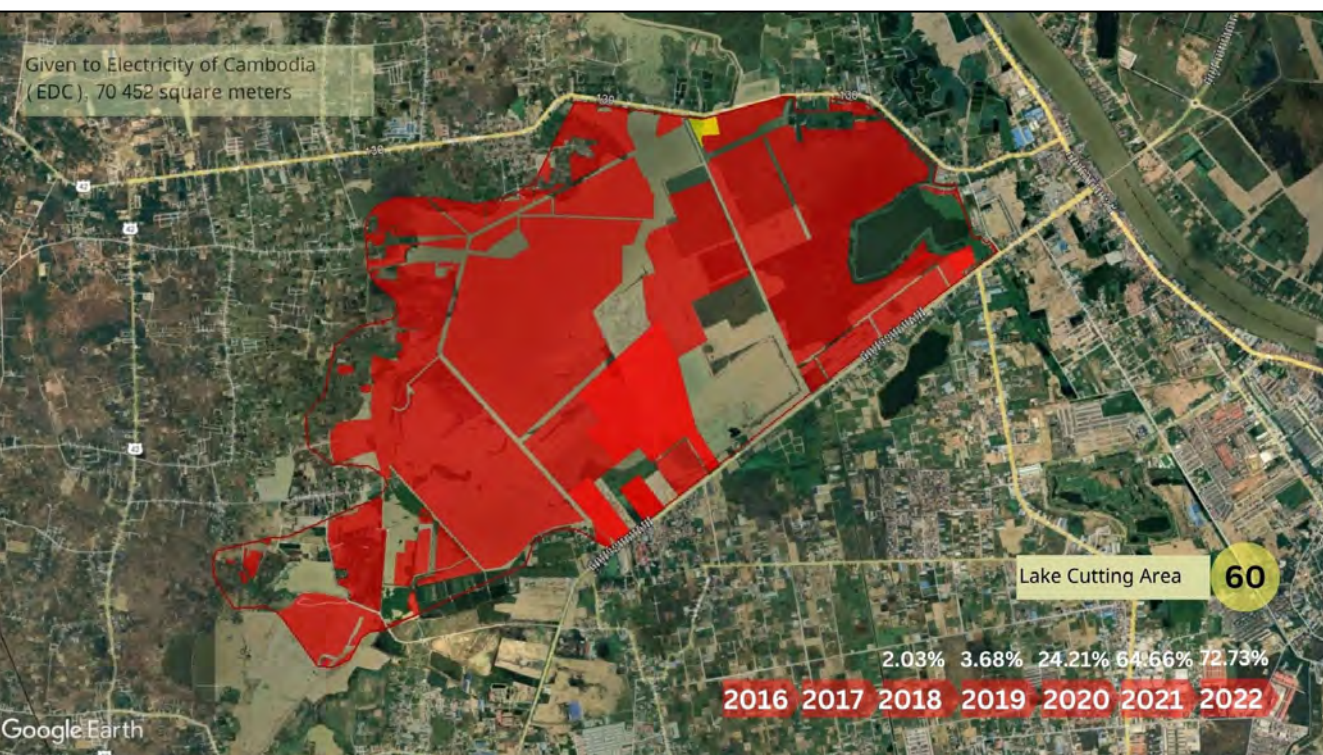


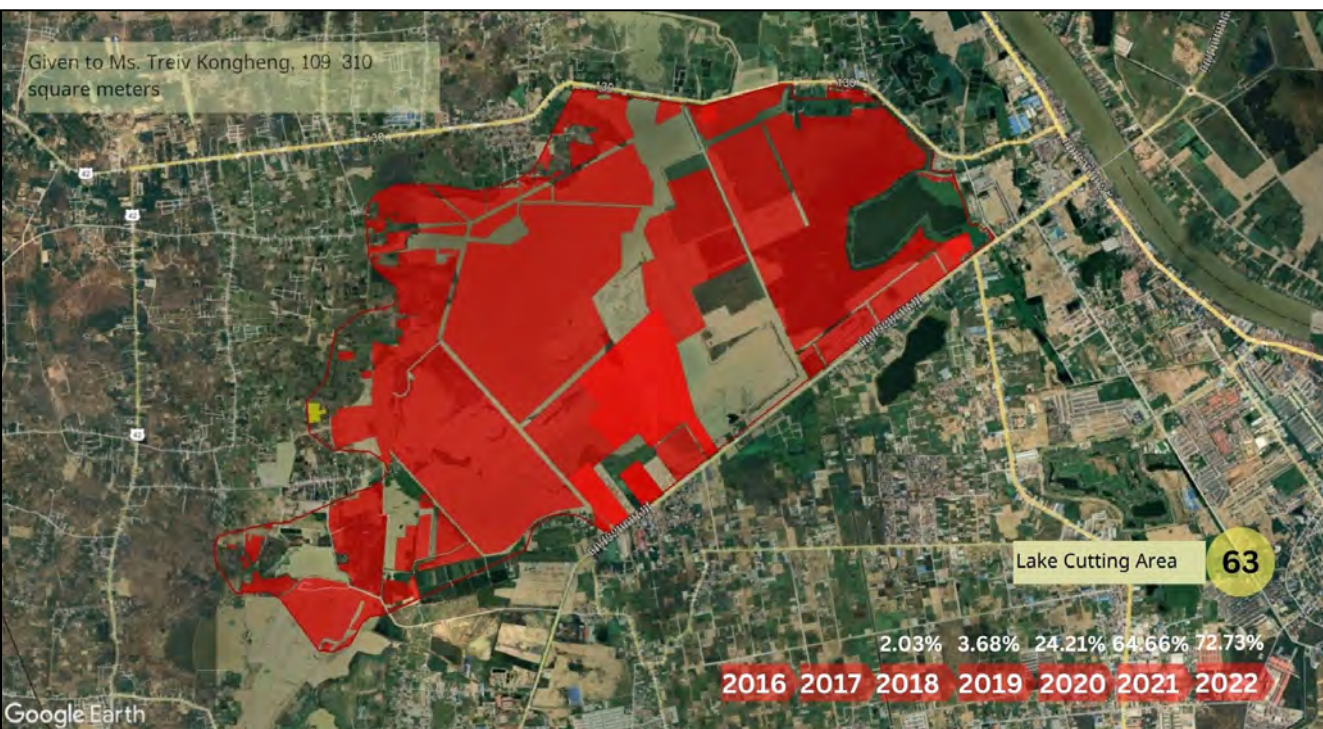
