

## LAND LAW

*Pursuant to the Constitution of the Socialist Republic of Vietnam;  
The National Assembly promulgates the Land Law.*

### Chapter I GENERAL PROVISIONS

#### Article 1. Scope of regulation

This Law prescribes the land ownership, powers and responsibilities of the State in representing the entire-people ownership of land and uniformly managing land, the land administration and use regimes, and the rights and obligations of citizens and land users over the land in the territory of the Socialist Republic of Vietnam.

#### Article 2. Subjects of application

1. State authorities that exercise the powers and perform the responsibilities of the representative of the entire-people ownership of land, and perform the tasks with respect to unified state governance of land.

2. Land users.

3. Other entities/persons involved in land administration and use.

#### Article 3. Interpretation of terms

In this Law, the terms below are construed as follows:

1. *Cadastral map* means a map that shows the land parcels and related geographic entities, and is made for each commune-level administrative unit or otherwise each district-level administrative unit which is not divided into commune-level administrative units, and certified by a competent State authority.

2. *Current land use map* means a map that demonstrates the distribution of various land types at a specified time, and is made for each administrative unit at all levels and each socio-economic zone.

3. *Land use master plan map* is a map made at the beginning of a planning

period, which demonstrates in detail the distribution of various land types at the end of such planning period.

4. *Land protection, improvement, and restoration* means the employment of management, technical, mechanical, biological, and organic measures to address contaminated and degraded lands.

5. *Land compensation* means the State returning the value of the use rights for the recovered land to land users subject to land recovery.

6. *Individual directly engaged in agricultural production* means an individual that has been allocated agricultural land, leased agricultural land, or having agricultural land use rights recognized by the State; or has acquired agricultural land use rights and generates stable income from agricultural production on such land in accordance with regulations of the Government.

7. *Remaining land investment costs* means the reasonable expenses incurred by land users who have directly invested in the land for purposes consistent with its designated use, but remaining unrecovered at the time of land recovery by the State.

8. *Land use target* means the area of each land type determined in the land use master plans and land use plans at all levels so as to be allocated by the competent State authorities when they are formulating land use master plans and land use plans.

9. *Unauthorized land occupation* means the use of land that has been managed by the State without the permission of a competent State authority or the use of land of another legitimate land user without such person's permission.

10. *Project owner of a land-using project* (hereinafter referred to as the project owner) is a project owner as prescribed by the law regulations on investment and related laws who has been selected to implement a land-using project and has been allocated or leased land, or changed the land use purpose in accordance with this Law.

11. *Change of land use purpose* means the land user being permitted to change from one land use purpose to another in accordance with this Law.

12. *Transfer of land use rights* means the transfer of land use rights from one person to another by ways of exchange, transfer, inheritance or donation of land use rights, or contribution of land use rights as capital.

13. *Communities* mean communities of Vietnamese nationals residing in the same village, hamlet, ethnic village, quarter or similar residential settlement sharing the same customs and practices or the same family line within the territory of the Socialist Republic of Vietnam.

14. *National land database* means a collection of land databases whose data is arranged and organized to serve the access to, use, sharing, management

and update of, information by electronic devices.

15. *Land and land-attached property registration* means land users, owners of the property attached to land, and persons managing under authorization declaring their land use rights and ownership of land-attached property with the competent State authorities for registration thereof in accordance with this Law.

16. *Land in dispute* means a land parcel with a land-related dispute that is being resolved by the competent authority.

17. *Adjustment of land use term* means a competent State authority allowing a change in the land use term during the land use term.

18. *Land use term extension* means a competent State authority allowing continued land use when the land use term expires for the current use purpose in accordance with this Law.

19. *Land price* means the monetary value of land use rights calculated per unit of land area.

20. *Value of land use rights* means the monetary value of land use rights over a land area and land type at a specified point in time during a specified land use term.

21. *Certificate of land use rights and ownership of land-attached property* means a legal certificate whereby the State certifies the lawful land use rights and ownership of land-attached property of the person who has such land use rights and owns such land-attached property. Land-attached property for which a certificate of land use rights and ownership of land-attached property is granted include houses and construction works attached to land as prescribed by law. Certificates of land use rights, certificates of land use rights and ownership of houses and other land-attached property as prescribed by relevant law regulations shall comply with this Law and have the same legal value as the certificates of land use rights and ownership of land-attached property prescribed in this Law.

22. *Contribution of land use rights as capital* means an agreement between the parties to transfer land use rights as a contribution to form the charter capital of an economic institution, including contribution to establish an economic institution or additional contribution to the charter capital of an economic institution already established.

23. *The National Land Information System* means a centralized, national-scale uniform system that incorporates elements including information technology infrastructure, software, and data for managing, operating, updating, and exploiting land information.

24. *Support upon land recovery by the State* means a policy of the State to assist users of land to be recovered and owners of property attached to such land

in stabilizing their lives, production, and development in addition to the compensation already provided for them in accordance with this Law.

25. *Household land user* means a group of persons united by the ties of marriage, blood, or adoption in accordance with law regulations on marriage and family, who are living together and jointly have the right to use land at the time of being allocated land or leased land, or having land use rights recognized by the State, or acquiring the land use right prior to the effective date of this Law.

26. *Cooperation in production and business using land use rights* means an agreement between parties whereby a land user utilizes their land use rights to engage in cooperative production and business activities without altering the land use rights of the land user.

27. *Land destruction* means acts that deform the land, reduce land quality, contaminate the land, negate or reduce the usability of the land according to a determined purpose.

28. *Land use plan* means a phased implementation plan of a land use master plan over a period of time.

29. *Land inventory* means the State investigating, aggregating, and evaluating land use situation recorded on cadastral records and in reality at the time of inventory and land-related changes between 02 time frames of inventory.

30. *Land reclamation from the sea* means the expansion of the land area from the average lowest sea level in many years towards the Vietnamese sea.

31. *Land encroachment* means a land user shifting the boundary markers or boundaries of a land parcel to expand his/her land use area without permission from the competent authority or from the legitimate land user of the encroached area.

32. *Lease of land use rights by the State* (hereinafter referred to as land lease by the State) means issuance of decisions by competent State authorities to lease out land to entities/persons in need of using such land.

33. *Recognition of land use rights by the State* means the process by which the competent State authority grants a certificate of land use rights and ownership of land-attached property for the first time to a person who stably use a land parcel identified in accordance with this Law.

34. *Allocation of land use rights by the State* (hereinafter referred to as land allocation by the State) means issuance of decisions by competent State authorities to allocate land to entities/persons in need of using such land.

35. *Land recovery by the State* means a competent State authority issuing a decision to reclaim the land use rights of a land user, or to recover land from a person who is using the land, or to recover land that is being managed under authorization of the State.

36. *Land use master planning* means the allocation of land use targets and zoning of land for purposes such as socio-economic development, national defense, security, environmental protection and climate change adaptation, based on the land potential and land use demands of all sectors and fields, for each administrative unit in a given period of time.

37. *Leasehold under a land lease contract* means the right of a land user that arises when the State leases out land to him/her and collects annual land rental from him/her. The land user may transfer the leasehold under the land lease contract. The transferee of leasehold under the land lease contract shall take over the rights and obligations of the land user as prescribed by this Law and other relevant law regulations.

38. *Stable land use* means the utilization of land for a specific primary purpose from the commencement of such use until the competent State authority reviews the stability of the land use.

39. *Resettlement* means the process by which the State provides compensation in the form of land or housing in a resettlement area or another suitable location to land users subject to land recovery or provides support in the form of residential land allocation or resettlement housing to those who are not eligible for land compensation prescribed by this Law but have no other place to live.

40. *Land degradation* means the deterioration of land's inherent characteristics and properties due to the negative impacts of natural and human factors.

41. *Land statistics* means the State aggregating data from the cadastral records and analyzing the reality of land use at the time of data collection and the land-related changes between 02-time frames of data collection.

42. *Land parcel* means a land area delimited by boundaries described in the cadastral record or determined in reality.

43. *Standard land parcel* means a land parcel with characteristics in term of area, shape, and size that are representative of the land parcels in a valued zone, which is selected as a benchmark to determine the price of other land parcels in the valued zone.

44. *Land use levy* means an amount of money that a land user shall pay to the State when being allocated land with land use levy by the State, permitted to change the land use purpose, or otherwise having to pay land use levy in accordance with law regulations.

45. *Land rental* means an amount of money that a land user shall pay to the State when being leased land and permitted to change the land use purpose in order to sublease land, or otherwise having to pay land rental in accordance with law regulations.

46. *Foreign-invested economic institution* means an economic institution that must meet the conditions and follow the investment procedures prescribed for foreign investors under the Law on Investment to implement a project that uses land.

47. *Land dispute* means a dispute over the rights and obligations of land users among two or more parties in a land relationship.

48. *Valued zone* means an area of contiguous land parcels with the same land use purpose and similar factors in terms of location, profitability, infrastructure conditions, and other factors affecting land prices.

49. *Adjacent area* means a land area adjacent to transportation connection points and transportation routes with development potential according to the master plan.

#### **Article 4. Land users**

Land users who are allocated or leased land, and have land use rights recognized by the State; those who are stably using land and meet the conditions for obtaining certificate of land use rights and ownership of land-attached property but have not been granted by the State certificate of land use rights, certificates of ownership of houses and residential land use rights, certificates of land use rights and ownership of houses and other land-attached property, or certificates of land use rights and ownership of land-attached property; or those who acquire land use rights; or sublease land in accordance with this Law, including:

1. Domestic organizations include:

a) State authorities, authorities of the Communist Party of Vietnam, units of the people's armed forces, the Vietnam Fatherland Front, socio-political organizations, socio-professional political organizations, social organizations, socio-professional organizations, public non-business units, and other organizations as prescribed by law;

b) Economic institutions as defined by the Law on Investment, unless otherwise prescribed in Clause 7 of this Article (hereinafter referred to as economic institutions);

2. Religious institutions and their affiliated organizations;

3. Domestic residents and Vietnamese nationals residing in other countries, who are Vietnamese citizens (hereinafter referred to as individuals);

4. Communities;

5. Foreign organizations with diplomatic functions, including diplomatic representative missions, consulates, other foreign representative authorities with diplomatic functions recognized by the Vietnamese Government, representative

missions of organizations of the United Nations, inter-governmental authorities or organizations, and representative missions of inter-governmental organizations;

6. Foreign residents of Vietnamese origin;
7. Foreign-invested economic institutions.

## **Article 5. Land use principles**

1. Land shall be properly used for its intended purposes.
2. Land, surface and underground resources shall be used sustainably, sparingly, and efficiently.
3. Protection of the land and environment, adaptation to climate change, avoidance of the abuse of pesticides and fertilizers that cause land contamination and land degradation, shall be ensured.
4. Land users shall exercise their rights and fulfill the obligations within the land use term in accordance with this Law and other relevant law regulations; and shall not infringe upon the legitimate rights and interests of users of adjacent and surrounding land.

## **Article 6. Persons held accountable to the State for land use**

1. Legal representatives of domestic organizations and foreign-invested economic organizations; heads of foreign organizations with diplomatic functions, who shall be held accountable for the land use of their respective organizations.
2. Chairpersons of commune-level People's Committees, who shall be held accountable for the use of agricultural land for public purposes; the use of non-agricultural land which is allocated to the commune-level People's Committees for the purpose of construction of head offices of the People's Committees and the public facilities used for culture, education, health, physical training and sports, entertainment and recreation purposes, markets, cemeteries, graveyards and other public facilities in the communes, wards, and townships; the use of unmanaged/unallocated religious land and belief-practicing land.
3. Representatives of the communities, who are chiefs of villages, hamlets, ethnic villages or heads of quarters and similar residential settlements, or persons chosen by the communities.
4. Legal representatives of religious institutions or their sub-organizations, who shall be held accountable for the land use of the respective religious organizations or sub-organizations.
5. Individuals and foreign residents of Vietnamese origin, who shall be held accountable for their own land use.
6. Persons sharing same land use rights, or representatives of groups of

persons sharing same land use rights, who shall be held accountable for the use of such land.

### **Article 7. Persons held accountable to the State for land administered by them under authorization**

1. Representatives, who shall be held accountable for land administration, of the following organizations:

a) Domestic organizations that are authorized to manage public facilities and safety corridors of structures as prescribed by law;

b) Domestic organizations that are authorized to manage riparian land along rivers and land with special-purpose waterbodies;

c) Domestic organizations that are authorized to manage the land recovered under decisions of competent State authorities;

d) Economic institutions that are authorized to manage the land area for the implementation of investment projects in accordance with the law regulations.

2. Chairpersons of commune-level People's Committees or chairpersons of district-level People's Committees of the localities not divided into commune-level administrative units, who shall be held accountable for the land used for public purposes them administer under authorization, and land that has not been allocated or leased in their respective localities.

3. Chairperson of provincial-level People's Committees, who shall be held accountable for the administration of unused land on islands that have not been assigned to commune- or district-level administrative units for administration.

4. Representatives of communities, who shall be held accountable for land allocated to the respective communities for administration.

### **Article 8. Encouragement of investment in land use**

1. Improvement of the efficiency of land use.

2. Land protection, improvement and fertilization; remediation of contaminated land and waterbodies, and rehabilitation of degraded land.

3. Land reclamation from the sea, utilization of unused land areas, bare hills, alluvial plains along rivers and seashores, and desolate waterbodies in accordance with this Law.

4. Concentration of land for large-scale agriculture or forestry production.

5. Development of infrastructure to increase added value for land, and development of underground facilities.

6. Development of culture, health, education and training, physical training and sports, science and technology, and environment.

### **Article 9. Land classification**

1. Depending on its intended use purposes, land shall be classified into three groups: agricultural land, non-agricultural land, and unused land.

2. Agricultural land, including:

a) Land for cultivation of annual crops, including land for rice cultivation and land for cultivation of other annual crops;

b) Land for cultivation of perennial trees;

c) Land for forestry, including land for special-use forests, land for protection forests, and land for production forests;

d) Land for aquaculture;

dd) Land for concentrated animal husbandry;

e) Land for salt production;

g) Other agricultural land.

3. Non-agricultural land, including:

a) Residential land, including rural residential land and urban residential land;

b) Land for construction of offices;

c) Land used for national defense and security purposes (hereinafter referred to as land for national defense and security);

d) Land for construction of public service facilities, including: land for construction of cultural, social, medical, educational and training, physical education and sports, science and technology, environmental, meteorological and hydrological, diplomatic and other public service facilities, or land for construction of the head offices of other public non-business units;

dd) Land for non-agricultural production and business, including land in industrial parks and industrial clusters; land for commercial and service purposes; land of non-agricultural production establishments; land used for mining activities;

e) Land used for public purposes, including: land for transport facilities; land for irrigation facilities; land for water supply and drainage facilities; land for prevention and control of natural disasters; land with historical-cultural relics, famous landscapes, and natural heritages; land for waste treatment facilities; land for power facilities and public lighting systems; land for postal, telecommunications and information technology infrastructure; land for traditional retail markets and wholesale markets; land for public recreation, entertainment and community activities;

g) Land used for religious activities (hereinafter referred to as religious land); land used for belief practices (hereinafter referred to as belief-practicing

land);

- h) Land for cemeteries, funeral homes, crematoria; land for columbaria;
- i) Land with special-purpose waterbodies;
- k) Other non-agricultural land.

4. Unused land is the land whose use purposes have yet been identified or which have yet been allocated or leased out.

5. The Government shall detail the land types mentioned in this Article.

## **Article 10. Identification of land types**

1. A type of land shall be identified based on one of the following grounds:

a) The certificate of land use rights; the certificate of house ownership and residential land use rights; the certificate of land use rights and ownership of houses and other land-attached property; and the certificate of land use rights and ownership of land-attached property;

b) Documents on land use rights prescribed in Article 137 of this Law, in the cases where the certificates mentioned at Point a of this Clause have not been granted;

c) Decisions on land allocation, land lease or permission for change of land use purpose issued by competent State authorities, for the cases in which the certificates mentioned at Point a of this Clause have not been issued.

2. In the case where there are no documents as prescribed in Clause 1 of this Article and the type of land identified on the granted documents is different from the classification of land prescribed by this Law or different from the reality of land use, the type of land shall be identified in accordance with the regulations of the Government.

## **Article 11. Prohibited acts related to land**

1. Land encroachment, unauthorized land occupation, and land destruction.

2. Violations of law regulations on the State governance of land.

3. Violations of policies on land for ethnic minorities.

4. Abusing positions and powers to act against law regulations on land administration.

5. Failing to provide land information or providing incorrect land information or failing to meet the deadline for providing information as prescribed by law.

6. Failing to prevent or handle violations of law regulations on land.

7. Failing to comply with law regulations when exercising the rights of land users.

8. Failing to register with competent authorities when using land or making transactions of land use rights.

9. Failing to perform or fully perform financial obligations toward the State.

10. Obstructing, or causing difficulties to, the land use and exercise of the rights of land users as prescribed by law.

11. Gender discrimination in land administration and use.

## **Chapter II**

### **RIGHTS AND RESPONSIBILITIES OF THE STATE, RIGHTS AND OBLIGATIONS OF CITIZENS OVER LAND**

#### **Section 1**

##### **RIGHTS AND RESPONSIBILITIES OF THE STATE AS THE REPRESENTATIVE OF LANDOWNERS**

###### **Article 12. Land ownership**

Land belongs to the entire people with the State acting as the owner's representative and uniformly managing land. The State shall grant land use rights to land users in accordance with this Law.

###### **Article 13. The State, as the representative of landowners, has the rights to**

1. Decide on land use master plans.

2. Decide on land use purposes by making land use master plans and land use plans, allocating and leasing out land, recognizing land use rights, and permit the change of land use purposes.

3. Set land use quotas, including allocation quotas for agricultural land, allocation quotas for residential land, recognition quotas for residential land, and quotas for acquisition of agricultural land use rights.

4. Decide on land use terms.

5. Decide to recover land.

6. Decide on land requisition.

7. Decide on allocation of land without land use levy, and allocation of land with land use levy.

8. Decide on lease of land with annual rental payment, and lease of land

with one-off rental payment for the entire lease period.

9. Recognize land use rights.

10. Prescribe the principles and methods for land valuation; issue land price lists and decide on specific land prices.

11. Decide on financial policies on land; regulate the added value from land which does not originate from land user's investment.

12. Prescribe the rights and obligations of land users in conformity with the forms of land allocation or land lease, recognize the land use rights, origin of land use rights, and financial obligations of land users.

#### **Article 14. The State's exercise of rights of the representative of landowners**

The State shall exercise the rights of the representative of landowners within its competence prescribed in this Law and other relevant law regulations through the following authorities:

1. The National Assembly and its Standing Committee shall promulgate laws, ordinances and resolutions on land; decide on national land use master plans; and exercise the oversight of land administration and use nationwide;

2. People's Councils at all levels shall exercise the right to adopt their local land use master plans before submitting them to competent authorities for approval; to approve land recovery for implementation of socio-economic development projects in the national or public interest in their localities; to approve change of land use purposes of land for rice cultivation, land for special-use forests, land for protection forests, and land for production forests falling under their competence prescribed in this Law; to decide on land price lists; and to oversee the enforcement of land law regulations in their localities;

3. The Government and People's Committees at all levels shall exercise the rights of the landowner representative according to their competence prescribed in this Law and other relevant law regulations.

#### **Article 15. The State's responsibilities for land users**

1. Adopting policies to facilitate vocational training, occupation change, and job seeking for those who are directly engaged in agricultural production and lack land for production due to land use restructuring or economic restructuring.

2. Granting certificates of land use rights and ownership of land-attached property to land users who are eligible in accordance with law regulations on land.

3. Providing compensation, support, and resettlement in accordance with the law regulations for affected persons when the State recovers land for national defense or security purposes; or for socio-economic development in the national

or public interest.

4. Communicating and disseminating law regulations, providing legal guidance and assistance in accordance with the law regulations to land users in the implementation of land policies, law regulations, and administrative procedures, and the exploitation of information in the national land database.

5. Settling land disputes; settling land-related complaints and denunciations.

#### **Article 16. The State's responsibilities for ethnic minorities regarding land**

1. Adopting policies to ensure land for community activities of ethnic minorities in conformity with their customs, practices, beliefs, and cultural identities and the practical conditions of each region.

2. Adopting policies to support with land for the first time for persons who are ethnic minorities of poor and near-poor households in ethnic minority-inhabited areas and mountainous areas, in conformity to the customs, traditions, beliefs, cultural identities, and actual conditions of each region for them to stabilize their living as follows:

a) Allocating residential land within the prescribed quotas to them with exemption from or reduction of land use levies;

b) Allowing them to change the land use purposes to residential land within the residential land allocation quotas with exemption from or reduction of land use levy for land allocated or leased by the State, or land whose use rights are recognized by the State, or bequeathed, donated, or transferred to them in accordance with the law regulations;

c) Allocating agricultural land within the prescribed quotas without land use levy to them;

d) Leasing non-agricultural land that is not residential land for production and business purposes with exemption from or reduction of land rental payment;

dd) The area of land that is allocated and whose land use purposes are permitted to be changed in accordance with Points a and b of this Clause shall be included in the total area of land that is allocated by the State and whose land use purposes are permitted by the State to be changed in the process of implementing land policies for ethnic minorities.

3. Adopting land support policies to ensure stable living for persons who are ethnic minorities and have been allocated or leased land as prescribed in Clause 2 of this Article but currently have no land or lack land compared to the prescribed quotas and belong to poor and near-poor households in ethnic minority-inhabited areas and mountainous areas, as follows:

a) In the case where they have no residential land, they shall be allocated additional residential land or permitted to change the land use purpose to residential land within the residential land allocation quotas, and land use levies shall be exempted or reduced for them. In the case where they lack residential land, they shall be permitted to change the land use purpose to residential land within the residential land allocation quotas use levies shall be exempted or reduced for them;

b) In the case where they have no agricultural land or lack agricultural land, they shall be allocated additional agricultural land within the quotas without land use levies or leased non-residential land that is not residential land for production and business purposes, and land rentals shall be exempted or reduced for them.

4. Land for the implementation of the policies specified in Clauses 1, 2, and 3 of this Article shall be arranged from the land fund managed by State authorities and organizations or from the land fund recovered in accordance with Clause 29, Article 79 of this Law.

5. The provincial-level People's Committees shall, depending on the local actual situation and land fund, decide on the area of land to be allocated or leased for the implementation of the land support policies for individuals who are ethnic minorities in accordance with Clause 3 of this Article.

6. The provincial-level People's Committees shall submit to the People's Councils at the same level for issuance local policies on land for ethnic minorities living in the respective localities in accordance with the local actual conditions and organize the implementation thereof.

7. On an annual basis, the commune-level People's Committees shall review and report to the district-level People's Committees on persons who no more have land, lack land, or have no land in order to allocate or lease land to them in accordance with Clauses 2 and 3 of this Article; violations of land policies for ethnic minorities, cases where the State has granted or leased out land in accordance with Clause 3 of this Article but they no longer need to use such land and the land must be recovered for further implementation of the land policies for ethnic minorities as prescribed in this Article.

8. Funding for compensation, support, and resettlement for land recovery in accordance with Clause 29, Article 79 of this Law; funding for land measurement, preparation of cadastral records, grant of certificates of land use rights and ownership of land-attached property and other expenses for the implementation of land policies for ethnic minorities shall be covered by the State Budget and other lawful funding sources in accordance with the law regulations.

9. The Government shall detail this Article.

## **Article 17. The State's guarantee for land users**

1. The State guarantees the legitimate rights to use land and land-attached

property of land users.

2. The State does not recognize the reclaim of land which has been allocated to others in accordance with the State's regulations in the process of implementing the land policy of the State of the Democratic Republic of Vietnam, the Provisional Revolutionary Government of the Republic of South Vietnam and the State of the Socialist Republic of Vietnam.

### **Article 18. The State's responsibilities for providing land information**

1. Ensuring the right of access to the National Land Information System for land users and other organizations and individuals in accordance with the law regulations; prioritizing the choice of forms suitable for the customs, traditions, and cultural identities of each ethnic group and region.

2. Promptly making publicly available information in the National Land Information System, except confidential information as prescribed by law, to land users and other organizations and individuals.

3. Notifying administrative decisions and administrative acts in the field of land administration to land users and other organizations and individuals whose legitimate rights and interests are affected.

### **Article 19. Roles and responsibilities of the Vietnam Fatherland Front and its member organizations for land administration and use**

1. The Central Committee of the Vietnam Fatherland Front shall participate in law-making, conduct social criticism on draft legal documents on land, draft national land use master plans and land use plans, and land-using projects as decided on, or for which the investment policies are endorsed, by the National Assembly or the Prime Minister.

2. The Vietnam Fatherland Front Committees at all levels shall have the following responsibilities:

a) Participating in law-making, conducting social criticism on draft legal documents on land, draft same-level land use master plans and land use plans, and land-using projects as decided on, or for which the investment policies are endorsed, by the same-level People's Councils or People's Committees;

b) Providing opinions on cases of land recovery, compensation, support, resettlement, and coercive land recovery;

c) Providing opinions and monitoring the process of making and implementing land price lists;

d) Mediating land disputes in accordance with the law regulations;

dd) Monitoring the implementation of policies and law regulations on land recovery land requisition; on compensation, support, and resettlement; on land allocation, land lease, change of land use purposes; on the grant of certificates of

land use rights and ownership of land-attached property.

3. The Vietnam Fatherland Front and its member organizations shall be responsible for disseminating and popularizing policies and law regulations on land to the public, and mobilizing the public to implement and observe well the policies and law regulations on land.

## Section 2

### STATE GOVERNANCE OF LAND

#### **Article 20. Details of state governance of land**

1. Promulgating and organizing the implementation of legal documents on registration of security interests.
2. Disseminating, popularizing, educating, training, conducting scientific research, developing technologies, and cooperating internationally in land administration and use.
3. Determining administrative unit boundaries, compiling, and managing boundary records for administrative units.
4. Measuring, correcting, and compiling cadastral maps, current land use maps, land use master plan maps, and other specialized maps for land administration and use.
5. Investigating and evaluating land, and protecting, improving, and restoring land.
6. Formulating, adjusting, and managing land use master plans and land use plans.
7. Allocating land, leasing land, recovering land, recognizing land use rights, requisitioning land, and changing land use purposes.
8. Investigating and developing land price lists, specific land prices, and managing land prices.
9. Investigating and developing land price lists, specific land prices, and managing land prices.
10. Compensating, supporting, and resettling affected persons when the State recovers or requisitions land.
11. Developing, managing, and exploiting the land fund.
12. Registering land, compiling and managing cadastral records; granting, correcting, revoking, and canceling certificates.
13. Making land statistics and carrying out land inventories.

14. Developing, managing, operating, and exploiting the National Land Information System.

15. Managing and supervising the exercise of rights and performance of obligations by land users.

16. Settling land disputes; settling land-related complaints and denunciations.

17. Providing and managing land-related public services.

18. Inspecting, examining, supervising, monitoring and assessing the observance of the land law regulations, and handling violations of the land law regulations.

### **Article 21. Responsibilities and powers of the Government, Prime Minister, Ministries, ministerial-level authorities, and local governments at all levels**

1. The Government shall perform the unified State governance of land nationwide.

2. The Prime Minister shall perform the State governance of land in accordance with this Law.

3. The Ministry of Natural Resources and Environment shall be the point of contact to help the Government perform State governance of land.

4. Ministries and ministerial-level authorities shall, within the ambit of their respective tasks and powers, assist the Government and the Prime Minister in performing the state governance of land.

5. Local authorities at all levels shall perform the state governance of land in their respective localities within their competence prescribed in this Law.

In district-level administrative units where commune-level administrative units are not established, the district-level People's Councils and People's Committees shall perform the tasks and powers of the commune-level People's Councils and People's Committees as prescribed by this Law.

### **Article 22. Authorities in charge of land administration and commune-level civil servants in charge of land administration**

1. The system of authorities in charge of land administration shall be organized uniformly from central level to local level.

2. The central-level authority in charge of land administration is the Ministry of Natural Resources and Environment.

3. Local authorities in charge of land administration shall be established at provincial and district levels.

4. Land-related public service providers, including land registries, land

fund developers, and other public service providers shall be established and operate in accordance with the regulations of the Government.

5. Commune-level People's Committees shall employ civil servants to perform cadastral work in accordance with the Law on Cadres and Civil Servants. Civil servants performing cadastral work shall assist commune-level People's Committees in local land administration.

### Section 3

## RIGHTS AND OBLIGATIONS OF CITIZENS OVER LAND

### Article 23. Rights of citizens over land

1. To participate in the formulation, give comments on, and supervise the improvement and implementation of policies and law regulations on land.

2. To participate in State governance, comment on, discuss, make suggestions, and give feedback to State authorities on land administration and use.

3. The right to equality and gender equality in land administration and use.

4. To participate in auctions of land use rights, bidding to select investors to implement land-using projects in accordance with the law regulations; to request the State to allocate or lease land without auctioning land use rights or without bidding to select investors to implement land-using projects in accordance with the law regulations.

5. To receive transfer, donation, inheritance, capital contribution of, or lease land use rights; to buy, sell, acquire shares or capital contributions which are the value of land use rights in accordance with the law regulations.

6. To exercise the rights of land users prescribed by this Law.

### Article 24. Right of access to land information

1. Citizens have the right to access to the following land information:

a) Land use master plans and land use plans, and master plans related to land use that have been decided and approved by competent State authorities;

b) Land statistics and results of land inventories;

c) Land allocation and lease;

d) Published land price lists;

dd) Approved compensation, support, and resettlement plans upon land recovery by the State;

e) Results of inspection, examination, and resolution of land disputes; results of settlement of land-related complaints and denunciations; results of handling violations of law regulations on land;

g) Land-related administrative procedures;

h) Legal documents on land;

i) Other information about land as prescribed by the law regulations.

2. The access to land information shall comply with this Law, law regulations on information accessibility and other relevant law regulations.

### **Article 25. Obligations of citizens over land**

1. To abide by law regulations on land.

2. To preserve, protect, and develop land resources.

3. To respect the land use rights of other land users.

## **Chapter III**

### **RIGHTS AND OBLIGATIONS OF LAND USERS**

#### **Section 1**

#### **GENERAL PROVISIONS**

### **Article 26. General rights of land users**

1. To be granted certificates of land use rights and ownership of land-attached property if they are eligible in accordance with law regulations on land.

2. To enjoy the results of the labor and investment on land legally used by them.

3. To benefit from State's investments in protecting, improving, and developing agricultural land.

4. To receive the State's guidance and assistance in the improvement and restoration of agricultural land.

5. To be protected by the State against others' infringements of their lawful rights and benefits related to land.

6. To change the land use purposes in accordance with this Law and other relevant law regulations.

7. To receive compensation, support and resettlement when land is recovered by the State in accordance with this Law.

8. To complain about, denounce or file lawsuits over violations of their lawful land use rights and other violations of the land law regulations.

**Article 27. Right to exchange, transfer, lease, sublease, bequeath, donate land use rights; mortgage and contribute land use rights as capital**

1. Land users may exercise the rights to exchange, transfer, lease, sublease, inherit, donate land use rights; to mortgage land use rights and to contribute land use rights as capital in accordance with this Law and other relevant law regulations.

2. A group of land users sharing land use rights have the following rights and obligations:

a) A group of land users including household members and individuals shall have the same rights and obligations as an individual as prescribed by this Law.

In the case where one member of the group of land users is an economic institution, such group of land users have the same rights and obligations as an economic institution as prescribed by this Law;

b) For a group of land users sharing land use rights which can be split into portions for each member in the group, if every member wants to exercise his/her land use rights over such portion, they shall register the change or split the common land parcel into different parcels of their own in accordance with regulations and apply for the certificates of land use rights and ownership of land-attached property. Those members will then have the rights and obligations of land users in accordance with this Law.

In the case where land use rights of the group of land users cannot be split into portions, the members of the group all together or a representative authorized by them shall exercise the rights and perform the obligations of the group of land users.

3. The notarization and certification of contracts and documents on the exercise of the rights of land users shall be conducted as follows:

a) Contracts on transfer, donation, mortgage or contribution of land use rights as capital or the rights to use land and land-attached property must be notarized or certified, unless otherwise prescribed at Point b of this Clause;

b) A contract on lease or sublease of the right to use land or the right to use land and property attached to such land, a contract on exchange of agricultural land use rights, a contract on transfer of or contribute as capital the right to use land or the right to use land and property attached to such land under which one party or all parties involved in the transaction is/are real estate business organization(s) must be notarized or certified at the request of the parties;

c) The documents on inheritance of the right to use land or the right to use

land and property attached to such land must be notarized or certified under the civil law regulations;

d) The notarization and certification shall comply with the law regulations on notarization and certification.

### **Article 28. Acquisition of land use rights**

1. Acquirers of land use rights are prescribed as follows:

a) Individuals may obtain land use rights through exchange thereof as prescribed at Point b, Clause 1, Article 37 of this Law;

b) Economic institutions and individuals may acquire land use rights;

c) Foreign-invested economic institutions and foreign residents of Vietnamese origin, who are permitted to enter Vietnam, may acquire land use rights of the land in industrial parks, industrial clusters, hi-tech parks;

d) Foreign-invested economic institutions may acquire investment capital which is the value of land use rights in accordance with the regulations of the Government;

dd) Economic institutions and foreign-invested economic institutions may acquire land use rights contributed to them as capital;

e) Domestic organizations, individuals, and communities may acquire land use rights through donation thereof as prescribed by this Law;

g) Domestic organizations, individuals, and communities may inherit land use rights;

h) Foreign residents of Vietnamese origin who are permitted to enter Vietnam may purchase or lease houses associated with land use rights, or acquire land use rights in housing development projects; or inherit land use rights for residential land and other land types on the same land parcels where their houses are located in accordance with the civil law; be gifted houses associated with land use rights by heirs as prescribed by the civil law;

i) Domestic organizations, individuals, communities, religious organizations and their sub-organizations, and foreign residents of Vietnamese origin may be allocated land by the State. Foreign-invested economic institutions may be allocated land by the State to implement projects on investment in construction of houses for sale or for lease-purchase;

k) Economic institutions, public non-business units, religious institutions and their affiliated organizations, individuals, foreign residents of Vietnamese origin, foreign-invested economic institutions and foreign organizations with diplomatic functions may be leased land by the State;

l) Domestic organizations, individuals, communities, religious institutions and their affiliated organizations may acquire land use rights through the State's

recognition of the existing stable use of the land;

m) Domestic organizations, individuals, foreign residents of Vietnamese origin and foreign-invested economic institutions may acquire land use rights through the successful mediation of land disputes which are certified by competent People's Committees; the agreement in the mortgage contracts to handle the debts; the decisions of competent State authorities on settlement of land disputes, complaints or denunciations, the judgments or rulings of the courts, the decisions on judgment execution, which has been executed, of the judgment execution agencies; the written recognition of auction results of land use rights in accordance with law regulations, or the documents on splitting land use rights for groups of land users sharing land use rights in accordance with law regulations;

n) Communities, religious institutions and their affiliated organizations may acquire land use rights through the successful mediation of land disputes which are certified by competent People's Committees; the agreement in the mortgage contracts to handle the debts; the decisions of competent State authorities on settlement of land disputes, complaints or denunciations, the judgments or rulings of the courts, the decisions on judgment execution, which has been executed, of the judgment execution agencies; and the decisions or awards of Vietnamese commercial arbitration;

o) Domestic organizations, which are newly established legal entities through split-up, spin-off, merger, consolidation, or organizational transformation under decisions of competent authorities or organizations or under lawful documents of the economic institutions indicating that the split-up, spin-off, merger, consolidation, or organizational transformation is compliant to the law, may acquire land use rights from the organizations which are the legal entities that have been split up, separated, merged, consolidated, or transformed.

2. Domestic organizations and individuals who acquire land use rights transferred in accordance with the law regulations shall not be subject to the requirement of residency or registered office, unless otherwise prescribed in Clause 8, Article 45 and Article 48 of this Law.

3. For areas with restricted land access, the acquisition of land use rights as prescribed in Clauses 1 and 2 of this Article shall comply with the process and procedures prescribed by the Government.

### **Article 29. Rights to the adjacent land parcel**

1. The rights to the adjacent land parcel include the right to access path; water supply and drainage; irrigation and drainage in cultivation; gas supply; installation of power and telecommunications lines and other reasonable needs as prescribed by law.

2. The establishment, change or termination of rights to the adjacent land parcel shall comply with the civil law; and registration must comply with Article

133 of this Law in case of involving rights to access path; water supply and drainage; irrigation and drainage in cultivation.

### **Article 30. Right to choose method of land rental payment**

1. Economic institutions, public non-business units, individuals, foreign residents of Vietnamese origin, foreign-invested economic institutions that are currently being leased land by the State with annual rental payment, but are among the cases where the State leases land and collects one-off rental for the entire lease period as prescribed by this Law, may choose to change to one-off rental payment for the remaining lease period and must redetermine the land price to calculate the land rental at the time of the decision to allow them to change to make one-off rental payment for the entire lease period as prescribed by this Law.

2. Economic institutions, individuals, foreign residents of Vietnamese origin and foreign-invested economic institutions that are being leased land by the State with one-off rental payment for the entire lease period may choose to lease land with annual rental payment. The land rental that has been paid shall be offset with the payable annual rental in accordance with the regulations of the Government.

3. Public non-business units that are allocated land by the State without land use levy and need to use a part of or the entire allocated area for production, business, or service purposes may choose to change to lease such land area from the State with annual land rental payment.

### **Article 31. General obligations of land users**

1. To use the land for proper purposes, in accordance with the land parcel boundaries, in compliance with regulations on use of the depth beneath and the space above the parcel while protecting underground public facilities and in accordance with other relevant law regulations.

2. To declare and register land; to complete all related procedures upon exchange, transfer, lease, sublease, inheritance, donation of land use rights; mortgage or contribution of land use rights as capital in accordance with law regulations.

3. To fulfill land-related financial obligations as prescribed by law.

4. To take measures to protect land; to treat, remediate, and restore contaminated and degraded land caused by themselves.

5. To comply with regulations on environmental protection and not to cause damage to the property and legitimate benefits of related land users.

6. To comply with the law regulations on discovery of underground objects.

7. To hand over the land to the State under land recovery decisions in

accordance with law regulations.

## Section 2

### **RIGHTS AND RESPONSIBILITIES OF DOMESTIC ORGANIZATIONS, RELIGIOUS INSTITUTIONS AND THEIR AFFILIATED ORGANIZATIONS USING LAND**

#### **Article 32. Rights and obligations of domestic organizations, religious institutions and their affiliated organizations allocated land by the State without land use levy**

1. Domestic organizations, religious institutions and their affiliated organizations to which the land is allocated by the State without land use levy have the rights and obligations prescribed in Articles 26 and 31 of this Law.

2. Domestic organizations, religious institutions and their affiliated organizations allocated land by the State without land use levy do not have the right to exchange, transfer, donate, lease, mortgage, or contribute as capital the land use rights.

#### **Article 33. Rights and obligations of domestic organizations that are allocated land with land use levy by the State, or leased land with full one-off rental payment for the entire lease period**

1. Economic institutions that are allocated land with land use levy or leased land with full one-off rental payment for the entire lease period by the State have the following rights and obligations:

a) The general rights and obligations prescribed in Articles 26 and 31 of this Law;

b) To transfer their land use rights and their own land-attached property;

c) To lease land use rights and land-attached assets under their ownership in case of being allocated with land use levy by the State and to sublease land use rights and land-attached assets under their ownership in case of being leased land with full one-off rental payment for the entire lease period by the State;

d) To donate land use rights to the State and communities for construction of facilities for common public interests of the communities or for expansion of traffic roads under master plans; to donate land use rights to build gratitude houses, charity houses, and “great unity” houses on such land in accordance with law regulations;

dd) To mortgage their land use rights and their own land-attached property at credit institutions which are licensed to operate in Vietnam, or at other economic institutions or to individuals in accordance with the law regulations;

e) To contribute their land use rights and their own land-attached property as capital to domestic organizations, individuals, foreign residents of Vietnamese origin or foreign-invested economic institutions in accordance with law regulations.

2. Public non-business units leased land by the State with one-off rental payment for the entire lease period to invest in the construction of industrial infrastructure in industrial parks and industrial clusters as prescribed in Clause 2, Article 202 of this Law shall have the rights and obligations prescribed in Clause 1 of this Article.

3. Domestic organizations that are allocated land with land use levy or leased land with full one-off rental payment for the entire lease period by the State, but are entitled to exemption from or reduction of land use levy or land rental, have the following rights and obligations:

a) In the case where they are allocated land by the State to implement projects on investment in construction of social houses and houses for the people's armed forces, or projects on investment in renovation and reconstruction of condominiums, and their land use levy is exempted or reduced, they shall have the same rights and obligations as those of the organizations whose land use levy is not exempted or reduced;

b) Domestic organizations that are allocated land by the State with land use levy or leased land with one-off rental payment for the entire lease period to implement investment projects with business purposes and have their land use levy/land rental exempted or reduced shall have the same rights and obligations as those of the organizations whose land use levy/land rental is exempted or reduced. In case of transferring or contributing as capital land use rights, they shall pay to the State an amount of money corresponding to the amount of land use levy/land rental that has been exempted or reduced at the time of land allocation/land lease/permission to change land use purpose, unless otherwise prescribed by relevant law regulations.

#### **Article 34. Rights and obligations of economic institutions, public non-business units, religious institutions and their affiliated organizations using land leased by the state with annual rental payment**

1. Economic institutions, religious institutions and their affiliated organizations leased land by the State with annual rental payment have the following rights and obligations:

a) The general rights and obligations prescribed in Articles 26 and 31 of this Law;

b) To mortgage their own land-attached property at credit institutions which are licensed to operate in Vietnam, or at other economic institutions or to individuals in accordance with the law regulations;

c) To sell their own land-attached property or to sell their own land-attached property and leasehold under the lease contract when meeting the conditions prescribed in Article 46 of this Law. The buyers of land-attached property and the leasehold under the land lease contract may continue leasing the land for the purpose that has been determined within the remaining land use term, and take over the rights and obligations of the land user as prescribed by this Law and other relevant law regulations;

d) To contribute their land-attached property as capital during the land lease term. The recipient of the property contributed as capital may continue to be leased land for determined land use purpose by the State in the remaining period;

dd) To lease out their own land-attached property and leasehold under the land lease contract;

e) To sublease land use rights with annual rental payment for the land with completely constructed infrastructure in case they are permitted to invest in the construction and commercial operation of infrastructure in industrial parks, industrial clusters, hi-tech parks or economic zones. The sublessee of the land use rights must use such land for the appropriate purposes and perform the financial obligations prescribed by law.