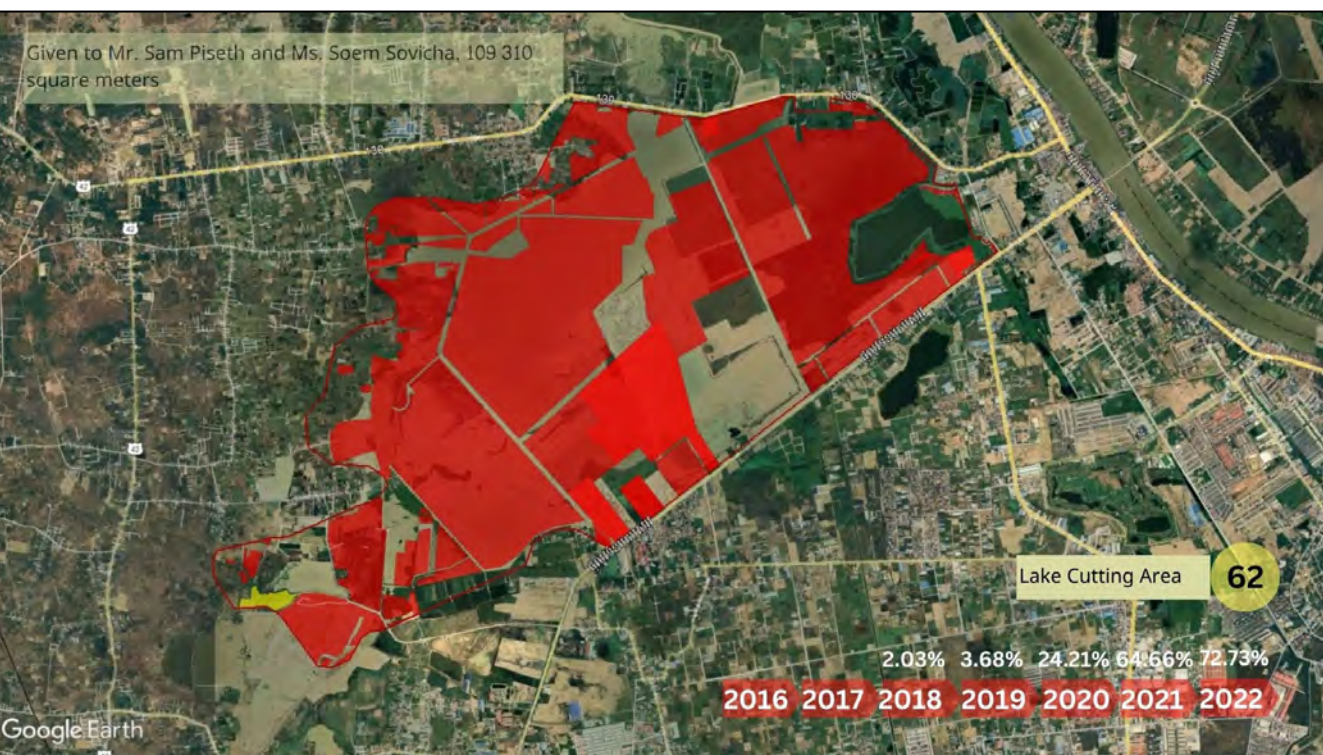