2. Public non-business units leased land by the State with annual rental payment that do not fall under the cases of using land for construction of industrial infrastructure in industrial parks and industrial clusters as prescribed in Clause 2, Article 202 of this Law shall have the rights and obligations as prescribed in Clause 1 of this Article, except for the right to sell, the right to mortgage, and the right to contribute land-attached property and leasehold under the land lease contract as capital. The exploitation and utilization of land funds that have been leased by the State for combined purposes shall comply with the following regulations:

a) For land leased by the State to public non-business units, the units shall be permitted to proactively exploit and utilize the land for multi-purposes under the plans approved by the competent authorities in accordance with this Law and relevant law regulations. In case of investment in the construction of facilities on the land, they must comply with the law regulations on construction. The exploitation and utilization of land for multi-purposes must be accounted for in accordance with law regulations;

b) For land that is being used by public non-business units that need to lease such land, or conduct joint-venture or associate with economic institutions, there must be plans for the use of public property for lease, joint-venture, or association purposes approved by the competent authorities in accordance with law regulations on the management and use of public property.

3. Economic institutions or public non-business units using land leased from organizations, or individuals that are located/reside outside industrial parks, industrial clusters or hi-tech parks have the rights and obligations prescribed in the civil law regulations.

### **Article 35. Rights and obligations of economic institutions which acquire land use rights or change land use purposes**

1. Economic institutions which acquire land use rights or change land use purpose have the general rights and obligations prescribed in Articles 26 and 31 of this Law.

2. Economic institutions which acquire land use rights of the land allocated by the State with land use levy or leased by the State with full one-off rental payment for the entire lease period shall have the rights and obligations prescribed in Clauses 1 and 3, Article 33 of this Law.

3. Economic institutions acquiring the agricultural land use rights in accordance with law regulations have the following rights and obligations:

a) If they acquire land use rights without changing the land use purpose, they have the rights and obligations prescribed in Clause 1 and Clause 3, Article 33 of this Law;

b) If they acquire land use rights and change the land use purpose and are eligible for being allocated land with land use levy or leased land with full one-off rental payment for the entire lease period, they have the rights and obligations prescribed in Clauses 1 and 3, Article 33 of this Law;

c) If they acquire land use rights and change the land use purpose and are eligible for being leased land with annual rental payment, they have the rights and obligations prescribed in Clause 1, Article 34 of this Law.

4. The rights and obligations of economic institutions which are approved by competent State authorities to change the land use purpose from land allocation without land use levy to land allocation with land use levy or to land lease are prescribed as follows:

a) In case of being allocated land with land use levy or leased land with full one-off rental payment for the entire lease period by the State, they shall have the rights and obligations prescribed in Clauses 1 and 3, Article 33 of this Law;

b) In case of being leased land with annual rental payment, they have the rights and obligations prescribed in Clause 1, Article 34 of this Law.

### **Article 36. Rights and obligations of economic institutions receiving land use rights as contributed capital; land use rights of economic institutions upon dissolution or bankruptcy**

1. Economic institutions receiving land use rights as contributed capital

from individuals or other economic institutions have the rights and obligations prescribed in Article 33 of this Law in the following cases:

- a) The land of economic institutions which contribute capital is the land allocated with land use levy or leased with full one-off rental payment for the entire lease period by the State, or obtained through acquisition of land use rights;
- b) The land contributed by individuals as capital, which is not leased by the State with annual rental payment.

2. Land use rights of cooperatives and unions of cooperatives upon dissolution or bankruptcy are prescribed as follows:

a) The land, which is allocated without land use levy by the State, or allocated with land use levy or leased by the State or obtained through buying land-attached property or obtained through lawful acquisition of land use rights from others where the land use levy or land rental, or the payment for purchase of land-attached property, or the payment for acquisition of land use rights is supported by the State, shall be recovered by the State in accordance with this Law and law regulations on cooperatives;

b) The land, which is allocated with land use levy by the State, or leased with full one-off rental payment for the entire lease period by the State, or obtained through buying land- attached property or obtained through lawful acquisition of land use rights from others where the land use levy or land rental, or the payment for purchase of land- attached property, or the payment for acquisition of land use rights is not supported by the State; or the land obtained through contribution of land use rights as capital by members of a cooperative or union of cooperatives, shall not be recovered by the State. The land use rights of such land belong to the respective cooperative or union of cooperatives and shall be dealt with in accordance with the charter of such cooperative or union of cooperatives and the resolution of its members' meeting.

3. The land use rights of economic institutions that are enterprises when they are dissolved or go bankrupt shall comply with the law regulations on enterprises and bankruptcy, and other relevant law regulations.

### Section 3

## RIGHTS AND OBLIGATIONS OF CITIZENS, COMMUNITIES USING LAND

### Article 37. Rights and obligations of individuals as land users

1. Individuals who use agricultural land allocated by the State within land use quotas, are allocated land with land use levy or leased with full one-off rental

payment for the entire lease period, have land use rights recognized by the State, or obtain land through exchange, transfer, inheritance or donation, have the following rights and obligations:

- a) The general rights and obligations prescribed in Articles 26 and 31 of this Law;
- b) To exchange agricultural land use rights with other individuals;
- c) To transfer their land use rights and their own land-attached property in accordance with the law regulations;
- d) To lease their land use rights and their own land-attached property to organizations, individuals, and foreign residents of Vietnamese origin who invest in Vietnam;
- dd) Individuals who are land users may bequeath their land use rights and their own land-attached property in their wills or in accordance with law regulations.

If the heir is an overseas Vietnamese who falls into the category defined in Clause 1, Article 44 of this Law, he/she is entitled to inherit land use rights. Otherwise not defined in Clause 1, Article 44 of this Law, he/she is only entitled to receive the value of the inherited land use rights;

e) To donate the land use rights to the State; to donate the land use rights to the communities for the construction of facilities serving the common interests of the communities or for the expansion of roads under the master plans; to donate the land use rights to build gratitude houses, charity houses, and "great unity" houses attached to the land in accordance with law regulations; to donate the land use rights and their own land-attached property to individuals or foreign residents of Vietnamese origin in the cases prescribed in Clause 1, Article 44 of this Law;

g) To mortgage their land use rights and their own land-attached property at credit institutions which are licensed to operate in Vietnam, or at other economic institutions or to individuals in accordance with the law regulations;

h) To contribute their land use rights and their own land-attached property as capital to organizations, contribute their land use rights to individuals and foreign residents of Vietnamese origin in production and business cooperation.

2. Individuals that are leased land by the State with annual rental payment have the following rights and obligations:

- a) The general rights and obligations prescribed in Articles 26 and 31 of this Law;
- b) To sell their own land-attached property or to sell their own land-attached property and leasehold under the lease contract when meeting the conditions prescribed in Article 46 of this Law. The buyers of land-attached

property and the leasehold under the land lease contract may continue leasing the land for the purpose that has been determined within the remaining land use term for the intended purposes; and take over the rights and obligations of the land user as prescribed by this Law and relevant law regulations;

c) To bequeath or donate their own land-attached property and leasehold under the land lease contract. The heir or donee of such land-attached property and leasehold under the land lease contract may continue leasing land from the State for the intended purpose;

d) To lease out their own land-attached property and sublease their leasehold under the land lease contract;

dd) To mortgage their own land-attached property at credit institutions which are licensed to operate in Vietnam, or at other economic institutions or to individuals in accordance with the law regulations;

e) To contribute their land-attached property as capital during the land lease term to organizations, individuals, and foreign residents of Vietnamese origin. The recipient of the property contributed as capital may continue to be leased land for determined land use purpose by the State in the remaining period.

3. Individuals who sublease land in industrial parks, industrial clusters, or hi-tech parks have the following rights and obligations:

a) In case of leasing or subleasing land with full one-off rental payment for the entire lease period, they have the rights and obligations prescribed in Clause 1 of this Article;

b) In case of leasing or subleasing land with annual rental payment, they have the rights and obligations prescribed in Clause 2 of this Article.

4. Individuals who are allocated or leased land by the State and are entitled to exemption from or reductions of land use levy or land rental have the same rights and obligations as being not entitled to exemption from or reductions of land use levy or land rental.

5. Individuals that use leased land from organizations or individuals that do not fall into the case prescribed in Clause 3 of this Article, have the rights and obligations prescribed in the civil law regulations.

### **Article 38. Rights and obligations of individuals changing land use purpose from land allocation without land use levy to land allocation with land use levy or land lease**

1. Individuals who may change land use purpose from land allocation by the State without land use levy to land allocation by the State with land use levy or land lease by the State have the general rights and obligations prescribed in Articles 26 and 31 of this Law.

2. Individuals using land who are permitted by the competent State authorities to change land use purpose from land allocation by the State without land use levy to land allocation by the State with land use levy or land lease by the State land use have the following rights and obligations:

a) In case of being allocated land by the State with land use levy or leased land by the State with full one-off rental payment for the entire lease period, they have the rights and obligations prescribed in Clause 1, Article 37 of this Law;

b) In case of being leased land by the State with annual rental payment, they have the rights and obligations prescribed in Clause 2, Article 37 of this Law.

### **Article 39. Rights and obligations of communities using land**

1. Communities using land have the general rights and obligations prescribed in Articles 26 and 31 of this Law.

2. Communities using land have the same rights and obligations as individuals with corresponding forms of land use, except for the right to bequeath the land use rights.

In the case where communities are allocated land by the State without land use levy or have their land use rights recognized by the State in the form of land allocation without land use levy, they do not have the right to exchange, transfer, donate, lease, mortgage, or contribute as capital the land use rights.

## **Section 4**

### **RIGHTS AND OBLIGATIONS OF FOREIGN ORGANIZATIONS WITH DIPLOMATIC FUNCTIONS, FOREIGN RESIDENTS OF VIETNAMESE ORIGIN, AND FOREIGN-INVESTED ECONOMIC INSTITUTIONS USING LAND**

#### **Article 40. Rights and obligations of foreign organizations with diplomatic functions**

1. Foreign organizations with diplomatic functions using land in Vietnam have the following rights and obligations:

a) The general rights and obligations prescribed in Articles 26 and 31 of this Law;

b) To construct facilities on land in accordance with the licenses granted by competent State authorities of Vietnam;

c) To own the facilities on the leased land constructed by their own within the lease term;

d) The return of land and the transfer of the land use rights of foreign

organizations with diplomatic functions when they no longer need to use such land for the purpose for which the land was leased shall comply with international treaties, international agreements, and law regulations.

2. In the case where there are different provisions in treaties to which the Socialist Republic of Vietnam is a contracting party, foreign organizations with diplomatic functions have the rights and obligations as provided in those treaties.

**Article 41. Rights and obligations of foreign residents of Vietnamese origin and foreign-invested economic institutions using land for implementation of investment projects in Vietnam**

1. Foreign residents of Vietnamese origin investing in Vietnam who are allocated land with land use levy by the State have the rights and obligations prescribed in Clause 1, Article 33 of this Law.

2. Foreign residents of Vietnamese origin and foreign-invested economic institutions that are leased land with annual rental payment from the State have the following rights and obligations:

a) The general rights and obligations prescribed in Articles 26 and 31 of this Law;

b) To mortgage their property attached to land at credit institutions which are licensed to operate in Vietnam;

c) To contribute their property attached to the leased land as capital. The recipient of such property may continue to be leased land for determined land use purpose by the State;

d) To sell their own land-attached property or to sell their own land-attached property and leasehold under the lease contract when meeting the conditions prescribed in Article 46 of this Law. The buyers of land-attached property and the leasehold under the land lease contract may continue leasing the land for the purpose that has been determined within the remaining land use term, and have the rights and obligations of the land user as prescribed by this Law and relevant law regulations;

dd) To lease out their own land-attached property and leasehold under the land lease contract;

e) To sublease land use rights with annual rental payment for the land with completely constructed infrastructure in case they are permitted to invest in the construction and commercial operation of infrastructure in industrial parks, industrial clusters, hi-tech parks or economic zones. The sublessee of the land use rights must use such land for the appropriate purposes and perform the financial obligations in accordance with the regulations.

3. Foreign residents of Vietnamese origin or foreign-invested economic institutions that lease land from the State with full one-off rental payment for the

entire lease period; foreign-invested enterprises that are allocated land with land use levy by the State to implement projects have the following rights and obligations:

- a) The general rights and obligations prescribed in Articles 26 and 31 of this Law;
- b) To transfer land use rights and land-attached property under their ownership during the land use term;
- c) To lease and sublease land use rights and land-attached property under their ownership within the land use term;
- d) To mortgage their land use rights and their own land-attached property at credit institutions which are licensed to operate in Vietnam;
- dd) To contribute their land use rights and their own land-attached property as capital.

4. Land users that are foreign-invested economic institutions established as a result of shareholding or capital contribution of foreign investors shall have the rights and obligations prescribed in Clauses 2 and 3 of this Article corresponding to the form of land use levy and land rental payment.

5. For foreign residents of Vietnamese origin or foreign-invested economic institutions using land to implement investment projects in Vietnam and are allocated or leased with full one-off rental payment for the entire lease period by the State and are exempted from land use levy or land rental or permitted to pay a reduced one, they have the rights and obligations prescribed in Clause 3, Article 33 of this Law.

#### **Article 42. Rights and obligations of foreign-invested economic institutions using land of which they receive the land use rights as contributed capital**

1. Foreign-invested economic institutions which receive land use rights of the land allocated by the State with land use levy or leased with full one-off rental payment for the entire lease period as contributed capital shall have the rights and obligations prescribed in Clause 3, Article 41 of this Law.

2. Foreign-invested economic institutions transformed from joint-ventures in which the Vietnamese party contributes land use rights shall have the following rights and obligations:

- a) The rights and obligations prescribed in Clause 2, Article 41 of this Law in the case where the land of which the use rights are previously received as contributed capital cannot be used for implementing investment projects on construction of houses for sale and the foreign-invested economic institution is leased land by the State with annual rental payment in accordance with this Law;

b) The rights and obligations prescribed in Clause 3, Article 41 of this Law in the case where the land of which the use rights are previously received as contributed capital can be used for implementing investment projects on construction of houses for sale and the foreign-invested economic institution is leased land by the State with annual rental payment in accordance with this Law;

c) The rights and obligations prescribed in Clause 3, Article 41 of this Law in the case where the land of which the use rights are previously received as contributed capital is used for implementing investment projects on construction of houses for sale and the foreign-invested economic institution is leased land by the State with full one-off rental payment for the entire lease period in accordance with this Law.

3. In the case where a state-owned enterprise leases land from the State before July 1, 2004, and is entitled to contribute the value of land use rights as allocated from the State Budget, not as a recorded debt, and does not have to pay land rental in accordance with the law regulations on land, as capital to establish a joint venture with a foreign organization or individual, that joint venture has the rights and obligations prescribed in Clauses 1 and 3, Article 33 of this Law. The value of land use rights is considered the State's capital contributed to the joint venture.

#### **Article 43. Rights and obligations of foreign residents of Vietnamese origin and foreign-invested institutions using land in industrial parks, industrial clusters, and hi-tech parks**

1. Foreign residents of Vietnamese origin who acquire use rights of land in industrial parks, industrial clusters, or hi-tech parks shall have the rights and obligations prescribed in Clauses 1 and 3, Article 33 of this Law.

2. Foreign residents of Vietnamese origin or foreign-invested economic institutions leasing or subleasing land in industrial parks, industrial clusters, and hi-tech parks have the following rights and obligations:

a) In case of full one-off rental payment for the entire lease period or full one-off sublease payment for the entire sublease period, they have the rights and obligations prescribed in Clauses 1 and 3, Article 33 of this Law;

b) In case of making annual rental payment or sublease payment, they have the rights and obligations prescribed in Clause 1, Article 34 of this Law.

#### **Article 44. Rights and obligations related to land use of foreign residents of Vietnamese origin who are eligible to own houses in Vietnam; foreign citizens or foreign residents of Vietnamese origin who are ineligible to own houses associated with land use rights in Vietnam**

1. Foreign residents of Vietnamese origin who are permitted to enter Vietnam may own houses associated with residential land use rights in Vietnam;

acquire residential land rights through the transfer of residential land use rights in housing development projects.

2. Foreign residents of Vietnamese origin who are eligible in accordance with Clause 1 of this Article shall have the following rights and obligations:

a) The general rights and obligations prescribed in Articles 26 and 31 of this Law;

b) To transfer land use rights when selling, donating, bequeathing, exchanging houses with organizations, individuals, or foreign residents of Vietnamese origin who are eligible to own houses in Vietnam; to donate houses associated with residential land use rights to the State, communities or as gratitude houses, charity houses, “great unity” houses. In case of donating or bequeathing to beneficiaries who are ineligible to own houses in Vietnam, such beneficiaries may only receive the value of houses associated with residential land use rights and shall not be granted the certificates of land use rights and ownership of land-attached property;

c) To transfer, lease, donate, bequeath, contribute as capital residential land use rights in accordance with this Law;

d) To mortgage houses associated with residential land use rights at credit institutions which are licensed to operate in Vietnam.

3. If all the heirs of land use rights and ownership of houses and other land-attached property are foreigners or foreign residents of Vietnamese origin who are ineligible to own houses associated with residential land use rights in Vietnam as prescribed in Clause 1 of this Article, the heirs shall not be granted the certificate of land use rights and ownership of land-attached property but may transfer or donate the inherited land use rights in accordance with the following regulations:

a) In case of transferring the land use rights, the transferor under the land use right transfer contract shall be the heir;

b) In case of donating land use rights, the people to receive land use rights must be the entities/persons prescribed at Point e, Clause 1, Article 37 of this Law and be eligible under the housing law regulations, in which the heir may act as the donor in the contract or written document on donation commitment;

c) In case of not making the transfer or donation of land use rights, the heir or his/her representative under a power of attorney, shall submit a dossier on the inheritance to the land registry in order for it to be updated on the cadastral book.

4. In the case where there is an foreign residents of Vietnamese origin who is ineligible to own a house associated with residential land use rights in Vietnam among the heirs while others are eligible to inherit land use rights in accordance with the law regulations on land and the inherited land use rights have not been

divided, the heirs or their representatives under powers of attorney, shall submit dossiers on the inheritance to the land registries in order for them to be updated on the cadastral book.

Once the inheritance is made, the certificates of land use rights and ownership of land-attached property are granted to those who are eligible for being granted such certificate. The inherited parts of foreign residents of Vietnamese origin who are ineligible to own houses associated with residential land use rights in Vietnam shall be dealt with in accordance with Clause 3 of this Article.

5. In the cases prescribed at Point c, Clause 3, and in Clause 4 of this Article, the heirs may authorize in writing other persons to take care or use land temporarily and perform the obligations in accordance with the law regulations on land and other relevant law regulations.

## Section 5

### CONDITIONS FOR THE EXERCISE OF RIGHTS OF LAND USERS

**Article 45. Conditions for exercising the rights of exchanging, transferring, leasing, sub-leasing, inheriting, donating the land use rights; mortgaging, contributing as capital land use rights; acquiring land use rights through transfer and donation thereof**

1. Land users may exercise the rights to exchange, transfer, lease, sublease, inherit, donate or mortgage land use rights and contribute land use rights as capital when they meet all the following conditions:

a) They holds the certificates of land use rights or the certificates of house ownership and residential land use rights or the certificates of land use rights and ownership of houses and other land-attached property or the certificates of land use rights and ownership of land-attached property, unless they inherit the land use rights or change the land use purpose of agricultural land upon land consolidation and redistribution, or donate the land use rights to the State or the communities, and otherwise prescribed in Clause 7, Article 124 and Point a, Clause 4, Article 127 of this Law;

b) The land is free from disputes or related to disputes that have been resolved by competent State authorities or under judgments and rulings of the court, or decisions and awards of arbitration with legal validity;

c) The land use rights are not subject to distraint or other measures to ensure the execution of judgments in accordance with the law regulations on civil judgment execution;

- d) The land use term remains;
- dd) The land use rights are not subject to provisional urgent measures prescribed by law.

2. In the case where the project owners transfer land use rights of land with technical infrastructure in real estate projects, in addition to the conditions prescribed in Clause 1 of this Article, they must also meet other conditions prescribed in the Law on Real Estate Business and the Law on Housing.

3. When exercising the rights of exchanging, transferring, leasing, sub-leasing, inheriting, donating land use rights; mortgaging land use rights, contributing land use rights as capital, in addition to the conditions prescribed in Clause 1 of this Article, the land users must also meet the conditions in the following cases:

- a) In case of buying and selling land-attached property and leasehold under the land lease contract for the land leased by the State with annual rental payment, the conditions prescribed in Article 46 of this Law must be met;
- b) In case of exchanging agricultural land use rights, the conditions prescribed in Article 47 of this Law must be met;
- c) In case of exercising the land use rights of individuals who are ethnic minorities allocated land or leased land in accordance with Clause 3, Article 16 of this Law, the conditions prescribed in Article 48 of this Law must be met.

4. In case of inheriting the land use rights, the heir shall exercise the right when having a certificate of land use rights or a certificate of house ownership and residential land use rights or a certificate of land use rights and ownership of houses and other land-attached property or a certificate of land use rights and ownership of land-attached property, or meet the conditions for being granted a certificate of land use rights and ownership of land-attached property in accordance with this Law.

5. In the case where the land users are permitted to delay the performance of financial obligations or have financial obligations indebted, such financial obligations must be fulfilled before they exercise the rights of exchanging, transferring, leasing, sub-leasing, donating the land use rights, mortgaging or contributing as capital the land use rights.

6. Economic institutions that acquire agricultural land use rights must have plans for using such agricultural land, which shall be approved by the district-level People's Committees. A plan to use agricultural land shall contain the following main details:

- a) Location and area of land, land use purposes;
- b) Agricultural production and business plan;

- c) Investment capital;
- d) Land use term;
- dd) Land use schedule.

7. Individuals who are not directly engaged in agricultural production and receive transfer or donation of the right to use land for rice cultivation exceeding the quota prescribed in Article 176 of this Law must establish economic institutions and have plans to use such land for rice cultivation, which must contain the details prescribed in Clause 6 of this Article and be approved by the district-level People's Committees, unless otherwise the donation recipients are heirs to such land.

8. Cases where acquisition or donation of land use rights is not permitted are prescribed as follows:

a) Economic institutions may not acquire the rights to use land for protection forests or land for special-use forests from individuals, unless otherwise they are permitted to change the land use purpose in accordance with the land use master plans and land use plans approved by competent State authorities;

b) Individuals who do not live in protection forests or special-use forests may not receive the transfer or donation of land use rights for residential land and other land types in such protection forests, or in strictly protected zones and ecological rehabilitation zones in such special-use forests;

c) Organizations, individuals, communities, religious institutions and their affiliated organizations, foreign residents of Vietnamese origin, foreign-invested economic institutions that are not permitted to acquire land use rights through transfer or donation thereof in accordance with law regulations.

#### **Article 46. Conditions for selling property attached to land leased by the State with annual rental payment and leasehold under such lease contract**

1. Economic institutions, individuals, foreign residents of Vietnamese origin and foreign-invested economic institutions may sell property attached to land leased by the State with annual rental payment when they meet all the following conditions:

a) The property attached to leased land are legally created and registered in accordance with law regulations;

b) The construction has been completed in accordance with the detailed construction master plan and approved investment project (if any), unless otherwise they are subject to a court judgment or ruling that has taken effect, a coercive enforcement decision of the civil judgment execution agency, or the conclusion of a competent state authority in charge of inspection and

examination.

2. Economic institutions, individuals, foreign residents of Vietnamese origin and foreign-invested economic institutions may sell property attached to land leased by the State with annual rental payment and leasehold under the lease contract when they meet all the following conditions:

a) The conditions prescribed in Clause 1 of this Article;

b) Advanced compensation, support, and resettlement payments have been made but not been fully withheld from the payable land rental.

3. The buyers of land-attached property or the buyers of land-attached property and leasehold under the land lease contract shall continue to properly use the land for the intended purposes within the remaining land use term, continue to withhold the advanced amounts that have not been deducted as prescribed at Point b, Clause 2 of this Article and must complete the land registration procedures in accordance with this Law.

4. In case of selling land-attached property that are constructions that meet the conditions for splitting the land parcel, such land parcel may be split and granted a separate certificate of land use rights and ownership of land-attached property.

5. In case of being leased land by the State with annual rental payment for the implementation of projects on construction and business of infrastructure, the property attached to the land may be sold when the conditions prescribed in Clause 1, Article 45 of this Law and other conditions prescribed by the Law on Real Estate Business are met.

#### **Article 47. Conditions for exchanging agricultural land use rights**

Individuals using agricultural land which is allocated by the State or obtained through exchange, acquisition of land use rights, inheritance, donation of legitimate land use rights from other land users, may only exchange such agricultural land use rights to other individuals in the same provincial-level administrative units, and shall not pay income tax incurred from the exchange of land use rights and registration fee.

#### **Article 48. Cases of conditional exercise of land use rights**

1. Individuals who are ethnic minorities allocated or leased land by the State in accordance with Clause 3, Article 16 of this Law may bequeath, donate, or transfer the land use rights to heirs who are eligible under Clause 2, Article 16 of this Law.

In the case where the land users die and their heirs are not eligible under Clause 2, Article 16 of this Law, the State shall recover the land and compensate for the property attached to the land for the heirs in accordance with law regulations. In the case where the land users move from the provincial-level

locality where the land is located to another place of residence or no longer needs to use the land and does not donate or transfer the land use rights to their heirs who are eligible under Clause 2, Article 16 of this Law, the State shall recover the land and compensate for the property attached to the land in accordance with law regulations for the land users subject to land recovery. The recovered land area shall continue to be allocated or leased to other individuals who are ethnic minorities in accordance with the policies prescribed in Article 16 of this Law.

2. Individuals who are ethnic minorities allocated or leased land by the State in accordance with Clause 3, Article 16 of this Law may mortgage the land use rights at policy banks.

3. Individuals who are ethnic minorities allocated or leased land by the State in accordance with Clause 3, Article 16 of this Law shall not transfer, contribute as capital, donate, bequeath, or mortgage the land use rights, unless otherwise prescribed in Clauses 1 and 2 of this Article.

4. Commune-level People's Committees shall be responsible for administering the recovered land area in accordance with Clause 1 of this Article.

## Chapter IV

### ADMINISTRATIVE UNIT BOUNDARIES AND BASE INVESTIGATION ON LAND

#### Section 1

#### ADMINISTRATIVE UNIT BOUNDARIES AND CADASTRAL MAPS

##### Article 49. Administrative unit boundaries

1. Administrative unit boundaries shall be established for commune-level, district-level, and provincial-level administrative units. Administrative unit boundary records shall contain information on the establishment, merger, division, and adjustment of administrative unit boundaries and the boundary markers and boundary lines of such administrative unit.

2. The Ministry of Home Affairs shall guide the relevant provincial-level People's Committees in determining the boundaries of provincial-level administrative units; the higher-level People's Committees shall directly direct and guide the relevant lower-level People's Committees in determining the administrative unit boundaries through and compiling records of the administrative unit boundaries within their respective localities.

3. The scope of land administration on the mainland shall be determined in accordance with the boundary line of each administrative unit in accordance with

law regulations.

4. In the case where the scope of provincial-level land administration has not been determined due to the lack of determined administrative unit boundaries, the Ministry of Home Affairs shall assume the prime responsibility for and coordinate with the Ministry of Natural Resources and Environment and relevant localities in compiling records which are then submitted to the Government.

5. In the case where the scope of district- and commune-level land administration has not been determined due to the lack of determined district- and commune-level administrative unit boundaries, the higher-level People's Committees shall direct the relevant lower-level People's Committees to coordinate with each other in resolving the matter. Before decisions on determining the boundaries of district-level and commune-level administrative units are made, the higher-level People's Committees shall directly carry out the State governance of land which has not been determined. In the case where the resolution cannot be agreed upon, the provincial-level People's Committees shall compile and submit records to the Government.

6. The Government shall be responsible for guiding the resolution of cases where there is no agreement on administrative unit boundaries and resolving cases where there is no agreement on administrative unit boundaries as prescribed in Clauses 4 and 5 of this Article.

7. The Ministry of Home Affairs shall prescribe the compilation and management of administrative unit boundary records.

#### **Article 50. Surveying and mapping of cadastral maps**

1. Cadastral maps serve as the basis for the State governance of land and the development of a national land database. The surveying and mapping of cadastral maps shall be conduct in detail for each land parcel in each commune-level administrative unit. In places where commune-level administrative units are not established, it shall be conduct for each district-level administrative unit.

2. Cadastral maps must be adjusted when there are changes in the shape, size, area of land parcels and other factors related to the details of such cadastral maps and, at the same time, updated into the national land database.

3. Provincial-level People's Committees shall be responsible for organizing the surveying, mapping, adjustment, and management of cadastral maps in their respective localities and updating them into the national land database.

4. The Government shall detail this Article.

## **Section 2**

### **LAND INVESTIGATION AND ASSESSMENT,**

## **AND LAND PROTECTION, IMPROVEMENT, AND RESTORATION**

### **Article 51. Principles of investigating and assessing land, and protecting, improving, and restoring land**

1. Ensuring timely, objective, and accurate reflection of the actual status of land resources.
2. Implementing on a nationwide scale, in economic-social regions, provincial-level administrative units and ensuring continuity and succession.
3. The State shall ensure funding for the land investigation and assessment; encourage organizations and individuals to cooperate with the State in protecting, improving, and restoring land.
4. Providing timely information and data to serve the State governance of land and the need for land information for economic, social, national defense, security, scientific research, education and training activities and other needs of the State and the society.

### **Article 52. Land investigation and assessment activities**

1. Land investigation and assessment includes:
  - a) Investigating and assessing land quality and potential;
  - b) Investigating and assessing land degradation;
  - c) Investigating and assessing land contamination;
  - d) Monitoring land quality, land degradation, land contamination;
  - dd) Specialized land investigation and assessment.
2. Specialized land investigation and assessment shall be conducted to investigate and assess land quality, land potential, land degradation, and land contamination for specific land types in accordance with the requirements of State governance of land at a specific point in time.
3. The land investigation and assessment activities prescribed at Points a, b and c, Clause 1 of this Article shall be conducting periodically every 5 years. Specialized land investigation and assessment activities prescribed at Point dd, Clause 1 of this Article shall be conduct on an ad-hoc basis as required for State governance of land.

### **Article 53. Details of land investigation and assessment**

1. Details of land quality and potential investigation and assessment include:
  - a) Demarcating, determining the location, area, and quality classification of agricultural land and unused land based on land characteristics, terrain, various

physical, chemical, and biological properties, and other conditions;

b) Demarcating, determining the location, area, and potential classification of agricultural land, non-agricultural land, and unused land based on the respective quality classification and land use efficiency according to economic, social, and environmental objectives;

c) Demarcating land areas that need protection, treatment, improvement, and restoration;

d) Creating land quality maps and land potential maps, and building and updating land quality and land potential data into the national land database.

2. Details of land degradation investigation and assessment include:

a) Demarcating, determining the location, and area of degraded agricultural land and unused land for each type of degradation, including: land with reduced fertility; eroded land; drought-stricken and desertified land; laterized land; salinized land; acidified land;

b) Identifying trends and causes, and forecasting risks of land degradation;

c) Demarcating areas of degraded land that need treatment, improvement, and restoration;

d) Creating a set of land degradation maps, building and updating land degradation data into the national land database.

3. Details of land contamination investigation and assessment include:

a) Demarcating, identifying the location and area of contaminated land based on the types of contamination, including heavy metal contamination, pesticide contamination, and contamination by other toxic substances for agricultural land and unused land types, and land planned for the construction of urban and rural residential areas;

b) Identifying contamination trends, pinpointing contamination sources, and forecasting and warning of land contamination risks;

c) Demarcating areas of contaminated land that need treatment, improvement, and restoration;

d) Creating a set of contaminated land maps, building and updating land contamination data into the national land database.

4. Details of monitoring of land quality, land degradation, land contamination include:

a) Establishing a network of fixed monitoring points nationwide;

b) Determining monitoring indicators and frequency;

c) Monitoring land quality, land degradation, land contamination, forecasting and early warning of abnormal changes;

d) Updating land quality, land degradation, and land contamination monitoring data into the environmental resource monitoring database and the national land database.

#### **Article 54. Land protection, improvement and restoration**

1. Details of land protection, improvement and restoration include:

a) Classifying areas of land that have been demarcated in accordance with Point c, Clause 1, Point c, Clause 2, and Point c, Clause 3, Article 53 of this Law;

b) Synthesizing and determining the scope and level of land protection, improvement, and restoration required for each area of land classified in accordance with Point a of this Clause;

c) Developing a plan and roadmap for land protection, improvement, and restoration for the areas of land identified in accordance with Point b of this Clause;

d) Identifying technical measures, economic and social solutions accompanied by analyses to selecting the optimal option and deciding on the option to be implemented;

dd) Preparing a report on the results of land protection, improvement, and restoration;

e) Monitoring and controlling the process of treating, protecting, improving, and restoring land.

2. Creating a map of areas where land protection, improvement, and restoration have been conducting; developing and updating data on land protection, improvement, and restoration into the national land database.

3. Controlling degraded and contaminated land areas that have yet been protected, improved and restored as prescribed in Clause 1 of this Article, including demarcating, warning, prohibiting or restricting activities on land to minimize adverse impacts on land.

#### **Article 55. Responsibilities for organizing land investigation and assessment, land protection, improvement and restoration**

1. The Government shall detail land investigation and assessment, land protection, improvement and restoration and prescribe the capacity requirements of the providers of land investigation and assessment consultancy services.

2. The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with relevant ministries in performing the following tasks:

a) Prescribing the land investigation and assessment techniques; techniques for protecting, improving and restoring land;

- b) Building and maintaining a monitoring system;
- c) Conducting, approving and publicizing results of, investigation and assessment of land throughout the country, in all socio-economic regions and for specific theme;
- d) Issuing and implementing plans to protect, improve and restore severely degraded inter-regional and inter-provincial land areas; plans to protect, improve and restore extremely seriously contaminated land areas.

3. Provincial-level People's Committees shall:

- a) Conduct, approve and publicize results of, land investigation and assessment in their respective localities; formulate and implement plans to protect, improve and restore degraded and contaminated land areas in their respective localities; update them into the national land database;
- b) Collect statistics and announce contaminated land areas; organize bidding to select contractors to treat, improve and restore contaminated land areas in their respective localities.

4. Activities of land investigation and assessment; land protection, improvement and restoration shall be conduct from public funding sources for environmental protection and other funding sources prescribed by law.

5. The results of land investigation and assessment must be approved within the year of land inventory to serve as a basis for the formulation of land use master plans at all levels. The Ministry of Natural Resources and Environment, the provincial-level authorities in charge of land administration shall be responsible for publicly publicizing the results of land investigation and assessment within 30 days from the date of approval by the competent authorities.

### **Section 3**

### **LAND STATISTICS AND LAND INVENTORIES**

#### **Article 56. Principles of making land statistics and conducting land inventories**

- 1. Reporting fully the reality and structure of land use in a truthful, objective, accurate, and timely manner.
- 2. Ensuring transparency, openness, professional and technical independence.
- 3. Employing uniform procedures and methods of land statistics and inventory, and reporting regime.
- 4. Ensuring uniform and consistent land statistics and inventory indicators

from central to local levels; the synthesized system of land statistics and inventory data from the lower level to the immediate superior level.

5. Providing timely data to serve the State governance of land and the need for land information for economic, social, national defense, security, scientific research, education and training activities and other needs of the State and the society.

### **Article 57. Scope and subjects of land statistics and land inventories**

1. Land statistics and inventory shall be conduct within commune-level administrative units, district-level administrative units, province-level administrative units and across the whole country.

2. The time frame for carrying out land statistics and inventory:

a) Land statistics shall be conduct annually, as of December 31 of the statistical year, unless land inventory is conducted in such year;

b) Land inventory shall be conducting every 5 years, as of December 31 of the year with the last digit of 4 or 9.

3. Specialized land inventory is conducted as required for State governance of land in each period as decided by the Minister of Natural Resources and Environment or chairpersons of the provincial-level People's Committees.

### **Article 58. Indicators, details, activities of land statistics and inventory**

1. Land statistical and inventory indicators for the land types prescribed in Article 9 of this Law include:

a) Land area;

b) Land user;

c) Entities/persons authorized to administer land.

2. Land statistical and inventory indicators shall be determined on the basis of:

a) Land statistical indicators determined on the basis of cadastral records at the time of data collection;

b) Land inventory indicators determined on the basis of cadastral records and reality of land use at the time of inventory.

3. Details of land statistics and inventory for commune-level administrative units, district-level administrative units, province-level administrative units and the whole country include: determining the total area of land of all types, the structure per area of each land type, land users, entities/persons authorized to administer land; area of land allocated, leased, or those whose land use purposes are changed.

4. Land statistics shall be conducted as follows:

- a) Collecting records, documents, maps, and data related to land-related changes in the statistical period; land inventory data of the previous period or land statistics conducted in the previous year;
- b) Reviewing, updating, and correcting land-related changes in the statistical year;
- c) Processing and aggregating data, and compiling land statistical tables for administrative units at all levels;
- d) Analyzing and assessing the reality of land use and land-related changes in the statistical period, and proposing solutions to enhance land administration and improve land use efficiency;
- dd) Making land statistical reports.

5. Land inventories shall be conducted as follows:

- a) Collecting records, documents, maps, and data related to land-related changes in the land inventory period; records of land inventory results in the previous period and annual land statistics in the land inventory period;
- b) Investigating, reviewing, updating, and correcting land-related changes in the land inventory year;
- c) Processing and aggregating data, and compiling land inventory tables for administrative units at all levels; making an explanatory report of land use reality;
- d) Making current land use maps; making explanatory reports for the current land use maps;
- dd) Making land inventory reports.

#### **Article 59. Responsibilities for conducting land statistics and land inventory**

1. People's Committees at all levels shall organize and approve the land statistics and inventory of their respective localities.
2. Commune- and district-level People's Committees shall report to their immediately superior People's Committees on the results of land statistics and inventory.
3. Provincial-level People's Committees shall be responsible for publicizing the results of land statistics and reporting them to the Ministry of Natural Resources and Environment before March 31 of the following year, unless it is the year of land inventory.
4. Provincial-level People's Committees shall be responsible for reporting the results of the land inventory to the Ministry of Natural Resources and Environment before June 30 of the year following the year of land inventory.

5. The Ministry of National Defense and the Ministry of Public Security shall assume the prime responsibility for and coordinate with provincial-level People's Committees in making land statistics and conducting land inventories.

6. The Ministry of Natural Resources and Environment shall summarize annual land statistics of the whole country and publicize them before June 30 of every year; summarize the results of the quinquennial land inventory of the whole country into a report to the Prime Minister and publicize them before September 30 of the year following the year of land inventory.

7. The Minister of Natural Resources and Environment and chairpersons of the provincial-level People's Committees shall decide on the details and activities of specialized land inventory.

8. The Minister of Natural Resources and Environment shall detail land statistics and land inventories and the making of current land use maps.

9. Funding for land statistics and land inventory shall be covered by the State Budget and allocated in accordance with law regulations.

## Chapter V LAND USE MASTER PLANS AND LAND USE PLANS

### Article 60. Principles of formulation of land use master plans and land use plans

1. Land use master plans at all levels must be formulated on the principles and relationships among types of master plans as prescribed by the Law on Planning.

Land use master plans at all levels must incorporate and balance the land use needs of the sectors and fields using land.

2. National land use master plans must ensure the characteristics and linkages of the regions; ensure a balance between the land use needs of the sectors, fields, localities and is in accordance with the land potential of the country in order to use land sparingly and effectively.

3. Land use master plans and land use plans must be drawn up at national, provincial and district levels to meet the requirements of implementing the strategy of rapid and sustainable socio-economic development; ensuring national defense and security.

4. Unity and consistency shall be ensured. Land use master plans at the higher level ensures the land use needs of the lower level. Land use master plans at the lower level must be in accordance with the land use master plans at the higher level. District-level land use master plans must determine the land use

details to the commune level. The land use plan must be consistent with the same-level land use master plan that has been decided and approved by the competent authority.

5. Land use master plans shall incorporate the land targets in line with spatial planning, land use zoning, and natural ecosystems.

6. Land shall be used sparingly and effectively. Reasonable exploitation of natural resources, environmental protection, climate change adaptation, national food security, forest cover shall be ensured. The value of historical - cultural relics and famous landscapes shall be conserved, restored and promoted.

7. The continuity, succession, stability, specificity, linkage thereof shall be ensured among socio-economic regions. The harmony and balance thereof shall be ensured among sectors, fields, localities, and generations. The appropriateness thereof to the land conditions and potential shall be ensured.

8. The formulation of land use master plans and land use plans at all levels must engage socio-political organizations, communities, individuals; be in a public and transparent manner.

9. Land use master plans at all levels shall be formulated at the same time. Land use master plans at the higher level must be decided and approved before land use master plans at the lower level. When the land use master planning period ends and the land use master plan for the next period has not been decided and approved by the competent authority, the land use targets that have not been fully realized will continue to be realized until the land use master plan for the next period is decided and approved by the competent State authority.

10. Land use plans shall be formulated at the same time with the formulation and adjustment of land use master plans at the same level. The annual land use plan for the first year of the district-level planning period shall be formulated at the same time with the formulation of the district-level land use master plan.

## **Article 61. System of land use master plans and land use plans**

1. The system of land use master plans and land use plans consists of:

- a) National land use master plans and land use plans;
- b) Provincial-level land use master plans and land use plans;
- c) District-level land use master plans and district-level annual land use plans;
- d) Master plans for use of land for national defense;
- dd) Master plans for use of land for security.

2. National land use master plans, national defense land use master plans and security land use master plans are part of the national planning system and

comply with this Law and the law regulations on planning.

3. Provincial-level land use master plans and district-level land use master plans are technical and specialized plans that concretize national master plans, regional master plans, and provincial development master plans.

### **Article 62. Periods of land use master plans and land use plans**

1. The planning period and horizon of national land use master plans, national defense land use master plans, and security land use master plans shall comply with the Law on Planning.

2. The planning period and horizon of provincial-level land use master plans shall be consistent with the planning period and horizon of provincial development master plans.

3. The planning period for a district-level land use master plan is 10 years. The planning horizon for a district-level land use master plan is 20 years.

4. The planning period of national land use plans and provincial-level land use plans is 5 years. District-level annual land use plans shall be formulated annually.

### **Article 63. Funding for planning**

The funding of formulating, adjusting, appraising, deciding, approving, and publicizing land use master plans and land use plans shall be covered by the State Budget from the public non-business sources.

### **Article 64. National land use master plan and land use plan**

1. The national land use master plan must be formulated based on:

a) Strategies for socio-economic development, national defense and security; national general master plans; and sectoral development strategies;

b) Natural and socio-economic conditions;

c) Reality of land use, land-related changes, land quality, land potential and results of implementation of the national land use master plan in the previous period;

d) Demand for and capacity of land use of all sectors, fields and localities;

dd) Scientific and technological advances related to land use.

2. Details of the national land use master plans shall comply with law regulations on planning.

3. The national land use plan must be formulated based on:

a) The national land use master plan;

b) Socio-economic development plans and mid-term public investment plans of the whole country;

- c) Demand for and capacity of land use of all sectors, fields and localities;
- d) Results of implementation of the 5-year land use plan in the previous period;
- dd) Capacity of investment and resource mobilization.