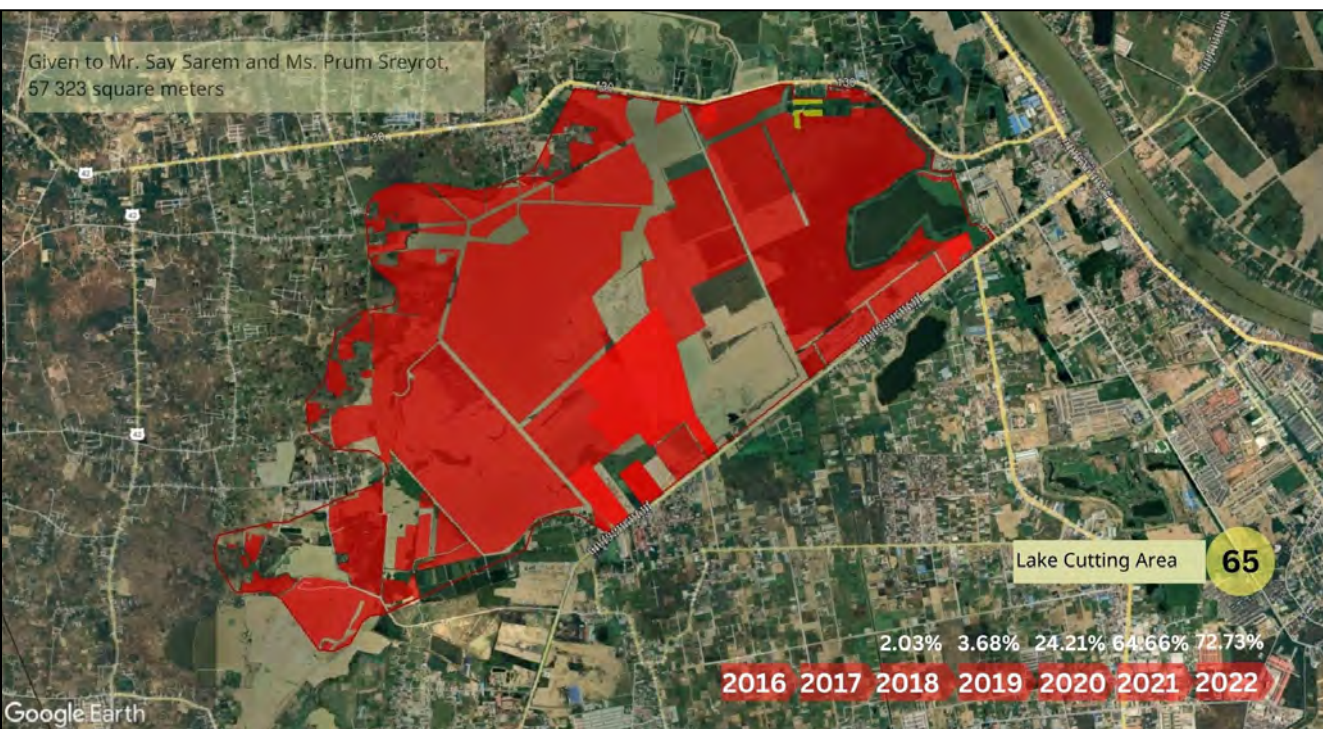