4. In the national land use plan, the area of each type of land shall be based on the land use targets prescribed in the national land use master plan for each 5-year period.

5. Development and updating of data on national land use master plan maps and land use master plans into the national land database.

#### **Article 65. Provincial-level land use master plans**

- 1. A provincial-level land use master plan must be formulated based on:
  - a) National land use master plans and land use plans.
  - b) National-level master plans, regional master plans; national, inter-provincial technical and specialized master plans involving land use;
  - c) Provincial development master plans;
  - d) Natural, social, economic conditions of the provincial-level administrative unit;
  - dd) Reality of land use, land-related changes, land quality, land potential and results of implementation of the land use master plan of the province in the previous period;
  - e) Land use needs and capabilities of sectors, fields, localities; public investment resources and other resources;
  - g) Scientific and technological advances related to land use.
- 2. A provincial-level land use master plan contains the following details:
  - a) Determination of the boundaries, location, and area of the sea reclamation area for agricultural and non-agricultural purposes;
  - b) Determination of land use targets already allocated in the national land use master plan and the land use targets based on the provincial-level land use demands;
  - c) Determination of land use targets prescribed at Point b of this Clause for each district-level administrative unit;
  - d) Determination of the boundaries, location, and area of the land areas reclaimed from the sea for agricultural and non-agricultural purposes;
  - dd) Zoning of land use areas that require strict administration, including: land for rice cultivation, land for special-use forests, land for protection forests, land for natural production forests;

e) Phasing the land use master plan into five-year plans with the details prescribed at Points b, c, d and dd of this Clause;

g) Solutions and resources for implementation of the land use master plan.

3. Preparing provincial-level land use master plan maps; developing and updating data on provincial-level land use master plans into the national land database.

4. Provincial-level localities that are not municipalities shall not formulate provincial land use plans but must phase their land use master plans into five-year plans as prescribed at Point e, Clause 2 of this Article.

5. Municipalities that have already had general master plans approved in accordance with law regulations on urban planning do not have to formulate provincial-level land use master plans but shall base on the general master plans to formulate their provincial-level land use plans.

In the case where the general master plan is approved after the approval of the provincial-level land use master plan, thereby changing the land use targets in the provincial-level land use master plan, the provincial-level land use master plan may not be adjusted but the provincial-level land use plans shall be formulated based on the general master plan.

6. The Government shall detail this Article.

## **Article 66. District-level land use master plans**

1. A district-level land use master plan must be formulated based on:

a) Provincial development master plans, provincial land use master plans; urban development master plans of municipalities in case of not formulating provincial-level land use master plans;

b) Technical and specialized master plans;

c) District-level socio-economic development plans;

d) Natural, social, economic conditions of the district-level administrative unit;

dd) Reality of land use, land-related changes, land potential and results of implementation of the land use master plan of the district in the previous period;

e) Land use needs and capabilities of sectors, fields, and commune-level People's Committees. The demand for use of residential land, urban land, rural residential land shall be based on population forecast and conditions in terms of infrastructure, landscape, and environment in accordance with law regulations on construction;

g) Land use limits, scientific and technological advances related to land use.

2. A district-level land use master plan contains the following details:

- a) Land use orientation, vision to meet the requirements of socio-economic development; assurance of national defense and security; environmental protection, adaptation to climate change; consistency between land use master plans and transport master plans, construction master plans, urban development master plans, rural development master plans;
- b) Determination of land use targets that have been allocated in the provincial land use plan to commune-level administrative units;
- c) Determination of land use targets based on the land use needs of the district and commune levels;
- d) Determination and demarcation of areas to which land use targets have been allocated in the provincial land use plan as prescribed at Point b and Point dd, Clause 2, Article 65 of this Law, including the area of each land type to ensure the policies of land support for ethnic minorities;
- dd) Determination of the boundaries, location, and area of the land areas reclaimed from the sea for agricultural and non-agricultural purposes;
- e) Phasing the district-level land use master plan into five-year plans with the details prescribed at Points b, c, d and dd of this Clause;
- g) Solutions and resources for implementation of the land use master plan.

3. Preparing district-level land use master plan maps; developing and updating data on district-level annual land use master plans and land use plans into the national land database.

4. Urban districts, municipal cities, and towns of municipalities, provincial cities and towns of provinces that have already had general master plans or zoning master plans approved in accordance with law regulations on urban planning may not formulate district-level land use plans but shall base on the general master plans or zoning master plans and the land use targets allocated from the provincial-level land use plans and the land use targets of the respective localities to formulate the district-level annual land use plans.

5. For areas not prescribed in Clause 4 of this Article for which construction master plans, urban development master plans, or rural development master plans have been approved, the formulation of district-level land use master plans must update the land use spatial orientation, technical infrastructure system and social infrastructure for each land use planning period.

### **Article 67. District-level annual land use plans**

1. A district-level annual land use plan must be formulated based on:

- a) Provincial-level land use master plans; district-level land use master plans; construction master plans; urban development master plans in the case

where the formulation of district-level land use master plans is not required;

b) Land use realities, results of the land use plan implementation in the previous year;

c) Land use needs and capabilities of sectors and fields at all levels, and of organizations; projects for which investment policies have been decided;

d) Ability to invest and mobilize resources for implementing the land use plan.

2. Criteria for selecting priority projects in the annual district-level land use plan include:

a) Assurance of national defense and security;

b) Socio-economic and environmental efficiency;

c) Feasibility thereof.

3. A district-level annual land use plan contains the following details:

b) Areas of land types already allocated in the district-level land use master plan and the area of land types in accordance with land use demands of the district and communes in the planning year determined for each commune-level administrative unit;

b) List of projects expected to be implemented in the year; projects on allocation of residential land and production land for ethnic minorities (if any); land areas subject to auction of land use rights, land recovery projects in the year, projects on resettlement and production land to be allocated to land users subject to land recovery as compensation;

c) Areas per land type, list of structures and projects identified in the previous planning year to be continued in accordance with Clause 7, Article 76 of this Law;

d) Determination of the area of land types of which the change of land use purposes requires permission, unless otherwise prescribed in Clause 5, Article 116 of this Law;

dd) Solutions and resources for implementation of the land use plan.

4. Projects that are not included in the annual district-level land use plan and that fall into one of the following cases may be implemented without having to be added into the annual district-level land use plan:

a) There are investment decisions in accordance with law regulations on public investment under the investment decision-making competence of the National Assembly, the Prime Minister, ministers, heads of central authorities, or provincial-level People's Councils;

b) There are decisions on approval of investment projects in accordance

with law regulations on public-private partnership investment under the investment decision-making competence of the National Assembly, the Prime Minister, ministers, heads of central authorities, or provincial-level People's Councils;

c) There are decisions on approval of investment policies, or decisions on approval of investment policies and investors, or decisions on approval of investors in accordance with law regulations on investment under the investment decision-making competence of the National Assembly and the Prime Minister.

d) The projects use land for land recovery as prescribed in Clause 3, Article 82 of this Law.

5. Development and updating of data on annual district-level land use plans into the national land database.

#### **Article 68. Master plans on use of land for national defense or security purposes**

1. National defense land use master plans and security land use master plans are national sectoral master plans.

2. The bases for establishing national defense land use master plans and security land use master plans includes the bases prescribed by the law regulations on planning and the following bases:

a) National master plans, national sea space master plans, and national land use master plans;

b) Natural and socio-economic conditions of the country;

c) The reality of land use and results of implementation of the land use master plan for national defense or security purposes in the previous period;

d) The demands for and capacity of use of land for national defense or security purposes.

3. Details of national defense land use master plans and security land use master plans shall comply with the law regulations on planning.

4. The Ministry of National Defense and the Ministry of Public Security shall assume the prime responsibility for and coordinate with provincial-level People's Committees in formulating national defense land use master plans and security land use master plans to meet the requirements of socio-economic development and strengthening of national defense and security; reviewing and identifying the locations, areas, and boundaries of land used for national defense or security purposes; and identifying the locations, areas and boundaries of land no more used for national defense or security purposes, which then shall be handed over to the localities for administration and use.

#### **Article 69. Responsibilities for formulating land use master plans and**

## **land use plans**

1. The Government shall organize the formulation of national land use master plans and land use plans.

The Ministry of Natural Resources and Environment shall assume the prime responsibility for assisting the Government in formulating national land use master plans and land use plans.

2. Provincial-level People's Committees shall organize the formulation of provincial-level land use master plans and land use plans.

Provincial-level authorities in charge of land administration shall assume the prime responsibility for assisting the provincial-level People's Committees in the formulation of provincial-level land use master plans and land use plans.

3. District-level People's Committees shall organize the formulation of district-level land use master plans and district-level annual land use plans.

District-level authorities in charge of land administration shall assume the prime responsibility for assisting the district-level People's Committees in the formulation of district-level land use master plans and land use plans.

4. Land use master plans shall be approved in the first year of the planning period.

5. Land use master plans and land use plans of seaside localities shall cover the land reclaimed from the sea.

## **Article 70. Invitation to comment on land use master plan and land use plans**

1. Comments on national land use master plans, national defense land use master plans, and security land use master plans shall be invited in accordance with law regulations on planning.

2. Comments on provincial-level land use master plans shall be invited as follows:

a) The authority formulating the provincial-level land use master plans shall be responsible for consulting with relevant departments, the provincial-level Vietnam Fatherland Front Committee, district-level People's Committees and inviting comments from authorities, organizations, communities and individuals on land use master plans. Comments shall be invited by way of publicly disclosing information about details of the land use plan on the website of the authority formulating the provincial-level land use master plan for comments. Comments shall be invited on the explanatory report and the system of maps of the land use plan;

b) Comments on draft land use master plans shall be summarized and assimilated, explanations shall be given thereto, and the options of land use

master plans shall be finalized before they are submitted to council for appraisal of land use master plans. The aforementioned comments and explanations must be publicized on the website of the authority formulating the provincial-level land use master plans;

c) The comment period for provincial-level land use master plans is 45 days from the date of public disclosure of the details on which comments are invited.

3. Comments on district-level land use master plans and annual district-level land use plans shall be invited as follows:

a) The authority formulating the district-level land use master plans shall be responsible for consulting with relevant departments, the district-level Vietnam Fatherland Front Committee, commune-level People's Committees and inviting comments from authorities, organizations, communities and individuals on land use master plans and land use plans. Comments shall be invited by way of publicly disclosing information about the land use master plans and land use plans on websites of the authorities formulating district-level land use master plans and commune-level People's Committees, posting them at the head offices of commune-level People's Committees and residential settlements, and posting or public displaying them at the cultural houses of villages, hamlets, ethnic villages, and quarters, organizing meetings and conferences, and distributing questionnaires to individuals representing communes, wards, and townships. Comments shall be invited on the explanatory report and the system of maps of the land use plan;

b) Comments on draft land use master plans shall be summarized and assimilated, explanations shall be given thereto, and the options of land use master plans and land use plans shall be finalized before they are submitted for appraisal and approval. The aforementioned comments and explanations must be publicized on the website of the authority formulating the district-level land use master plans and annual district-level land use plans;

c) The comment period for district-level land use master plans is 30 days, and for the annual district-level land use plans is 20 days from the date of public disclosure of the details on which comments are invited.

4. All comments on land use master plans must be fully and accurately summarized and assimilated, and explanations shall be given thereto in an objective, transparent, serious and thorough manner.

## **Article 71. Appraisal of land use master plans and land use plans**

1. Competence to establish a board for appraisal of land use master plans and land use plans is prescribed as follows:

a) The competence to establish the councils for appraisal of national land use master plans, national defense land use master plans, and security land use

master plans shall be invited in accordance with law regulations on planning;

b) The Prime Minister decides to establish the councils for appraisal of national land use plans.

The Ministry of Natural Resources and Environment shall assist this appraisal board in the process of appraising the national land use plans;

c) The Minister of Natural Resources and Environment establishes the councils for appraisal of provincial-level land use master plans and assigns units under the Ministry of Natural Resources and Environment to assist the councils in the process of appraising provincial-level land use master plans;

d) The chairpersons of the provincial-level People's Committees establish the councils for appraisal of provincial-level land use plans for municipalities that may not formulate provincial-level land use plans; establish the councils for appraisal of district-level land use master plans; assigns units under the district-level People's Committees to assist the councils in the process of appraising provincial-level land use plans and district-level land use master plans.

2. The appraisal of a provincial-level land use master plan covers the following details:

a) Legal and scientific bases for the formulation of the land use master plan;

b) The degree of conformity of the land use master plan with details of the master plan that has been approved by the competent authority;

c) Socio-economic and environmental effects;

d) The feasibility of the land use master plan.

3. The appraisal of a land use plan covers the following details:

a) Bases and details of land use planning;

b) The extent of conformity of the land use plan with the land use master plan and urban development master plan;

c) The feasibility of the land use plan.

4. The councils for appraisal of provincial- and district-level land use master plans and national and provincial-level land use plans shall appraise them and send the notices of appraisal results to the authorities in charge of organizing the formulation of land use master plans and land use plans as prescribed in Article 69 of this Law. The authorities in charge of organizing the formulation of land use master plans and land use plans shall direct the bodies directly formulating the land use master plans and land use plans to assimilate and explain the information contained in the notices of appraisal results.

In case of necessity, the councils for appraisal of provincial- and district-

level land use master plans and national and provincial-level land use plans shall organize the examination and field survey of the areas for which the land use purposes are planned to change, especially land for rice cultivation, land for protection forest and land for special-use forest.

5. National land use master plans, national defense land use master plans, and security land use master plans shall be appraised in accordance with law regulations on planning.

### **Article 72. Competence to decide and approve land use master plans and land use plans**

1. The competence to decide on and approve national land use master plans, national defense land use master plans, and security land use master plans shall comply with the Law on Planning.

2. The Government shall approve national land use plans.

3. The Prime Minister approves the provincial-level land use master plans and the provincial-level land use plans for municipalities that may not formulate provincial-level land use master plans.

4. Provincial-level People's Committees shall approve district-level land use master plans and district-level annual land use plans.

5. Before approving the annual district-level land use plan, the provincial-level People's Committee shall submit to the provincial-level People's Council for approval a list of projects that requires land recovery, including projects for which land shall be recovered with land use rights then to be auctioned or land-using projects for which bidding shall be organized to select investors; projects that requires change of land use purpose of land for rice cultivation, land for special-use forests, land for protection forests, land for production forests under master plans, unless otherwise prescribed in Clause 4, Article 67 of this Law.

### **Article 73. Review and adjustment of land use master plans and land use plans**

1. A land use master plan or a land use plan shall be adjusted following the principles below:

a) The adjustment of land use master plans and land use plans must be decided or approved by the authorities competent to decide or approve the respective land use master plans and land use plans;

b) The authority competent to organize the formulation of land use master plans and land use plans shall be responsible for organizing the formulation of adjustments to the land use master plans and land use plans;

c) The adjustment of land use master plans and land use plans does not change the objectives of the land use master plans and land use plans;

d) The adjustment of land use master plans and land use plans does not change the land use targets that have been identified and allocated to them in the higher-level land use master plans;

dd) The process and procedures prescribed by this Law shall be followed.

2. The authority competent to organize the formulation of the master plans shall be responsible for conducting periodic reviews of the land use master plans every 5 years to adjust them depending on the socio-economic development situation in each period.

3. National land use master plans, national defense land use master plans, and security land use master plans shall be reviewed and adjusted in accordance with law regulations on planning.

4. A provincial-level land use master plan must be adjusted due to:

a) Adjustments to national master plans, regional master plans, provincial development master plans, technical and specialized master plans involving land use at the national and inter-provincial level, which change the provincial-level land use structure;

b) Establishment, merger, division, and adjustment of administrative boundaries of provincial-level administrative units and subordinate administrative units;

c) Natural disasters or wars, or requirements of national defense and security assurance result in changes in the land use purposes, structure, locations and area.

5. A district-level land use master plan must be adjusted due to:

a) Adjustments to the higher-level master plans directly resulting in the change the district-level land use structure;

b) Establishment, merger, division, and adjustment of boundaries of local administrative units;

c) Wars or requirements of national defense and security assurance result in changes in the land use purposes, structure, locations and area;

d) Impact of natural disasters and environmental emergencies that change the land use purposes; implementation of the master plan resulting in negative impact on the social security, ecological environment, and community;

dd) Changes in the resources to implement the master plan, formation of key projects serving national interests and public benefits, which change the direction of land use.

6. Master plans may be adjusted when there is one of the bases prescribed in Clauses 4 and 5 of this Article and such adjustment is permitted by the competent authorities.

7. A land use plan may be adjusted when the land use master plan or the urban development plan is adjusted or its feasibility changes.

8. Land use master plans and land use plans must be adjusted in accordance with Articles 64, 65, 66, 67, 68, 69, 70, 71, 72 and 75 of this Law.

9. The state authorities or persons competent to decide on or approve land use master plans and land use plans at a certain level have competence to decide on or approve adjustments to land use master plans and land use plans at that level.

#### **Article 74. Selection of consultants for the formulation of land use master plans and land use plans**

1. Consultants for the formulation of national land use master plans, national defense land use master plans, and security land use master plans shall be selected in accordance with law regulations on planning.

2. Consultants for the formulation of the national land use plans, provincial-level land use master plans, district-level land use master plans, and annual district-level land use plans shall be selected in accordance with the regulations of the Government.

#### **Article 75. Publicization of land use master plans and land use plans**

1. National land use master plans shall be publicized in accordance with law regulations on planning.

2. The national land use plan; provincial-level land use master plans and provincial-level land use plans; district-level land use master plans and annual district-level land use plans must be publicized after being decided or approved by the competent State authorities.

3. Responsibilities for publicizing land use master plans and land use plans are prescribed as follows:

a) The Ministry of Natural Resources and Environment shall publicize the national land use master plans and plans at its head office and on its website;

b) Provincial-level People's Committees shall publicize provincial-level master plans and plans at their head offices and on their websites;

c) District-level People's Committees shall publicize district-level land use master plans and district-level annual land use plans at their head offices and on their web portals and the details of the district-level land use master plans and district-level annual land use plans that are related to communes, wards and townships at the head offices of the commune-level People's Committees. The commune-level People's Committees hence shall make such details publicly available to residents and land users in their respective commune-level localities.

4. Timing and time limit during which land use master plans and land use

plans must be publicized are prescribed as follows:

a) Land use master plans must be publicized no later than 15 days from the date of decision or approval by the competent State authorities;

b) Land use master plans must be publicized throughout the planning period.

5. Public materials on land use master plans and land use plans include:

a) Documents indicating the approval of the land use master plans and land use plans;

b) Explanatory reports on the approved land use master plans;

c) Maps of the approved land use master plans.

### **Article 76. Organization of the implementation of land use master plans and land use plans**

1. The Government shall organize the implementation of national land use master plans and land use plans.

The Prime Minister shall, depending on national land use targets which have been decided by the National Assembly, allocate land use targets to provincial-level administrative units, the Ministry of National Defense and the Ministry of Public Security.

2. The Ministry of National Defense shall be responsible for organizing the implementation of national defense land use master plans. The Ministry of Public Security shall be responsible for implementing security land use master plans.

3. Provincial- and district-level People's Committees shall organize the implementation of land use master plans and land use plans in their respective localities.

4. If the land use master plan has been publicized but the annual district-level land use plan is not yet available, land users may continue using land and exercise the rights of land users as prescribed by this Law.

5. For projects that fall under Clause 4, Article 67 of this Law and that require land recovery, the district-level People's Committees of the localities where the projects are located must publicize the scope of land recovery in accordance with the project schedule to the land users.

6. For the area of land to be recovered or land whose use rights to be changed to other purposes in the annual district-level land use plan or the area of land to be recovered or land whose use rights to be changed to other purposes as prescribed in Clause 4, Article 67 of this Law, land users may continue to exercise their rights as land users but may not build new houses, facilities, or plant new perennial trees. Land users may build them in accordance with time-limited construction permits, renovate and repair existing houses and facilities in

accordance with law regulations on construction and relevant law regulations.

7. The area of land identified in the annual district-level land use plan that has been approved by the competent authority for recovery to implement the project or land whose use purposes to be changed to other purposes, for which the annual district-level land use plan have been stated non decision on land recovery or no permission for change of land use purposes for 02 consecutive years, the authority that approved the annual district-level land use plan must review, evaluate, adjust, cancel the land recovery or change of land use rights to other purposes for the area of land identified in the annual district-level land use plan, and publicize the adjustment or cancellation thereof.

In the case where the competent authority that approves the land use plan fails to adjust or cancel, or does adjust or cancel but fails to publicize such adjustment or cancellation, land users are not subject to the limitation of land use rights prescribed by law.

8. On an annual basis, provincial-level People's Committees shall be responsible for organizing the review, handling and publicization of land recovery, change of land use purposes, adjustment and cancellation of land recovery and change of land use purposes for land recorded in the annual district-level land use plans on their websites; and send information to the Ministry of Natural Resources and Environment, the district-level People's Committees and the commune-level People's Committees.

9. The Government shall prescribe the principles and criteria for allocating provincial-level land use targets and district-level land use targets.

10. The Government shall detail this Article and the preparation, appraisal, adjustment, invitation to comment, approval and publicization of the national land use plans, provincial-level land use master plans, district-level land use master plans and annual district-level land use master plans.

### **Article 77. Responsibilities for reporting the results of implementation of land use master plans and land use plans**

1. The district-level People's Committees shall report the results of the implementation of land use master plans to the provincial-level People's Committees before October 15 every year.

2. The provincial-level People's Committee shall report the results of the implementation of land use master plans to the Ministry of Natural Resources and Environment before October 15 of the last year of the master planning period and the planning period.

3. The Ministry of National Defense shall report the results of the implementation of national defense land use master plans and the Ministry of Public Security shall report the results of the implementation of security land use master plans to the Ministry of Natural Resources and Environment before

October 15 of the last year of the 05-year land use master planning period and the last year of the land use planning period.

4. The Ministry of Natural Resources and Environment shall summarize the results of land use master plans nationwide and submit them to the Government for reporting to the National Assembly in the last year of the land use master planning period.

## **Chapter VI**

### **LAND RECOVERY AND LAND REQUISITION**

#### **Article 78. Land recovery for national defense or security purpose**

The State may recover land for national defense or security purposes in the following cases:

1. Land for military barracks or offices;
2. Construct military bases;
3. Construct national defense structures, battle fields and special facilities for national defense or security;
4. Construct military and security stations, ports, information facilities;
5. To construct industrial, scientific and technological, cultural or sports facilities that directly serve national defense or security purposes;
6. Construct warehouses for the people's armed forces;
7. Land for shooting grounds, training grounds, and weapon testing and destroying sites;
8. Establish training bases, training and vocational training centers, sanatoriums, convalescence, retreat and rehabilitation centers, medical and treatment facilities for the people's armed forces;
9. Construct official residences for the people's armed forces;
10. Construct detention facilities; temporary detention and custody facilities; compulsory corrections facilities; reformatories and zones for labor, correction, and vocational training for prisoners, inmates, and juvenile trainees managed by the Ministry of National Defense and the Ministry of Public Security.

#### **Article 79. Land recovery for socio-economic development in the national or public interest**

The State shall recover land where strictly necessary to implement socio-economic development projects in national and public interests in order to promote land resources, improve land use efficiency, develop modern socio-

economic infrastructure, implement social security policies, protect the environment and preserve cultural heritage in the following cases:

1. Construction of transportation facilities, including: expressways, car roads, inner-city roads, rural roads including bypasses, rescue roads and rice field roads serving the common travel needs of everyone, bus stops, pick-up and drop-off points, toll stations, storage facilities, car parks; ferry terminals, bus stations, rest stops; all types of railways; railway stations; all types of bridges and tunnels for transport; inland waterway facilities, maritime facilities; aviation facilities; cable car lines and cable car stations; fishing ports, shallow ports; office buildings, offices, business service facilities within stations, ports and bus terminals; safety corridors for transport facilities that require land recovery for airspace; other structures serving transport and transportation;
2. Construction of irrigation structures, including: dikes, embankments, culverts, dams, spillways, reservoirs, water tunnels, water supply, drainage, irrigation, and drainage systems, including the safety corridors for water resources facilities that require land use; key irrigation facilities, including office buildings, warehouses, production facilities, repair and maintenance facilities for irrigation facilities within the scope of irrigation projects;
3. Construction of water supply and drainage facilities, including: water treatment plants; pumping stations; water tanks and towers; water supply and drainage pipelines; regulating reservoirs; water, sludge and sediment treatment facilities, including office buildings, warehouses, production facilities, repair and maintenance facilities for water supply and drainage facilities;
4. Construction of waste treatment facilities, including: transfer stations; landfills; waste treatment complexes, treatment areas, waste treatment facilities, hazardous waste facilities, including office buildings, warehouses, production facilities, repair and maintenance facilities for waste treatment facilities;
5. Construction of energy and public lighting facilities, including: power plants and auxiliary facilities of power plants; dams, embankments, reservoirs and water diversion facilities for hydropower plants; power transmission lines and transformer stations; business, repair and maintenance facilities within the scope of power plants; public lighting systems;
6. Construction of oil and gas facilities, including: production platforms, facilities for oil and gas exploration and processing, oil refineries, gas processing plants, biofuel production plants; crude oil storage tanks, storage tanks, gas stations, oil, gas, pipeline systems, safety corridors to ensure technical safety; business, repair and maintenance facilities within the scope of oil and gas exploration, processing facilities, refineries, gas processing plants, biofuel production plant;
7. Construction of infrastructure facilities for post and telecommunications,

and information technology, including: offices, stations, antenna masts, cable hanging poles, culverts, tanks, cable pipes, trenches, technical foundations and other related infrastructure facilities to install equipment for telecommunications and equipment installed therein for telecommunications; data centers; including the safety corridors for the facilities to ensure technical safety without being used for other purposes; postal and telecommunication exploitation facilities system and postal service points; commune-level postal and cultural points; business, repair and maintenance facilities within the scope of post and telecommunications and information technology facilities;

8. Construction of traditional retail markets and wholesale markets;
9. Construction of belief-practicing facilities, including: communal houses, temples, shrines, hermitages and other legal places of worship;
10. Construction of religious facilities, including: headquarters of religious institutions and their affiliated organizations; pagodas, churches, mosques and divine temples; vocational schools for religious specialists; monuments, stelae, towers and other lawful religious facilities;
11. Construction of public playgrounds, entertainment facilities, and common places, including: parks, flower gardens, beaches and other public entertainment areas; venues for meetings and other activities suitable for the customs and traditions of the local communities;
12. Construction of head offices of agencies of the Communist Party of Vietnam, State authorities, the Vietnam Fatherland Front Committees, socio-political organizations, political socio-professional organizations, socio-professional organizations, social organizations and other organizations established under the law regulations and assigned tasks and supported with regular operating expenses by the State;
13. Construction of head offices or representative offices of public non-business units under the Communist Party of Vietnam, State authorities, socio-political organizations;
14. Construction of cultural facilities, historical and cultural relics, famous landscapes, including: conference centers, theaters, cultural houses, cultural centers, cultural palaces, clubs, cinemas, circuses; relic facilities; symbolistic and artistic structures, children's palaces, children's houses, youth and children's activity centers, museums, exhibition houses, libraries, literary creation facilities, art creation facilities, art exhibition houses, headquarters of art troupes; facilities for expansion, renovation, restoration, rehabilitation, promotion of the value of historical and cultural relics, famous landscapes that have been classified or listed by the provincial-level People's Committees for the inventory of relics in accordance with law regulations on cultural heritages; other cultural facilities established or permitted to operate by the State;

15. Construction of medical facilities and social service facilities established or permitted to operate by the State, including: medical examination and treatment facilities; rehabilitation facilities; preventive health facilities; population facilities; testing facilities; calibration, inspection and testing facilities; medical appraisal facilities; forensic appraisal facilities; drug production facilities; medical equipment manufacturing facilities; social work service centers, social protection facilities; centers for treatment, education and social labor; nursing homes for meritorious people; children assistance facilities; consultation center providing advice on care for the elderly, people with disabilities, children in special circumstances, people living with HIV/AIDS, and mentally ill people; drug rehabilitation facilities; nursing homes for the elderly and children with special circumstances;

16. Construction of educational and training facilities established or permitted to operate by the State, including: kindergartens, upper kindergartens, preschools, general education institutions, continuing education institutions, specialized schools, higher education institutions, and vocational training institutions;

17. Construction of sports and physical education facilities established or permitted to operate by the State, including: sports complexes, training centers for athletes; stadiums, sports competition and training facilities;

18. Construction of science and technology facilities established or permitted to operate by the State, including: scientific and technological research and development organizations and scientific and technological service providers; organizations supporting start-ups and innovation; technology incubation facilities, science and technology business incubation facilities; science and technology parks; science museums; measurement standard systems;

19. Construction of diplomatic facilities, including: head offices of embassies, consulates, representative offices of foreign diplomatic organizations and non-governmental organizations with diplomatic functions; facilities for diplomatic corps managed by the State;

20. Construction of public service facilities for environmental treatment, biodiversity conservation, meteorology, hydrology, vehicle registration, animal and plant quarantine;

21. Implementation of projects on investment in construction of social houses and houses for the people's armed forces, unless otherwise land use right transfer agreements are reached; projects on investment in construction of official residences; projects on investment in renovation and reconstruction of condominiums, unless otherwise condominium owners agree to transfer the land use rights to the project owners to implement the projects on investment in renovation and reconstruction of condominiums in accordance with the Law on Housing; resettlement projects;

22. Implementation of projects on industrial parks and industrial clusters; high-tech parks; agricultural areas applying high technology; concentrated information technology parks; forestry areas applying high technology; duty-free zones in economic zones;

23. Implementation of projects for large-scale, concentrated production and processing of agricultural, forestry, aquatic and seafood products with attention to shared infrastructure synchronously from the production stage to the processing of agricultural, forestry, aquatic and seafood products for service on the inter-district, inter-provincial or inter-regional level; projects for planting and preserving medicinal plant genes to develop traditional medicine herbal medicines;

24. Implementation of activities related to land reclamation from the sea;

25. Mineral exploitation activities licensed by competent State authorities, including work items for the exploitation and processing of minerals associated with the mining area and the safety corridor for the exploitation that requires land recovery;

26. Projects in the vicinity of traffic connection points and routes with development potential;

27. Implementation of projects on investment in construction of urban areas with mixed-use functions, technical and social infrastructure systems synchronized with housing in accordance with law regulations on construction for new construction or urban renovation or renovation; rural residential area projects;

28. Cemeteries, funeral homes, crematoria, columbaria;

29. Implementation of projects on arrangement of residential land and production land for ethnic minorities to implement the policies on land support for ethnic minorities in accordance with this Law;

30. Construction of above-ground structures for the operation, exploitation and use of underground structures;

31. Implementation of projects approved, and for which the investment policies are endorsed, by the National Assembly or the Prime Minister in accordance with law regulations;

32. In the case where land is recovered to implement projects and facilities in national and public interests not falling in the cases prescribed in Clauses 1 to 31 of this Article, the National Assembly shall amend and supplement the cases of land recovery of this Article following simplified process and procedures.

**Article 80. Grounds and conditions for land recovery for national defense or security purposes; for socio-economic development in the national or public interest**

1. The recovery of land for national defense and security purposes; or for socio-economic development in the national or public interest must be pursuant to Article 78 or Article 79 of this Law, and at the same time must fall within one of the following cases:

a) Projects included in the annual district-level land use plans which have been approved by competent authorities;

b) Projects for which investment decisions are made in accordance with law regulations on public investment, or for which investment project approval decisions are made in accordance with law regulations on public-private partnership investment;

c) Projects for which there are decisions on approval of investment policies, or decisions on approval of investment policies and investors, or decisions on approval of investors in accordance with law regulations on investment for investment projects under the competence to endorse investment policies by the National Assembly and the Prime Minister;

d) The competent State authorities issue documents as prescribed in Article 84 of this Law in case of land recovery related to national defense and security.

2. In case of a project prescribed in Clause 1 of this Article with different phases of land use schedule, land shall be recovered in accordance with the schedule of the investment project prescribed in the project approval document or the decision on investment policy.

3. Land can be recovered for national defense or security purpose, or for socio-economic development in the national or public interest subject to the condition that the compensation, support and resettlement plan has been approved and the resettlement is completed in accordance with this Law.

4. The land recovery as prescribed in Clauses 26 and 27, Article 79 of this Law must meet the conditions prescribed in Clauses 1, 2 and 3 of this Article and create a land fund for the State to invest in managing, exploiting or allocating or leasing land to investors in accordance with law regulations.

### **Article 81. Cases of land recovery due to violations of the law regulations on land**

1. Land is not used for the purposes for which land has been allocated, leased, or land use rights have been recognized by the State and the land users, after having been sanctioned administratively for using land for improper purposes, still continue committing the violation.

2. Land users destroy land and have been administratively penalized for land destruction but continue repeat violations.

3. Land was allocated or leased to wrong entities/persons or ultra vires.

4. Land received through acquisition or donation from persons who are allocated or leased land by the State, but not permitted to transfer or donate such land, as prescribed by this Law.

5. Land of which the administration is authorized by the State is encroached or occupied.

6. Land users fail not fulfill their financial obligations to the State.

7. Land for annual crops or land for aquaculture is not used for a continuous period of 12 months. Land for perennial crops is not used for a continuous period of 18 months. Land for forestry is not used for a continuous period of 24 months. Such violation has been administratively penalized but the land is not put into use in accordance with the deadline stated in the decision on administrative penalty;

8. Land is allocated or leased by the State, or of which the change of use purposes is permitted, the land use rights are recognized or acquired through transfer to implement investment projects but not used within 12 consecutive months from the time of handover of land in reality or the land use is 24 months behind the schedule stated in the investment projects. In the case where the land is not put into use or the land use is behind the schedule stated in the investment project, the project owner may extend the use term for no more than 24 months and must pay an additional amount to the State corresponding to the level of land use levy or land rental for the extended period. After the expiry of the extended period, if the project owner has still not put the land into use, the State shall recover the land without any compensation for land, land-attached property and remaining land investment costs.

9. Clauses 6, 7 and 8 of this Article do not apply to cases of force majeure.

10. The Government shall detail this Article.

### **Article 82. Land recovery due to termination of land use in accordance with law regulations, voluntary return of land, life-threatening risk, or inability to continue using land**

1. Cases of land recovery due to termination of land use in accordance with law regulations include:

a) Organizations allocated land by the State without land use levy are dissolved, go bankrupt, or cease operations in accordance with law regulations;

b) Individuals using land die without heirs after fulfilling their property obligations in accordance with civil law;

c) Land is allocated or leased by the State for definite terms and such terms expire without extension permitted;

d) Land recovery in the case where investment projects are terminated in accordance with law regulations on investment;

dd) Land recovery in the case where forests have been reclaimed in accordance with law regulations on forestry.

2. Land users who reduce or no longer need land and have voluntary applications to return the land.

3. Cases of land recovery due to life-threatening risk or inability to continue using land include:

a) Land in areas affected by environmental contamination that poses a threat to human life; land in other areas affected by environmental contamination that can no longer be used for the intended purposes;

b) Residential land prone to landslides, subsidence, or other natural disasters that threaten human life; other land that is subject to landslides, subsidence, or other natural disasters that can no longer be used.

4. Land recovery in the case where land must be recovered in accordance with Clause 1, Article 48, Point d and Point dd, Clause 1, Article 181 of this Law.

5. Land recovery in the cases prescribed in Clauses 1, 2, and 3 of this Article must be based on the following:

a) The competent authority's document which has taken legal effect in the case prescribed at Point a, Clause 1 of this Article;

b) A death certificate or a decision declaring a person dead as prescribed by law in the case prescribed at Point b, Clause 1 of this Article;

c) The decision on land allocation or land lease, the certificate of land use rights, the certificate of house ownership and residential land use rights, the certificate of land use rights and ownership of houses and other land-attached property, and the certificate of land use rights and ownership of land-attached property in the cases specified at Point c, Clause 1 of this Article;

d) A written document indicating the termination of the investment project, in the case prescribed at Point d, Clause 1 of this Article;

dd) A written document indicating the reclamation of forests in the case prescribed at Point dd, Clause 1 of this Article;

e) The land user's document indicating the return of land in the case prescribed in Clause 2 of this Article;

g) The decision issued by a competent authority determining the extent to which land is environmentally contaminated, eroded, sunk, or otherwise affected by another natural disaster in the case prescribed in Clause 3 of this Article.

6. The Government shall detail this Article.

**Article 83. Competence to recover land and handle cases of land recovery and land-attached property that is public property**

1. Provincial-level People's Committees shall decide to recover land for domestic organizations, religious institutions and their affiliated organizations, foreign residents of Vietnamese origin, foreign organizations with diplomatic functions, foreign foreign-invested economic institutions in cases prescribed in Articles 81 and 82 of this Law.

2. District-level People's Committees may decide on land recovery in the following cases:

a) Land recovery in cases prescribed in Articles 78 and 79 of this Law without distinction between land users, organizations, individuals who are managing or occupying land;

b) Land recovery for households, individuals, and communities in cases prescribed in Articles 81 and 82 of this Law.

3. Cases where land use rights and land-attached property are public property in case of land recovery in accordance with this Law do not need to be rearranged and handled in accordance with law regulations on management and use of public property.

#### **Article 84. Cases of land recovery related to national defense and security**

1. In the case where the land to be recovered for national defense and security purposes that have been included in the national defense land use master plans or security land use master plans is the land to be transferred to localities to implement socio-economic development projects in national and public interests as prescribed in Article 79 of this Law, the consensus of the Minister of National Defense for national defense land, or of the Minister of Public Security for security land, shall be reached. In case of disagreement, the provincial-level People's Committees shall be responsible for reporting to the Prime Minister for consideration and decision.

2. In the case where land must be recovered to perform national defense and security tasks but has not been included in the national defense land use master plans or security land use master plans, the Minister of National Defense and the Minister of Public Security will consult the Ministry of Natural Resources and Environment, the provincial-level People's Committees of the localities where the land is located to report to the Prime Minister for consideration and approval of land recovery and must update the respective master plans when reviewing and adjusting them in accordance with law regulations thereafter.

3. In the case where land for national defense and security and property attached to such land must be recovered and transferred to localities to implement socio-economic development projects in national and public interests, but the area of land planned to be recovered has not been determined in the national defense land use master plans or security land use master plans as land to be transferred

to localities, the following regulations shall prevail:

- a) For projects decided on, or for which the investment policies are endorsed, by the National Assembly in accordance with law regulations on public investment, public-private partnership investment, and law regulations on investment, after the National Assembly decides on them or endorse their investment policies, the Prime Minister shall consider approving the recovery of national defense and security land and property attached to such land to implement such projects;
- b) For projects decided on, or for which the investment policies are endorsed, by the Prime Minister in accordance with law regulations on public investment, public-private partnership investment, and law regulations on investment, the Prime Minister shall consider approving the recovery of national defense and security land and property attached to such land to implement such projects together with considering deciding on them or approving their investment policies;
- c) For public investment projects and public-private partnership investment projects not prescribed at Points a and b of this Clause, the provincial-level People's Committees shall coordinate with the Ministry of National Defense, as for national defense land, or with the Ministry of Public Security, as for security land, to report to the Prime Minister for consideration and approval of the recovery of national defense and security land and property attached to such land to implement the projects before making investment decisions in accordance with law regulations on public investment and public-private partnership investment;
- d) The area of land for the projects prescribed at Points a, b and c of this Clause after being recovered must be updated upon review and adjustment of the master plans in accordance with law regulations.

4. The Government shall detail this Article.

#### **Article 85. Notification of land recovery and compliance with decisions on land recovery for national defense or security purpose; or for socio-economic development in the national or public interest**

1. Before issuing a land recovery decision, the competent State authority must send a notice of land recovery to the land user subject to land recovery, affected owners of land-attached property, and persons who have relevant rights and obligations (if any) at least 90 days for agricultural land and 180 days for non-agricultural land. A land recovery notice contains the following details: the reason for recovering land; the area, location of the land to be recovered; the land recovery schedule; the land investigation, surveying, measurement and inventory plan; the plan to relocate people from the land area to be recovered; the compensation, support, resettlement plan.

2. In the case where land users of, owners of land-attached property in, and

persons who have rights and obligations related to the recovered land agree on the land recovery plan prior to the time limit prescribed in Clause 1 of this Article, the competent People's Committee may decide on land recovery without having to wait until the time limit prescribed in Clause 1 of this Article expires.

3. Land users subject to land recovery and affected owners of land-attached property shall coordinate with units and organizations performing the tasks of compensation, support, and resettlement in the process of investigation, survey, measurement, inventory, and making of plans for compensation, support and resettlement.

4. After the land recovery decisions come into effect and plans for compensation, support and resettlement approved by competent authorities are publicized, land users subject to land recovery, affected owners of land-attached property, and persons who have relevant rights and obligations shall comply with the land recovery decisions.

5. The validity of the land recovery notice is 12 months from the date of issuance.

#### **Article 86. Authorities, units, and organizations performing the tasks of compensation, support, resettlement; management, exploitation, and use of the recovered land fund**

1. District-level People's Committees shall be responsible for directing and organizing the performance of compensation, support, and resettlement tasks in accordance with this Law.

2. The unit(s) or organization(s) performing the tasks of compensation, support, and resettlement may be one or more of the following units and organizations:

a) Land fund developer;

b) Other unit or organization with the function of performing the tasks of compensation, support and resettlement;

c) The council for compensation, support and resettlement.

A council for compensation, support, and resettlement shall be established by the chairperson of the district-level People's Committee for each project, having the chairperson or vice chairperson of the district-level People's Committee as its chairperson; representatives of the financial authority, the authority in charge of land administration, the commune-level People's Committee of the locality where the land to be recovered is located; representatives of persons subject to land recovery as its members, and other members as decided by the chairperson of the district-level People's Committee in accordance with the actual situation in the locality. Representatives of the People's Council, the district-level Vietnam Fatherland Front Committee, and

other socio-political organizations shall be invited to attend and supervise meetings of the council for compensation, support, and resettlement.

3. The unit or organization performing the tasks of compensation, support, and resettlement shall coordinate with the district-level People's Committee to perform the tasks of compensation, support, and resettlement under the ambit of functions and tasks assigned to it.

4. Chairpersons of provincial-level People's Committees shall direct and monitor the performance of compensation, support, and resettlement tasks by the district-level People's Committees; promptly resolve difficulties that are not under the competence of the district level.

5. Land recovered in accordance with Articles 78 and 79 of this Law that has not been allocated or leased in urban areas shall be transferred to the land fund developers for administration, exploitation, and use. In rural areas, it shall be transferred to the commune-level People's Committees for administration.

**Article 87. Process and procedures for compensation, support, resettlement, and land recovery for national defense or security purpose; for socio-economic development in the national or public interest**

1. Before the land recovery notice is issued, the commune-level People's Committee of the locality where the land to be recovered is located shall assume the prime responsibility for, and coordinate with the Vietnam Fatherland Front Committee at the same level, the unit or organization performing the tasks of compensation, support, and resettlement, and relevant authorities to organize a meeting with persons in the land area to be recovered in order to disseminate information to them and listen to their opinions on the following details:

a) The purpose, significance, and importance of the project or facility to be implemented on the land area to be recovered;

b) The State's regulations on policies for compensation, support, and resettlement upon land recovery;

c) Draft details of the compensation, support, and resettlement plan;

d) Tentative resettlement area in case the land users subject to land recovery are entitled to resettlement.

2. The implementation of plans for land recovery, investigation, survey, measurement and inventory are prescribed as follows:

a) The People's Committee having competence to recover land shall grant a notice of land recovery;

b) The commune-level People's Committee of the locality where the land to be recovered is located shall send a land recovery notice to each land user subject to land recovery, affected owner of land-attached property, and person

who has relevant rights and obligations (if any). At the same time, it shall post up the land recovery notice and the list of land users subject to land recover under its management at its head office and the common public place of the residential area where the land to be recovered is located throughout the period of compensation, support, and resettlement.

In the case where it is not possible to contact or send the land recovery notice to the land users subject to land recovery, affected owners of land-attached property, and persons who have relevant rights and obligations (if any), the notice shall be published in one of the central and provincial-level daily newspapers for 3 consecutive issues and broadcasted on the central and provincial-level radio or television channels 3 times in 3 consecutive days; posted at the head offices of the commune-level People's Committees, the common public places of the residential areas where the land to be recovered is located, uploaded to the web portal of the district-level People's Committees throughout the period of compensation, support, and resettlement without being re-sent;

c) The commune-level People's Committee of the locality where the land to be recovered is located shall coordinate with the unit or organization performing the tasks of compensation, support, and resettlement, relevant authorities, and the land users subject to land recovery to conduct land surveying and investigation, record the reality of land use, measure land, conduct land inventory and statistics, classify the area of land to be recovered and the property attached to the land to be recovered; determine the origin of the land to be recovered and the property attached to the land to be recovered;

d) The commune-level People's Committee of the locality where the land to be recovered is located shall coordinate with the unit or organization performing the tasks of compensation, support, and resettlement to investigate, determine, and fully record the actual damages to the land use rights and property attached to the land to be recovered; identify persons who have relevant rights and obligations; income from the use of land to be recovered, property attached to the land to be recovered, the needs for resettlement and occupation change;

dd) In the case where the land users subject to land recovery fail to coordinate in land surveying, investigation, measurement, and inventory, the commune-level People's Committee shall assume the prime responsibility for, and coordinate with the commune-level Vietnam Fatherland Front Committee of the locality where the land to be recovered is located and the unit or organization performing the tasks of compensation, support, and resettlement to persuade and encourage them to agree on the matter.

They will be being persuaded or encouraged within 15 days and such persuasion and encouragement shall be documented in writing. Within 10 days after the period of being persuaded or encouraged, if the person subject to land recovery fail to coordinate in land investigation, surveying, measurement, and

inventory, the chairperson of the district-level People's Committee shall issue a decision on compulsory inventory. The person subject to land recovery shall abide by the decision on compulsory land inventory, otherwise the chairperson of the district-level People's Committee shall issue a decision on coercive enforcement of the decision on compulsory land inventory and organize the coercive enforcement in accordance with Article 88 of this Law.

3. The formulation, appraisal, and approval of plans for compensation, support and resettlement are prescribed as follows:

a) The unit or organization performing the tasks of compensation, support, and resettlement shall be responsible for preparing a compensation, support, and resettlement plan and coordinating with the commune-level People's Committee of the locality where the land to be recovered is located to publicly post such compensation, support, and resettlement plan at the head office of the commune-level People's Committee and the common public places of the residential areas where the land to be recovered is located for a period of 30 days. Immediately after the end of the public disclosure period, meetings may be held with the people in the land to be recovered to collect their comments on the compensation, support, and resettlement plan. In the case where the land users subject to land recovery or affected property owners do not attend the meetings in person due to legitimate reasons, they can send their comments in writing.

The comments must be documented in a record, clearly stating the number of people who agree, disagree, and have other opinions on the compensation, support, and resettlement plan. The comments and suggestions are then assimilated and explanations may be given therein. The record shall be certified by representatives of the commune-level People's Committee and land users subject to land recovery.

Within 60 days from the date the comments are collected, the unit or organization performing the tasks of compensation, support, and resettlement shall be responsible for coordinating with the commune-level People's Committee of the locality where the land to be recovered is located to organize dialogues in the case where there are disagreements about the compensation, support, and resettlement plan. The unit or organization performing the tasks of compensation, support, and resettlement shall assimilate the comments and suggestions and give explanations to the draft compensation, support, and resettlement plan; then finalize the plan and submit it to the competent authority;

b) The compensation, support, and resettlement plan must be appraised before being submitted to the People's Committee having competence to decide on land recovery;

c) The People's Committee having competence to recover land shall decide to approve the compensation, support, and resettlement plan.

4. The unit or organization performing the tasks of compensation, support, and resettlement shall:

a) Coordinate with the commune-level People's Committee to disseminate and publicly post up the compensation, support, and resettlement plan at the head offices of commune-level People's Committees and the common public area of the residential areas where the land to be recovered is located;

b) Send the compensation, support, and resettlement plan that has been approved by the competent authority to each person subject to land recovery, affected owner of land-attached property, and person who has relevant rights and obligations, stating clearly the amount of compensation and support, the resettlement, the arrangement of houses or land for resettlement (if any), the time frame and place of payment of compensation and support amounts; the time frame for arranging houses or land for resettlement (if any) and the time frame for handing over recovered land to the unit or organization performing the tasks of compensation, support, and resettlement;

c) Making compensation and support, arranging resettlement under the approved compensation, support and resettlement plan.

5. The People's Committee having competence to recover land shall issue a land recovery decision within 10 days after:

a) The compensation, support, and resettlement plan is approved in the case where resettlement is not provided;

b) Land users subject to land recovery are arranged for on-site resettlement and agree to receive temporary accommodation compensation;

c) Land users subject to land recovery have been allocated land by the competent authorities and have been handed over land in reality to build resettlement houses themselves;

d) Land users subject to land recovery have been handed over resettlement houses by the competent State authorities;

dd) Land users subject to land recovery have been handed over land attached to resettlement houses by the competent State authorities;

dd) Land users subject to land recovery have agreed to and received compensation to arrange accommodation themselves;

g) Land users subject to land recovery voluntarily handed over their land to the State and have been provided with temporary accommodation or paid temporary accommodation expenses.

6. In the case where the unit or organization performing the tasks of compensation, support, and resettlement has organized the implementation of the compensation, support, and resettlement plan that has been approved by the

competent authority but the land users subject to land recovery do not agree thereon or fail to abide by:

a) The commune-level People's Committee shall assume the prime responsibility for, and coordinate with the commune-level Vietnam Fatherland Front Committee of the locality where the land to be recovered is located and the unit or organization performing the tasks of compensation, support, and resettlement to persuade and encourage them to agree on the matter;

b) They will be being persuaded or encouraged within 10 days and such persuasion and encouragement shall be documented in writing. Within 10 days after the period of being persuaded or encouraged, if the person subject to land recovery still disagrees on the matter or fails to obey, the competent People's Committee shall issue a decision on land recovery anyway.

7. In the case where the land users subject to land recovery, affected owners of land-attached property, and persons who have relevant rights and obligations fail to hand over land to the unit or organization performing the tasks of compensation, support, and resettlement:

a) The commune-level People's Committee shall assume the prime responsibility for, and coordinate with the commune-level Vietnam Fatherland Front Committee of the locality where the land to be recovered is located and the unit or organization performing the tasks of compensation, support, and resettlement to persuade and encourage the land users subject to land recovery, affected owners of land-attached property, and persons who have relevant rights and obligations to hand over the land to the unit or organization performing the tasks of compensation, support, and resettlement;

b) They will be being persuaded or encouraged within 10 days and such persuasion and encouragement shall be documented in writing. Within 10 days after the period of being persuaded or encouraged, if the person subject to land recovery fails to hand over the land to the unit or organization performing the tasks of compensation, support, and resettlement, the chairperson of the district-level People's Committee shall issue a decision on coercive land recovery and organize the coercive enforcement thereof in accordance with Article 89 of this Law.

8. The land fund developers or the commune-level People's Committees (depending on the location) shall be responsible for administrating the recovered land until it is leased or allocated in accordance with Clause 5 Article 86 of this Law.

9. The Government shall detail this Article.

### **Article 88. Coercive enforcement of decisions on compulsory land inventory**

1. The coercive enforcement of a decision on compulsory land inventory

shall follow the principles below:

a) To be conducted in a public, transparent, democratic, objective, orderly, safe and lawful manner;

b) The coercive enforcement shall be commenced within working hours.

2. The coercive enforcement of a decision on compulsory land inventory may be conducted when all the following requirements are met:

a) Land users subject to land recovery, affected owners of land-attached property, and persons who have relevant rights and obligations fail to abide by the decision on compulsory inventory after being persuaded and encouraged by the commune-level People's Committee, the commune-level Vietnam Fatherland Front Committee of the locality where the land to be recovered is located and the unit or organization performing the tasks of compensation, support, and resettlement;

b) The decision on coercive enforcement of the decision on compulsory land inventory has been posted up publicly at the office of the commune-level People's Committee and at common public places of the residential area where the land to be recovered is located and announced on the commune-level radio broadcasting system;

c) The decision on coercive enforcement of the decision on compulsory land inventory has taken effect;

d) The person subject to the coercive enforcement has received the effective decision on coercive enforcement of the decision on compulsory land inventory.

In the case where the person subject to the coercive enforcement refuses to receive the decision on coercive enforcement or is absent when the decision on coercive enforcement is delivered, the commune-level People's Committee shall draw up a written record of such delivery.

3. The district-level People's Committee chairperson who issues the decision on enforcement shall execute the decision on compulsory inventory and organize the execution of the decision on enforcement.

4. The execution of a decision on coercive enforcement of a decision on compulsory land inventory shall follow the below process and procedures:

a) The organization assigned to conduct the coercive enforcement shall persuade, encourage, and hold dialogues with, the coerced people;

b) In the case where the coerced person abides by the decision on coercive enforcement, the organization assigned to conduct coercive enforcement shall draw up a written acknowledgment of such obedience, and conduct investigation, survey, measurement or inventory.

In the case where the coerced person fails to abide by the decision on coercive enforcement, the organization assigned to conduct the coercive enforcement shall execute the decision on coercive enforcement.

5. The police shall maintain social order and safety in the process of organizing the execution of the decision on coercive enforcement of the decision on compulsory land inventory.

6. The Government shall detail this Article.

### **Article 89. Coercive enforcement of land recovery decisions**

1. The coercive enforcement of a land recovery decision shall follow the principles below:

- a) To be conducted in a public, transparent, democratic, objective, orderly, safe and lawful manner;
- b) The coercive enforcement shall be commenced within working hours. The coercive enforcement shall take place neither from 10:00 PM on the previous day to 06:00 AM on the following day nor on non-business days and public holidays as prescribed by law, traditional holidays of ethnic minorities nor within 15 days before and after the Lunar New Year holiday nor in other special cases that may seriously affect security, politics, order, social safety, customs and traditions in the locality;
- c) A land recovery decision shall be coercively enforced to land user, the owner of property attached to the land and other entities/persons related to the land to be recovered (if any).

2. The coercive enforcement of a land recovery decision is conducted when all the following requirements are met:

- a) The person subject to land recovery fails to abide by the land recovery decision, which took effect, after being persuaded and encouraged by the commune-level People's Committee and Vietnam Fatherland Front in the locality where the land to be recovered is located, the authority in charge of land administration, and the unit or organization performing the tasks of compensation, support, and resettlement;
- b) The decision on coercive enforcement of the land recovery decision is posted up at the office of the commune-level People's Committee and at common public places of the residential area of which land is recovered;
- c) The decision on coercive enforcement of the land recovery decision has taken effect;
- d) The person who is to be coerced has received the effective decision on coercive enforcement.

In the case where the person who is to be coerced refuses to receive the

decision on coercive enforcement or is absent when the decision on coercive enforcement is delivered, the commune-level People's Committee shall draw up a written record of such delivery.

3. The chairperson of the district-level People's Committee issues the decision on coercive enforcement of the land recovery decision, and organizes the execution of the decision.

A decision on coercive enforcement must be executed within 10 days from the date the coerced person receives the decision on coercive enforcement or from the date the commune-level People's Committee draws up a written record of the coerced person's absence or refusal to receive the decision on coercive enforcement, unless otherwise the decision on coercive enforcement specifies a longer period.

4. The execution of a decision on coercive enforcement of a land recovery decision shall follow the below process and procedures:

a) Before proceeding with coercive enforcement, the chairperson of the district-level People's Committee shall decide to establish a Board for Coercive Land Recovery consisting of the chairperson or vice-chairperson of the district-level People's Committee as its head and representatives of the authorities in charge of inspection, justice, natural resources and environment, and construction, and of the unit or organization performing the tasks of compensation, support, and resettlement, representatives of the leaders of the commune-level People's Committee of the locality where the land to be recovered is located as its members, and other members as decided by the chairperson of the district-level People's Committee;

b) The Board for Coercive Land Recovery shall persuade, encourage, and hold dialogues with, the coerced persons. If the coerced persons obey, the Board for Coercive Land Recovery shall draw up a written acknowledgment of such obedience. The land must be handed over within 30 days from the date the written record is drawn up.

In the case where the coerced person fails to abide by the decision on coercive land recovery, the Board for Coercive Land Recovery shall coerce the land recovery;

c) The Board for Coercive Land Recovery has the power to ask coerced persons and relevant persons to leave the land areas subject to coercive recovery and to move their property out of such areas by themselves. If such persons disobey, the Board for Coercive Land Recovery shall move the coerced persons, relevant persons and their property out of the areas subject to coercive recovery.

In the case where the coerced persons refuse to receive their property, the Board for Coercive Land Recovery shall draw up a written record of such refusal, preserve the property in accordance with law regulations, and notify owners to

get their property back;

d) The Board for Coercive Land Recovery shall invite representatives of the district-level Vietnam Fatherland Front Committee to supervise the coercive land recovery.

5. Responsibilities of authorities, organizations, and individuals in the implementation of a decision on coercive enforcement of a land recovery decision are prescribed as follows:

a) The district-level People's Committee shall execute the coercive enforcement, settle complaints related to the coercive enforcement in accordance with law regulations on complaints; ensure necessary conditions and means to serve the coercive enforcement; and allocate funds for coercive enforcement activities;

b) The Board for Coercive Land Recovery shall be responsible for taking the lead in preparing the coercive enforcement plan and the cost estimate for the coercive enforcement activities for approval by the district-level People's Committee; and handing over the land to the unit or organization performing the tasks of compensation, support, and resettlement.

In the case where there remains property on the coerced land, the enforcement board shall preserve the property. The preservation cost shall be borne by the property' owners;

c) The police shall maintain social order and safety in the process of enforcing the decision on coercive land recovery;

d) The commune-level People's Committee of the locality where the land to be recovered is located shall coordinate with relevant authorities and units in delivering and posting up the decisions on coercive enforcement of the land recovery decisions; participate in the coercive enforcement process; and coordinate with the Board for Coercive Land Recovery in sealing and moving the properties of coerced persons;

dd) Other related authorities, organizations and individuals shall coordinate with the Board for Coercive Land Recovery in coercively recovering land at the request of the Board for Coercive Land Recovery.

6. The funding for coercive land recovery shall be covered by the State Budget and shall be established as an item within the compensation, support, and resettlement expenses.

7. The Government shall detail this Article.

## **Article 90. Land requisition**

1. The State may requisition land in case of extreme necessity to perform the tasks of national defense or security, or in a state of war or emergency, or of

prevention and combat of natural disasters.

2. The decision on land requisition shall be made in writing and come into effect from the time of its issuance.

In case of emergency where it is not possible to issue a written decision, the person having the competence to requisition land may make decision on land requisition orally with immediate effect. The person having the competence to requisition land must issue a written confirmation of the requisition at the time of requisition and provide it to the person subject to land requisition. Within 48 hours from the time of making the land requisition decision verbally, the authority for which the person making such decision works shall confirm in writing and send the written confirmation to the person subject to land requisition.

3. The Minister of National Defense, the Minister of Public Security, the Minister of Transport, the Minister of Agriculture and Rural Development, the Minister of Health, the Minister of Industry and Trade, the Minister of Natural Resources and Environment, the Minister of Finance, chairpersons of provincial-level People's Committees and chairpersons of district-level People's Committees have the competence to decide on land requisition and to extend the duration of land requisition. The authority competent to decide to requisition land or extend the requisition period cannot delegate such competence to others.

4. The duration of land requisition must not exceed 30 days from the time the decision on land requisition comes into effect. In the case where the duration of land requisition expires but the objectives of the requisition have not been achieved, the land requisition duration may be extended for no more than 30 days. The decision to extend the duration of land requisition must be made in writing and sent to the land users subject to land requisition or owners of property attached to the land to be requisitioned before the expiration of the duration of land requisition.

In a state of war or emergency, the duration of land requisition is counted from the date of issuance of the decision on land requisition, but must not exceed 30 days from the date the state of war or emergency is repealed.

5. Land users subject to land requisition and owners of property attached to the land to be requisitioned must comply with the land requisition decision. If the land requisition decision is made in accordance with law regulations and the people subject to land requisition fail to abide with such decision, the person who decides to requisition the land shall issue a decision on coercive enforcement and organize the coercive enforcement, or assign the chairpersons of the provincial-level People's Committee and the district-level People's Committee of the locality to organize the coercive enforcement.

6. The person who has the competence to decide on land requisition shall allocate the requisitioned land to organizations and individuals for efficient and

proper management and use; return the land when the requisition duration expires; and make compensation for the damage caused by the land requisition.

7. The compensation for damage caused by land requisition is prescribed as follows:

a) If the requisitioned land is destroyed, the compensation must be made in monetary value, based on the price of land use rights transferred in the market at the payment time;

b) In the case where their income is affected as a direct consequence of the land requisition, the compensation must be determined based on the actual loss of income from the hand-over date to the returning date of the requisitioned land which is indicated in the decision on return of the requisitioned land. The amount of actual loss of income must be consistent with the income incurred from the requisitioned land in normal conditions prior to the requisition;

c) In the case where the property is damaged directly as a result of land requisition, the compensation for the damage shall be determined based on the market price of property transfer at the time of payment;

d) The chairperson of the provincial- or district-level People's Committee of the locality where the land is located shall establish a council to determine the level of compensation for damage caused by the land requisition based on the written declarations of the land users and cadastral records. Based on the level of compensation determined by the council, the chairperson of the provincial- or district-level People's Committee shall decide on the compensation;

dd) Compensation for damage caused by land requisition must be paid from the State Budget in one-off payment and directly to the person subject to land requisition and affected owners of land-attached property within 30 days from the date of returning such land.

8. The Government shall detail this Article.

## Chapter VII

### **COMPENSATION, SUPPORT, AND RESETTLEMENT UPON LAND RECOVERY OR REQUISITION BY THE STATE**

#### **Section 1 GENERAL PROVISIONS**

##### **Article 91. Principles of compensation, support, and resettlement upon land recovery by the State**

1. Compensation, support, and resettlement upon land recovery by the State must be ensured to be democratic, objective, fair, public, transparent, timely, and in accordance with law regulations; for the common good, sustainable development, civilization, and modernity of the community and locality; with attention to social policy subjects and subjects directly engaged in agricultural production.

2. The compensation for land must be made in the form of allocating new land with the same land use purpose with the recovered land. In the case where there is no land available for compensation, the land users shall receive compensation with monetary value calculated in accordance with the specific land price of the type of recovered land which is decided by the competent People's Committee at the time of approving the compensation, support, and resettlement plan. In the case where land users subject to land recovery are compensated with land or houses, and they wish to be compensated with monetary value, they shall be compensated with monetary value in accordance with their wishes registered when the compensation, support, and resettlement plan is being formulated.

Land users subject to land recovery who wish so, if the local conditions in terms of land fund and housing fund is favorable, shall be considered for compensation with land for use purpose different than the type of land to be recovered, or compensation with houses.

3. Property owners in accordance with civil law regulations who suffer property damage shall be compensated for the damage. Owners of production and business establishments that must suspend production and business due to land requisition by the State shall be considered for support.

4. The State shall support and create conditions for land users subject to land recovery and affected property owners to land jobs, earn income, and have stable living and production conditions.

5. Resettlement areas must have complete technical and social infrastructure in accordance with the detailed master plans approved by the competent authority; and must be in accordance with the cultural traditions, customs, and practices of the communities of the locality where the land to be recovered is located. Resettlement areas can be planned for one or multiple projects.

6. Provincial- and district-level People's Committees shall develop and implement the resettlement projects to ensure their initiative in arranging resettlement for land users subject to land recovery. The approval of the compensation, support, and resettlement plan and the arrangement of resettlement must be completed before the land recovery decision is issued.

7. When the State recovers land in accordance with Articles 78 and 79 of

this Law and the remaining area of the land parcel after being recovered is smaller than the minimum area prescribed by the provincial-level People's Committee in Clause 2, Article 220 of this Law, if the land user agrees on the land recovery, the competent People's Committee shall decide to recover and carry out compensation, support, and management of such land area in accordance with law regulations.

Funding of compensation and support in case of land recovery as prescribed in this Clause shall be included in the funding for compensation, support, and resettlement of the investment project.

## **Article 92. Compensation, support and resettlement for special cases**

1. For investment projects decided on, and for which the investment policies are approved, by the National Assembly or the Prime Minister where land must be recovered, thereby resulting in the relocation of the entire communities, affecting all living, economic, and social aspects, and cultural traditions of the communities and requiring special policies on compensation, support, and resettlement, the provincial-level People's Councils shall decide on policies on compensation, support, and resettlement appropriate to the actual conditions of their respective localities.

2. In case of land recovery prescribed in Clause 3, Article 82 of this Law, land users subject to land recovery shall be compensated, supported, and resettled in the same manner as cases of land recovery prescribed in Articles 78 and 79 of this Law.

3. In the case where they are subject to land recovery but are not compensated for land, the organizations managing and using property under the authorization of the State shall comply with the following regulations:

a) Organizations allocated land by the State with land use levy, leased land with one-off rental payment for the entire lease period of which the paid land use levy or land rental originates from the State Budget, and organizations allocated land by the State without land use levy, when the State recovers land, shall not be compensated for land but shall be supported in cash if they have to move to new facilities under decisions by the competent State authorities. The maximum support level shall not exceed the level of land compensation;

b) Units of the people's armed forces that are using land when the State recovers land in accordance with Article 79 of this Law shall be arranged for new locations or have the land location to be suitably exchanged;

c) When the State recovers land, organizations that suffer property damage due to property managed and used under the authorization of the State and have to move to a new facility shall use the monetary compensation for the property to invest in the new facility in accordance with the investment project approved by the competent authority.

4. The Government shall detail this Article.

### **Article 93. Separation of the compensation, support, and resettlement into an independent project and land recovery, compensation, support, and resettlement for investment projects**

In the case where the compensation, support, and resettlement project is separated into an independent project in accordance with the regulations on public investment, the land recovery, compensation, support, and resettlement shall comply with this Law.

### **Article 94. Payments for compensation, support and resettlement**

1. The funding for compensation, support, and resettlement shall be covered by the State. The funding for compensation, support, and resettlement shall cover: amounts for compensation, support, and resettlement when the State recovers land; expenses to ensure compensation, support, and resettlement; and other expenses.

2. In the case where the State allocates land with land use levy or leases land in accordance with law regulations on land, if the project implementer voluntarily advances the funding for compensation, support, and resettlement in accordance with the compensation, support, and resettlement plan approved by the competent authority, they shall be refunded by the State Budget by means of deduction from the payable land use levy or land rental. The amount deducted shall not exceed the payable land use levy or land rental. The remaining amount (if any) shall be included in the project's investment costs.

In the case where the State allocates land without or with land use levy, or leases land in accordance with law regulations on land, and the project implementer is exempted from land use levy or land rental for the entire land use term, if they voluntarily advance the funding for compensation, support, and resettlement in accordance with the compensation, support, and resettlement plan approved by the competent authority, the funding compensation, support, and resettlement shall be included in the project's investment costs.

3. Payments for compensation, support and resettlement are made as follows:

a) Within 30 days after the decision on approval of compensation, support, and resettlement plan comes into effect, authorities, units, and organizations in charge of compensation shall pay compensation and support to land users subject to land recovery and affected property owners;

b) In the case where authorities and units organizing the compensation delay the payment, in addition to the compensation and support prescribed in approved plans for compensation, support and resettlement, people subject to land recovery and affected property owners are entitled to an amount equivalent to the late-payment interest in accordance with the Law on Tax Administration

calculated based on the unpaid amount and the delayed period.

The competent authority approving the compensation, support, and resettlement plan shall be responsible for approving a plan for late-payment compensation to land users subject to land recovery and affected property owners. The funding for late-payment compensation shall be allocated from the budget of the level that approved the compensation, support, and resettlement plan.

4. In the case where land users subject to land recovery and affected owners of land-attached property refuse to receive compensation or support amounts under the compensation, support, and resettlement plan approved by the competent authority, or in the case where the land to be recovered or property attached to such land is under dispute, the compensation and support amounts shall be deposited into a deposit account opened by the unit or organization performing the tasks of compensation, support, and resettlement at a commercial bank controlled by the State at demand deposit interest rate. The interest from the compensation and support fund shall be paid to the persons holding land use rights or the property owners who are entitled to such compensation or support.

5. In the case where the compensation, support, and resettlement plan needs to be revised or supplemented, and the revision includes the land price or property value, the land price and property value for calculating compensation shall be determined at the time of the decision to adjust the compensation, support, and resettlement plan. If, at the time of the decision to adjust the compensation, support, and resettlement plan, the land price or property value is lower than the land price or property value in the approved compensation, support, and resettlement plan, the compensation price in the approved plan shall apply. Any revisions or supplements that are not related to land price or property value shall be applied in accordance with law regulations on land at the time of approval of the compensation, support, and resettlement plan.

6. For land users who are entitled to compensation upon land recovery by the State but have not fulfilled land-related financial obligations as prescribed by law, the amount of these financial obligations must be deducted from the compensation amount and paid back to the State Budget.

7. The Government shall detail this Article.

## Section 2

### COMPENSATION FOR LAND

**Article 95. Conditions for receiving compensation when the State recovers land for national defense or security purpose; for socio-economic development in the national or public interest**

1. Cases eligible for compensation when the State recovers land for national defense or security purpose; for socio-economic development in the national or public interest include:

a) Households and individuals that are using land that is not leased with annual rent payment;

b) Land with structures including pagodas, communal houses, temples, shrines, hermitages, ancestral temples and other places of worship; and agricultural land prescribed in Clause 4, Article 178 of this Law, which is dispute-free, are being used by communities shall be certified as the land used commonly by the communities by the commune-level People's Committees;

c) Foreign residents of Vietnamese origin as prescribed in Clause 1, Article 44 of this Law;

d) Religious institutions and their affiliated organizations permitted by the State that are using land not allocated or leased by the State; or not acquired by way of transfer or donation since July 1, 2004;

dd) Foreign residents of Vietnamese origin who were allocated land by the State with land use levy, or leased land with one-off land rental payment for the entire lease period, or acquired land use rights in industrial parks, industrial clusters, high-tech parks, or economic zones;

e) Organizations that are allocated land with land use levy or leased land with one-off rental payment for the entire lease period by the State inheriting land use rights, receiving transfer of land use rights, or receiving land use rights as contributed capital;

g) Foreign organizations with diplomatic functions leased land by the State with one-off land rental payment for the entire lease period;

h) Economic institutions, foreign residents of Vietnamese origin, foreign-invested economic institutions allocated land by the State with land use levy to implement projects on investment in construction of houses for sale or for lease-purchase; or leased land with one-off rental payment for the entire lease period.

2. The cases prescribed in Clause 1 of this Article shall be compensated for land when any of the following conditions are met:

a) Have the certificate of land use rights or the certificate of house ownership and residential land use rights or the certificate of land use rights and ownership of houses and other land-attached property or the certificate of land use rights and ownership of land-attached property;

b) There is a decision to allocate land, a decision to lease land, or a decision to allow the change of land use purpose of the competent State authority;

c) There is one of the documents on land use rights as a basis for granting

a certificate of land use rights and ownership of land-attached property as prescribed in Article 137 of this Law;

d) The land use rights are acquired in accordance with law regulations from a person with legal land use rights but has not completed the land registration procedures;

dd) The land is used in accordance with the agreement under the mortgage contract to handle debts; documents recognizing the results of the auction of land use rights where the auction winner has fulfilled the financial obligations in accordance with law regulations.

3. The Government shall specify other cases eligible for land compensation and conditions for land compensation.

**Article 96. Compensation for land when the State recovers agricultural land from households and individuals**

1. Households and individuals that are using agricultural land when the State recovers land, if they are eligible for compensation as prescribed in Article 95 of this Law, shall be compensated with agricultural land or monetary value or land having the land use purpose different from the type of recovered land, or with houses.

2. Households and individuals using agricultural land may, when the State recovers such agricultural land, be compensated as follows:

a) Agricultural land area to be compensated includes the area within the quotas as prescribed in Articles 176 and 177 of this Law and the area received in the form of inheritance;

b) For agricultural land area exceeding the quota before July 1, 2014, the compensation and support must comply with the Government's regulations.

3. For agricultural land which was used before July 1, 2004, of which land users are households and individuals directly engaged in agricultural production but are ineligible to be granted certificates of land use rights and ownership of land-attached property in accordance with this Law, the compensation must be made in accordance with the regulations of the Government.

**Article 97. Compensation for land when the State recovers agricultural land of economic institutions, communities, religious institutions and their affiliated organizations**

1. Economic institutions that are using allocated agricultural land with land use levy or leased land with full one-off rental payment for the entire lease period, or are transferred land use rights, if they are eligible for compensation as prescribed in Article 95 of this Law when the State recovers the land, shall be compensated for land.

2. Communities and religious institutions and their affiliated organizations that are using agricultural land, if they are eligible for compensation as prescribed in Article 95 of this Law, shall be compensated for land upon land recovery by the State.

#### **Article 98. Compensation for land when the State recovers residential land**

1. Households, individuals, foreign residents of Vietnamese origin, economic institutions that are using residential land or owning houses associated with land use rights in Vietnam when the State recovers land, if they are eligible for compensation as prescribed in Article 95 of this Law, shall be compensated with residential land or houses or monetary value or land having the land use purpose different from the type of recovered land.

2. Economic institutions, foreign residents of Vietnamese origin and foreign-invested economic institutions that are using land for housing investment projects and eligible for compensation as prescribed in Article 95 of this Law shall be compensated with monetary value or land upon land recovery by the State.

3. The Government shall detail this Article.

#### **Article 99. Compensation for land when the State recovers non-agricultural land which is not residential land of households and individuals**

1. Households and individuals using non-agricultural land which is not residential land, when the State recovers land, if they are eligible for compensation as prescribed in Article 95 of this Law, shall be compensated with land having the same land use purpose as the type of recovered land, or with monetary value for the remaining land use term if the land is used for a limited term, or with land having the land use purpose different from the type of recovered land, or with houses.

2. Households and individuals that are using non-agricultural land, which is not residential land, allocated by the State with land use levy or leased land with full one-off rental payment for the entire lease period and exemption from land rental, if they are eligible for compensation as prescribed in Article 95 of this Law inspection State recovers the land, shall be compensated for land.

3. The Government shall detail this Article.

#### **Article 100. Compensation for land when the State recovers non-agricultural land which is not residential land from economic institutions, public non-business units, communities, religious institutions and their affiliated organizations, foreign residents of Vietnamese origin, foreign organizations with diplomatic functions, and foreign-invested economic institutions**

1. Economic institutions and foreign residents of Vietnamese origin using non-agricultural land, which is not residential land or cemeterial land, when the State recovers land, if they are eligible for compensation as prescribed in Article 95 of this Law, they shall be compensated with land having the same land use purpose. In the case where such land is not available for compensation, shall be compensated with monetary value.

2. Economic institutions that are using land allocated by the State to implement projects on investment in infrastructure of cemeteries or to build columbaria as prescribed in Clause 2, Article 119 of this Law, or economic institutions prescribed in Article 42 of this Law that are using non-agricultural land that is not residential land of which the land use rights are received by them as contributed capital, when the State recovers land, if they are eligible for compensation as prescribed in Article 95 of this Law, shall be compensated for land.

3. Economic institutions, public non-business units, foreign residents of Vietnamese origin, foreign organizations with diplomatic functions, and foreign-invested economic institutions using non-agricultural land which is leased by the State with full one-off rental payment for the entire lease period, if they are eligible for compensation as prescribed in Article 95 of this Law when the State recovers land, shall be compensated for land.

4. Communities, religious institutions and their affiliated organizations that are using non-agricultural land, if they are eligible for compensation as prescribed in Article 95 of this Law, shall be compensated for land upon land recovery by the State.

5. The Government shall detail this Article.

#### **Article 101. Cases ineligible for compensation for land upon land recovery by the State**

1. The cases prescribed in Clause 1, Article 107 of this Law.
2. Land administered by State authorities and organizations as prescribed in Article 217 of this Law.
3. Land which is recovered in the cases prescribed in Article 81 and Clauses 1 and 2, Article 82 of this Law.
4. Cases where they are not eligible for certificates of land use rights and ownership of land-attached property in accordance with this Law, unless otherwise prescribed in Clause 3, Article 96 of this Law.

### **Section 3**

#### **COMPENSATION FOR DAMAGE TO PROPERTY AND**

## INVESTMENT IN LAND

### **Article 102. Compensation for damage to buildings, houses and constructions attached to land upon land recovery by the State**

1. For houses and housing facilities attached to the land of households, individuals, foreign residents of Vietnamese origin that must be dismantled or demolished when the State recovers land, the owners of such houses and facilities shall be compensated at the value of new construction of such houses and facilities with equivalent technical standards in accordance with relevant law regulations.

The owners of the houses and facilities may use the remaining materials of such houses and facilities.

2. For houses and land-attached constructions not falling into the case prescribed in Clause 1 of this Article, which are dismantled or wholly or partially demolished upon land recovery by the State, their owners are entitled to the following compensation:

a) For houses and constructions that are dismantled or demolished in whole or in part, and the remaining parts do not meet the technical standards in accordance with the law regulations, compensation shall be made at the value of new construction of houses and constructions with equivalent technical standards in accordance with law regulations on construction;

b) For houses and other constructions that are dismantled or demolished that do not fall under the cases prescribed at Point a of this Clause, compensation shall be made for actual damage.

3. For land-attached technical infrastructure and social infrastructure currently in use and not falling into the cases prescribed in Clauses 1 and 2 of this Article, the compensation amount is equivalent to the value of new constructions with equivalent technical standards prescribed by specialized law regulations.

4. Provincial-level People's Committees shall set unit prices for compensation for actual damage to buildings, houses and constructions prescribed in this Article as a basis for calculating compensation when recovering land. The compensation unit prices prescribed in this Article shall be ensured to be in line with the market prices and must be considered for adjustment when there are fluctuations as a basis for calculating compensation when recovering land.

5. The Government shall detail this Article.

### **Article 103. Compensation for plants and livestock**

In the case where the land recovery by the State causes damage to crops

and livestock, the compensation shall be made in accordance with the following regulations:

1. For annual crops, the compensation must be equal to the output value of the harvest of the respective crops. The output value of the harvest is the highest yield of the harvests in the preceding 3 years of this type of crops in the locality and the compensation unit price;

2. For perennial trees, the compensation level shall be calculated based on the actual damages to the orchards.

For multi-harvest perennial trees during the harvesting period, the compensation level shall be calculated based on the yield of the unharvested orchards in commensurate with the remaining years in the harvesting cycle and the compensation unit prices;

3. For plants which have not been harvested yet but can be brought to another location, the transportation cost and the actual damage due to the transportation and re-planting must be compensated.

For planted forests funded by the State Budget and for natural forests allocated to organizations, individuals for planting, management, growing or protection, the value of the actual damage must be compensated. The compensation amount must be divided to those who manage, grow and protect the forests in accordance with the law regulations on forestry;

4. When the State recovers land and causes damage to livestock such as aquatic products or other livestock that cannot be moved, compensation shall be made for actual damage in accordance with the specific compensation level determined by the provincial-level People's Committees;

5. The owners of crops and livestock prescribed in Clauses 1, 2, 3 and 4 of this Article are permitted to claim their crops and livestock by themselves before handing over the land to the State;

6. Provincial-level People's Committee shall set unit prices for compensation for damage to crops and livestock in accordance with the production processes issued by the Ministry of Agriculture and Rural Development or by the local authorities in accordance with the law regulations. The unit prices for compensation for damage to crops and livestock prescribed in this Article shall be ensured to be in line with the market prices and must be considered for adjustment when there are fluctuations as a basis for calculating compensation when recovering land.

#### **Article 104. Compensation for property transportation costs upon land recovery by the State**

1. Upon land recovery by the State, people whose property need to be moved shall be compensated for the cost of dismantlement, transportation and

installation. In case of moving machinery or production lines, the damage caused during the process of dismantlement, transportation and installation must also be compensated.

2. Provincial-level People's Committees shall prescribe the compensation amount mentioned in Clause 1 of this Article.

#### **Article 105. Land-attached property ineligible for compensation when the state recovers land**

1. Land-attached property in one of the cases of land recovery prescribed in Clauses 1, 2, 4, 5 and 8, Article 81, and at Points b and c, Clause 1, Article 82 of this Law.

2. Land-attached property which is created illegally or during the effective period of the notice of land recovery by a competent State authority as prescribed by this Law.

3. Land-attached property which is the part of the construction with a time-limited construction permit in accordance with the law regulations on construction, which, at the time of land recovery, has expired.

The owner of the property prescribed in this Clause shall be supported for dismantling, demolition, and relocation.

4. Technical infrastructure, social infrastructure and other constructions whose owners no longer need them before the decision on land recovery is made by the competent authority.

#### **Article 106. Compensation for land within safety corridors of facilities, protected areas, buffer zones upon construction of facilities and areas with safety corridors**

Upon construction of facilities and areas with safety corridors without recovering the land located within the safety corridors of facilities, protected areas, and buffer zones, the land users are entitled to compensation for the damage caused by limited land use and for the damage to land-attached property in accordance with the Government's regulations.

#### **Article 107. Compensation for remaining land investment costs on land when the State recovers land for national defense or security purpose; or for socio-economic development in the national or public interest**

1. Cases where compensation for land is ineligible but compensation for the remaining investment costs on land is eligible when the State recovers the land include:

a) Land which is allocated by the State without land use levy, unless otherwise agricultural land for which households and individuals are compensated in accordance with Article 96 of this Law;

- b) Land which is allocated with land use levy by the State to organizations but those organizations are exempted from land use levy;
- c) Land which is leased by the State with annual rental payment or leased land with one-off rental payment for the entire lease period but the land rental is exempted, unless otherwise prescribed in Clause 2, Article 99 of this Law;
- d) Land of the agricultural land fund used for public purposes and leased by the commune-level People's Committees;
- dd) Land contracted for agriculture, forestry, aquaculture or salt production;
- e) Agricultural land allocated in excess of the quota prescribed in Article 176 of this Law.

2. Remaining land investment costs include all or part of the following costs:

- a) Site clearance costs;
- b) Costs of land rehabilitation to increase land fertility, reclamation of salt-affected soils, prevention of soil retrogression and erosion for land used for agricultural production;
- c) Costs of reinforcement for enhancing force bearing and vibration reduction ability and preventing subsidence of land for production and business premises;
- d) Advance funding of compensation, support and resettlement in accordance with the compensation, support and resettlement plan approved by the competent authority but not yet deducted from the payable land use levy and land rental;
- dd) Other relevant costs invested in land in accordance with the land use purposes.

3. The Government shall detail this Article.

## **Section 4** **SUPPORT**

### **Article 108. Support upon land recovery by the State**

- 1. Support upon land recovery by the State includes:
  - a) Support for stabilizing livelihood;
  - b) Support for stabilizing production and business;

- c) Support for livestock relocation;
- d) Support for vocational training, occupation change and job seeking;
- dd) Support for resettlement in the case prescribed in Clause 8, Article 111 of this Law;
- e) Support for dismantling, demolition and relocation in accordance with Clause 3, Article 105 of this Law.

2. In addition to the support prescribed in Clause 1 of this Article, depending on the actual situation in their respective localities, the provincial-level People's Committees shall decide on other support measures and levels to ensure that land users subject to land recovery and affected property owners have accommodations and stable livelihood and production in each specific project.

3. The Government shall detail this Article.

#### **Article 109. Support for vocational training, occupation change and job seeking for households and individuals upon land recovery by the State**

1. Monetary support not exceeding 05 times the price of agricultural land of the same type in the local land price list for the entire area of agricultural land recovered but not exceeding the local agricultural land allocation quota as prescribed in Article 176 of this Law shall be provided to the following beneficiaries:

- a) Households and individuals directly engaged in agricultural production who are using agricultural land allocated by the State, acquired, inherited, donated, and have their land use rights recognized when the State recovers land, for whom there is no land to compensate and monetary value is provided as compensation instead;
- b) Individuals who are social security beneficiaries, beneficiaries of monthly social allowances in accordance with the law regulations, wounded and ill soldiers, families of martyrs when the State recovers agricultural land, for whom there is no land to compensate and monetary value is provided as compensation instead;
- c) Households and individuals that use land contracted for agricultural, forestry and fishery purposes by state-owned crop and forest farms or agriculture and forestry companies converted from state-owned crop and forest farms that are directly engaged in agricultural production and generate stable income from agricultural production on such land, except for individuals who are cadres and employees of state-owned crop and forest farms or agriculture and forestry companies converted from state-owned crop and forest farms and have retired or lost their ability to work or have been laid off and are entitled to allowances;
- d) Households and individuals that are using land contracted by agricultural production corporations or agricultural cooperatives that are directly

engaged in agricultural production and earning stable income from agricultural production on such land.

2. Persons who are supported in accordance with Clause 1 of this Article shall also be supported in the form of vocational training, occupation change and job seeking in accordance with Clause 4 of this Article.

3. Households and individuals using residential land in combination with trading and services from which they earn stable income, who need to be relocated when the State recovers land, shall be entitled to preferential loans to develop production, business, and support prescribed in Clause 4 of this Article.