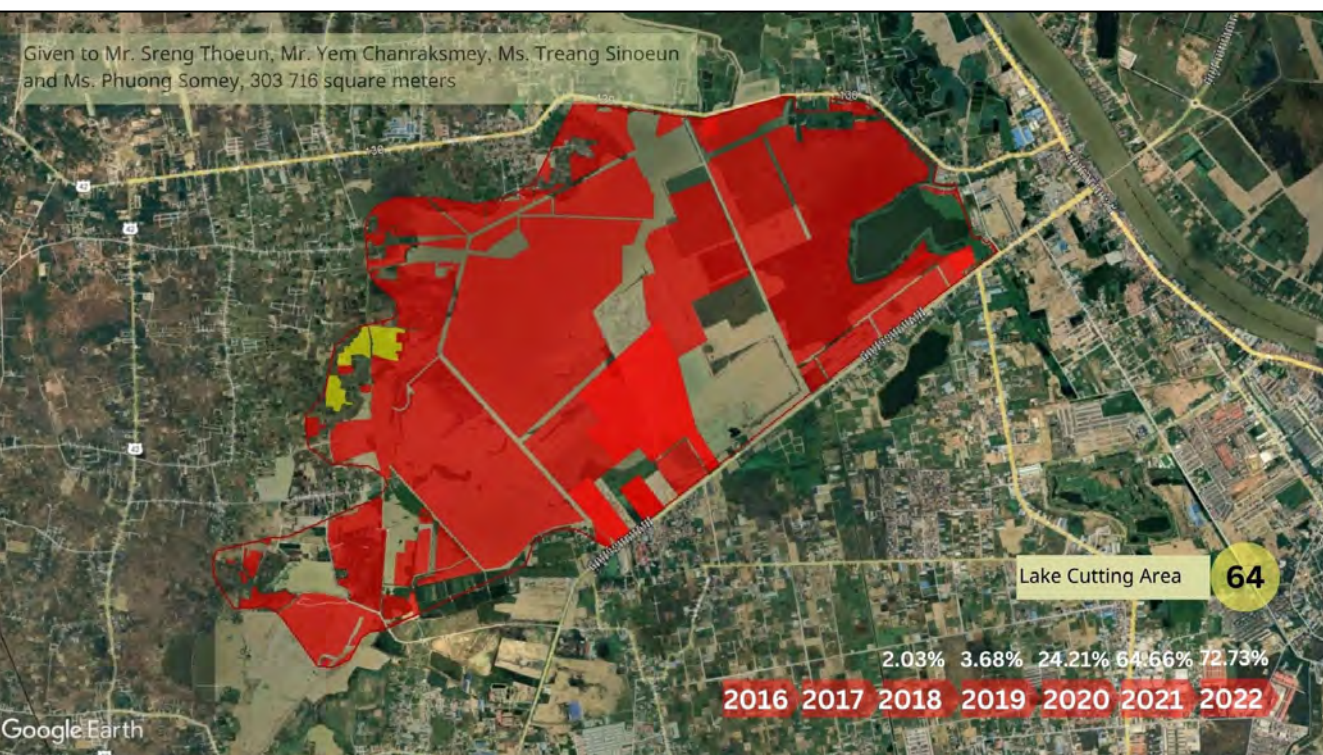