4. The support in the form of training, occupation change and job seeking for persons subject to recovery of agricultural land and residential land used in combination with business and service purposes is prescribed as follows:

a) The Ministry of Labor, Invalids and Social Affairs shall assume the prime responsibility for, and coordinate with relevant ministries and authorities in submitting to the Prime Minister the decision on the mechanisms and policies for employment and vocational training for land users subject to land recovery as prescribed in Clauses 2 and 3 of this Article;

b) The provincial-level People's Committees, based on the mechanisms and policies on job creation and vocational training decided by the Prime Minister and the actual conditions in their respective localities, shall specify the specific support level suitable for each category of beneficiaries prescribed in Clauses 2 and 3 of this Article; direct the district-level People's Committees to implement Point c of this Clause;

c) Depending on the district-level annual land use plans, the district-level People's Committees shall be responsible for formulating and implementing vocational training, occupation change and job seeking plans in their respective localities. Plans for vocational training, occupation change and job seeking shall be developed and approved concurrently with plans for compensation, support and resettlement.

During the process of making plans for vocational training, occupation change and job seeking, district-level People's Committees shall invite comments from land users subject to land recovery and give explanations to or assimilate such comments.

5. The specific support levels as prescribed in Clause 1 of this Article shall be determined by the provincial-level People's Committees depending on the actual conditions of the respective localities.

6. The Government shall detail this Article.

## Section 5

## RESETTLEMENT

### **Article 110. Formulation and implementation of resettlement projects, and resettlement areas**

1. Provincial- and district-level People's Committees shall develop and implement the resettlement projects in accordance with the law regulations.

2. In a resettlement area, the following conditions shall be ensured:

a) The technical infrastructure of the resettlement area shall meet at least the new-styled rural area standards, as for rural areas, or the urban standards, as for urban areas, including: traffic roads connecting to neighboring areas, electricity for lighting and day-to-day use, water supply and drainage, telecommunications, and environmental treatment systems;

b) The social infrastructure of the resettlement area must ensure access to health care, education, culture, sports, markets, commerce, services, entertainment, recreation, and cemeteries;

c) It conforms to the conditions, customs, and practices of each region.

3. The resettlement location shall be selected in the following priority order:

a) Within the commune-level administrative unit where the land to be recovered is located;

b) Within the district-level administrative unit where the land to be recovered is located, in the case where there is no land for resettlement within the commune-level administrative unit where the land to be recovered is located;

c) In other areas with equivalent conditions in the case where there is no land for resettlement within the district-level administrative unit where the land to be recovered is located;

d) Land area in a favorable location shall be prioritized to establish a resettlement area.

4. After the resettlement land has been allocated and there is still remaining land in the resettlement area, priority shall be given to allocating such land to individuals who are eligible for the allocation of residential land without auction of land use rights in accordance with this Law. In the case where there is still remaining land, such land shall be allocated to individuals who are eligible for the allocation of residential land through the auction of the land use rights in accordance with this Law.

### **Article 111. Arrangement of resettlement**

1. The unit or organization performing the tasks of compensation, support

and resettlement, which is assigned by the provincial- and district-level People's Committees to arrange resettlement, shall notify those subject to land recovery and house owners who need to be relocated of the tentative resettlement arrangement plan and post up the plan at the offices of the commune-level People's Committees, at common public places of the residential areas where the land to be recovered is located and at resettlement areas where residents have been living at least 15 days before competent authority approve the resettlement plan.

A notification shall contain the following information: the location and area of resettlement land and resettlement houses, design and area of each land lot or apartment, prices of resettlement land and resettlement houses, and the tentative plan for resettlement arrangement for the land users subject to land recovery.

2. The plan for resettlement arrangement that is approved by the competent authority must be publicized at the office of the commune-level People's Committee, at common public places of the residential areas where the recovered land is located and at the places of resettlement.

3. The land use levy for resettlement land for persons who are compensated for residential land and persons who are allocated resettlement land in the case they are not eligible for compensation for residential land is equal to the land price determined within the land price list at the time of approval of the compensation, support and resettlement plan. In the case where there is no land price in the land price list, the land price list must be supplemented to serve as a basis for calculating the land use levy for persons for whom resettlement is arranged. Persons for whom resettlement is arranged shall have their land-related financial obligations indebted if they meet the conditions prescribed by the Government.

The selling prices of resettlement houses in the district-level localities shall be decided by the district-level People's Committees. In the case where resettlement houses are arranged in other district-level administrative units, the selling prices of such resettlement houses shall be decided by the provincial-level People's Committees.

4. Households, individuals, foreign residents of Vietnamese origin, economic institutions that are using residential land or owning houses associated with land use rights in Vietnam when the State recovers land, if they are eligible for compensation for residential land as prescribed in Article 95 of this Law, shall be compensated with residential land or houses in resettlement areas or at another suitable locations.

In the case where there are multiple generations or multiple married couples living together on a residential land parcel that is recovered, if it is eligible for being split into separate households in accordance with the law

regulations on residence, or there are multiple households sharing the right to use a residential land parcel that is recovered and the compensated residential land area is not enough to be allocated separately to each household, the households lacking land shall be considered for residential land compensation with land use levy or houses may be sold, leased, or leased-purchased to them.

5. Households and individuals, who must relocate when the State recovers the land attached to their houses and are ineligible for compensation for residential land, if they have no other place to live within the communes or townships in the rural area or within the towns or provincial cities or within the districts, towns, cities of the municipalities where the land to be recovered is located, shall be allocated residential land with land use levy or houses shall be sold, leased, or leased-purchased to them by the State.

6. Households and individuals subject to recovery of agricultural land or non-agricultural land that is not residential land, if they are eligible for compensation for land as prescribed in Article 95 of this Law and wish to be compensated with residential land or houses, and the local conditions in terms of residential land fund and houses are favorable, shall be compensated with residential land or resettlement houses.

7. Land users subject to residential land recovery for the implementation of urban development projects shall be compensated with residential land and on-site houses. In the meantime, while waiting for resettlement arrangements, they shall be arranged into temporary houses or supported with house rental. The specific time frame and level of support shall be determined by the provincial-level People's Committees depending on the actual situation in their respective localities. In the case where residential land is recovered for other purposes, it shall be compensated with residential land and on-site houses if the residential land fund and resettlement house fund is available in the locality where the land to be recovered is located. Convenient locations are prioritized for households and individuals using land in combination with trading and services, and persons with meritorious services to the revolution, who have their land recovered. There shall be a mechanism to reward persons subject to land recovery who hand over the land before the deadline as prescribed by the provincial-level People's Committee.

8. In the case where the persons subject to residential land recovery have to relocate and are compensated with residential land or resettlement houses but the amount of compensation for residential land is not sufficient compared to the value of a minimum resettlement plot, the State shall make up the deficit so that they can be allocated such a minimum resettlement plot.

9. In the case where the project on investment in renovation and reconstruction of condominiums is implemented, the owners of condominiums shall be compensated, supported and resettled in accordance with the law

regulations on housing.

10. The provincial-level People's Committees shall, depending on the residential land and resettlement house fund and the actual situations in their localities, prescribe the minimum resettlement rate mentioned in Clause 8 of this Article; decide on support for the allocation of residential land with land use levy or the sale, lease, or lease-purchase of houses for the remaining households as prescribed in Clause 4 of this Article.

11. In the case where persons who are using State-owned houses located within the scope of land to be recovered on which the houses must be demolished, they shall be supported in accordance with the regulations of the Government.

12. The Government shall detail this Article.

## Chapter VIII

### DEVELOPMENT, ADMINISTRATION AND UTILIZATION OF LAND FUNDS

#### **Article 112. Principles of development, administration and utilization of land funds**

The development, administration and utilization of land funds must be in accordance with land use master plans and land use plans. Land must be used properly for the intended purposes in a public, transparent, reasonable, effective manner and in accordance with law regulations, thereby meeting the requirements of socio-economic development, resettlement support, social security. Residential land and production land shall be arranged for ethnic minorities in order to implement the policies as prescribed in this Law.

#### **Article 113. Land developed, administered and exploited by land fund developers**

1. The provincial-level People's Committees shall assign land fund developers to manage and exploit land funds formed from the following sources:

a) Land prescribed in Clause 5, Article 86 of this Law;

b) Land recovered in cases prescribed in Clauses 26 and 27, Article 79 of this Law for auction of land use rights;

c) Land recovered in accordance with Article 81, Points a, b, c, d, Clause 1 and Clause 2, Article 82 of this Law in urban areas;

d) Land transferred to the localities for administration, handling and recovery due to rearrangement and handling of houses and land in accordance with the law regulations on management and use of public property, unless

otherwise such houses and land are handled in the form of transfer or arranged for use for the State's purposes in accordance with the law regulations on management and use of public property;

dd) Land originating from the equitization of state-owned enterprises that is leased by the State with annual rental payment, then recovered by the State and administered under its authorization;

e) Land used for mining activities that is returned under the land lease contract;

g) Land reclaimed from the sea, which is funded by State Budget;

h) Land recovered in the case prescribed in Clause 29, Article 79 of this Law.

2. The competent People's Committees shall direct land fund developers to perform the tasks prescribed in Article 115 of this Law for land funds developed, administered and exploited by land fund developers. The commune-level People's Committee of the locality where the land is located shall be responsible for coordinating with the land fund developer to administer and protect land and prevent land encroachment and occupation.

3. The Government shall detail this Article.

#### **Article 114. Fund for land development**

1. The fund for land development of a locality is an extra-budget State-run financial fund established by the provincial-level People's Committee of such locality to advance funding for the performance of tasks within the ambit of the land fund developer's functions and for implementation of policies on land support for ethnic minorities and other tasks as prescribed by law.

2. The fund for land development shall be responsible for preserving and developing funds, and shall not operate for profit. The financial sources for the fund for land development shall be allocated from the State Budget and mobilized from other sources in accordance with law regulations. The advance funding for the performance of the tasks prescribed in Clause 1 of this Article shall be refunded to the fund for land development in accordance with the law regulations.

3. Provincial-level People's Committees shall be responsible for submitting to the same-level People's Councils decisions to allocate the local budget to provide charter capital and refund advance funding for the fund for land development regarding the tasks covered by the local budget.

4. The Government shall detail this Article.

#### **Article 115. Land fund developers**

1. Land fund developers shall be established to create, develop, manage and exploit land funds in their respective localities.

2. The financial resources of land fund developers shall be allocated from the State Budget and advanced capital from the fund for land development.

3. The Government shall regulate the establishment, functions, tasks, organization, management mechanisms, activities, and financial mechanisms of land fund developers.

## Chapter IX

### **LAND ALLOCATION, LAND LEASE AND CHANGE OF LAND USE PURPOSE**

#### **Article 116. Bases for land allocation, land lease and change of land use purpose**

1. The basis for allocating and leasing land through auction of land use rights is the document approving the results of the auction of the land use rights by the competent State authority.

2. The basis for allocating and leasing land through bidding to select investors to implement land-using projects is the document approving the results of the selection of investors with respect to the projects for which bidding is organized to select investors to implement land-using projects in accordance with the law regulations on bidding.

3. Bases for land allocation and lease without auction of land use rights, without bidding to select investors to implement land-using projects; permission of change of land use purposes, unless otherwise prescribed in Clause 5 of this Article, as follows:

a) For projects included in the list prescribed at Point b, Clause 3, Article 67 of this Law, the bases include the annual district-level land use plan approved by the competent authority and the investment decision as prescribed by the law regulations on public investment or the decision on approval of the investment policy and the investor or the decision on approval the investor as prescribed by the law regulations on investment and housing, or the document approving the results of the selection of investors for the public-private partnership projects.

b) For projects prescribed in Clause 4, Article 67 of this Law, the basis is the investment decision as prescribed by the law regulations on public investment or the decision on approval of the investment policy and the investor or the decision on approval the investor as prescribed by the law regulations on investment and housing, or the document approving the results of the selection of investors for the public-private partnership projects.

4. In the case where the decision or approval of the investment policy for

the project which is phased or for which the land recovery and the compensation, support and resettlement are scheduled, the competent State authority allocating and leasing land shall decide on the allocation and lease of land following the schedule of the investment project or the schedule of land recovery and compensation, support and resettlement.

5. The change of the land use purpose of agricultural land in residential areas, or agricultural land in the same parcel with residential land, to residential land, or the change the land use purpose of other types of non-agricultural land that is not residential land to residential land for households and individuals shall be permitted based on the district-level land use plans or the general master plans or zoning master plans that have been approved by the competent authorities in accordance with the law regulations on urban planning.

6. The basis for land allocation, land lease, and change of land use purposes in cases where the investment policies and investors are not subject to approval procedures prescribed by the law regulations on investment shall be prescribed by the Government.

7. The Government shall provide detailed regulations on land allocation, land lease, and change of land use purposes.

### **Article 117. Allocation or lease of land which is currently used by a person to another**

The decision on allocation or lease of land which is currently being managed or used by a person to another may be made only after a competent State authority decides to recover such land and the compensation, support and resettlement have been completed in accordance with the law regulations, unless otherwise it is a real estate project permitted to be transferred in accordance with the law regulations on real estate business.

### **Article 118. Land allocation without land use levy**

1. Individuals directly engaged in agricultural production to whom agricultural land is allocated within the quotas prescribed in Article 176 of this Law.

2. Land for construction of the head offices of the agencies of the Communist Party of Vietnam, State authorities, the Vietnam Fatherland Front, political-social organizations; political social-professional organizations, social-professional organizations, social organizations, other organizations established in accordance with the law regulations and assigned with tasks and supported with recurrent operating expenses by the State; land for national defense and security; land used for public purposes not for business purposes; land for cemeteries, funeral homes, crematoria, land for columbaria not mentioned in Clause 2, Article 119 of this Law; belief-practicing land for compensation in the case where the State recovers belief-practicing land.

3. Users of land for special-use forests, land for protection forests, and land for production forests.

4. Public non-business units using land for construction of public service facilities.

5. Communities using agricultural land; religious institutions and their affiliated organizations using land as prescribed in Clause 2, Article 213 of this Law.

6. Agencies and organizations shall use land to implement projects on investment in construction of houses in accordance with the law regulations on housing.

7. Ethnic minorities who are not directly engaged in agricultural production but are eligible for land allocation without land use levy in accordance with the policies prescribed in Article 16 of this Law.

8. Organizations using land for construction of resettlement houses under the State's projects.

9. The land allocation prescribed in Clause 1 of this Article must comply with Article 124 of this Law.

### **Article 119. Land allocation with land use levy**

1. Individuals may be allocated residential land.

2. Economic institutions may be allocated land to implement projects on investment in construction of commercial houses, social houses, and houses for the people's armed forces; projects on investment in renovation and reconstruction of condominiums in accordance with law regulations on housing; to implement of projects on investment in infrastructure of cemeteries in order to transfer the land use rights associated with such infrastructure; to construct columbaria.

3. Foreign residents of Vietnamese origin and foreign-invested economic institutions may be allocated land to implement projects on investment in construction of commercial houses in accordance with the law regulations on housing; use land obtained through acquisition of real estate projects in accordance with the law regulations on real estate business in the case where the State allocates land with land use levy.

4. Households, individuals, foreign residents of Vietnamese origin, economic institutions, and foreign-invested economic institutions may be allocated land as compensation when the State recovers land in accordance with this Law.

5. The land allocation prescribed in this Article must comply with Articles 124, 125 and 126 of this Law.

## **Article 120. Land lease**

1. The State may lease land with one-off rental payment for the entire lease period or with annual rental payment in cases not prescribed in Articles 118 and 119 of this Law.

2. The State may lease land with one-off rental payment for the entire lease period in the following cases:

a) Use of land for implementation of projects on investment in agriculture, forestry, aquaculture or salt production;

b) Use of land in industrial parks, industrial clusters, hi-tech parks, worker dormitories in industrial parks; land used for public purposes including business purposes; use of commercial and service land for tourism and office lease;

c) Use of land to build social houses for rent in accordance with law regulations on housing.

3. The State shall lease land with annual rental payment in the following cases:

a) Cases not prescribed in Clause 2 of this Article;

b) Cases prescribed in Clause 2 of this Article where annual rental payment is necessitated;

c) Public non-business units that choose the form of land lease prescribed in Clause 3, Article 30 of this Law.

4. The land lease prescribed in this Article must comply with Articles 124, 125 and 126 of this Law.

## **Article 121. Change of land use purpose**

1. Cases where change of land use purpose requires permission by competent State authorities:

c) Change of land for rice cultivation, land for special-use forest, land for protection forest, or land for production forest to another type of land within the agricultural land category;

b) Change of agricultural land to non-agricultural land;

c) Change of another type of land to land for concentrated animal husbandry upon implementation of large-scale concentrated animal husbandry projects;

d) Change of non-agricultural land which is allocated by the State without land use levy to another type of non-agricultural land which is allocated with land use levy or leased by the State;

dd) Change of non-agricultural land which is not residential land to residential land;

e) Change of land for construction of public service facilities and land used for public purposes including business purposes to non-agricultural land for production and business purposes;

g) Change of non-agricultural land for production and business purposes which is not land for trading or service purposes to land for trading or service purposes.

2. When changing the land use purpose under Clause 1 of this Article, land users shall fulfill financial obligations as prescribed by law. The land use regime and the rights and obligations of land users are those applicable to the type of the land used for the new purpose.

3. The change of land use purposes not prescribed in Clause 1 of this Article does not require permission from the competent State authority.

In case of using land originally used for residential or non-agricultural purposes with a stable and long-term land use term in accordance with the law regulations that have been changed to other purposes, if the reinstatement of residential purposes is now necessitated in accordance with the land use master plans, no land use levy shall be paid.

4. The change of land use purposes prescribed in this Article must comply with Article 124 of this Law.

#### **Article 122. Conditions to be allocated or leased land, or to be permitted to change land use purposes**

1. The competent State authorities may only decide to allocate, lease, and permit the change of land use purposes of, land for rice cultivation, land for special-use forests, land for protection forests, land for production forests after the provincial-level People's Councils adopt resolutions thereon and the bases prescribed in Article 116 of this Law are satisfied, unless the land is used to implement projects to be approved, and for which the investment policies are endorsed, by the National Assembly and the Prime Minister in accordance with the Law on Investment, Law on Public Investment, Law on Public-Private Partnership Investment, Law on Gas and Oil; or by the provincial-level People's Councils in accordance with the Law on Public Investment, Law on Public-Private Partnership Investment.

The change of land use purpose of land for rice cultivation, land for special-use forests, land for protection forests, land for production forests to other purposes must comply with the criteria and conditions prescribed by the Government.

2. Persons who are allocated land or leased land by the State, or permitted by the State to change land use purposes to implement investment projects must:

a) Make deposit or other forms of security as prescribed by law regulations

on investment;

b) Have the financial capacity to ensure the use of land in accordance with the schedule of the investment projects and other conditions as prescribed by relevant law regulations;

c) Not violate law regulations on land or fulfill the effective decision or judgment of the competent authority, in case of violating law regulations on land, at the time of requesting land allocation, land lease, or change of land use purposes. The identification of land users who violate law regulations on land shall apply to all land parcels currently in use throughout the country.

3. The change of land use purposes for implementation of a project on investment in construction of commercial houses may be permitted when the following conditions are met:

a) The conditions prescribed in Clause 2 of this Article;

b) Persons to be permitted by the State to change the land use purposes have the right to use residential land or residential land together with other land;

c) It conforms to the land use master plans, land use plans, construction master plans, urban development master plans, local housing development programs and plans and does not fall under the case where the State recovers land for national defense and security purposes or for socio-economic development in national and public interests prescribed in Articles 78 and 79 of this Law;

d) The competent authority issues a document approving the investment policy and the investor in accordance with law regulations on investment.

### **Article 123. Competence to allocate, lease land and approve change of land use purpose**

1. Provincial-level People's Committees may decide on the allocation or lease of land, and permit change of land use purpose in the following cases:

a) Allocation or lease of land to, and permission for change of land use purpose for, domestic organizations;

b) Allocation or lease of land to religious institutions and their affiliated organizations;

c) Allocation or lease of land to foreign residents of Vietnamese origin and foreign-invested economic institutions;

d) Lease of land to foreign organizations with diplomatic functions.

2. District-level People's Committees may decide on the allocation or lease of land, and permit change of land use purpose in the following cases:

a) Allocation or lease of land to, and permission for change of land use purpose for, individuals. In the case where individuals are leased land or

permitted to change the land use purpose of agricultural land with an area of 0.5 hectares or more for commercial and service purposes, the written approval from the provincial-level People's Committees is required before the decisions are made;

b) Allocation of land to communities.

3. Commune-level People's Committees may lease land from the agricultural land fund for public purposes in their communes, wards or townships.

4. The competent State authority that allocates land, leases land, and permits the change of land use purpose as prescribed in Clauses 1 and 2 of this Article is the competent authority that decides to adjust or extend land use for cases where the land user already has a decision on land allocation, land lease, or permission for change of land use purpose prior to the effective date of this Law and cases of decisions on land allocation, land lease, or permission for change of land use purpose in accordance with this Law.

5. The competent State authorities prescribed in Clauses 1, 2, and 4 of this Article cannot be delegated or sub-delegated.

#### **Article 124. Cases of land allocation and lease without auction of land use rights and without bidding to select investors to implement land-using projects**

1. Land allocation without land use levy as prescribed in Article 118 of this Law, land allocation with land use levy as prescribed in Article 119 but the land use levy is exempted, land lease as prescribed in Article 120 but the land rental is exempted, unless otherwise the law regulations governing the respective sector or field require the determination of the quantity of interested investors.

2. Land allocation and lease to implement projects subject to land recovery by the State as prescribed in Article 79 of this Law in one of the following cases:

a) Using public investments in accordance with law regulations on public investment;

b) Public-private partnership investment projects in accordance with law regulations on public-private partnership investment.

3. Land allocation with land use levy and land lease in the following cases:

a) Land allocation for residential purposes to cadres, civil servants, public employees, officers on active duty, warrant officers, national defense civil servants, civilian personnel and public employees working for the army, commissioned officers, non-commissioned officers, civilian personnel working for the public security forces, and persons performing other duties in cypher bodies and receiving salaries from the State Budget, who have not yet been allocated residential land or houses;

b) Land allocation for residential purposes to individuals who are teachers and healthcare professionals working in border communes and islands in areas with difficult socio-economic conditions, areas with extremely difficult socio-economic conditions but do not have residential land or houses at the place of work or have not yet been entitled to housing support policies in accordance with the Law on Housing;

c) Land allocation for residential purposes to individuals who are permanently residing in the communes but do not have residential land and have not yet been allocated residential land by the State or have not yet been entitled to housing support policies in accordance with the Law on Housing;

d) Allocation of residential land to individuals who have permanent residences in townships in areas with difficult socio-economic conditions or with extremely difficult socio-economic conditions but have no residential land and have not been allocated residential land by the State;

dd) Lease of land for production and business premises for those who are leased land by the State with annual rental payment but must be relocated due to environmental contamination in accordance with the law regulations; support by lease of land to continue production and business in case of land recovery of non-agricultural production establishments of those who are using such land;

e) Lease of land to individuals who need to use an area of agricultural land exceeding the quota prescribed in Article 176 of this Law; lease of land to individuals who are ethnic minorities in accordance with Point d, Clause 2 and Point b, Clause 3, Article 16 of this Law;

g) Lease of land for public non-business units that choose the form of land lease;

h) Land lease to foreign organizations with diplomatic functions using land to construct their offices;

i) Lease of land with annual rental payment to units of people's armed forces for them to use such land for the purposes of agriculture, forestry, aquaculture or salt production, or in combination with national defense or security tasks;

k) Lease of land for mining activities in the case where the competent State authority has granted a license;

l) Allocation or lease of land to organizations, households, individuals, foreign residents of Vietnamese origin because they are compensated with land in accordance with this Law and other relevant legal regulations, or they are supported for resettlement in accordance with this Law;

m) Land allocation and lease to land users subject to production and business land recovery in accordance with Articles 78 and 79 of this Law, but at

the time of land recovery, the land use term is still valid and the land users wish to use land at another location to continue their production and business;

n) Land allocation and lease for small and narrow land parcels intermingled with each other as prescribed in the regulations of the Government;

o) Land allocation and lease under decisions on resolution of land disputes and land-related complaints of competent authorities that have taken effect;

p) Other cases as decided by the Prime Minister.

4. Land users change the land use purposes in the cases prescribed in Article 121 of this Law.

5. Land allocation and lease for projects in the cases of land recovery by the State prescribed in Article 79 of this Law, which are not funded by the capital prescribed in Clause 2 of this Article, where only one among interested investors meets the conditions for being invited to express interests in such projects and the quantity of interested investors shall be determined in accordance with the law regulations on bidding and other law regulations governing the respective sector or field.

6. Cases where auction of land use rights is unsuccessful twice as prescribed at Point b, Clause 6, Article 125 of this Law or there is no participant therein. The time frame for land allocation and lease in this case shall only be 12 months from the date of the second unsuccessful auction.

7. Foreign-invested economic institutions acquiring real estate projects in accordance with the law regulations on real estate business.

8. The Government shall detail land allocation and land lease in the cases mentioned in this Article.

### **Article 125. Land allocation and lease through auction of land use rights**

1. The State may allocate land with land use levy or lease land with one-off rental payment for the entire lease period through auction of land use rights in the following the cases:

a) Land-using investment projects from the land fund prescribed in Clause 1, Article 217 of this Law, unless otherwise prescribed in Articles 124 and 126 of this Law;

b) Allocation of residential land to individuals, unless otherwise prescribed in Article 124 of this Law.

2. The conditions for holding an auction of land use rights include:

a) The land has been recovered and the compensation, support, resettlement has been completed or not necessitated. In the project area, traffic infrastructure has been connected;

b) The auction of land use rights has been included in the annual district-level land use plan and approved, except for the auction of land use rights of the land prescribed at Point e, Clause 1, Article 217 of this Law;

c) A detailed plan at the 1:500 scale prepared and approved by the competent State authority, as for a project on investment in construction of a house, is available;

d) The plan for holding the auction of land use rights approved by a competent authority is available.

3. Organizations participating in the auction of land use rights in the cases prescribed in Clause 1 of this Article must meet all of the following conditions:

a) Being eligible to be allocated or leased land as prescribed in Article 119 or 120 of this Law;

b) Meeting the conditions prescribed in Article 122 of this Law in case of land allocation or land lease for implementation of investment projects; having the capacity and experiences in project development;

c) Other conditions as prescribed by the law regulations on auction of property.

4. Individuals participating in an auction of land use rights must satisfy the following conditions:

a) Being eligible to be allocated or leased land as prescribed in Article 119 or 120 of this Law;

b) Conditions as prescribed by the law regulations on auction of property.

5. Provincial-level and district-level People's Committees shall:

a) Annually publish the plans and lists of land parcels for auction of land use rights on the National Portal for Auction of Land Use Rights, the web portals of the provincial-level People's Committees, and the web portals of the district-level People's Committees;

b) Formulate and implement the land recovery plans and the compensation, support, and resettlement plans in accordance with this Law for auction of land use rights;

c) Formulate and implement the plan for auction of land use rights;

d) Supervise the handover of land in reality, grant certificates of land use rights and ownership of land-attached property to the winner of the auction of land use rights.

6. Unsuccessful auctions of land use rights include:

a) Unsuccessful auctions prescribed by the Law on Property Auction;

b) Only 01 person has registered to participate in the auction after the

registration deadline;

c) Various persons register to participate in the auction, but only 01 person among them participates in the auction, or various persons participate in the auction but only 01 person among them makes an offer, or various persons make offers but only 01 person among them makes a valid offer.

7. The procedures for auction of land use rights shall comply with the law regulations on property auction.

8. The Government shall detail this Article.

### **Article 126. Land allocation and lease through bidding to select investors to implement land-using projects**

1. The State may allocate land with land use levy and lease land through bidding to select investors to implement land-using projects in the following cases:

a) Projects prescribed in Clause 27, Article 79 of this Law for which the provincial People's Councils decide to allocate land or lease land through bidding to select investors to implement land-using investment projects.

The provincial-level People's Councils shall determine the criteria for deciding to conduct bidding to select investors to implement land-using projects depending on the actual situation of their respective localities;

b) Land-using investment projects subject to land recovery by the State as prescribed in Article 79 of this Law, which are not prescribed at Point a of this Clause but for which bidding to select investors must be organized in accordance with the law regulations governing the respective sector or field.

2. The land fund for bidding to select investors to implement land-using projects includes a part of the land area subject to State land recovery prescribed in Article 79 of this Law. In the case where the project area covers land prescribed in Clause 1, Article 217 of this Law, the State shall recover the land and allocate or lease the entire land area through bidding to select investors to implement the project.

3. The conditions for bidding to select investors to implement land-using projects prescribed at Point a, Clause 1 of this Article include:

a) The land parcels shall be on the list for bidding to implement land-using projects decided by the provincial-level People's Councils;

b) Detailed master plans or zoning master plans at a 1:2000 scale approved by the competent authorities shall be available;

c) Conditions as prescribed by law regulations on bidding.

4. Land-using investment projects prescribed at Point b, Clause 1 of this Article must meet the conditions for bidding to select investors prescribed in

Clause 3 of this Article and other conditions in accordance with the law regulations governing the respective sector or field.

5. Organizations participating in bidding to select investors to implement land-using projects must meet the following conditions:

a) Being eligible to be allocated or leased land as prescribed in Article 119 or 120 of this Law;

b) Meeting the conditions prescribed in Article 122 of this Law in case of land allocation or land lease for implementation of investment projects;

c) Conditions as prescribed by law regulations on bidding;

6. Foreign investors participating in the bidding to select project owners for land-using investment projects must meet the conditions specified in Points b and c, Clause 5 of this Article. In case of winning the bids, they must establish economic institutions to be allocated or leased land to implement the projects in accordance with the regulations of the Government in conformity with the law regulations on investment and bidding, and other relevant legal regulations.

7. Provincial-level People's Committees shall:

a) Announce the bidding plan and list of land parcels for bidding to implement land-using projects in accordance with this Law;

b) Organize the formulation of detailed master plans or zoning master plans at a 1:2000 scale;

c) Formulate and implement the compensation, support, resettlement plan and land recovery plan in accordance with this Law;

d) Allocate or lease land to the winning bidders or economic institutions established by the winning bidders in accordance with the regulations of the Government to implement the projects in accordance with the commitments made in the contracts signed between the winning bidders and the competent authorities, which meet the conditions prescribed by the law regulations on investment and bidding and other relevant law regulations; determination of land prices to calculate land use levies and land rentals for investors to fulfill their financial obligations to the State.

8. Within 36 months from the date of the decision on recognition of the results of the bid selection or other deadlines in accordance with the contract signed with the competent State authority, the competent People's Committee must complete the compensation, support, and resettlement in order for the land to be allocated or leased.

The organization allocated or leased land in accordance with Clause 6 and Point d, Clause 7 of this Article shall be responsible for providing funds for compensation, support, and resettlement at the request of the competent State

authority under the approved compensation, support, and resettlement plan. If it fails to provide sufficient funds for compensation, support, and resettlement within 6 months from the date of receiving the request of the competent State authority, the competent State authority shall decide to cancel the bid selection results.

9. The procedures for bidding to select investors to implement land-using projects shall comply with the law regulations on bidding.

10. The Government shall detail this Article.

**Article 127. Use of land for socio-economic development projects under land use right transfer agreements or with existing land use rights**

1. Land shall be used for socio-economic development projects under land use right transfer agreements in the following cases:

a) Cases where the implementation of the project does not fall under the cases of land recovery prescribed in Article 79 of this Law;

b) In case of using land to implement projects on investment in construction of commercial houses, land use right transfer agreements shall be permitted only for residential land;

c) In the case where the State Budget is not used and cases of land recovery prescribed in Article 79 of this Law, the investors opt for land use right transfer agreements instead of proposing land recovery.

2. For land for which a land use right transfer agreement has been reached for the implementation of a socio-economic development project and of which the land user has been allocated or leased land, or had land use rights recognized by the State, in the case where the land area prescribed in Clause 1 of this Article covers the land managed by State authorities and organizations but cannot be split into independent projects, such land managed by State authorities and organizations shall be included in the total land area for preparation of the project and shall be recovered by the State in order to allocate or lease land to the investor to implement the project without neither auction of land use rights nor bidding to select the investor to implement the land-using project necessitated.

3. Conditions for using land for socio-economic development projects under land use right transfer agreements prescribed in Clause 1 of this Article include:

a) It conforms to the district-level land use master plans that has been approved and announced;

b) The project owner must meet the conditions prescribed in Article 122 of this Law. In case of using land to implement projects on investment in construction of commercial houses, land use right transfer agreements shall be permitted for residential land;

c) The provincial-level People's Committee issues a document approving the land use right transfer agreement for the implementation of the project.

4. The State shall adopt policies to encourage agreement on acquisition of land use rights for the implementation of socio-economic development projects in the cases prescribed in Clause 1 of this Article as follows:

a) Households and individuals that use land without certificates of land use rights, certificates of house ownership and residential land use rights, certificates of land use rights and ownership of houses and other land-attached property, certificates of land use rights and ownership of land-attached property but meet the conditions for being granted certificates of land use rights and ownership of land-attached property may transfer land use rights, lease or sublease land use rights, or contribute land use rights as capital to implement the projects;

b) In the case where the investor has acquired land use rights to implement the project but, by the time the land use terms of the land whose use rights have been acquired expire, has not yet completed the land-related procedures for implementing the project, the investor shall be permitted to continue the procedures for implementing the project without extending such land use terms.

5. Land use right transfer agreements for continued production and business without changing the land use purposes shall comply with regulations of this Law regarding transfer of land use rights.

6. A person who is currently holding land use rights of the land may propose an investment project if the proposed project falls under the cases prescribed in Article 79 of this Law but conforms to the land use master plans and such person request the change of land use purposes. If the competent State authority approve both the investment policy and investor of the proposed project in accordance with the law regulations on investment, such person shall be permitted to use land to implement such investment project without the State recovering land in accordance with this Law.

In the case where the person who is currently holding land use rights of residential land or residential land and other land types proposes a project on investment in construction of commercial houses that conforms to the land use master plans and such person request the change of land use purposes, if the competent State authority approve both the investment policy and investor of the proposed project in accordance with the law regulations on investment, such person shall be permitted to use land to implement such project.

7. The Government shall detail this Article.

## Chapter X

### LAND REGISTRATION, GRANT OF CERTIFICATES OF LAND USE

# **RIGHTS AND OWNERSHIP OF LAND-ATTACHED PROPERTY**

## **Section 1**

### **CADASTRAL RECORDS**

#### **Article 128. Principles for compilation, adjustment, and update of cadastral records**

1. Cadastral records shall be compiled for each land parcel, ensuring the scientific nature and consistency of information in the records with the reality of land administration and use. They shall be compiled by commune-level administrative unit or by district-level administrative unit where no commune-level administrative unit is established.

2. Cadastral records must be adjusted and updated completely and promptly when the land user performs land administrative procedures or at the request of the competent State authority, ensuring a full reflection of the land administration and use reality in the locality.

#### **Article 129. Cadastral records**

1. Cadastral records shall include documents showing detailed information about each land parcel, the person authorized to administer the land, the land user, the owner of the property attached to the land, the legal status of the land parcel and the property attached to the land, and fully reflecting the reality of land administration and use in the locality.

2. Cadastral records shall be compiled in digital format and shall include the following documents:

- a) Cadastral maps;
- b) Land registers;
- c) Cadastral books;

d) Copies of certificates, including: the certificate of land use rights, the certificate of house ownership and residential land use rights, the certificate of house ownership, the certificate of ownership of constructions, the certificate of land use rights and ownership of houses and other land-attached property, and the certificate of land use rights and ownership of land-attached property.

3. Cadastral records shall be used for the following purposes:

- a) To serve as an instrument for land administration;
- b) To protect the rights and determine the obligations of land users, persons authorized to administer land, owners of land-attached property, organizations, and individuals concerned in accordance with the law regulations on land;

- c) Determination of the financial revenues from land;
- d) To monitor fluctuations in the land use right market;
- dd) To support land users in accessing credit;
- e) To assist sectors and levels in directing, managing, constructing, implementing, and monitoring the implementation of planning, and developing infrastructure;
- g) To provide information to competent authorities in resolving disputes related to land use rights and land-attached property;
- h) To provide information to organizations and individuals who need access to land.

#### **Article 130. Responsibilities for compilation, adjustment, update, management, and exploitation of cadastral records**

1. Provincial-level People's Committees shall be responsible for directing the compilation of cadastral records in their respective localities and allocating funds for such compilation.

2. The authority in charge of land administration shall be responsible for organizing the compilation of cadastral records; regularly inspecting and monitoring the adjustment and update of cadastral records in their respective localities.

3. The land registry shall be responsible for compiling and adjusting cadastral records, and updating changes in the cadastral records.

In localities where land databases have not yet been established, the land registry shall be responsible for providing copies of the cadastral records to the commune-level People's Committees for use.

4. Civil servants performing cadastral duties at the commune level shall be responsible for managing and using information from cadastral records as required for State governance of land in their respective localities and upon request of citizens. They are also responsible for updating land changes in the cases falling under their competence and reflecting the situation of violations in land administration and use in the cadastral records.

5. The Minister of Natural Resources and Environment shall prescribe cadastral records and guide the compilation, editing, updating, and management of cadastral records, the exploitation, use, examination, and supervision of cadastral records.

## **Section 2**

### **REGISTRATION OF LAND AND LAND-ATTACHED PROPERTY**

## **Article 131. Principles of registration land and land-attached property**

1. Land registration is mandatory for land users and persons allocated land for administration.

2. Land-attached property, such as houses and constructions, shall be registered upon request of the respective owners.

3. Registration of land and land-attached property includes the first-time registration and change registration which, whether paper-based or electronic, have the same legal validity.

4. Land users, owners of land-attached property, and persons allocated land for administration who have registered shall be included in the cadastral records and considered being granted certificates of land use rights and ownership of land-attached property if they meet the conditions prescribed by this Law.

5. The Government shall detail registration of land and land-attached property.

## **Article 132. First-time registration**

1. First-time registration of land and land-attached property shall be conducted in the following cases:

- a) The land parcel is in use but not registered yet;
- b) The land parcel is allocated or leased by the State for use;
- c) The land parcel is allocated for administration but not registered yet;
- d) The land-attached property needs to be registered together with land registration in the cases prescribed at Points a, b, and c of this Clause.

2. Provincial-level People's Committees shall be responsible for directing the dissemination, communication and organization of the first-time registration for cases that have not been registered.

## **Article 133. Registration of changes**

1. The following changes shall be registered in the case where the certificate of land use rights or the certificate of house ownership and residential land use rights or the certificate of house ownership or the certificate of ownership of constructions or the certificate of land use rights and ownership of houses and other land-attached property or the certificate of land use rights and ownership of land-attached property has been granted:

a) The change that occurs when the land user or owner of land-attached property exercises the rights to exchange, transfer, bequeath, donate land use rights or land-attached property; contribute land use rights and land-attached property as capital; lease or sublease land use rights in a project on construction and business of infrastructure; transfer a land-using project;

b) The change that occurs when the land user or the owner of land-attached property is permitted to change his/her name;

c) The change of information about the land user or owner of land-attached property on the existing certificate, unless otherwise prescribed at Point b of this Clause;

d) The change of boundaries, landmarks, dimensions, area, code or address of the land parcel;

dd) The registration of ownership of property attached to a land parcel that have yet been granted the certificate of land use rights or the certificate of house ownership and residential land use rights or the certificate of land use rights and ownership of houses and other land-attached property or the certificate of land use rights and ownership of land-attached property; the registration of change of land-attached property compared to the registered details;

e) The change of land use purpose as prescribed in Clause 1, Article 121 of this Law; or the change in Clause 3, Article 121 of this Law, in the case where the land user needs to register such change;

g) The change of land use term;

h) The change of form of land allocation, land lease, land use levy payment, land rental payment as prescribed by this Law;

i) The change of the land use rights and ownership of land-attached property resulting from the split-up, spin-off, merger, consolidation, or organizational transformation or the unanimous agreement of all household members or of both husband and wife or of all land users in a group jointly using land or all owners in a group of joint owners of land-attached property;

k) The change of land use rights or ownership of land-attached property resulting from the successful mediation of land disputes which are certified by competent People's Committees; the agreement in the mortgage contracts to handle the debts; the decisions of competent State authorities on settlement of land disputes, complaints or denunciations, the judgments or rulings of the courts, the decisions on judgment execution, which has been executed, of the judgment execution agencies; the decisions or awards of Vietnamese commercial arbitration regarding resolution of disputes arising from commercial activities related to land among parties; the written recognition of auction results of land use rights in accordance with law regulations;

l) The establishment, change or termination of the rights to the adjacent land parcel;

m) The change of the limitations on the rights of land users;

n) The change of land use rights for construction of above-ground facilities for the operation and exploitation of underground facilities, and ownership of

underground facilities;

o) The change that occurs when the land user or owner of land-attached property requests the re-grant or one-to-one exchange of the certificate of land use rights or the certificate of house ownership and residential land use rights or the certificate of house ownership or the certificate of ownership of constructions or the certificate of land use rights and ownership of houses and other land-attached property or the certificate of land use rights and ownership of land-attached property;

p) The change that occurs when land users and owners of land-attached property exercise the right to mortgage land use rights and land-attached property;

q) The sale of property, redistribution or transfer of land use rights that is public property in accordance with law regulations on management and use of public property.

2. The competent authority shall confirm the change registration prescribed in Clause 1 of this Article on the existing certificate, or grant a new certificate of land use rights and ownership of land-attached property to the land user or owner of land-attached property upon their request. Particularly, the competent authority shall confirm the change registration prescribed at Point p, Clause 1 of this Article on the existing certificate.

3. For the changes prescribed at Points a, b, i, k, l, m and q, Clause 1 of this Article, within 30 days from the date of change, the land user must register the change with the competent authority. In case of execution of judgments, the time limit for registration of changes shall start from the date of handover of property for execution or for auction. In case of inheritance of land use rights, the time limit for registration of changes shall start from the date of division of inherited land use rights in accordance with civil law regulations or from the date of the effective judgment or ruling of the court.

### Section 3

#### **GRANT OF THE CERTIFICATES OF LAND USE RIGHTS AND OWNERSHIP OF LAND-ATTACHED PROPERTY**

#### **Article 134. Certificates of land use rights and ownership of land-attached property**

1. A certificate of land use rights and ownership of land-attached property shall be granted to a person who has the right to use the land and owns house(s)/construction(s) attached to such land, which is made using a uniform template nationwide.

2. The Minister of Natural Resources and Environment shall specify the certificate of land use rights and ownership of land-attached property.

### **Article 135. Principles of granting certificates of land use rights and ownership of land-attached property**

1. A certificate of land use rights and ownership of land-attached property shall be granted for each land parcel to the person who has the right to use such land and the owner of the property attached to such land, who wish so and meet the conditions prescribed in this Law. In the case where a land user is using multiple agricultural land parcels in 01 commune, ward or township, he/she shall, upon his/her request, be granted 01 certificate of land use rights and ownership of land-attached property covering all such parcels.