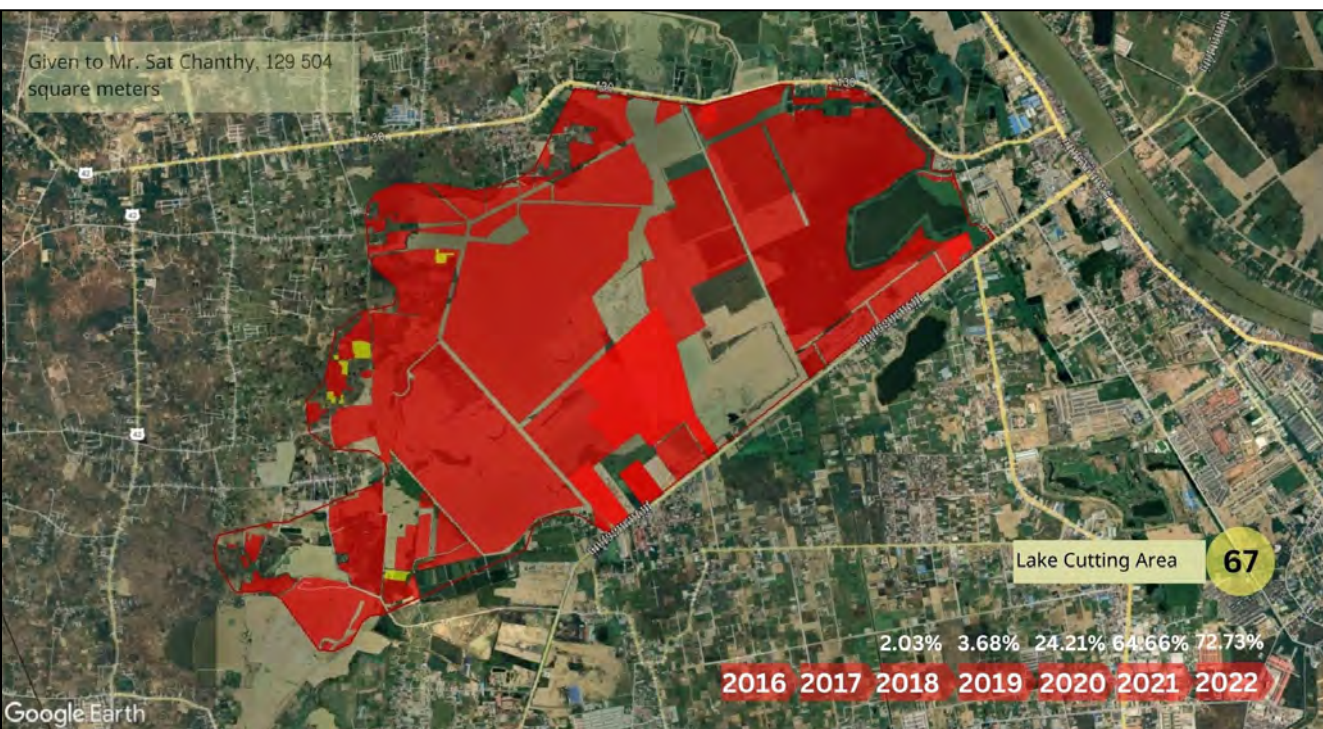
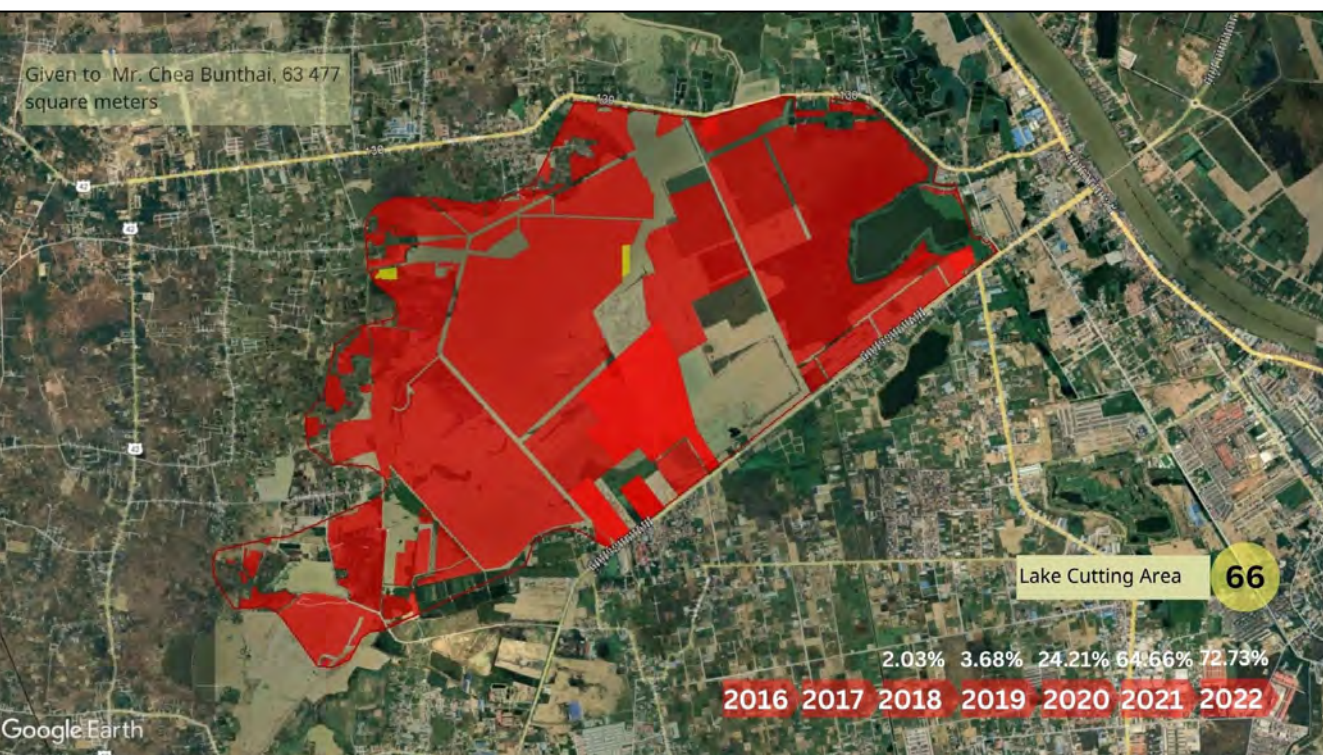


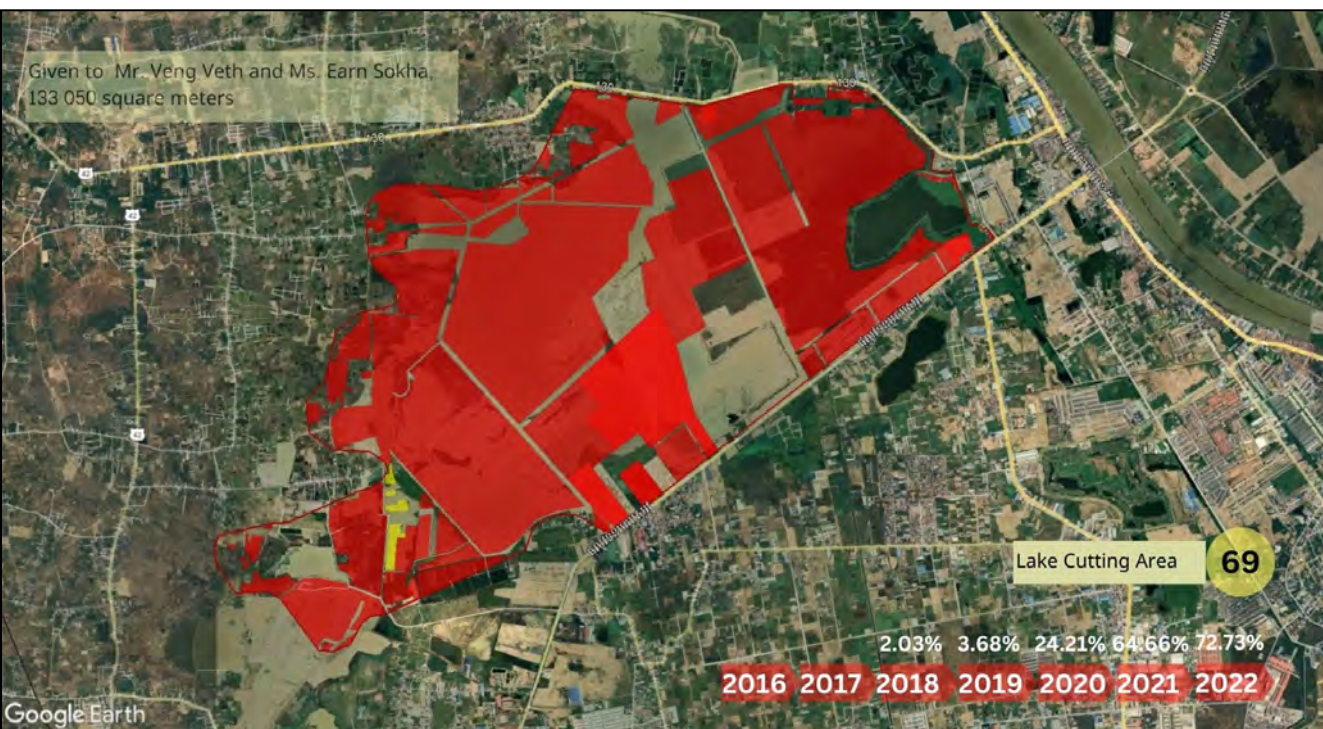
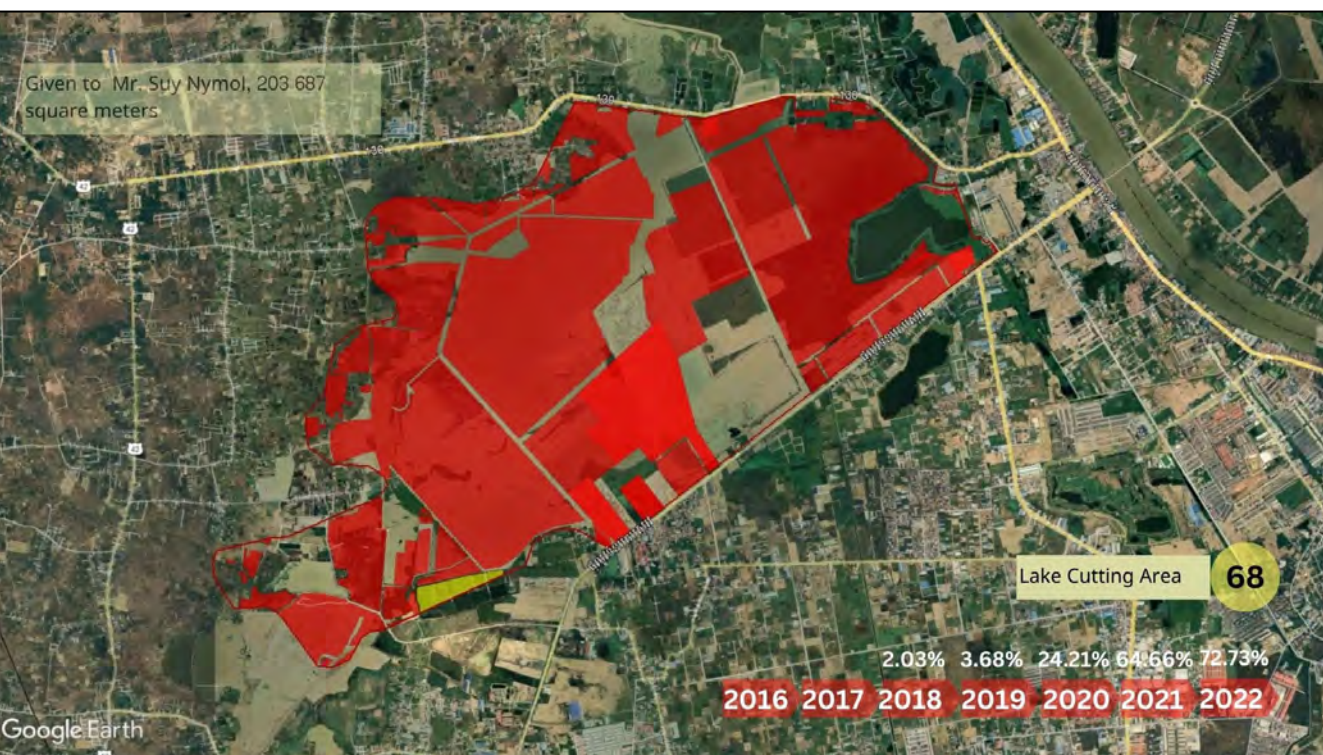