2. If various persons share the right to use a land parcel or the property attached to a land parcel is jointly owned by various persons, each of them shall be granted 01 certificate of land use rights and ownership of land-attached property. Upon request of the persons who the right to use land or jointly own land-attached property, 01 shared certificate of land use rights and ownership of land-attached property shall be granted to all of them and handed to the representative of them.

3. A certificate of land use rights and ownership of land-attached property shall be granted after the land user and owner of land-attached property has fulfilled his/her/its financial obligations in accordance with law regulations.

In the case where the land users or owners of land-attached property are not subject to or are exempt from financial obligations, or have their financial obligations indebted, the certificate of land use rights and ownership of land-attached property shall be granted after the competent authority has determined that they are not required to fulfill financial obligations or are exempt, or are recorded as a financial debt; in the case of land lease with annual rental payment, the certificates of land use rights and ownership of land-attached property shall be granted after the competent authority issues a decision to lease land and signs a land lease contract.

In the case where the land user donates land use rights to the State or donates land use rights to the communities to build facilities serving the common interests of the communities or to widen traffic roads in accordance with the master plans or donate land use rights to build gratitude houses, charity houses, and “great unity” houses attached to land in accordance with law regulations, the State shall be responsible for arranging the funding for measurement, adjustment, and updating cadastral records and granting certificates of land use rights and ownership of land-attached property to the land user in accordance with this Law. No costs shall be incurred by the land user in this case.

4. In the case where the right to use land, or the right to use land and own

property attached to such land, or the ownership of land-attached property is shared by the husband and the wife, the full names of them must be recorded in the certificate of land use rights and ownership of land-attached property, unless the husband and the wife agree to record the full name of either of them.

In the case where the land use right or the land use right and ownership of land-attached property or the ownership land-attached property is the property jointly owned by both the husband and the wife, and the existing certificate of land use rights, certificate of house ownership and residential land use rights, certificate of house ownership, certificate of ownership of constructions, certificate of land use rights and ownership of houses and other land-attached property, certificate of land use rights and ownership of land-attached property only mentions the name of the husband or the name of the wife, it can be exchanged for a certificate of land use rights and ownership of land-attached property that mentions the names of both the husband and the wife upon their request.

5. In the case where the land parcel is under the use of a household, one certificate of land use rights and ownership of land-attached property shall be granted and full names of all members sharing the land use right of the household shall be stated on such certificate of land use rights and ownership of land-attached property, which is then handed to the representative. In the case where the members sharing the land use right of the household so request, one certificate of land use rights and ownership of land-attached property shall be granted, on which the name of the household representative is stated and such certificate of land use rights and ownership of land-attached property shall be handed to the household representative.

The determination of members who share land use rights within a household for inclusion on the certificate of land use rights and ownership of land-attached property shall be based on mutual agreement among the household members who shall bear legal responsibility for their decisions.

6. In case of a discrepancy between the actual measurement and the data recorded on the document prescribed in Article 137 of this Law or the existing certificate of land use rights or certificate of house ownership and residential land use rights or certificate of house ownership or certificate of ownership of constructions or certificate of land use rights and ownership of houses and other land-attached property or certificate of land use rights and ownership of land-attached property, if the boundaries of the land parcel in use are unchanged compared to that at the time of the document on land use rights or the existing certificate of land use rights, certificate of house ownership and residential land use rights, certificate of land use rights and ownership of houses and other land-attached property, certificate of land use rights and ownership of land-attached property, and there is no dispute with neighboring land users, the land area shall

be equal to the actual measurement in the new certificate of land use rights and ownership of land-attached property to be granted or exchanged for.

In case of re-measurement where the boundaries of the land parcel have changed compared to that at the time of the document on land use rights or the existing certificate of land use rights, certificate of house ownership and residential land use rights, certificate of house ownership, certificate of ownership of constructions, certificate of land use rights and ownership of houses and other land-attached property, certificate of land use rights and ownership of land-attached property, if the measurement of land area in reality exceeds the land area stated in the document on land use rights or the existing certificate of land use rights, certificate of house ownership and residential land use rights, certificate of land use rights and ownership of houses and other land-attached property, certificate of land use rights and ownership of land-attached property, a certificate of land use rights and ownership of land-attached property shall be considered being granted to the excess land area.

In the case where the location mentioned in the existing certificate of land use rights, certificate of house ownership and residential land use rights, certificate of land use rights and ownership of houses and other land-attached property, certificate of land use rights and ownership of land-attached property is incorrect, the certificate shall be reviewed and exchanged for a new certificate of land use rights and ownership of land-attached property for the land user.

7. The Government shall detail grant of certificates of land use rights and ownership of land-attached property, re-determination of residential land areas, and correction, revocation, and cancellation of existing certificates.

### **Article 136. Competence to grant certificates of land use rights and ownership of land-attached property**

1. The competence to grant the first-time certificates of land use rights and ownership of land-attached property in cases of first-time registration where they need to be granted certificates of land use rights and ownership of land-attached property and in cases prescribed at Point b, Clause 7, Article 219 of this Law is prescribed as follows:

a) The provincial-level People's Committees shall grant certificates of land use rights and ownership of land-attached property to land users and owners of land-attached property prescribed in Clauses 1, 2, 5, 6 and 7, Article 4 of this Law.

The provincial-level People's Committees may authorize the same-level authorities in charge of land administration to grant certificates of land use rights and ownership of land-attached property in the cases prescribed in this Clause;

b) The district-level People's Committees shall grant certificates of land use rights and ownership of land-attached property to land users and owners of

land-attached property prescribed in Clauses 3 and 4, Article 4 of this Law.

2. Competence to grant certificates of land use rights and ownership of land-attached property, confirm changes for the case of change registration as follows:

a) Land registries shall grant certificates of land use rights and ownership of land-attached property to land users and owners of land-attached property that are domestic organizations, religious institutions and their affiliated organizations, foreign organizations with diplomatic functions, and foreign-invested economic institutions; and grant certificates of land use rights and ownership of land-attached property to owners of land-attached property that are foreign organizations and foreign individuals;

b) Branches of land registries or land registries themselves shall grant certificates of land use rights and ownership of land-attached property to land users and owners of land-attached property that are individuals, communities, and foreign residents of Vietnamese origin;

c) Land registries and their branches shall use their seals to grant certificates of land use rights and ownership of land-attached property or confirm changes on the existing certificates.

### **Article 137. Grant of certificates of land use rights and ownership of land-attached property to households, individuals and communities that are using land and have documents on land use rights**

1. Households and individuals that are using land stably and have one of the following documents that have been made before October 15, 1993 shall be granted certificates of land use rights and ownership of land-attached property without paying land use levy:

a) The documents on land use rights, which were granted by competent authorities in the process of implementing the land policies of the Democratic Republic State of Vietnam, the Provisional Revolutionary Government of the Republic of South Vietnam or the Socialist Republic of Vietnam;

b) One of the documents on land use rights granted to the land user by a competent authority under the former political regime, including: farming land title; document on sale of real estate certified by an authority under the former political regime; document on sale and purchase of houses, or donation of houses, or exchange of houses, or inheritance of houses certified by an authority under the former political regime; will or agreement on division of housing inheritance certified by an authority under the former political regime; permit for house construction; permit for legalization of architecture granted by an authority under the former political regime; judgment of a court under the former regime that have come into effect;

c) Temporary certificates of land use rights granted by competent State

authorities, or their names recorded in the Land Registers or Cadastral Books;

d) The documents on the transfer of land use rights or purchase of residential land-attached houses, and such land is now certified as being used before October 15, 1993, by the commune-level People's Committees;

dd) Land registers and farm surveying registers made before December 18, 1980, which include the names of the land users;

e) One of the documents drawn up in the process of land registration in accordance with Directive No. 299/TTg dated November 10, 1980 of the Prime Minister on land measurement, classification and registration nationwide and currently managed by State authorities, which include the names of the land users, including: Written approval by the commune-level land registration council confirming that the person legally using the land; Summary of cases of legal land use by the commune-level People's Committee or the commune-level land registration council or the provincial- or district-level land administration authority\; Application for registration of land use rights; Documents certifying the registration of land use rights granted to the land users by the commune-, district- or provincial-level People's Committees;

g) Documents on house registration certified by the commune-, district- or provincial-level People's Committees, which include the land area with the houses;

h) Documents of military units allocating land to officers and soldiers for construction of houses in accordance with Directive No. 282/CT-QP dated July 11, 1991 of the Minister of National Defense, where the land allocation is consistent with the land use master plans for housing for officers and soldiers in the national defense land use master plan approved at the time of land allocation;

i) Projects or lists or documents on resettlement to build new economic zones, or resettlement by the district- or provincial-level People's Committees, or competent authorities, which include the names of the land users;

k) Documents on ownership of houses and facilities; documents on construction and repair of houses and facilities certified or permitted by the district- or provincial-level People's Committees, or State housing and construction regulatory authorities;

l) Documents of temporary land allocation by the district- or provincial-level People's Committees; land use requests approved by the commune-level People's Committees and agricultural cooperatives before July 1, 1980 or approved by the district- or provincial-level People's Committees;

m) Documents of the competent State authorities on land allocation to authorities and organizations for them to arrange land for cadres and employees to build their own houses or to build houses and then distribute or allocate them to cadres and employees with funds not covered by the State Budget or funds

contributed by cadres and employees themselves;

n) Other documents on land use rights before October 15, 1993 as prescribed by the provincial-level People's Committees in accordance with the actual situation of their respective localities.

2. Households and individuals that are currently using the land and have documents from state-owned agricultural and forestry farms regarding allocation of land for construction of houses or construction of houses combined with agricultural and forestry production before July 1, 2004, who shall be granted certificates of land use rights and ownership of land-attached property and shall not pay land use levy.

3. Households and individuals that are using land stably and have one of the following documents shall be granted a certificate of land use rights and ownership of land-attached property without paying land use levy:

a) Lawful documents on inheritance or donation of land use rights or land-attached property; documents on hand-over of land-attached gratitude house, charity house, or "great unity" house;

b) The document on liquidation of residential land-attached houses by the State or document on purchase of a state-owned house in accordance with law regulations.

4. Households and individuals, who are currently using land and hold documents on land allocation or land lease by the State in accordance with the law regulations in the period of between October 15, 1993 and before the effective date of this Law but have not been granted certificates of land use rights, certificates of house ownership and residential land use rights, certificates of land use rights and ownership of houses and other land-attached property, or certificates of land use rights and ownership of land-attached property, shall be granted certificates of land use rights and ownership of land-attached property. In the case where they have not yet paid land use levy, they shall make payment in accordance with law regulations.

5. Households and individuals that are using the land and have one of the documents prescribed in Clauses 1, 2, 3 and 4 of this Article bearing the names of other persons enclosed with the documents on transfer of land use rights, but have not performed the procedures for the transfer of land use rights in accordance with law regulations prior to the effective date of this Law, if such land is dispute-free, shall be granted certificates of land use rights and ownership of land-attached property and perform financial obligations as prescribed by law.

6. Households, individuals and communities that are permitted to use land under judgments or rulings of the courts, or decisions or awards of Vietnamese commercial arbitration, judgment execution decisions of judgment execution agencies, decisions, which have been executed, of competent State authorities on

settlement of land disputes, complaints or denunciations, or written recognition of successful mediation shall be granted certificates of land use rights and ownership of land-attached property and perform financial obligations as prescribed by law.

7. For households and individuals who have copies of one of the types of documents prescribed in Clauses 1, 2, 3, 4, 5 and 6 of this Article but the originals thereof have been lost and the State authorities no longer keep records of grant of such type of documents, if the commune-level People's Committees of the localities where the land is located certify that such land has been used stably and dispute-free, they shall be granted certificates of land use rights and ownership of land-attached property and perform financial obligations as prescribed by law.

8. In the case where the land user holds one of the documents prescribed in Clauses 1, 2, 3, 4, 5, 6 and 7 of this Article that states different dates, the land user shall choose one date as the basis for being granted the certificate of land use rights and ownership of land-attached property.

9. Communities using land with communal houses, temples, shrines, hermitages, ancestral temples and other places of worship; land with pagodas not prescribed in Clause 1, Article 213 of this Law; agricultural land prescribed in Clause 4, Article 178 of this Law, if such land is dispute-free and is certified in writing as the land used commonly by the communities by the commune-level People's Committees, shall be granted certificates of land use rights and ownership of land-attached property.

**Article 138. Grant of certificates of land use rights and ownership of land-attached property in the case where households or individuals are using land without proper documents on land use rights but do not violate law regulations on land, and the land was not allocated to them ultra vires**

Certificates of land use rights and ownership of land-attached property shall be granted to households and individuals that are stably using land without one of the types of documents on land use rights as prescribed in Article 137 of this Law and do not fall under the cases prescribed in Articles 139 and 140 of this Law as follows:

1. Households and individuals who have been using land before December 18, 1980, and the land is now certified by the commune-level People's Committees of the localities where the land is located as dispute-free, certificates of land use rights and ownership of land-attached property shall be granted as follows:

a) For a land parcel where residential houses or houses and housing facilities have been constructed that is equal to or beyond the residential land recognition quota prescribed in Clause 5, Article 141 of this Law, the residential land area to be recognized shall be equal to the land recognition quota, and no

land use levy shall be payable.

In the case where the land area where residential houses or houses and housing facilities have been constructed exceeds the residential land recognition quota prescribed at this Point, the residential land area to be recognized shall be based on the area where such houses or houses and housing facilities have been already constructed in reality. The land user shall pay land use levy for the excess area compared to the residential land recognition quota prescribed at this Point;

b) For a land parcel where residential houses or houses and housing facilities have been constructed that is below the residential land recognition quota prescribed in Clause 5, Article 141 of this Law, the residential land area to be recognized shall be equal to the entire parcel, and no land use levy shall be payable;

c) Land parcels used for non-agricultural production, business, commercial and service purposes shall be recognized as land for non-agricultural production establishments or land for commercial and service purposes depending on the area actually used. The form of land use to be recognized shall be the same as the form of land allocation with land use levy payment and the land use term shall be long term for stable use;

d) The remaining land area after determinations in accordance with Points a and c of this Clause shall be determined depending on the actual land use.

In the case where the land is, in fact, used for non-agricultural purposes instead of residential purposes, the land use rights shall be recognized in accordance with Point c of this Clause.

In the case where the land is, in fact, used for agricultural purposes, the land use rights shall be recognized as if the land is allocated by the State without land use levy. If the land user requests recognition for non-agricultural purposes in accordance with the district-level land use master plans or general development plans or zoning master plans or construction master plans or rural development plans, the land use rights shall be recognized for such purposes and land use levy shall be paid in accordance with law regulations;

2. For households and individuals who have been using land from December 18, 1980 to before October 14, 1993, and the land is now certified by the commune-level People's Committees of the localities where the land is located as dispute-free, certificates of land use rights and ownership of land-attached property shall be granted as follows:

a) For a land parcel where residential houses or houses and housing facilities have been constructed that is equal to or beyond the residential land recognition quota prescribed in Clause 5 of Article 141 of this Law, the residential land area to be recognized shall be equal to the land recognition quota, and no land use levy shall be payable.

In the case where the land area where residential houses or houses and housing facilities have been constructed exceeds the residential land recognition quota prescribed at this Point, the residential land area to be recognized shall be based on the area where such houses or houses and housing facilities have been already constructed in reality. The land user shall pay land use levy for the excess area compared to the residential land recognition quota prescribed at this Point;

b) For a land parcel where residential houses or houses and housing facilities have been constructed that is below the residential land recognition quota prescribed in Clause 5, Article 141 of this Law, the residential land area to be recognized shall be equal to the entire parcel, and no land use levy shall be payable;

c) Land parcels used for non-agricultural production, business, commercial and service purposes shall be recognized as land for non-agricultural production establishments or land for commercial and service purposes in accordance with Point c, Clause 1 of this Article;

d) The remaining land area after determinations in accordance with Points a and c of this Clause shall be determined depending on the actual land use.

In the case where the land is, in fact, used for non-agricultural purposes instead of residential purposes, the land use rights shall be recognized in accordance with Point c of this Clause.

In the case where the land is, in fact, used for agricultural purposes, the land use rights shall be recognized as if the land is allocated by the State without land use levy. If the land user requests recognition for non-agricultural purposes in accordance with the district-level land use master plans or general development plans or zoning master plans or construction master plans or rural development plans, the land use rights shall be recognized for such purposes and land use levy shall be paid in accordance with law regulations;

3. Households and individuals who have been using land from October 15, 1993 to before July 1, 2014, and the land is now certified by the commune-level People's Committees of the localities where the land is located as dispute-free, certificates of land use rights and ownership of land-attached property shall be granted as follows:

a) For a land parcel where residential houses or houses and housing facilities have been constructed that is equal to or beyond the residential land allocation quota prescribed in Clause 2, Article 195 and Clause 2, Article 196 of this Law, the residential land area to be recognized shall be equal to the land recognition quota. In the case where the land area where residential houses or houses and housing facilities have been constructed exceeds the residential land allocation quota, the residential land area to be recognized shall be based on the area where such houses or houses and housing facilities have been already

constructed in reality;

b) For a land parcel where residential houses or houses and housing facilities have been constructed that is below the residential land allocation quota prescribed in Clause 2, Article 195 and Clause 2, Article 196 of this Law, the entire parcel shall be recognized as residential land;

c) Land parcels used for non-agricultural production, business, commercial and service purposes shall be recognized as land for non-agricultural production establishments or land for commercial and service purposes in accordance with Point c, Clause 1 of this Article.

d) The remaining land area after determinations in accordance with Points a and c of this Clause shall be determined depending on the actual land use.

In the case where the land is, in fact, used for non-agricultural purposes instead of residential purposes, the land use rights shall be recognized in accordance with Point c of this Clause.

In the case where the land is, in fact, used for agricultural purposes, the land use rights shall be recognized as if the land is allocated by the State without land use levy. If the land user requests recognition for non-agricultural purposes in accordance with the district-level land use master plans or general development plans or zoning master plans or construction master plans or rural development plans, the land use rights shall be recognized for such purposes and land use levy shall be paid in accordance with law regulations;

dd) The land user who is granted a certificate of land use rights and ownership of land-attached property as prescribed in this Clause shall fulfill the financial obligations as prescribed by law;

4. In the case where a land parcel is used jointly by multiple households or individuals, the residential land quota prescribed in Clauses 1, 2, and 3 of this Article shall be equal to the sum of all residential land quotas for such households or individuals.

In the case where a household or individual uses multiple land parcels with houses or houses and housing facilities that have been certified by the commune-level People's Committees of the localities where the land is located as having used such land stably before October 15, 1993, the residential land quota shall be determined in accordance with Clauses 1, 2, and 3 of this Article for each of such land parcels;

5. Households and individuals that are eligible for agricultural land allocation as prescribed in Clause 1, Article 118 of this Law have used residential land and non-agricultural land before July 1, 2014 but do not have the documents prescribed in Article 137 of this Law, have registered their permanent residences in localities with difficult socio-economic conditions, or with extremely difficult socio-economic conditions, if the land is now certified by the commune-level

People's Committees of the localities where the land is located to be dispute-free, shall be granted certificates of land use rights and ownership of land-attached property and shall not pay land use levy. The area of land shall be determined when granting the certificates of land use rights and ownership of land-attached property in accordance with clauses 1, 2, 3 and 4 of this Article;

6. Households and individuals that are currently using land stably for purposes belonging to the agricultural land group, now certified by the commune-level People's Committees of the localities where the land is located to have no disputes over such land, shall be granted certificates of land use rights and ownership of land-attached property in the form of land allocation by the State without land use levy for the area of land being used but not exceeding the agricultural land allocation quota for individuals prescribed in Article 176 of this Law. The land use term shall start from the date of being granted the certificate of land use rights and ownership of land-attached property. For the remaining area of agricultural land (if any), they must change to lease such land areas from the State;

7. Local residential land quota regulations shall be applied to determine the residential land area in the cases prescribed in Clauses 1, 2, 3, 4, and 5 of this Article in accordance with the law regulations at the time the land users submit their dossier of application for grant of certificates of land use rights and ownership of land-attached property;

8. Households and individuals, who are using land in the cases prescribed in Clauses 1, 2, 3, 4, 5 and 6 of this Article but do not meet the conditions for being granted certificates of land use rights and ownership of land-attached property, shall be temporarily permitted to use the land in its current status until the State recovers the land and must declare and register land in accordance with regulations;

9. The State shall be responsible for granting certificates of land use rights and ownership of land-attached property to cases that have registered land and meet the conditions as prescribed in this Article;

10. The Government shall detail this Article.

### **Article 139. Resolution for cases of households and individuals using land in violation of the law regulations on land before July 1, 2014**

1. In case of using land by encroaching on or occupying the safety corridors of public facilities after the State has announced and marked such corridors, or by encroaching on or occupying the roadbed, curb, or sidewalk after the State has announced the construction boundaries, or by encroaching on or occupying land used for the construction of head offices of authorities, public service facilities, and other public facilities, the State shall recover and re-allocate the land to the respective facilities without granting any certificate of land use rights and

ownership of land-attached property for the encroached or occupied area.

In the case where the land use master plan or the construction master plan is adjusted and approved by the competent authority and, as a result, the encroached or occupied area is no longer within the safety corridors of public facilities nor within the construction boundaries of traffic roads nor be used for the construction of head offices of authorities, public service facilities, and other public facilities, the current user of such land area shall be considered for being granted a certificate of land use rights and ownership of land-attached property and shall fulfill financial obligations in accordance with the law regulations.

2. Cases of using land resulting from encroachment or occupation of agricultural or forestry land that has been allocated by the State without land use levy to entities/persons from time to time shall be handled as follows:

a) In case of using the encroached or occupied area of land belonging to the forestry master plans for special-use forests and protection forests, the provincial-level People's Committees shall direct the recovery of such encroached and occupied land to be handed over to the Forest Management Board for administration and use. The person who is using the encroached or occupied land shall be considered being contracted such land for forest protection and development by the Forest Management Board in accordance with the law regulations on forestry. In the case where there is no Forest Management Board, the person who is using the encroached or occupied land shall be allocated land by the State for use for the purpose of protecting and developing protection forests and shall be considered for being granted a certificate of land use rights and ownership of land-attached property;

b) In case of using the encroached or occupied land area belonging to the land use master plan for the purpose of constructing public infrastructure facilities, the provincial-level People's Committees shall direct the recovery of the encroached or occupied land to be handed over to the project owner when constructing such facilities.

The person who is using the land in violation shall be temporarily permitted to use the land until the State recovers the land, but must maintain the current status of land and must declare and register land in accordance with regulations;

c) In the case where the land encroached or occupied land is now being used for agricultural production or housing purposes before July 1, 2014, not belonging to the forestry master plans for special-use forests and protection forests nor the land use master plans for the construction of public infrastructure facilities, the person who is using the land shall be considered for being granted a certificate of land use rights and ownership of land-attached property and must fulfill financial obligations prescribed by law.

3. Households and individuals that are currently using land due to

encroachment or occupation of land not falling under the cases prescribed in Clauses 1 and 2 of this Article and cases of using land not for the intended purposes that have been allocated or leased land, or had land use rights recognized by the State shall be handled as follows:

a) In the case where the person who is stably using the land in accordance with the district-level land use master plan or the general master plan or zoning master plan or the construction master plan or the rural development master plan, he/she shall be considered being granted a certificate of land use rights and ownership of land-attached property and must fulfill financial obligations prescribed by law;

b) In the case they are not prescribed at Point a of this Clause, the persons who are using the land in violation shall be temporarily permitted to use the land until the State recovers the land, but must maintain the current status of land and must declare and register land in accordance with regulations.

4. Households and individuals that are currently using agricultural land that they have reclaimed on their own and have no disputes over such land shall be granted certificates of land use rights and ownership of land-attached property by the State within the agricultural land allocation quotas as prescribed by the provincial-level People's Committees. If it exceeds the quota prescribed by the provincial-level People's Committees, the land users shall change to lease the excess area from the State.

5. Households and individuals that are using land in violation of the law regulations on land as prescribed in Clauses 1 and 2 of this Article from July 1, 2014 onward shall not be granted certificates of land use rights and ownership of land-attached property by the State and shall be penalized in accordance with law regulations.

6. The Government shall detail this Article.

#### **Article 140. Grant of certificates of land use rights and ownership of land-attached property to households and individuals that are using land and have no documents on land use rights**

For land allocated to households and individuals ultra vires as prescribed by the law regulations on land at the time of land allocation or land used due to purchase, disposal, or distribution of houses and constructions attached to land that are not in accordance with the law regulations, certificates of land use rights and ownership of land-attached property shall be granted as follows:

1. In the case where the land has been used stably before October 15, 1993 and is now certified by the commune-level People's Committees of the localities where the land is located to be dispute-free, the persons who are currently using such land shall be granted certificates of land use rights and ownership of land-attached property for the land area allocated to them in accordance with Clauses

2 and 6, Article 138 of this Law;

2. In the case where the land has been used stably from October 15, 1993 to before July 1, 2004, and is now certified by the commune-level People's Committees of the localities where the land is located to be dispute-free and in accordance with the district-level land use master plans or the general master plans or zoning master plans or the construction plans or the rural development master plans, certificates of land use rights and ownership of land-attached property shall be granted for such land in accordance with Clauses 3 and 6, Article 138 of this Law;

3. In the case where the land has been used stably from July 1, 2004 to before July 1, 2014, and is now certified by the commune-level People's Committees of the localities where the land is located to be dispute-free and in accordance with the district-level land use master plans or the general master plans or zoning master plans or the construction plans or the rural development master plans, certificates of land use rights and ownership of land-attached property shall be granted for such land as follows:

a) For a land parcel where residential houses or houses and housing facilities have been constructed that is equal to or beyond the residential land allocation quota prescribed in Clause 2, Article 195 and Clause 2 of Article 196 of this Law, the residential land area for which the certificate of land use rights and ownership of land-attached property is granted shall be equal to the residential land recognition quota;

b) For a land parcel where residential houses or houses and housing facilities have been constructed that is below the residential land allocation quota prescribed in Clause 2, Article 195 and Clause 2, Article 196 of this Law, the residential land area shall be the entire parcel;

c) The remaining area (if any) after the residential land area is determined as prescribed at Point a of this Clause shall be recognized depending on the reality of land use;

4. In the case where land was allocated within the period between July 1, 2014 and before the effective date of this Law, and is now certified by the commune-level People's Committees of the localities where the land is located to be dispute-free and in accordance with the land use master plans, and the land users have documents proving the payment of land use levy, the land quota for which certificates of land use rights and ownership of land-attached property are granted shall be determined in accordance with Clause 3, Article 138 of this Law;

5. The State shall not grant certificates of land use rights and ownership of land-attached property for land that has been allocated or leased ultra vires since July 1, 2014, unless otherwise prescribed in Clause 4 of this Article;

6. The land user who is granted a certificate of land use rights and

ownership of land-attached property as prescribed in Clauses 1, 2, 3 and 4 of this Article must fulfill financial obligations as prescribed by law;

7. The Government shall detail this Article.

### **Article 141. Determination of the residential land area when recognizing land use rights**

Households and individuals that are currently using land and have one of the types of documents on land use rights prescribed in Clauses 1, 2, 3, 4, 5, 6 and 7, Article 137 of this Law, and on such document the land use purpose is stated as “for construction of houses” or “for residential purposes” (“residential land”), the area of residential land shall be determined when the certificates of land use rights and ownership of land-attached property are granted to them as follows:

1. In the case where the land parcel was formed before December 18, 1980, the land user shall not have to pay land use levy for the part of the area determined as follows:

a) If the land parcel has an area equal to or beyond the residential land recognition quota and the document on land use rights clearly state the residential land area, the residential land area to be recognized shall be determined according to such documents. In the case where the residential land area stated in the documents on land use rights is below the residential land recognition quota, or such documents do not clearly state the residential land area, the residential land area to be recognized shall be equal to the respective residential land recognition quota;

b) In the case where the land parcel has an area below the land recognition quota, the entire area shall be determined as residential land;

2. In the case where the land parcel was formed from December 18, 1980 to before October 15, 1993, the land user shall not have to pay land use levy for the part of the area determined as follows:

a) If the land parcel has an area equal to or beyond the residential land recognition quota and the document on land use rights clearly state the residential land area, the residential land area to be recognized shall be determined according to such documents. In the case where the residential land area stated in the documents on land use rights is below the residential land recognition quota, or such documents do not clearly state the residential land area, the residential land area to be recognized shall be equal to the respective residential land recognition quota.

b) In the case where the land parcel has an area below the land recognition quota, the entire area shall be determined as residential land;

3. The residential land area shall be determined based on the documents on

land use rights for land parcels formed in the period of between October 15, 1993 and before the effective date of this law;

4. The remaining land area of a land parcel after the residential land area has been determined as prescribed at Point a, Clause 1, Point a, Clause 2, and Clause 3 of this Article shall be handled as follows:

a) Land on which houses or houses and housing facilities have been constructed shall be recognized as residential land and respective land use levy shall be paid in accordance with law regulations;

b) Land on which facilities have been constructed for non-agricultural production, business, commercial and service purposes shall be recognized as land for non-agricultural production establishments or land for commercial and service purposes depending on the area where the facilities are constructed in reality. The form of land use develop recognized shall be the same as the form of land allocation with land use levy payment and the land use term shall be long term for stable use;

c) In the case where the land is, in fact, used for agricultural purposes, the land shall be recognized as agricultural land. If the land user requests recognition for non-agricultural purposes with the district-level land use master plans or general development plans or zoning master plans or construction master plans or rural development plans, the land use rights shall be recognized for such purposes but land use levy shall be paid in accordance with law regulations;

5. The provincial-level People's Committees, depending on local conditions and customs, shall specifically set the land recognition quotas prescribed in Clauses 1 and 2 of this Article for cases of land use before December 18, 1980 and from December 18, 1980 to before October 15, 1993;

6. The re-determination of the residential land area of households and individuals in the case where a residential land parcel has gardens, ponds, and residential land for which certificates have been granted before July 1, 2004, when the land users wish so or when the State recovers land, shall be conducted as follows:

a) The residential land area shall be re-determined in accordance with Clauses 1 and 2 of this Article if, at the time of grant of the existing certificates, the land users have one of the types of documents prescribed in Clauses 1, 2, 3, 5, 6, and 7, Article 137 of this Law but not falling under the cases prescribed in Clause 4, Article 137 of this Law. The land users shall not pay land use levy for the area re-determined as residential land.

In the case where the land users have transferred the land use rights of a portion of the residential land area of the land parcel or the State has recovered a portion of the residential land area of the land parcel, the re-determined residential land area shall be deducted by the area of residential land for which the land use

rights have been transferred or which has been recovered;

b) The land area of the transferees of land use rights in accordance with the law regulations or the land area recovered by the State shall not be re-determined in accordance with Point a of this Clause;

7. The authorities competent to grant certificates of land use rights and ownership of land-attached property as prescribed at Point b, Clause 1, Article 136 of this Law shall be responsible for re-determining the residential land area and grant certificates of land use rights and ownership of land-attached property in the cases specified at Point a, Clause 6 of this Article.

#### **Article 142. Grant of certificates of land use rights and ownership of land-attached property to organizations that are using land**

1. An organization that has yet been granted the certificate of land use rights or the certificate of house ownership and residential land use rights or the certificate of land use rights and ownership of houses and other land-attached property or the certificate of land use rights and ownership of land-attached property shall declare by itself the reality of land use and report it to the provincial-level People's Committee of the locality where the land is located.

2. Depending on the organization's report on reality of land use, the provincial-level People's Committee of the locality where the land is located shall conduct a field inspection of the land use and handle it in accordance with the following regulations:

a) In the case where, for such land, the organization has documents as prescribed in Article 137 of this Law and is using such land properly for the intended purposes, the competent State authority shall determine the form of land use in accordance with the law regulations and grant a certificate of land use rights and ownership of land-attached property. In case of land use without documents as prescribed in Article 137 of this Law, the form of land use prescribed in Articles 118, 119 and 120 of this Law shall prevail.

For organizations using leased land as prescribed in Article 120 of this Law, the provincial-level authorities in charge of land administration shall perform the procedures to sign the land lease contracts before granting certificates of land use rights and ownership of land-attached property;

b) The land use term for which a certificate of land use rights and ownership of land-attached property is granted as prescribed at Point a of this Clause, if there is a document on land use rights as prescribed in Article 137 of this Law, shall be determined in accordance with such document. In the case where there is a document on land use rights but such document does not state the land use term or state the land use term but do not comply with law regulations on land at the time it was issued, the land use term shall be determined in accordance with Article 172 of this Law and shall start from October 15, 1993 in

case of land use before October 15, 1993, or from the date of the decision on land allocation or land lease in case of land use from October 15, 1993 onwards;

c) The land area used improperly not for the intended purpose, encroached or occupied land area; land area that has been leased or borrowed by other organizations, households, individuals; land area that has been illegally joint-ventured or associated; land area that has not been used for more than 12 months or used more than 24 months behind the land us schedule, shall be recovered under decisions of the provincial-level People's Committees in accordance with law regulations;

d) The land area allocated by organizations to households and individuals who are cadres, civil servants and public employees of such organizations for them to build houses prior to the effective date of this Law must be handed over to the district-level People's Committees where the land is located for grant of certificates of land use rights and ownership of land-attached property to such land users in accordance with the law regulations. Land users who are granted certificates of land use rights and ownership of land-attached property must fulfill their financial obligations in accordance with law regulations.

In the case where state-owned enterprises producing agriculture, forestry, aquaculture, and salt that have been allocated land by the State and then allow households and individuals to use part of such land fund for residential purposes before July 1, 2004, they must develop plans to rearrange the residential land area into residential areas and submit such plans to the provincial-level People's Committees of the localities where the land is located for approval before handing such land over to the local authorities for administration;

dd) For the land area in dispute, certificates of land use rights and ownership of land-attached property shall be granted after the disputes are resolved in accordance with law regulations.

3. In the case where an organization acquires a real estate project in accordance with the law regulations on real estate business and the project transferor and the project transferee have fulfilled their financial obligations in accordance with the law regulations, they shall be considered being granted certificates of land use rights and ownership of land-attached property in accordance with the regulations of the Government.

### **Article 143. Grant of certificates of land use rights and ownership of land-attached property for land for construction of urban areas, rural residential areas, production and business projects with different land use purposes**

1. For land allocated to project owners to implement projects on development of urban areas and rural residential areas, in which the projects specify multiple construction items or multiple land areas with different land use

purposes in accordance with Article 9 of this Law, the location and area must be clearly identified in accordance with each land use purpose and certificates of land use rights and ownership of land-attached property shall be granted as follows:

a) A certificate of land use rights and ownership of land-attached property shall be granted for each land parcel used for each purpose, in accordance with the detailed construction master plans approved by the competent authority;

b) Land area used for construction of public facilities serving the common interests of the communities inside and outside the urban area or rural residential area under the investment projects and detailed construction master plans approved by the competent authorities shall be handed over to the local authorities for administration instead of being granted certificates of land use rights and ownership of land-attached property;

c) In case of condominiums combined with offices and commercial and service establishments, if the project owners have the need and meet the conditions, they may be granted certificates of land use rights and ownership of land-attached property for one or more apartments, offices, commercial and service establishments owned by them.

2. For land allocated to a project owner to implement a production and business project including many land areas with different land use purposes, a certificate of land use rights and ownership of land-attached property shall be granted to the project owner for the entire land area, clearly showing the location and area for each land use purpose in accordance with Article 9 of this Law. In the case where the project owner wishes so, a certificate of land use rights and ownership of land-attached property can be granted for each land parcel for each land use purpose under the approved detailed construction master plan.

#### **Article 144. Grant of certificates of land use rights and ownership of land-attached property for land with historical - cultural relics and famous landscapes**

Certificates of land use rights and ownership of land-attached property shall be granted for land with historical - cultural relics and famous landscapes that have been classified or included by the provincial-level People's Committees in the inventory lists of relics in accordance with the regulations on cultural heritages as follows:

1. In the case where the land is only being used by one authority, organization, community, household, or individual, a certificate of land use rights and ownership of land-attached property shall be granted to such authority, organization, community, household, or individual;

2. In the case where there are many land users and different land types, certificates of land use rights and ownership of land-attached property shall be

granted to each land user. Land users must comply with law regulations on the protection of historical - cultural relics and famous landscapes.

**Article 145. Grant of certificates of land use rights and ownership of land-attached property to religious institutions and their affiliated organizations that are using land**

1. An religious institution and its sub-organizations permitted by the State, which are using land for religious activities but have yet been granted the certificate of land use rights or the certificate of land use rights and ownership of houses and other land-attached property or the certificate of land use rights and ownership of land-attached property shall review and declare by itself the reality of land use and report it to the provincial-level People's Committee on the following information:

- a) Total land area currently in use;
- b) Land area allocated by competent State authorities; acquired through transfer; received as a gift; borrowed from organizations, households, and individuals; self-created; and other forms;
- c) Land area that has been lent or leased to organizations, households, and individuals, or on which organizations, households, and individuals are permitted to live;
- d) Land area that has been encroached upon or occupied by others.

2. The provincial-level People's Committee of the locality where the land is located shall conduct a field inspection and determine the specific boundaries of the land parcel, and decide on the settlement in accordance with the following regulations:

- a) For land area that have been stably used by the organizations, households, and individuals before October 15, 1993, the settlement shall be based on the land use needs of the religious institution and their sub-organizations and such organizations, households, and individuals in order to ensure the land use rights of the parties in accordance with the reality;
- b) For land area that have been stably used by the organizations, households, and individuals from October 15, 1993 to before July 1, 2004, the settlement shall be the same as for households or individuals borrowing or renting land from other households or individuals in accordance with the law regulations on land;
- c) For the area of land expanded by the religious institution and their sub-organizations that is not permitted by the competent State authority; land area of the religious institution and their sub-organizations that is encroached upon or occupied; land area of the religious institution and their sub-organizations that is under dispute, the provincial-level People's Committees shall resolve in

accordance with law regulations.

3. For the land area of the religious institution and their sub-organizations, after being handled in accordance with Clause 2 of this Article, a certificate of land use rights and ownership of land-attached property with a stable long-term land use term in the form of land allocation without land use levy prescribed in Clause 2, Article 213 of this Law shall be granted when all the following conditions are met:

a) The religious institution and their sub-organizations are permitted by the State;

b) The land is free from disputes or related to disputes that have been resolved by competent State authorities or under judgments and rulings of the court, or decisions and awards of arbitration with legal validity.

c) The land is not acquired via transfer or donation from July 1, 2004 afterwards.

4. In the case where land is being used by religious institutions and their affiliated organizations for the purpose of agricultural production, forestry production, or non-agricultural production and business that meets the conditions prescribed in Clause 3 of this Article, they shall be granted certificates of land use rights and ownership of land-attached property with the form and land use term corresponding to such purpose as households and individuals.

#### **Article 146. Grant of certificates of land use rights and ownership of land-attached property in cases where the area of the land parcel is smaller than the minimum area**

1. If a land parcel currently in use, which was formed prior to the effective date of the document of the provincial-level People's Committee prescribing the minimum area to be split, has its area smaller than the minimum area prescribed by the provincial-level People's Committee and meets all the conditions for a certificate of land use rights and ownership of land-attached property to be granted, its current land user shall be granted such a certificate.

2. Certificates of land use rights and ownership of land-attached property shall not be granted in case of self-dividing or self-splitting a land parcel, which has been registered or for which a certificate of land use rights, or a certificate of house ownership and residential land use rights, or a certificate of land use rights and ownership of houses and other land-attached property, or a certificate of land use rights and ownership of land-attached property has been granted, into 02 or more parcels, of which the area of at least 01 parcel is smaller than the minimum area permitted for splitting as prescribed in Article 220 of this Law.

3. For a land parcel has for which a certificate of land use rights, or a certificate of house ownership and residential land use rights, or a certificate of land use rights and ownership of houses and other land-attached property, or a

certificate of land use rights and ownership of land-attached property has been granted, if the land user needs to split it or merge it with other parcels and meets all the conditions prescribed at Article 220 of this Law, a certificate of land use rights and ownership of land-attached property shall be granted for each parcel split from it or the parcel it is merged to.

**Article 147. Grant of certificates of land use rights and ownership of land-attached property for land parcels located within the boundaries of multiple commune-level administrative units**

1. In the case where a land parcel is located within the boundaries of multiple communes, wards, or townships, but is under the competence to grant the certificate of land use rights and ownership of land-attached property of one authority, one certificate shall be granted to the land user, specifying the area of each part in each commune-level administrative unit.

2. In the case where a land parcel is located within the boundaries of multiple communes, wards, or townships under the competence to grant certificates of land use rights and ownership of land-attached property of different authorities, a certificate shall be granted for each parcel under the competence of each authority responsible for granting such certificate.

**Article 148. Grant of certificates of land use rights and ownership of land-attached property being houses**

1. Households and individuals that own residential housing can be granted a certificate of land use rights and ownership of land-attached property if they have one of the following documents:

a) A house construction permit or a definite-term house construction permit in the case where a construction permit is required in accordance with law regulations on construction;

b) A contract for the purchase of a house owned by the State in accordance with Decree No. 61-CP dated July 5, 1994 of the Government on the sale and business of houses, or documents on disposal of houses owned by the State before July 5, 1994;

c) Documents indicating the handover or donation of gratitude houses, charity houses, and “great unity” houses;

d) Documents on house ownership granted by competent authorities from time to time, provided that the land is not classified as land under the entire ownership of the State in accordance with the regulations of Resolution No. 23/2003/QH11 of November, 26, 2003, on houses and land managed or arranged by the state for use in the course of implementation of house and land management policies and socialist transformation policies before July 1, 1991, Resolution No. 755/2005/NQ-UBTVQH11 dated April 2, 2005 of the Standing Committee of the National Assembly regulating the settlement of a number of

specific cases related to land and houses in the course of implementation of house and land management policies and socialist transformation policies before July 1, 1991;

dd) A document on the purchase and sale, donation, exchange, or inheritance of a house, which was certified by a notary or by the competent People's Committee in accordance with the law regulations, applicable to transactions before July 1, 2006.

In the case where the house was purchased, received as a gift, exchanged, or inherited from July 1, 2006 onwards, a document on such transaction in accordance with the law regulations on housing is required.

In the case where the house was purchased from a real estate enterprise that invested in construction thereof for sale, a house purchase and sale contract signed by both parties is required;

e) A judgment or ruling of the court or a document of a competent State authority that has taken legal effect and determines the ownership of houses;

g) One of the documents prescribed at Points a, b, c, d, dd and e of this Clause, on which the name of another person is indicated and there is no dispute.

2. Households and individuals that own houses before July 1, 2006 without the documents prescribed in Clause 1 of this Article, which are not in dispute, shall be granted certificates of land use rights and ownership of land-attached property.

3. Households and individuals that own houses not prescribed in Clause 1 and Clause 2 of this Article, for which construction permits are not required, shall be granted certificates of land use rights and ownership of land-attached property. In the case where construction permits are required, certifications by the district-level competent authorities in charge of construction management shall be obtained to confirm that such houses can exist in accordance with law regulations on construction.

4. Domestic organizations, foreign-invested economic institutions, foreign residents of Vietnamese origin who invest in the construction of houses for business purposes and have documents in accordance with law regulations on housing shall be granted certificates of land use rights and ownership of land-attached property.

In case of purchasing, receiving as a gift, inheriting houses or owning houses through other forms in accordance with law regulations, documents on such transactions as prescribed by law are required.

5. In the case where the owner of a house does not have the right to use the land parcel on which the house is located, a certificate of land use rights and ownership of land-attached property shall be granted as follows:

a) A foreign organization and foreign individual who own a house in Vietnam must have documentation of house transaction in accordance with law regulations on housing;

b) The owner of a house as prescribed by law regulations on housing who is not prescribed at Point a of this Clause, must have a document proving the ownership of the house in accordance with this Article and a land lease contract or capital contribution contract or a business cooperation contract or a written consent of the land user agreeing to the construction of such house, which has been notarized or certified in accordance with law regulations;

6. In the case where a construction has mixed-purposes in accordance with law regulations and is built on residential land, a certificate of land use rights and ownership of land-attached property shall be granted for a property which is a work item of such construction or for the entire construction. The land use term shall be long-term for stable use.

#### **Article 149. Grant of certificates of land use rights and ownership of land-attached property being constructions other than houses**

1. Households, individuals and communities that own constructions shall be granted certificates of land use rights and ownership of land-attached property when they have one of the following types of documents:

a) A construction permit or a definite-term construction permit in the case where a construction permit is required in accordance with law regulations on construction;

b) Documents on the ownership of constructions granted by competent authorities from time to time, unless otherwise such constructions have been managed and arranged for use by the State;

c) Documents on sale, donation or inheritance of constructions in accordance with law regulations;

d) A judgment or ruling of the court or a document of a competent State authority that has taken legal effect and determines the ownership of constructions;

dd) One of the documents prescribed at Points a, b, c and d of this Clause, on which the name of another person is indicated and there is no dispute.

2. Households, individuals and communities that own houses before July 1, 2004 without the documents prescribed in Clause 1 of this Article, which are not in dispute, shall be granted certificates of land use rights and ownership of land-attached property.

3. Households, individuals and communities that own constructions not prescribed in Clause 1 and Clause 2 of this Article, for which construction permits are not required, shall be granted certificates of land use rights and ownership of

land-attached property. In the case where construction permits are required, certifications by the district-level competent authorities in charge of construction management shall be obtained to confirm that such constructions can exist in accordance with law regulations on construction.

4. Domestic organizations, foreign-invested economic institutions, foreign organizations with diplomatic functions, religious institutions and their affiliated organizations, foreign residents of Vietnamese origin who create constructions and have documents as prescribed by law regulations on construction shall be granted certificates of land use rights and ownership of land-attached property.

In case of purchasing, receiving as a gift, inheriting constructions or owning constructions through other forms in accordance with law regulations, documents on such transactions as prescribed by law are required.

5. In the case where the owner of the construction does not have the right to use the land parcel on which the land is located, if he/she/it has a document proving the ownership of such construction in accordance with this Article and a land lease contract or capital contribution contract or a business cooperation contract or a written consent of the land user agreeing to the construction thereof, which has been notarized or certified in accordance with law regulations, he/she/it shall be granted a certificate of land use rights and ownership of land-attached property.

6. For a project with many work items, a certificate of land use rights and ownership of land-attached property shall be granted for each work item or for each part of the area of such work item.

### **Article 150. Grant of certificates of land use rights and ownership of land-attached property in the case where the State has issued decisions to manage land and land-attached property but have not yet implemented them**

Households and individuals that are currently using land and land-attached property which have been managed under decisions by the State authorities in the course of implementing State policies but the State have not yet implemented such decisions in reality, may continue to use such land and land-attached property and may be considered being granted certificates of land use rights and ownership of land-attached property in accordance with law regulations.

### **Article 151. Cases ineligible for being granted certificates of land use rights and ownership of land-attached property**

1. A land user shall not be granted a certificate of land use rights and ownership of land-attached property in the following cases:

a) Agricultural land used for public purposes in accordance with Article 179 of this Law;

b) For land already administered under authorization in the cases

prescribed in Article 7 of this Law, unless otherwise such land is used together with the land to be administered under authorization, a certificate of land use rights and ownership of land-attached property shall be granted for the area of land used under the decision on land allocation or land lease by the competent State authority;

c) Land leased or subleased from the land user, unless leased or subleased from the project owners of projects on construction and business of infrastructure, which conform to the investment projects approved by the competent authorities;

d) Contracted land, unless the land use rights are recognized in accordance with Point a, Clause 2, Article 181 of this Law;

dd) Land for which land recovery decisions have already been issued by competent State authorities, unless otherwise such decisions have not yet been executed after more than 03 years since the time of the land recovery decisions;

e) Land that is under dispute, being seized, or subject to other measures to ensure execution of judgments in accordance with civil law regulations; land use rights that are subject to provisional urgent measures prescribed by law;

g) Organizations to which the State has allocated land without land use levy for public purposes excluding business purposes.

2. For the following land-attached property, certificates of land use rights and ownership of land-attached property shall not be granted:

a) Property attached to a land parcel for which the certificate of land use rights and ownership of land-attached property cannot be granted as prescribed in Clause 1 of this Article or which is not eligible for a certificate of land use rights and ownership of land-attached property;

b) Makeshift houses or constructions built during the construction of the main facilities or made of thatching, bamboo, reed, leaves, or soils; auxiliary facilities located outside the scope of the main facilities and serving the purpose of managing, using and operating the main facilities;

c) Land-attached property for which notices or decisions on site clearance or land recovery decisions have been made by competent State authorities, unless otherwise such notices or decisions have not yet been executed after more than 03 years since the time of the land recovery decisions;

d) Houses and constructions built after the announcement of a ban on construction; constructions that encroach on or occupy the protection markers of technical infrastructure facilities, classified historical and cultural monuments; land-attached property created after the time the master plans were approved by the competent authority, where such property does not conform to the approved master plans at the time the certificates of land use rights and ownership of land-attached property were granted, unless otherwise the owners of the houses or non-

residential constructions as prescribed in Articles 148 and 149 of this Law obtain construction permits for a definite term in accordance with the law regulations on construction;

dd) Property owned by the State, unless otherwise the property has been identified as part of the State's capital contributed to an enterprise in accordance with the instructions of the Ministry of Finance;

e) Land-attached property not prescribed in Articles 148 and 149 of this Law.

### **Article 152. Correction, revocation, and cancellation of existing certificates**

1. The competent authority that grants certificates of land use rights and ownership of land-attached property as prescribed in Article 136 of this Law shall be responsible for correcting existing certificates with errors in the following cases:

a) There is an error in the information of the person to whom the certificate was granted compared to the information at the time of correction;

b) There is an error in the information about the land or land-attached property compared to the land registration declaration that has been verified by the land registry or as indicated in a valid document on land dispute resolution of a competent State authority.

2. The State may revoke existing certificates in the following cases:

a) The State recovers the entire land area stated in the existing certificate of land use rights, the certificate of house ownership and residential land use rights, certificate of house ownership, certificate of ownership of constructions, certificate of land use rights and ownership of houses and other land-attached property, certificate of land use rights and ownership of land-attached property;

b) The certificate of land use rights, certificate of house ownership and residential land use rights, certificate of house ownership, certificate of ownership of constructions, certificate of land use rights and ownership of houses and other land-attached property, and the certificate of land use rights and ownership of land-attached is re-granted with updated format;

c) The land user or owner of the land-attached property registers for a change of land or land-attached property for which a new certificate of land use rights and ownership of land-attached property must be granted;

d) The existing certificate was granted ultra vires, to an improper land user, for a wrong land area, without sufficient conditions to be eligible for such grant of a certificate, for improper land use purpose or land use term or land use origin as prescribed by the law regulations on land at the time the certificate was granted;

- dd) The existing certificate has been declared invalid by a competent court;
- e) In case of auction or allocation of the land use rights and land-attached property upon request of the court or the judgment execution agency, the person to whom the judgment is enforced fails to return the existing certificate.

3. The revocation of an existing certificate in the case prescribed at Point d, Clause 2 of this Article, which does not fall under Clause 4 of this Article, shall comply with the following regulations:

- a) In the case where a competent court resolving land disputes has a judgment or ruling that has entered into legal effect, including a conclusion on the revocation of the existing certificate, the existing certificate shall be revoked under such judgment or decision;
- b) In the case where an inspectorate issues a written conclusion that the existing certificate is not compliant with law regulations on land, the competent State authority shall be responsible for examining it, and if that conclusion is correct, it shall decide to revoke the existing certificate. If, upon examination, the existing certificate is considered compliant with law regulations, the inspectorate must be notified;
- c) In the case where the competent authority that grants the certificates of land use rights and ownership of land-attached property prescribed in Article 136 of this Law becomes aware that the existing certificate is not compliant with law regulations on land, it shall re-examine it, inform the land user of the reason, and decide to revoke the existing non-compliant certificate;
- d) In the case where the land user or owner of land-attached property becomes aware that the existing certificate is not compliant with law regulations on land, he/she shall submit a petition to the competent authority that grants such certificate of land use rights and ownership of land-attached property. The competent authority that grants the certificate of land use rights and ownership of land-attached property shall be responsible for examining, considering, and deciding to revoke the existing certificate that is not compliant with law regulations on land;
- dd) The competent authorities that may revoke existing certificates prescribed at Points a, b, c and d of this Clause shall be the same authorities that grants the respective certificates of land use rights and ownership of land-attached property as prescribed in Article 136 of this Law.

4. The competent authority that grants the certificate of land use rights and ownership of land-attached property prescribed in Article 136 of this Law shall not revoke the existing certificate in the case prescribed at Point d, Clause 2 of this Article if the person to whom the certificate was granted has transferred the land use rights and land-attached property in accordance with law regulations on land. The settlement of damages caused by the grant of certificates under this

Clause shall comply with the judgments or rulings of the courts. Violators shall be imposed penalties prescribed in Articles 239 and 240 of this Law and other relevant law regulations.

5. Existing certificates of land use rights, certificates of house ownership and residential land use rights, certificates of house ownership, certificates of ownership of constructions, certificates of land use rights and ownership of houses and other land-attached property, certificates of land use rights and ownership of land-attached property, which do not fall under Clause 2 of this Article, may only be revoked under effective judgments or rulings of the courts or written requests of judgment execution agencies regarding the execution of judgments and rulings in accordance with law regulations, which require the revocation of such existing certificates.

6. In the case where the existing certificate is revoked in accordance with Clause 2 and Clause 5 of this Article and the land user or owner of the land-attached property fails to return it, the competent authority that grants the certificate of land use rights and ownership of land-attached property prescribed in Article 136 of this Law may request the competent court to take measures to enforce the revocation of the certificate.

7. The competent authorities that grant certificates of land use rights and ownership of land-attached property as prescribed in Article 136 of this Law shall grant new certificates in accordance with law regulations after revoking the existing certificates.

## **Chapter XI**

### **LAND FINANCE AND LAND PRICES**

#### **Section 1**

##### **LAND FINANCE**

###### **Article 153. Budgetary revenues from land**

1. Budgetary revenues from land include:
  - a) Land use levy;
  - b) Land rental;
  - c) Revenues from penalties imposed on administrative violations of the law regulations on land;
  - d) Indemnification to the State for damage caused during land administration and use;

dd) Increased land use levy and increased land rental for projects that do not put land into use or delay the use land;

c) Land use tax;

g) Income tax on transfer of land use rights;

h) Charges and fees in land administration and use;

i) Other revenues prescribed by the law regulations.

2. Land rental shall be applied stably for a five-year cycle from the time the State decides to lease land or allows the change of land use purposes associated with the change to the form of land lease by the State with annual rental payment.

Land rental for the next cycle shall be calculated based on the land price list of the year in which the land rental of the next cycle is determined. In the case where the land rental increases compared to that of the previous cycle, the payable land rental must be adjusted, but not exceeding the rate prescribed by the Government from time to time.

The adjustment rate prescribed by the Government from time to time shall not exceed the total consumer price index (CPI) for the whole country in the previous five years.

3. The Government shall detail Points a, b, c, d, and dd Clause 1 and Clause 2 of this Clause.

#### **Article 154. Revenues from land-related public services**

1. Land information and data provision services.

2. Cadastral measurement services.

3. Services of land registration and grant certificates of land use rights and ownership of land-attached property.

4. Land price determination consultancy services.

5. Other services prescribed by law.

#### **Article 155. Basis for calculating land use levy and land rental; time of land valuation, time of calculation of land use levy and land rental**

1. Bases for calculation of land use levy include:

a) The land area, which is allocated, permitted for change of land use purpose, or of which land use rights are recognized;

b) The land price as prescribed in Article 159 and Article 160 of this Law; in case of auction of land use rights, the land price is the winning price;

c) Policies of the State on exemption and reduction of land use levy.

2. Bases for calculation of land rental include:

- a) The area of leased land;
- b) Land lease period, time limit for extension of land use term;
- c) The unit price for land lease; in case of auction of land lease rights, the land rental is the winning bid;
- d) Types of land lease, including annual rental payment or full one-off rental payment for the entire lease period;
- dd) Policies of the State on exemption and reduction of land rental.

3. The time of land valuation and the time of calculation of land use levy or land rental is:

- a) When the State issues a decision on land allocation, land lease, permission of the change of land use purposes, extension or adjustment of the land use term, or change of the land use form in the case where the State allocates or leases land, or allows the change of land use purposes, or extends or adjusts the land use term, or changes the land use form, unless otherwise prescribed in Clause 7, Article 124 of this Law;
- b) When the land user or owner of land-attached property or representative of the land user or owner of land-attached property submits all valid documents in accordance with law regulations, in case of recognition of land use rights,;
- c) When the competent State authority adjusts the decision on land allocation or land lease in the case where, as a result of such adjustment, the area, the land use purpose, or the land use term is changed;
- d) When the competent State authority decides to adjust the detailed master plan in accordance with the law regulations on construction, which requires the re-determination of the land prices.

4. In case of applying the land price in the land price list to calculate land use levy or land rental, the competent People's Committee must record the land price in the decision on land allocation, land lease, permission of the change of land use purposes, extension or adjustment of land use term, change of land use form.

In case of determining the specific land price to calculate land use levy or land rental, the competent People's Committee must issue a decision on land price within 180 days from the time of land valuation prescribed at Points a, c and d, Clause 3 of this Article.

5. The Government shall detail this Article.

**Article 156. Payment of land use levy or land rental upon change of land use purpose, or extension or adjustment of land use term**

1. Upon change of land use purpose as prescribed at Points b, c, d, dd, e and g, Clause 1, Article 121 of this Law, land users shall pay land use levy or land rental in accordance with the following regulations:

a) Payment of land use levy or the full one-off rental payment for the entire lease period, which is equal to the difference between the land use levy/land rental of the land type after the land use purpose has been changed and that of the land type before the land use purpose is changed for the remaining land use term;

b) Payment of annual rental payment based on the type of land after the change of the land use purpose.

2. When the land use term is extended or adjusted, the land user who must pay land use levy or land rental shall also pay land use levy and land rental for the extended or adjusted period.

3. The Government shall detail this Article.

### **Article 157. Exemption from and reduction of land use levy or land rental**

1. The exemption from and reduction of land use levy or land rental apply in the following cases:

a) Use of land for production and business purposes in sectors or geographical areas that are given investment preferences in accordance with the law regulations on investment and relevant law regulations, unless otherwise the land is used for construction of commercial houses or for commercial and service purposes;

b) Use of land to implement housing and residential land policies for people with meritorious services to the revolution, wounded or sick soldiers who are unable to work, families of martyrs who have no main laborer, the poor; use of land to implement investment projects in building social houses, accommodations for workers in industrial parks, houses for the people's armed forces, renovation and reconstruction of condominiums in accordance with the law regulations on housing; residential land for people who must be relocated when the State recovers land due to life-threatening risks; residential land for the beneficiaries prescribed at Points a and b, Clause 3, Article 124 of this Law who are working in border communes, islands or island districts that are not divided into commune-level administrative units in areas with difficult socio-economic conditions or areas with extremely difficult socio-economic conditions.

c) Use of land by ethnic minorities who have their land use levy and land rental exempted or reduced in accordance with the regulations of the Government;

d) Use of land by public non-business units in accordance with Point c, Clause 3, Article 120 of this Law;

dd) Use of land for construction of airport and airfield infrastructure; construction of structures and facilities providing aviation services; land for parking lots and maintenance workshops for public passenger transport; land for construction of above-ground facilities serving the operation, exploitation and use of underground facilities;

e) Use of land for construction of infrastructure for dedicated railway lines; land for construction of railway industrial facilities; land for construction of other auxiliary facilities directly serving the operation of trains, passenger pick-up and drop-off, and cargo loading and unloading of railways;

g) Use of land for public-private partnership investment projects;

h) Use of land for construction of offices, drying grounds and warehouses, workshops; service facilities directly serving agriculture, forestry, aquaculture or salt production of cooperatives and unions of cooperatives;

i) Use of land to build clean water supply and drainage, wastewater treatment systems in urban and rural areas;

k) Use of land that is not national defense or security land for national defense and security purposes of military and public security enterprises;

l) Allocation of land to households and individuals that are required to relocate upon the recovery of land to which their houses are attached, if they are ineligible for compensation for residential land and have no other living place within the commune-level administrative unit where the land to be recovered is located;

2. The Government shall other cases of exemption and reduction of land use levy or land rental, which are not prescribed in Clause 1 of this Article, after obtaining the consent of the National Assembly's Standing Committee.

3. In the case where land use levy and land rentals are exempt, there is no need to complete the procedures for land valuation or calculation of land use levy or land rentals that are exempt. Land users who are exempt from land use levy or land rental do not need to complete the procedures for requesting exemption from land use levy or land rental.

4. The Government shall detail this Article.

## Section 2

### LAND PRICE

#### Article 158. Principles, bases and methods of land valuation

1. Land valuation must abide by the following principles:

- a) Ensuring that land valuation method is based on the market principle;
- b) Strictly adhering to the correct methods, procedures, and formalities for land valuation;
- c) Ensuring truthfulness, objectivity, publicity, and transparency;
- d) Ensuring independence between the land valuation consultancy provider, the council for appraisal of land price lists, the council for appraisal of specific land prices, and the authority or person having the competence to decide on land prices;
- dd) Ensuring a balance of interests between the State, land users, and investors.

2. Land valuation shall be based on:

- a) The purpose of the land being valued;
- b) Land use term. For agricultural land that has been allocated by the State to households and individuals within the agricultural land allocation quotas or within the quotas for transfer of land use rights, the land use term shall not be based on;
- c) Input information for land valuation in accordance with land valuation methods;
- d) Other factors affecting land prices;
- dd) Relevant law regulations at the time of land valuation.

3. Input information for land valuation in accordance with the land valuation methods prescribed at Point c, Clause 2 of this Article includes:

- a) Land prices recorded in the national land database and the national price database;
- b) Land prices recorded in contracts for the transfer of land use rights; auction-winning prices of land use rights after financial obligations are fulfilled;
- c) Land prices collected through surveys and investigations in cases where there is no price information prescribed at Points a and b of this Clause;
- d) Information on revenue, costs and income from land use.

4. The input land price information prescribed at Points a, b and c, Clause 3 of this Article is information formed within 24 months from the time of land valuation prescribed in Clause 2, Article 91 and clause 3, Article 155 of this Law.

Regarding the information collected as prescribed in this Clause, the use of the information most recent to the time of land valuation shall be prioritized.

5. Land valuation methods include:

- a) The comparative method, which is implemented by adjusting the price

of land parcels with the same land use purpose, which are most similar in terms of factors affecting the price of land that has been transferred on the market, has won the auction of land use rights and for which the auction winner has fulfilled the financial obligations in accordance with the auction decision by analyzing and comparing the factors affecting the land price after excluding the value of the property attached to the land (if any) to determine the price of the land parcel to be valued;

b) The income method, which is applied by taking the average annual net income on an area of land and dividing it by the average interest rate on savings deposits in Vietnamese dong for a term of 12 months at a commercial bank of which the State holds more than 50% of the charter capital or total voting shares in the provincial-level locality for 03 consecutive years up to the nearest quarter with data before the time of land valuation;

c) The surplus method, which is implemented by taking the estimated total development revenue minus the estimated total development cost of the land parcel or land area on the basis of land use with the highest efficiency (land use coefficient, building density, maximum number of floors of the construction) in accordance with the land use master plans and detailed construction master plans approved by the competent authority;

d) The land price adjustment factor method, which is implemented by taking the land price in the land price list multiplied by the land price adjustment factor. The land price adjustment factor is determined by comparing the land price in the land price list with the market land price;

dd) The Government shall prescribe other land valuation methods not prescribed at Points a, b, c and d of this Clause after obtaining the consent of the Standing Committee of the National Assembly.

6. Cases and conditions for applying land valuation methods shall be prescribed as follows:

a) The comparative method shall be applied to the valuation of cases where there are at least 03 land parcels with the same land use purpose, which are most similar in terms of factors affecting the land price that have been transferred on the market, have won the auction of land use rights and for which the auction winner has fulfilled the financial obligations in accordance with the auction decision;

b) The income method shall be applied to the valuation of cases where the land parcel or land area is agricultural land or non-agricultural land that is not residential land, but the land parcel or land area to be valued does not meet the conditions for applying the comparative method and the income and expenses from land use for the intended purposes for which the valuation is being conducted can be determined;

c) The surplus method shall be applied to the valuation of cases where the land parcel or land area is for an investment project that do not meet the conditions for applying the comparative method or the income method, but the estimated total development revenue and total development cost of the project can be estimated;

d) The land price adjustment factor method shall be applied to the specific calculation of compensation when the State recovers land for cases where many adjacent land parcels are recovered, have the same land use purpose and for which land prices have been set in the land price list, but do not meet the conditions for applying the comparative method.

7. The land valuation methods prescribed in Clause 5 of this Article shall be used to determine the specific land prices and to build the land price lists.

8. In the case where the land valuation methods prescribed at Points a, b and d, Clause 5 of this Article are applied to determine the specific land price, but the result is lower than the land price in the land price list, the land price in the land price list shall be used.

9. The choice of land valuation method shall be proposed by the organization carrying out the land valuation and decided by the council for appraisal of specific land prices.

10. The Government shall detail this Article.

### **Article 159. Land price lists**

1. Land price lists shall apply to:

a) Calculation of land use levy when the State recognizes the land use rights of households and individuals; or changes the land use purposes of households and individuals;

b) Calculation of land rental when the State leases land with annual rental payment;

c) Calculation of land use tax;

d) Calculation of income tax from the transfer of land use rights for households and individuals;

dd) Calculation of fees in land administration and use;

e) Calculation of fines for administrative violations against land regulations;

g) Calculation of indemnification paid to the State for damage caused during land administration and use;

h) Calculation of land use levy and land rental when the State recognizes the land use rights in the form of allocating land with land use levy or leasing

land with one-off rental payment for the entire lease period to households and individuals;

i) Calculation of the starting price for auction of land use rights when the State allocates or leases land in the cases where on the land parcel or land area technical infrastructure has already been constructed in accordance with the detailed construction master plans;

k) Calculation of land use levy in cases where land is allocated without auction of land use rights to households and individuals;

l) Calculation of land use levy in cases where State-owned houses are sold to tenants.

2. The land price list shall be built for each zone and location. In zones for which digital cadastral maps and land price database have been developed, the land price lists shall be detailed to each land parcel based on valued zones and standard land parcels.

3. Provincial-level People's Committees shall build and submit the land price lists to the same-level People's Councils for decision to be promulgated and applied from January 1, 2026. On an annual basis, provincial-level People's Committees shall submit the land price lists to the provincial-level People's Councils for decision to be adjusted, amended, supplemented, promulgated and applied from January 1 of the following year.

In the case where it is necessary to adjust, amend and supplement the land price list during the year, the provincial-level People's Committee shall be responsible for submitting it to the provincial-level People's Council for decision.

The provincial-level authority in charge of land administration shall be responsible for assisting the provincial-level People's Committee in developing, adjusting, amending and supplementing the land price list. During the implementation, the provincial-level authorities in charge of land administration may hire land valuation consultancy providers to develop, adjust, modify, and supplement land price lists.

4. The Government shall detail this Article.

## **Article 160. Specific land prices**

1. Specific land prices shall apply to:

a) Calculation of land use levy for organizations when the State allocates land with land use levy without auctioning land use rights or without bidding to select investors to carry out land-using projects, allocating land with land use levy to winning bidders or economic institutions established by winning bidders to carry out land-using projects, recognizing the land use rights, permitting the change of land use purposes of land for which land use levy must be paid;

b) Calculation of land rental when the State leases land with one-off rental payment for the entire lease period, unless through auctioning land use rights;

c) Calculation of the value of land use rights when equitizing state-owned enterprises in accordance with the law regulations on equitization;

d) Determination of the starting price for auction of land use rights when the State allocates or leases land, unless otherwise prescribed at Point i, Clause 1, Article 159 of this Law;

dd) Calculation of land use levy and land rental when extending or adjusting the land use term, or adjusting the detailed construction plan; or permitting the change of land use form;

e) Calculation of compensation amount upon land recovery by the State.

2. The competence to decide on specific land prices is prescribed as follows:

a) Chairpersons of provincial-level People's Committees shall decide on the specific land prices in case of land allocation, land lease, change of land use purposes, recognition of land use rights, extension of land use terms, adjustment of land use terms, adjustment of detailed construction master plans, land recovery, determination of the starting prices for auction of land use rights, and determination of the value of land use rights when equitizing enterprises under the competence of the respective provincial-level People's Committees in accordance with this Law;

b) Chairpersons of district-level People's Committees shall decide on the specific land prices in case of land allocation, land lease, change of land use purposes, recognition of land use rights, extension of land use terms, adjustment of land use terms, adjustment of detailed construction master plans, land recovery, determination of the starting prices for auction of land use rights under the competence of the respective district-level People's Committees in accordance with this Law.

3. Provincial-level authorities in charge of land administration shall assist the chairpersons of the same-level People's Committees in organizing the determination of specific land prices. During the implementation, the authorities in charge of land administration may hire land valuation consultancy providers to determine the specific land prices.

4. In zones for which a land price list is developed for each land parcel based on the value zone and standard land parcel, the specific land price shall be determined in accordance with the land price list at the time of land valuation.

5. The Government shall detail this Article.

## **Article 161. Councils for appraisal of land price lists and councils for appraisal of specific land prices**

1. The provincial-level People's Committee shall decide to establish a council for appraisal of land price lists, which shall have the chairperson of the provincial-level People's Committee or one vice chairperson of the provincial-level People's Committee as its chairperson, the head of the provincial-level financial authority as its vice chairperson, and members of the provincial-level People's Committees who are heads of provincial-level specialized agencies; chairpersons of district-level People's Committees; representatives of relevant authorities and organizations, land valuation consultancy providers and land valuation experts.

2. The provincial-level People's Committee shall decide to establish a provincial-level council for appraisal of specific land prices, which shall have the chairperson of the provincial-level People's Committee or one vice chairperson of the provincial-level People's Committee as its chairperson, the head of the provincial-level financial authority as its vice chairperson; chairpersons of district- and commune-level People's Committees of the localities to which the land spread, and representatives of relevant authorities and organizations. The provincial-level People's Committee may invite representatives of land valuation consultancy providers or land valuation experts to become members of the council.

3. The district-level People's Committee shall decide to establish a district-level council for appraisal of specific land prices, which shall have the chairperson of the district-level People's Committee or 01 vice chairperson of the district-level People's Committee as its chairperson, the head of the district-level financial authority as its vice chairperson; heads of relevant departments and organizations, chairpersons of commune-level People's Committees of the localities to which the land spread as its members. The district-level People's Committee may invite representatives of land valuation consultancy providers or land valuation experts to become members of the council.

4. The provincial- and district-level council for appraisal of land price lists or council for appraisal of specific land prices shall decide on the establishment of a working group to assist the council and may hire land valuation consultancy providers to give advice on the valuation of the land price lists and specific land prices.

5. The appraisal by the council for appraisal of land price lists and the council for appraisal of specific land prices shall cover compliance with the principles and methods of land valuation, process and procedures for land valuation, and the results of information collection.

6. The council for appraisal of land price lists and the council for appraisal of specific land prices shall be responsible for the appraisal as detailed in Clause 5 of this Article.

The council shall work independently and objectively following the

collective regime and make decisions by majority. The chairperson and members of the council shall be held accountable for their own opinions. The meetings of the council must be recorded in minutes, reflecting all discussions and voting results, and shall be stored together with the documents for the meetings and the written opinions of the council members.

The council for appraisal of land price lists and the council for appraisal of specific land prices shall invite representatives of the same-level Vietnam Fatherland Front Committee and other socio-political organizations to attend the land price valuation meetings.

## **Article 162. Rights and obligations of land valuation consultancy providers**

1. A land valuation consultancy provider has the following rights:

a) To provide land valuation consultancy services;

b) To request the hiring party, relevant agencies, organizations, or individuals to provide information and documents to serve land valuation in accordance with law regulations;

c) To exercise other rights prescribed by the law regulations.

2. A land valuation consultancy provider has the following obligations:

a) To comply with the principles, bases, methods, and procedures for land valuation as prescribed by this Law and other relevant law regulations;

b) To be independent, objective, and honest in land valuation consultancy activities;

c) To ensure compliance with professional ethics of its valuators;

d) To be responsible for professional matters in land valuation consultancy, and valuation appraisal consultancy they undertake;

dd) To provide consultancy on land price determination in accordance with this Law and other relevant law regulations;

e) To be subject to inspection and supervision by competent state authorities; to report the results of land valuation consultancy upon request to the authorities in charge of land administration at the provincial level where its main office is registered or where land valuation consultancy is conducted;

g) To register the list of member valuators and the change or adjustment of such list to provincial-level authority in charge of land administration in the locality where the organization is headquartered;

h) To be responsible for providing land valuation consultancy, appraising specific land price lists and specific land prices; to appoint their representatives to participate in the councils for appraisal of land price lists and the councils for

appraisal of specific land prices upon request of competent State authorities;

i) To archive documents and records on results of consultancy on land price determination;

k) To perform other obligations specified in law regulations.

3. An organization is eligible to engage in land valuation consultancy activities when it meets the following conditions:

a) It is an organization registered to conduct business in land valuation services or appraisal services; or public non-business unit with function of providing land valuation services or appraisal services;

b) It has at least 03 qualified valuators or 03 appraisers as required by the regulations of the Government.

## Chapter XII

### THE NATIONAL LAND INFORMATION SYSTEM AND THE NATIONAL LAND DATABASE

#### Article 163. The National Land Information System

1. The National Land Information System shall be centralized and unified from central to local level, built in a synchronous, multi-objective manner, and connected nationwide.

2. The National Land Information System shall be established to serve State governance tasks regarding land, administrative reform, digital transformation in the field of land; to connect and share data with national databases and various databases of ministries, sectors, and localities to create a foundation for the development of e-Government, towards digital government, digital economy, and digital society.

3. The National Land Information System includes the following basic parts:

a) Technical information technology infrastructure;

b) Software of the National Land Information System;

c) Database on land.

#### Article 164. Technical information technology infrastructure and software of the National Land Information System

1. Information technology infrastructure shall be built at the central and local levels, including a collection of servers, workstations, network connection devices, transmission systems, security and safety assurance equipment, storage

devices, peripheral devices, and other equipment.

2. Software of the National Land Information System includes system software, utility software, and application software serving management, operation, updating, and exploitation of the national land database.

3. The Minister of Natural Resources and Environment shall prescribe technical requirements for software serving management, operation, updating, and exploitation of the national land database.

### **Article 165. The National Land Database**

1. The National Land Database is constituted by the following basic components:

- a) Database on legal documents on land;
- b) Cadastral database;
- c) Databases for land investigation and assessment, and land protection, improvement, and restoration;
- d) Database of land use master plans and land use plans;
- dd) Database of land prices;
- e) Database of land statistics and land inventories;
- g) Database on inspection, examination, citizen reception, settlement of disputes, complaints and denunciations on land;
- h) Other databases related to land.

2. The national land database shall be built synchronously and uniformly in accordance with national standards and regulations nationwide.

3. The Minister of Natural Resources and Environment shall prescribe the details, structure, and type of information in the national land database.

### **Article 166. Management, operation, exploitation, and interconnection of the national land database**

1. The security and safety of the national land database must be ensured in accordance with law regulations.

2. The national land database shall be centrally managed and decentralized in accordance with the management responsibility of State authorities from central to local levels.

3. The national land database must be fully, accurately, and timely updated, ensuring suitability with the reality of land administration and use.

4. National databases and various databases of ministries, sectors, and localities are connected to the national land database for updating, sharing, exploiting, and using information. Interconnection must be effective, safe, and in

accordance with the functions, tasks, and authorities as prescribed by this Law and other relevant legal regulations.

5. Exploitation of information in the national land database is prescribed as follows:

- a) Data in the national land database has official usability value, equivalent to paper documents provided by competent authorities;
- b) The authority managing the national database and the authorities managing databases of ministries, sectors, localities, State authorities, political organizations, socio-political organizations may exploit information in the national land database within the scope of their functions, tasks, and powers;
- c) Land users can exploit their information in the national land database;
- d) Organizations and individuals not prescribed at Point b and Point c of this Clause, who need to exploit information in the national land database, must obtain consent from the authority managing the national land database in accordance with law regulations;
- dd) The State shall create favorable conditions for organizations and individuals to access and exploit land information and data in accordance with law regulations. Organizations and individuals are encouraged to provide feedback and additional information to the national land database;
- e) The exploitation and use of information and data in the national land database must incur fees as the same for exploitation and use of land documents and for provision of land information and data as prescribed by law;
- g) The Minister of Finance shall guide the fees, the collection, payment, management, use of fees for exploitation and use of land documents from the National Land Information System. The Minister of Natural Resources and Environment shall decide on the prices of value-added products and services using information from land databases and land information systems in accordance with law regulations.

#### **Article 167. Online land-related public services and electronic transactions**

1. Online land-related public services include land-related public administrative services and other land-related services provided to organizations and individuals on the Internet in accordance with law regulations. The provision of online land-related public services is prescribed as follows:

- a) Competent authorities providing online land-related public services must ensure connectivity, convenience, simplicity, and safety for State authorities, organizations, and individuals, and serve the tasks of State governance of land;

b) The forms of confirmation by the State of rights and obligations of land users shall be made on electronic records employing electronic authentication.

2. Electronic land-related transactions refer to land-related transactions conducted electronically. Land-related electronic transactions shall comply with law regulations on electronic transactions.

3. The Ministry of Natural Resources and Environment and provincial-level People's Committees shall be responsible for guiding the implementation of online land-related public services and electronic land-related transactions.

### **Article 168. Funding for the development, management, operation, maintenance, and upgrading of the National Land Information System**

1. Funding for the development, management, operation, maintenance, and upgrading of the National Land Information System shall be covered by the State Budget and other sources in accordance with law regulations.

2. The central-level budget shall be used to fund the construction, management, operation, maintenance, and upgrading of technical infrastructure, information technology and software of the National Land Information System; the construction and updating of land databases by the central government.

3. Local budgets shall be used to fund the management, operation, maintenance, and upgrading of technical infrastructure, information technology and software, the construction and updating of land databases by local authorities.

4. The State encourages organizations and individuals with sufficient capacity to invest in construction and provision of information technology infrastructure services; supplying utility software and application programs for building national databases on land and exploiting national land information and data; building national land databases and providing value-added services from national land databases.

### **Article 169. Safety and security of land information and data**

1. The National Land Information System must be secure in accordance with the law regulations on cybersecurity levels and other relevant law regulations.

2. Printing, copying, transporting, delivering, transmitting, storing, preserving, and providing information and data, and other related activities involving data within the scope of state secrets must comply with law regulations on protection of state secrets.

3. The list of land-related state secrets shall be implemented in accordance with law regulations on protection state secrets.

### **Article 170. Responsibilities for building, managing, operating, and exploiting the National Land Information System**

1. The Ministry of Natural Resources and Environment shall:

a) Develop information technology infrastructure at the central level and build software for the National Land Information System to ensure that, by 2025, the National Land Information System is operational and can be exploited;

b) Manage, operate, maintain, and upgrade software of the National Land Information System and information technology infrastructure at the central level;

c) Build and update land data at the regional and national levels, and other related databases on land at the central level;

d) Integrate, manage, and exploit national land databases nationwide;

dd) Connect and share information from the national land database with the national public service portal, information systems, and databases of ministries, sectoral authorities, local authorities, and provide land information to organizations and individuals in accordance with the law regulations;

e) Carry out online public services in the field of land.

2. Ministries, sectoral authorities and related authorities shall connect and share results of base investigations on land and other land-related information to the Ministry of Natural Resources and Environment to update the national land database.

3. Provincial-level People's Committees shall:

a) Organize the development, update, management, and operation of land databases within the local scope, ensure their connectivity and integration with the national land database by 2025;

b) Organize the management, operation, maintenance, upgrade of, and ensure the information technology infrastructure and software at the local level, connect transmission lines from local to central levels to serve the construction, operation, and updating of land databases at the local level;

c) Share and provide land information and data within the local scope to organizations and individuals in accordance with the law regulations;

d) Carry out online public services in the field of land at the local level.

4. The Government shall detail development, management, operation, and exploitation of the National Land Information System.

## Chapter XII

### LAND USE REGIME

## Section 1

### LAND USE TERM

#### **Article 171. Land used for long and stable term**

1. Residential land.
2. Agricultural land used by communities as prescribed in Clause 4, Article 178 of this Law.
3. Land for special-use forests; land for protection forests; land with production forests managed by organizations.
4. Land for commercial and service purposes and land for non-agricultural production establishments of individuals who are using the land stably as recognized by the State and such land is not allocated for limited term or leased by the State.
5. Land used for construction of head offices of authorities as prescribed at Point 1, Article 199 of this Law and land for construction of public service facilities of public non-business units prescribed at Point 2, Article 199 of this Law.
6. Land for national defense and security.
7. Belief-practicing land.
8. Religious land as prescribed in Clause 2, Article 213 of this Law.
9. Land used for public purposes excluding business purposes.
10. Land for cemeteries, funeral homes, crematoria; land for columbaria.
11. Land prescribed in Clause 3, Article 173 and Clause 2, Article 174 of this Law.

#### **Article 172. Land used for limited term**

1. Unless otherwise prescribed in Article 171 of this Law, the land use term when land is allocated or leased, or land use rights are recognized by the State shall be as follows:
  - a) Individuals directly engaged in agricultural production who use land for annual crops, aquaculture, salt production, perennial crops, and planted production forests within the quota prescribed in Article 176 of this Law may be allocated such land or have their agricultural land use rights recognized for 50 years. When the land use term expires, land shall continue to be used in accordance with the term prescribed in this Clause without renewal procedures;
  - b) The term for lease of agricultural land to individuals must not exceed 50 years. At the expiry of the term, individuals that have demand shall be considered

by the State for continued leasing of the land in no more than 50 years;

c) The term during which land is allocated or leased for land-using investment projects shall be considered and decided depending on the operational duration of the respective investment projects or allocations for land allocation or land lease, but shall not exceed 50 years.

For projects with the operational duration of over 50 years as prescribed by the Law on Investment, the term during which land is allocated or leased shall depend on the project duration, but shall not exceed 70 years.

At the expiry of the term, if the land users still have land use needs, the State shall consider an extension but the extension must not exceed the term prescribed in this Clause.

In the case where no investment project is required, the land use term shall be considered depending on the application for land allocation or land lease, but shall not exceed 50 years;

d) The lease term for land used for construction of offices of foreign organizations with diplomatic functions must not exceed 99 years. At the expiry of the term, if the foreign organizations are still in need of the land, the State shall consider extending the land lease term or leasing another land parcel. The time limit for such extension or lease of another land parcel must not exceed the time limit prescribed in this Clause.

2. The term for land allocation and land lease prescribed in this Article shall be calculated from the date of the decision on land allocation or land lease issue by a competent State authority.

3. The land use term shall be extended in the last year thereof, unless otherwise prescribed in Point a, Clause 1 of this Article. The land user who needs to extend the land use term must submit a dossier of request for extension no later than 06 months before the land use term expires. Beyond the deadline for submitting the dossier of request for extension, if the land user does not submit any, the land use term shall not be extended, unless in force majeure cases. In the case where land use term cannot be extended, the competent State authority shall recover the land in accordance with this Law.

4. In the case where land use cannot be extended, the land user shall be responsible for disposing property attached to the land and return the cleared land to the State. After 24 months from the expiration of the land use term, if the land user fails to dispose the property, the State shall recover the land without compensation for the land and property attached to the land. In case of demolition, the property owner shall bear the demolition costs.

5. The Government shall detail this Article.

### **Article 173. Land use term upon change of land use purpose**

1. The land use term for individuals upon change of land use purpose is prescribed as follows:

a) In the case where the land use purpose is changed from land for special-use forest or protection forest to other land type, the term shall be determined on the basis of the land type of the new purpose. The land use term shall start from the time of the decision on permission for change of the land use purpose;

b) In the case where the land use purpose is changed from land for annual crops, land for perennial crops, land for production forests, land for aquaculture or salt production to land for special-use forests, land for protection forests, the land use term is long term for stable use;

c) In case of changing the land use purposes among agricultural land types not prescribed at Points a and b of this Clause, individuals using land shall continue to use the land in accordance with the terms during which the land is allocated or leased to them;

d) In the case where agricultural land is changed to non-agricultural land, the land use term shall be determined on the basis of the land type after the land use purpose has been changed. The land use term shall start from the time of the decision on permission for change of the land use purpose.

2. The land use term when the land use purpose is changed to implement an investment project shall be determined in accordance with Point c, Clause 1, Article 172 of this Law, unless otherwise prescribed in Clause 3 of this Article.

3. In the case where the land use purpose is changed from non-agricultural land with long and stable land use term to non-agricultural land with limited land use term or from non-agricultural land with limited land use term to non-agricultural land with long and stable land use term, the land use term is long term for stable use.

#### **Article 174. Land use term in case of transfer of land use rights**

1. The land use term in case of transfer of land use rights for the land with definite land use term is the remaining period of the land use term defined prior to the transfer of land use rights. The extension of land use terms shall comply with Clause 3, Article 172 of this Law.

In the case where the land use rights of agricultural land within the allocation quotas applicable to individuals directly engaged in agricultural production are acquired through transfer of land use rights or under the mortgage contracts to handle the debts, judgments or rulings of the courts, decisions on judgment execution, which has been executed, of the judgment execution agencies but the respective land use terms expire, the acquirers may continue using land within the terms prescribed in Article 172 of this Law without carrying out extension procedures.

2. People who acquire land use rights for the land with a long and stable land use term may use the land for a long and stable term.