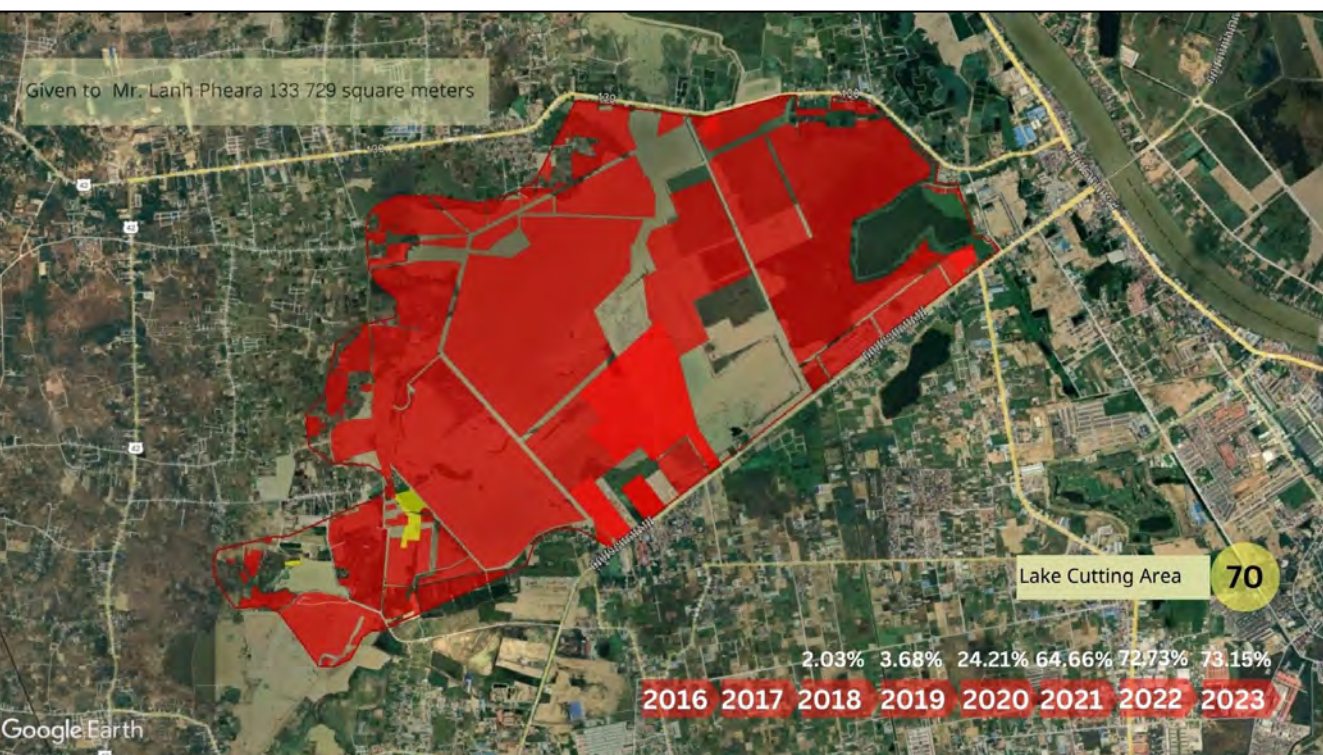












III. Laws and Analysis of General Aspects

Under Land Law (2001), state-owned properties can only be sold to private individuals or corporations if they are no longer serving a public purpose. Article 16 states that when a state-owned property loses its public interest, it can become state private property and then be sold. **Article 16:**

- State public property is inalienable and ownership of those properties is not subject to prescription.
- State public properties cannot be acquired by the special acquisition provisions of Chapter 4 of this law.
- State public property may, however, be the subject of authorizations to occupy or use that are temporary, precarious and revocable in the case the various fee/tax obligations are not complied with except as permitted in Chapter 3 of this law. Such authorizations cannot be transformed into ownership or rights in rem for the benefit of the holder.

When State public properties lose their public interest use, they can be listed as private properties of the State, in accordance with the law on reclassification.

The reclassification process of state public properties to state private properties is provided in Royal Decree No. 339 (2006) “Temporary Guidelines and Principles for Reclassification of State Public Properties and of Public Legal Entities” and Sub-decree on Rule and Procedure for Reclassification of State Public Properties and Public Legal Entities (2006).

The laws and policies regarding the use of state public properties lack clarity on what constitutes ‘public interest use’ and how to determine when such use no longer serves the public interest before deciding to reclassify.

State public properties serve many purposes for Cambodia as a whole. Natural resources like forests, lakes, rivers and wetlands provide food, water and prevent certain climate change-related hazards such as storms, gusts of wind, collapse of land, soil erosions and flooding. At the present time, the reclassification process of state public properties to state private properties, and the process of granting land to private individuals or corporations has no semblance of transparency or accountability.

It is unclear why state public properties are being reclassified as state private properties, which are then gifted to private individuals and corporations for the purpose of building infrastructure. There is no information on how these individuals acquired the land in Boeung Tamok or if they requested concessions. Additionally, there is no transparency regarding the cost of these concessions or sales, or how the government plans to allocate the revenue generated from them.

IV. Recommendations

- **National Assembly:** The Land Law of Cambodia provides that all reclassification of state public land to state private land follows the Law on Reclassification, but so far the National Assembly has not yet created nor adopted such a law. The National Assembly should therefore take into consideration and accelerate the process of formulating a Law on Reclassification and strictly follow this law when the status of land needs to be transformed.
- **Government:**
 - The government must be accountable and ensure transparency in the reclassification process of state public properties to state private properties, as any cutting or granting of these properties impacts people's livelihoods. They should provide the public with impact assessment documents on the loss of public interest of Boeung Tamok (if any) and clarify how the assessments are conducted.
 - If impact assessment documents do not exist, it is an indication of loopholes in the government's conduct. The government should, therefore, create procedures to provide guidelines for assessing the loss of public interest on state public properties. These procedures should include particular assessments on social, economic, and human rights impacts.
 - Additionally, the government should include reasons for concessions or granting of Boeung Tamok areas to private individuals in each Sub-decree. It should be noted that currently, the area of Ta Mok Lake has been modified and granted to private individuals with a total of 51 sub-decrees.
- **General public:** We must recognize that state public properties and land are our own. Therefore, we should love and take care of them as we would our own.





អង្គការសមាគមបឹងត្នោត

Sahmakum Teang Tnaut Organization • a Cambodian Urban NGO

Tel: (855)23 431 555

Web: www.teangtnaut.org

Facebook: <https://www.facebook.com/sttcambodia>

Twitter: <https://twitter.com/STTCambodia>

Telagram: <https://t.me/sttcambodia>