### **Article 175. Adjusting the land use term for investment projects**

1. The land use term for land-using investment projects may be adjusted before the land use term expires when the following conditions are met:

- a) It conforms to district-level land use master plans;
- b) A written request for adjustment of the land use term for the investment project is submitted;
- c) Land-related financial obligations to the State as prescribed by law are fulfilled;
- d) Not falling into the cases of land recovery prescribed in Article 81 of this Law;
- dd) The competent authority issues a document on adjustment of the investment project in accordance with the law regulations, which changes the operational duration of such investment project;
- e) Environmental conditions prescribed by law regulations on environmental protection are met.

2. The adjusted land use term of the project shall not exceed the term prescribed at Point c, Clause 1, Article 172 of this Law.

## **Section 2**

### **LAND USE REGIME**

#### **Article 176. Allocation quotas for agricultural land**

1. The allocation quotas for land for annual crops, aquaculture and salt production for individuals directly engaged in agricultural production are prescribed as follows:

a) Not exceeding 3 hectares for each type of land in provinces and municipalities in the southeast region and Mekong Delta region;

b) Not exceeding 02 hectares for each land type in other provinces and municipalities.

2. The allocation quotas for land for perennial crops must not exceed 10 hectares for each individual in a delta commune, ward or township and must not exceed 30 hectares for each individual in a midland or mountainous commune, ward or township.

3. The land allocation quota for each individual shall not exceed 30

hectares for each of the following land types:

- a) Land for protection forests;
- b) Land for planted production forests.

4. Individuals who are allocated multiple land types among land for annual crops, land for aquaculture, and land for salt production shall have a total land allocation quota of no more than 5 hectares. In the case where they are additionally allocated land for perennial crops, the quota for land for perennial crops shall not exceed 5 hectares if they are in delta communes, wards, and townships, and not exceed 25 hectares if they are in midland or mountainous communes, wards, and townships. In the case where they are additionally allocated land for planted production forests, the quota for land for planted production forests shall not exceed 25 hectares.

5. The quota of unused land to be allocated to individuals for them to put the land into use for purpose of agriculture, aquaculture or salt production in accordance with the land use master plans must not exceed the quotas prescribed in Clauses 1, 2, and 3 of this Article, and such quotas shall not be included in the allocation quotas of agricultural land to individuals as prescribed in Clauses 1, 2, and 3 of this Article.

Provincial-level People's Committees shall prescribe the quotas for allocation of unused land to individuals for them to put such land into use in accordance with land use master plans and land use plans which have been approved by competent authorities.

6. Individuals may continue using the agricultural land area which is located in communes, wards or townships other than where they have permanent residences. If the land is allocated without land use levy, such an area shall be included in the quota for allocation of agricultural land to such individuals.

The authority in charge of land administration that allocates agricultural land without land use levy to individuals shall send notices to the commune-level People's Committees of the localities where such individuals have permanent residences for the latter to calculate the allocation quotas of agricultural land.

7. The area of agricultural land of individuals, which is acquired through the transfer, lease, sublease, inheritance or donation of land use rights, the receipt of land use rights contributed as capital or is contracted from other entities/persons or leased from the State, is not included in the allocation quota of agricultural land as prescribed in this Article.

### **Article 177. Quota for acquisition of agricultural land use rights by individuals**

1. The quota for acquisition of land use rights by individuals must not exceed 15 times of the allocation quota for agricultural land for individuals

applicable to each type of land prescribed in Clauses 1, 2 and 3, Article 176 of this Law.

2. The determination of the quota for acquisition of agricultural land use rights as prescribed in Clause 1 of this Article shall be based on the following factors:

- a) Conditions regarding land and production technology;
- b) Labor force transition, economic restructuring; urbanization process.

3. The provincial-level People's Committees, pursuant to Clauses 1 and 2 of this Article, shall set the quotas for acquisition of agricultural land use rights for individuals in accordance with the specific conditions of their respective localities.

### **Article 178. Agricultural land used by individuals or communities**

1. Agricultural land used by individuals includes agricultural land allocated or leased by the State and agricultural land of which land use rights are recognized by the State or leased from other land users or obtained through exchange, transfer, inheritance or donation in accordance with law regulations.

2. The use of agricultural land allocated by the State to individuals is prescribed as follows:

a) Individuals that are allocated land by the State prior to the effective date of this Law may continue using such land in accordance with this Law;

b) In localities where land has not been allocated to individuals in accordance with the law regulations on land, the commune-level People's Committee shall make a plan for land allocation and request the district-level People's Committee to decide on land allocation;

c) In localities where the People's Committees of different levels have provided guidelines for individuals to negotiate and adjust land areas for one another during the implementation of land policies and law regulations before October 15, 1993, and such land area has been used stably, the current land users may continue using such land.

3. Land users of agricultural land may restructure crops and livestock in order to use the land for multiple purposes in accordance with Article 218 of this Law; and may use a portion of the land area as determined by the provincial-level People's Committees to build facilities directly serving agricultural production. If land for rice cultivation is used, Article 182 of this Law shall be complied with.

4. The use of agricultural land by communities is prescribed as follows:

a) Communities are allocated land or recognized land use rights by the State to preserve national identities associated with the traditions, customs and beliefs of the ethnic groups;

b) Communities which are allocated land or recognized land use rights by the State shall protect the land allocated to them and may not use such land for other purposes.

### **Article 179. Agricultural land fund used for public purposes**

1. Agricultural land funds used for public purposes established in accordance with law regulations on land from time to time shall continue to be used for public purposes of the localities.

2. The agricultural land fund for public purposes of a commune, ward or township shall be used for the following purposes:

a) Construction of cultural, sports, recreational, health, education facilities, markets, cemeteries, and other public facilities invested, managed, and used by the commune-level People's Committees; construction of gratitude houses, charity houses, "great unity" houses;

b) Compensation for land users subject to land recovery upon construction of structures prescribed at Point a of this Clause.

3. The commune-level People's Committee shall lease out the land areas which have not been used for the purposes prescribed in Clause 2 of this Article to individuals in the locality for the purposes of agriculture and aquaculture, through auctions. The land use term for each lease period must not exceed 10 years.

4. The agricultural land fund for public purposes of a commune, ward or township must be managed and used by the commune-level People's Committee of the locality in accordance with the land use master plan and land use plans approved by competent authorities.

### **Article 180. Agricultural land used by organizations, foreign residents of Vietnamese origin and foreign-invested economic institutions**

1. Economic institutions, foreign residents of Vietnamese origin or foreign-invested economic institutions that have demand for land for agriculture, forestry, aquaculture or salt production, shall be considered by the State to lease land for implementation of investment projects.

2. Economic institutions and public non-business units that have been allocated or leased land prior to the effective date of this Law for the purpose of agriculture, forestry, aquaculture or salt production shall review the reality of land use and make plans to use such land, unless otherwise prescribed in Article 181 of this Law. A plan for land use must clearly define the land area and boundaries, the area of land of each type to be used and its use term, and the land area to be handed over to the locality.

Provincial-level People's Committees shall direct the review and approval of plans for land use; allocate or lease land in accordance with the approved plans

for land use; and recover the land that is unused, or used for an improper purpose, or contracted, leased, lent illegally, or encroached or occupied in order to allocate and lease such land to organizations and individuals. During the process of land allocation or land lease, ethnic minorities in their respective localities that have no land or lacking land for production shall be prioritized.

### **Article 181. Land administered and used by agricultural and forestry companies**

1. Provincial-level People's Committees shall:

a) Organize the review of the reality of land use by agricultural and forestry companies administering and using land of agricultural and forestry origin in their respective localities with respect to the location and boundaries of land to be administered and used; the land area being used for the intended purposes; the land area being used for unintended purposes; the unused land area; the land area being allocated, conditionally and unconditionally contracted, leased, lent, joint-ventured, associated, cooperatively invested, encroached, occupied, or in dispute;

b) Organize the formulation, evaluation, and approval of plans to use land by agricultural and forestry companies at the local level, including: determining the land area that continues to be used by agricultural and forestry companies; land area handed over to the local authorities for allocation or lease or recognition of land use rights for the beneficiaries prescribed in Clause 2 and for socio-economic development as prescribed by law;

c) Grant certificates of land use rights and ownership of land-attached property for the land area of agricultural and forestry companies which may continue using land under the approved plans;

d) Recover and hand over land from agricultural and forestry companies not prescribed at Point c of this Clause to the district-level People's Committees of the localities where the land is located for administration;

dd) Depending on the local land use demand and the land use situation of agricultural and forestry companies, continue reviewing and recovering the land area, which could continue to be held by the agricultural and forestry companies under the approved plans but not directly used and, instead, illegally leased, lent, conditionally or unconditionally contracted to others, in order to administer such land in accordance with the law regulations or use such land to implement land support policies for ethnic minorities as prescribed by Article 16 of this Law and for socio-economic development.

2. District-level People's Committees shall be responsible for organizing the administration and use of land funds handed over by agricultural and forestry companies to the local authorities for the purposes of land use master plans and land use plans; developing plans to use the land area prescribed at Points d and dd, Clause 1 of this Article as follows:

a) Recognizing land use rights of persons who are currently using agricultural and forestry land that are allocated, conditionally or unconditionally contracted, leased, or borrowed from State-owned farms and forestry establishments before February 1, 2015 in the form of land allocation by the State without land use levy for the land areas they are using but such areas shall not exceed the quota for allocation of agricultural land to individuals prescribed in Article 176 of this Law. The land use term shall start from the date of being granted the certificate of land use rights and ownership of land-attached property. The excess area (if any) shall be prioritized for allocation to entities/persons prescribed at Points c, d and dd of this Clause or must be leased by the land users;

b) Recognizing land use rights of persons who are currently using the land and have documents from state-owned agricultural and forestry farms regarding allocation of land for construction of houses or construction of houses combined with agricultural and forestry production before July 1, 2004, who shall be granted certificates of land use rights and ownership of land-attached property in accordance with Clause 2, Article 137 of this Law;

c) Allocating or leasing land to implement land policies for ethnic minorities, persons with meritorious services to the revolution, and local poor households that have no land or lack agricultural land;

d) Allocating or leasing land to local individuals who have no land or lack agricultural land;

dd) Allocating or leasing land for public purposes and other purposes as prescribed by law;

e) Authorizing the commune-level People's Committees to administer land areas not prescribed at Points a, b, c, d, and dd of this Clause.

3. The Government shall detail this Article.

### **Article 182. Land for rice cultivation**

1. Land for rice cultivation encompasses land exclusively for rice cultivation and the rest. Land exclusively for rice cultivation means the land where two or more crops of rice are produced each year.

2. The State shall adopt policies to support and invest in the construction of infrastructure and application of modern science and technologies into the areas planned for high-productivity and high-quality rice cultivation; to protect land for rice cultivation and to limit the change of purpose from rice cultivation to other non-agricultural purposes.

3. Those who use land for rice cultivation shall improve and increase the fertility of the land. They may not use such land for any other non-agricultural purpose without permission by competent State authorities.

4. A person allocated or leased land exclusively for rice cultivation by the

State for non-agricultural purposes must:

- a) Have a plan to utilize the soil in accordance with the law regulations on crop production;
- b) Pay an amount as prescribed by law to the State to supplement the land exclusively for rice cultivation that has been reduced or to enhance the efficiency of use of land for rice cultivation, unless it is a project with public investment or non-public State investment prescribed in the law regulations on public investment and construction;
- c) Comply with environmental protection regulations; not affect cultivation on adjacent area of land for rice cultivation.

5. Farmers using land for rice cultivation may restructure crops and livestock on land for rice cultivation without compromising the necessary conditions for rice cultivation in accordance with law regulations on crop cultivation. They may use a portion of such land to build facilities directly serving crop production activities.

6. The Government shall detail this Article.

### **Article 183. Land for concentrated animal husbandry**

1. Land for concentrated animal husbandry means land used for building livestock farms in separate areas as prescribed by law regulations on animal husbandry.

2. The use of land for concentrated animal husbandry must comply with the following regulations:

- a) Taking measures for environmental protection, waste management and other measures to avoid affecting other land users in the area or the surrounding areas;

- b) In case of using land for concentrated animal husbandry with structures attached to such land, the law regulations on investment and construction shall prevail.

3. Economic institutions and individuals may be allocated or leased land by the State, acquire or lease land use rights, or receive land use rights as contributed capital to implement projects on investment in concentrated animal husbandry.

4. Foreign residents of Vietnamese origin and foreign-invested economic institutions may be leased land by the State or receive land use rights contributed by economic institutions as capital as prescribed by law to implement projects on investment in concentrated animal husbandry.

### **Article 184. Land for production forests**

1. The State shall allocate land for production forests without land use levy

in the following cases:

- a) Individuals directly engaged in agricultural production who are permanently residing in the commune-level locality where the land for planted production forests is located, for the land areas within the land allocation quota prescribed at Point b, Clause 3, Article 176 of this Law. The excess area of land for planted production forests compared to the land allocation quota must be leased by the land users;
- b) Communities in commune-level localities with production forests, which have demand and capability to protect and develop forests;
- c) Units of the people's armed forces stationed in commune-level localities with production forests, which have demand and capability to protect and develop forests;
- d) Special-use forest management boards, protection forest management boards for land areas within production forest areas interspersed with special-use forest areas and protection forest areas.

2. The State leases land for production forests to economic institutions and enterprises under the people's armed forces, and individuals in accordance with this Law.

3. Persons leased land for natural production forests shall not transfer, sublease, mortgage, or contribute as capital the land use rights and leasehold under the land lease contract with annual rental payment.

4. Entities/persons prescribed in Clauses 1 and 2 of this Article may construct infrastructure facilities serving forest protection and development in accordance with law regulations on forestry.

5. The State leases land for production forests to foreign-invested economic institutions for them to implement afforestation projects.

### **Article 185. Land for protection forests**

1. The State shall allocate land for protection forests to the following entities/persons for them to manage, use, protect, and develop the forests in accordance with law regulations on forestry:

- a) Protection forest management boards, special-use forest management boards, units of the people's armed forces;
- b) Scientific and technological organizations, vocational training and education institutions in forestry;
- c) Individuals illegally residing in commune-level localities with protection forests;
- d) Communities in commune-level localities where protection forests are located.

2. Entities/persons allocated land for production forests as prescribed in Clause 1 of this Article shall construct infrastructure facilities serving forest management, protection, and development in accordance with law regulations on forestry.

3. Citizens to whom the State allocates land in accordance with Clause 1 of this Article shall be granted a certificate of land use rights and ownership of land-attached property, but the property shall not be recorded as public property on the certificate of land use rights and ownership of land-attached property.

4. Persons granted certificates of land use rights and ownership of land-attached property as prescribed in Clause 3 of this Article, other than management boards of protection forests of special-use forests, shall exercise the rights of land users and must ensure compliance with Clause 8, Article 45 of this Law.

#### **Article 186. Land for special-use forests**

1. The State shall allocate land for special-use forests to the following entities/persons for them to manage, use, protect, and develop the forests in accordance with law regulations on forestry:

- a) Management boards of special-use forests;
- b) Forestry-specialized scientific and technological organizations, training and vocational education institutions;
- c) Protection forest management boards, economic institutions, units of the people's armed forces;
- d) Communities in commune-level localities where special-use forests are located.

2. Depending on specific conditions, the management boards of special-use forests may coordinate with local authorities to develop resettlement projects and submit them to competent authorities for approval to relocate people out of strictly protected areas of the special-use forests.

3. Entities/persons allocated land for special-use forests as prescribed in Clause 1 of this Article shall construct infrastructure facilities serving forest management, protection, and development in accordance with law regulations on forestry.

4. Citizens to whom the State allocates land in accordance with Clause 1 of this Article shall be granted a certificate of land use rights and ownership of land-attached property, but the property shall not be recorded as public property on the certificate of land use rights and ownership of land-attached property.

#### **Article 187. Land for salt production**

1. Land for salt production shall be allocated by the State to individuals within the local land allocation quota as prescribed in Article 176 of this Law for

salt production. In the case where a land user uses land in excess of the land allocation quota, the excess area must be leased by such land user.

Land for salt production shall be leased by the State to economic institutions, foreign residents of Vietnamese origin or foreign-invested economic institutions to implement investment projects on salt production.

2. Land areas where salt can be produced at high productivity and with high quality shall be protected and primarily reserved for salt production.

3. The State shall encourage the use of land areas with potential for salt production for industrial and daily needs.

### **Article 188. Land with waterbodies which are ponds, lakes, and marshes**

1. Land with waterbodies which are ponds, lakes, and marshes shall be allocated by the State within land allocation quotas to individuals for aquacultural and agricultural production.

Land with waterbodies which are ponds, lakes, and marshes shall be leased by the State to economic institutions, individuals, foreign residents of Vietnamese origin or foreign-invested economic institutions to implement investment projects on aquaculture, agricultural production or agriculture in combination with non-agricultural purposes.

Land use must ensure landscape preservation, environmental protection, and water resource protection.

2. In the case where the land with waterbodies which are ponds, lakes, and marshes spreads out to multiple communes, wards and townships, its use shall be decided by the district-level People's Committee. In the case where a pond, lake or marsh is located in multiple districts, towns, provincial cities, and municipal cities, its use shall be decided by the provincial-level People's Committee.

3. Economic institutions, individuals, foreign residents of Vietnamese origin, and foreign-invested economic institutions allocated or leased land by the State for landfilling or digging ponds or lakes for water collection, storage, or landscaping, provided that they obtain permission from the competent State authorities and conduct environmental impact assessments as required by law regulations on environmental protection.

### **Article 189. Land with coastal waters**

1. Land with coastal waters shall be allocated or leased out by the State to economic institutions, individuals, foreign residents of Vietnamese origin, and foreign-invested economic institutions to use for purposes prescribed by this Law.

2. The use of land with coastal waters is prescribed as follows:

a) It conforms to the land use master plan and land use plan approved by

the competent authority;

- b) Protection of land and increase of the sedimentation process in coastal land;
- c) Protection of the ecosystem, environment and landscape;
- d) Not hampering the protection of national security and maritime navigation;
- dd) Protecting the water quality of coastal areas; avoiding salinization of aquifers.

3. The allocation or lease of land with coastal waters for agricultural and non-agricultural purposes, other than for land reclamation from the sea, must comply with the land use regime for different types of land as prescribed by this Law, the Law of the Sea of Vietnam, the Law on Resources and Environment of the Sea and Islands, and other relevant laws.

### **Article 190. Land reclamation from the sea**

1. The State encourages organizations and individuals to use their capital, technology, and techniques to reclaim land from the sea; adopts support and incentive policies for investors engaging in land reclamation from the sea as prescribed by law.

2. Land reclamation from the sea must adhere to the following principles:

- a) Ensuring national defense, security, sovereignty, sovereign rights, jurisdiction rights, national interests at sea; accordance with other relevant law regulations and international conventions of which the Socialist Republic of Vietnam is a member;
- b) Basing on comprehensive assessments of economic, social, environmental factors, ensuring sustainable development, biodiversity, natural elements, impacts of natural disasters, climate change, and rising sea levels;
- c) Conforming to provincial development master plans or district-level land use master plans or construction master plans or urban development master plans;
- d) Efficient exploitation and use of marine resources; ensuring the harmonization of interests between organizations and individuals carrying out land reclamation from the sea, and other relevant organizations and individuals; ensuring people's and community's access to the sea;
- dd) Land reclamation from the sea must be implemented under investment projects or project items in accordance with law regulations.

3. Land reclamation from the sea that involve one of the following areas may only be conduct upon approval and investment decision by the National Assembly and the Prime Minister:

- a) Areas designated for the protection of historical-cultural relics and famous landscapes recognized in accordance with law regulations on cultural heritages;
- b) Natural heritages as prescribed by the law regulations on environmental protection;
- c) National parks, nature reserves, species conservation areas, landscape protection areas, important wetland sites as declared under law regulations on biodiversity and forestry;
- d) Marine reserves, aquatic resource protection areas, fishing ports, anchorage areas for storm avoidance for fishing vessels as prescribed by law regulations on fishery;
- dd) Seaport areas, waters in front of port bridges, turning areas for ships, anchorage areas, transfer areas, storm avoidance areas, pepper inspection areas, maritime traffic lanes, water areas for constructing other auxiliary facilities as prescribed by maritime law regulations;
- e) River mouths and areas planned for national defense and security purposes.

4. Sea areas designated for land reclamation activities in the approved land use plans and the investment projects approved, and for which the investment policies are endorsed, by competent State authorities shall be managed and utilized for land reclamation activities similar to inland areas.

5. Responsibilities for state governance of land reclamation from the sea are prescribed as follows:

- a) The Ministry of Natural Resources and Environment shall assist the Government in unifying State governance of land reclamation from the sea; inspect and examine land reclamation from the sea, and managing land areas reclaimed from the sea in accordance with the law regulations;
- b) Ministries and ministerial-level agencies, within their mandates and powers, shall be responsible for managing and inspecting land reclamation from the sea; issuing, and guiding and inspecting the implementation of, regulations, standards, technical specifications, and economic-technical norms related to land reclamation from the sea;
- c) Provincial-level People's Committees shall be responsible for managing and allocating or leasing land for land reclamation from the sea, inspecting and examining land reclamation from the sea, and managing and utilizing land areas reclaimed from the sea within their localities in accordance with the law regulations.

6. The allocation of coastal areas for land reclamation from the sea shall be conducted simultaneously with the allocation of land or lease of land for

investment projects.

7. The Government shall detail this Article.

### **Article 191. Riparian and coastal alluvial land**

1. Riparian and coastal alluvial land includes riparian land, exposed landmass and islets on river, coastal alluvial land, exposed landmass and islands on the sea.

2. Administration and use of riparian and coastal alluvial land shall comply with the following regulations:

a) Riparian and coastal alluvial land within the administrative boundaries of districts, towns, provincial/municipal cities shall be administered by the respective district-level People's Committees;

b) Riparian and coastal alluvial land shall be allocated or leased out by the State to economic institutions, individuals, foreign residents of Vietnamese origin, and foreign-invested economic institutions.

3. The State shall be responsible for developing land use master plans and land use plans to utilize riparian and coastal alluvial land.

4. District-level People's Committees shall be responsible for surveying, investigating, monitoring, and assessing the fund of riparian and coastal alluvial land, which is regularly accumulated or eroded, in order to plan for exploitation and utilization. Competent State authorities shall consider and decide on the allocation or lease of riparian and coastal alluvial land, which is regularly accumulated or eroded, to those in need.

5. The use of riparian and coastal alluvial land shall be based on principles of natural preservation, biodiversity conservation, environmental protection, prevention and control of erosion, riverbank collapse, and disaster mitigation.

### **Article 192. Concentration of agricultural land**

1. Concentration of agricultural land means increasing the area of agricultural land to organize production through the following methods:

a) Exchanges of agricultural land use rights under land consolidation and redistribution plans;

b) Lease of land use rights;

c) Cooperation in production and business using land use rights.

2. Concentration of agricultural land must abide by the following principles:

a) Ensuring transparency, voluntary participation, democracy, and fairness;

b) Ensuring the legitimate rights and interests of the State, land users, and relevant organizations and individuals; not affecting national defense and

security;

c) Complying with the law regulations on land, the civil law, and other relevant legal regulations; conform to the land use master plans and land use plan approved by the competent authorities;

d) Conforming to the characteristics of land, terrain, climate, culture, labor transition, occupation change in rural areas of each region, each area, and each locality, and in accordance with market needs.

3. The State shall adopt policies to encourage organizations and individuals to concentrate land for agricultural production; apply science and technology to use the concentrated land fund sparingly and efficiently.

Fundings for measurement and correction of cadastral records, grant of certificates of land use rights and ownership of land-attached property for land consolidation and redistribution in order to concentrate land for agricultural production shall be covered by the State Budget.

4. Economic institutions and individuals that concentrate agricultural land must have plans for using such land, which shall be sent to the commune-level People's Committees for monitoring. In the case where there are changes in land use purposes within the agricultural land group, it must be agreed upon with the land users regarding the return of agricultural land after the land is concentrated. In the case where agricultural land concentration requires adjustments to land use rights, it shall comply with Article 219 of this Law.

5. The People's Committees at all levels have the responsibility to communicate and disseminate policies, laws, and guidelines, support the parties involved in the implementation of concentration of agricultural land, and ensure the stability of the master plans for the concentrated agricultural land area.

6. The Government shall detail this Article.

### **Article 193. Accumulation of agricultural land**

1. Accumulation of agricultural land means increasing the area of agricultural land for land users to organize production through the following methods:

- a) Exchange of agricultural land use rights;
- b) Contribution of agricultural land use rights as capital.

2. Accumulation of agricultural land must abide by the following principles:

a) Ensuring the legitimate rights and interests of the State, land users, and relevant organizations and individuals; not affecting national defense and security;

- b) Complying with law regulations on land, the civil law, and relevant legal

regulations; using land for the intended purposes and in conformity with the land use master plans and land use plan approved by the competent authorities;

c) It conforms to the characteristics of land, terrain, climate, culture, labor transition, occupation change in rural areas of each region, each area, and each locality, and in accordance with market needs.

3. The State shall adopt policies to encourage organizations and individuals to apply science and technology to use the accumulated land fund sparingly and efficiently.

4. The People's Committees at all levels have the responsibility to communicate and disseminate policies, laws, and guidelines, support the parties involved in the implementation of accumulation of agricultural land, and ensure the stability of the master plans for the accumulated agricultural land area.

5. The Government shall detail this Article.

#### **Article 194. Land areas for concentrated raising, cultivation, production, and processing of agricultural, forestry, aquatic, and marine products**

1. Areas for concentrated raising, cultivation, production, and processing of agricultural, forestry, aquatic, and marine products mean areas where one or more tasks of research, experimentation, breeding, cultivation, production, preservation, processing, and warehousing services for agricultural, forestry, aquatic, and marine products are conducted.

2. The use of land for construction of areas for concentrated raising, cultivation, production, and processing of agricultural, forestry, aquatic, and marine products must comply with the approved land use master plans and land use plans.

3. The State shall lease land to be used as areas for concentrated raising, cultivation, production, and processing of agricultural, forestry, aquatic, and marine products in accordance with the following regulations:

a) Implementation of projects on investment in construction and business of infrastructure in areas for concentrated raising, cultivation, production, and processing of agricultural, forestry, aquatic, and marine products for subleasing;

b) Implementation of projects on concentrated raising, cultivation, production, and processing of agricultural, forestry, aquatic, and marine products.

4. Investors leased land by the State with annual rental payment for the construction and business of infrastructure in areas for concentrated raising, cultivation, production, and processing of agricultural, forestry, aquatic, and marine products may sublease such land with annual rental payment. In the case where investors are leased land by the State with one-off rental payment for the entire lease period, they may sublease the land with one-off rental payment for

the entire lease period or annual rental payment.

5. Sublessees of land within areas for concentrated raising, cultivation, production, and processing of agricultural, forestry, aquatic, and marine products have the following rights and obligations:

a) In case of subleasing land with full one-off rental payment for the entire lease period, they have the rights and obligations prescribed in Article 33 of this Law;

b) In case of subleasing land with annual rental payment, they have the rights and obligations prescribed in Article 34 of this Law.

6. Land users within areas for concentrated raising, cultivation, production, and processing of agricultural, forestry, aquatic, and marine products must use the land for the intended purposes and be granted certificates of land use rights and property ownership certificates attached to the land in accordance with this Law.

7. The Government shall detail this Article.

### **Article 195. Rural residential land**

1. Rural residential land means land for residential and other purposes for the living on the same land parcel in rural areas.

2. Depending on the local land fund and actual conditions, the provincial-level People's Committees shall set residential land allocation quotas for individuals in rural areas.

3. Residential land in rural areas shall be arranged in synchrony with the land used for the construction of public facilities and public service facilities, thereby ensuring convenience for production, people's living, environmental sanitation and rural modernization.

4. The State shall adopt policies to create conditions for rural residents to have accommodation by making full use of the land in existing residential areas and to restrict the expansion of residential areas on agricultural land.

### **Article 196. Urban residential land**

1. Urban residential land means land for residential and other purposes for the living on the same land parcel in urban areas.

2. Depending on the local land fund and actual conditions, the provincial-level People's Committees shall set residential land allocation quotas for individuals in urban agglomerations.

3. Urban residential land shall be arranged in synchrony with land for construction of public facilities and public service facilities, thereby ensuring environmental sanitation and urban landscape.

4. The change of land use purpose from residential land to land for construction of production and business establishments must conform with land use master plans and land use plans and the construction master plan already approved by competent authorities and comply with law regulations on public order, safety and law regulations on environmental protection, and other relevant law regulations.

### **Article 197. Land for construction of condominiums**

1. Land for construction of condominiums includes residential land for construction of condominiums, facilities directly serving daily needs of the condominium residents and land for construction of facilities for public use in accordance with the construction master plans approved by competent authorities.

2. Land used for the construction of condominiums shall be arranged in synchrony with land for construction of public facilities and public service facilities, thereby ensuring environmental sanitation and urban landscape.

3. The Government shall detail this Article.

### **Article 198. Use of land for renovation of urban areas and rural residential areas**

1. Land for urban renovation includes land for renovation of the existing inner urban areas and land planned for expanding existing urban areas.

Land for renovation of rural residential areas includes land for renovation of existing residential areas, land which is part of the agricultural land fund for public purposes, and land planned for expanding existing residential areas.

2. The use of land for renovation of urban areas and rural residential areas must conform with the land use master plans and land use plans, and construction master plans which have been approved by competent authorities, and with construction standards and regulations issued by competent authorities.

3. The State recovers land, allocates land, leases land to implement projects on renovation of urban areas and rural residential areas in cases prescribed in Article 79 of this Law.

4. Organizations and individuals may contribute land use rights to construct or renovate public facilities for the common interests of the community, which is funded by funds contributed by the people or supported by the State. Voluntary contribution of land use rights and compensation or support shall be mutually agreed upon by the relevant organizations or individuals. The contribution of land use rights and adjustment of land must comply with Article 219 of this Law.

### **Article 199. Land for construction of head offices of the authorities and public service facilities**

1. Land for construction of head offices of authorities includes land for construction of head offices of agencies of the Communist Party of Vietnam, State authorities, the Vietnam Fatherland Front Committees, socio-political organizations, political socio-professional organizations, socio-professional organizations, social organizations, other organizations established under the law regulations and assigned tasks and supported with regular operating expenses by the State.

2. Land for construction of public service facilities includes the land types prescribed at Point d, Clause 3, Article 9 of this Law.

3. The use of land prescribed in Clauses 1 and 2 of this Article must conform with land use master plans, land use plans and construction master plans approved by competent authorities.

4. The representatives of authorities or organizations to which land is allocated or leased shall preserve the allocated or leased area of land and ensure the land is properly used for its intended purposes.

5. The administration, use, and exploitation of land funds prescribed in Clauses 1 and 2 of this Article within the scope of regulation of the law regulations on the management and use of public property shall be implemented in accordance with law regulations on the management and use of public property. Matters not prescribed by law regulations on the management and use of public property shall comply with this Law.

## **Article 200. Land for national defense and security**

1. Land for national defense or security includes land used for the purposes prescribed in Article 78 of this Law.

2. Provincial-level People's Committees shall assume the prime responsibility for, and coordinate with the Ministry of National Defense and the Ministry of Public Security in performing State governance of land for national defense and security under the ambit of local administrative management.

3. For land areas subject to national defense or security land use master plans but are still not used for these purposes, the current users may continue using the land until the decision by a competent state authority to recover the land is issued, but must not cause deformation to the natural terrain.

4. In case of recovering land for national defense and security to implement socio-economic development projects for national or public purposes, public property may not be rearranged or disposed in accordance with the law regulations on management and use of public property.

5. The management and use of land-attached property that is public property by public non-business units under the Ministry of National Defense and the Ministry of Public Security, which are not subject to land use combined with

economic production and commercial construction activities prescribed by Article 201 of this Law shall be implemented in accordance with law regulations on the management and use of public property.

6. The Government shall detail this Article.

**Article 201. Use of land for national defense and security purposes in combination with economic production and commercial construction activities**

1. The use of land for national defense and security purposes combined with economic production and commercial construction activities applies to the following entities:

- a) Military units, police units, public non-business units under the People's Army and People's Public Security Forces;
- b) State-owned enterprises managed by the Ministry of National Defense and the Ministry of Public Security under authorization.

2. For land for national defense and security currently administered and used by entities prescribed in Clause 1 of this Article in combination with economic production and commercial construction activities related to military, national defense, and security tasks, the plans for land use must be prepared and submitted to the Minister of National Defense and the Minister of Public Security for consideration and approval, and annual land use levy must be paid.

In case of using land for national defense and security in combination with production labor and economic construction activities for education; labor, corrections, vocational guidance and training for inmates; physical training and self-production of food to improve living standards; and logistical - technical support services, land use levy shall not be paid.

3. Rights and obligations of entities prescribed in Clause 1 of this Article when using land for national defense and security purposes in combination with economic production and commercial construction activities are prescribed as follows:

- a) To organize the production and do business in accordance with plans approved by the Minister of National Defense or the Minister of Public Security;
- b) To enjoy the labor results and investment outcomes generated from such land, and other benefits as prescribed by law;
- c) Not to be entitled to compensation for land and land-attached property if the plans for use of land for national defense and security purposes in combination with economic production and commercial construction activities are terminated to serve military, national defense, and security tasks;
- d) Not to transfer, donate, or lease land use rights;

dd) Not to mortgage or contribute land use rights as capital;

e) Not to arbitrarily change the land use purposes;

g) The entities prescribed at Point a, Clause 1 of this Article shall not transfer, lease, donate, mortgage, or contribute as capital the property attached to such land;

h) The entities prescribed at Point b, Clause 1 of this Article may lease, mortgage, or contribute as capital the property attached to such land in accordance with the plans approved by the Minister of National Defense or the Minister of Public Security. Buying and selling property attached to the land or disposal of mortgaged property, or contributing property as capital is only permitted internally among the entities prescribed in Clause 1 of this Article in accordance with the plans approved by the Minister of National Defense or the Minister of Public Security;

i) To fully fulfill financial obligations in accordance with regulations.

4. The Government shall detail this Article.

## **Article 202. Land for industrial parks and industrial clusters**

1. The administration and use of land for industrial parks and industrial clusters including concentrated information technology parks must conform with land use master plans, land use plans and construction master plans approved by competent authorities.

2. The State shall lease land to implement projects on investment in construction of infrastructure for industrial parks and industrial clusters.

For projects on investment in construction of infrastructure for industrial parks and industrial clusters in areas entitled to investment incentives as prescribed by law regulations on investment, or in border districts and island districts to which investors are barely attracted, the State shall allocate land or lease land to public non-business units for them to invest in infrastructure for industrial parks and industrial clusters therein.

3. Project owners who have been leased land by the State to invest in infrastructure for industrial parks and industrial clusters with annual rental payment are entitled to change to one-off land rental payment for the entire lease period for the entire or each portion of the business land area.

For the portion of land area leased with annual rental payment, the project owner may sublease the land with annual rental payment. For the portion of land area leased with one-off land rental payment for the entire lease period, the project owner may sublease the land with one-off land rental payment for the entire lease period or with annual rental payment. For the portion of land area for common infrastructure in industrial parks and industrial clusters in accordance with approved construction master plans by competent authorities, the project owners

may not pay land rental.

4. The land use term of investment projects in industrial parks and industrial clusters follows the project's operational duration.

In the case where the operational duration of the investment project is longer than the remaining land use term of the industrial park or industrial cluster, the project owner must request permission from the competent State authority to appropriately adjust the land use term, but the total land use term must not exceed 70 years, and the project owner must pay land use levy or land rental for the land area for which the land use term is adjusted.

5. Tenants leasing land with infrastructure within industrial parks and industrial clusters have the following rights and obligations:

a) In case of subleasing land with full one-off rental payment for the entire lease period, they have the rights and obligations prescribed in Article 33 of this Law;

b) In case of subleasing land with annual rental payment, they have the rights and obligations prescribed in Article 34 of this Law.

6. The project owner shall be responsible for allocating land fund where infrastructure is already constructed to be subleased to small- and medium-sized enterprises and facilities that have to be relocated due to environmental contamination.

The State shall adopt policies to reduce land rentals for industrial parks and industrial clusters in the cases prescribed in this Clause. The reduced amount of land rental shall be refunded to the project owner by deducting such amount from the land rental that the project owner must pay in accordance with the law regulations on land rental payment.

Provincial-level People's Committees shall, depending on the local situation, determine the land fund for small- and medium-sized enterprises and facilities that have to be relocated due to environmental contamination.

7. The land area for building worker dormitories in industrial parks under the master plans shall be administered as land for commercial and service purposes and entitled to incentives as prescribed by law.

8. Provincial-level People's Committees shall be responsible for identifying the demand for construction of residential areas and public facilities outside industrial parks to serve the living of workers in industrial parks, thereby integrate such information into the land use master plans, land use plans, urban development master plans, and rural development master plans; arranging land funds and allocating land to the People's Public Security Forces for them to ensure security and social order in industrial parks.

9. The Government shall detail this Article.

## **Article 203. Land for economic zones**

1. Land used for economic zones means land used for functional zones, including:

- a) Land used for non-tariff zones, tax-suspension zones, export processing zones, industrial parks;
- b) Land used for entertainment zones, tourist areas;
- c) Land used for urban areas and residential areas;
- d) Land used for administrative areas and other functional areas suitable for the characteristics of each economic zone to create an investment and business environment particularly favorable to investors.

2. The establishment and expansion of economic zones must be in accordance with the approved provincial development master plans to ensure efficient and sparing land use.

3. The land recovery, land allocation, and land lease in economic zones are conducted in accordance with this Law.

4. The management boards of economic zones shall be responsible for coordinating with the units and organizations performing the tasks of compensation, support, and resettlement to implement compensation, support, resettlement for the land area recovered in the economic zones.

5. The land use term for production and business within economic zones follows the regulations in Article 172 of this Law.

6. Land users in an economic zone are entitled to invest in the construction of and trading in houses and infrastructure, and to conduct production, business and service activities, and have the rights and obligations prescribed by this Law.

7. The State encourages investment in building infrastructure within economic zones.

8. The land use regime and rights and obligations of land users in an economic zone shall apply in accordance with each type of land as prescribed in this Law.

9. The Government shall detail this Article.

## **Article 204. Land for hi-tech parks**

1. Land used for hi-tech parks means land serving high-tech activities as prescribed by law regulations on high technology and relevant law regulations, including land with agricultural areas applying high technology and land for forestry areas applying high technology. The use of land for hi-tech parks must conform with land use master plans, land use plans and construction master plans approved by competent authorities.

During the planning and establishment of hi-tech parks, the planning and construction of housing areas and public facilities outside the hi-tech parks to serve the life of experts and workers in hi-tech parks must be conduct simultaneously.

2. The State may lease land with annual rental payment or with one-off rental payment for the entire lease period for construction and business of hi-tech park infrastructure. The land use term for hi-tech parks follows the project's operational duration, but shall not exceed 70 years.

3. Users of land in a hi-tech park shall use land in accordance with land use purposes indicated in the land allocation decision or land lease contract, be granted a certificate of land use rights and ownership of land-attached property, and have the following rights and obligations:

a) In case of subleasing land with full one-off rental payment for the entire lease period, they have the rights and obligations prescribed in Article 33 of this Law;

b) In case of subleasing land with annual rental payment, they have the rights and obligations prescribed in Article 34 of this Law.

4. The State shall encourage individuals, economic institutions, foreign residents of Vietnamese origin and foreign-invested economic institutions to invest in the construction and commercial operation of infrastructure in hi-tech parks and use land for the development of science and technology.

5. Provincial-level People's Committees shall be responsible for arranging land funds and allocating land to the People's Public Security Forces for them to ensure security and social order in hi-tech parks.

6. The Government shall detail this Article.

### **Article 205. Land used for mining activities**

1. Land used for mining activities includes land used for mineral exploration, exploitation and processing, land for auxiliary facilities for mining activities and safety corridors for mining activities.

2. The use of land for mining activities must comply with the following regulations:

a) Licenses to explore and exploit minerals as prescribed by law regulations on mining must be obtained;

b) Competent State authorities issue decisions on land lease by to exploit minerals or on use of land for auxiliary facilities serving mining and mineral processing activities. In the case where the mineral exploitation does not require the use of surface land or does not affect the use of the ground, there is no need to lease the land;

c) Applying appropriate technological measures to exploit and use land reasonably and sparingly in the process of using land for mineral exploration and exploitation. Taking measures for environmental protection, waste treatment and other measures to avoid causing damage to other land users in the area or the surrounding areas;

d) Using land suitable to the schedule of mineral exploitation projects or mineral exploitation permits approved by competent authorities. Land users shall return the land in accordance with the schedule of exploitation of minerals and with the status of surface land as stipulated in the land lease contract.

3. Provincial-level People's Committees shall be responsible for considering arranging land funds and allocating land to the People's Public Security Forces for them to ensure security and social order in mining areas upon request.

#### **Article 206. Land used for commercial and service purposes, land for non-agricultural production establishments**

1. Land used for commercial and service purposes includes land used for construction of commercial and service establishments and other facilities serving business, commercial operations and services.

Land used for non-agricultural production establishments includes land used for construction of non-agricultural production establishments that are located outside industrial parks or industrial clusters.

2. The use of land for commercial and service purposes and land for non-agricultural production establishments must be in line with land use master plans and land use plans, urban construction master plan and master plan for development of rural residential areas which have been approved by competent authorities, and with regulations on environmental protection.

3. Economic institutions and individuals may use land for commercial and service purposes or land for non-agricultural production establishments, which is obtained through land lease from the State, acquiring land use rights, leasing or subleasing land or receiving land use rights contributed as capital from other economic institutions or individuals, or from foreign residents of Vietnamese origin, or subleasing land together with infrastructure from foreign-invested economic institutions.

Foreign residents of Vietnamese origin may use land for commercial and service purposes or land for non-agricultural production establishments, which is the land obtained through leasing land from the State, or leasing or subleasing land from economic institutions or individuals, or from other foreign residents of Vietnamese origin; or subleasing land together with infrastructure from foreign-invested economic institutions. Foreign residents of Vietnamese origin who are defined Clause 1, Article 44 of this Law may acquire land use rights through

inheritance or donation thereof for construction of commercial and service establishments or non-agricultural production establishments.

Foreign-invested economic institutions may use land for commercial and service purposes or land for non-agricultural production establishments, which is obtained through leasing land from the State, or leasing or subleasing land from economic institutions or foreign residents of Vietnamese origin, or subleasing land together with infrastructure from other foreign-invested economic institutions; receiving land use rights as contributed capital from economic institutions and other foreign-invested economic institutions or foreign residents of Vietnamese origin.

### **Article 207. Land used for public purposes; land for implementation of public-private partnership investment projects**

1. The use of land for public purposes must be in line with the land use master plans and land use plans, and specialized master plans involving land use approved by competent authorities.

2. Regarding land used for public purposes, it must be clearly distinguished between the land area used for non-business purposes and the land area used for business purposes.

For land area used for non-business purposes, the State shall allocate land without land use levy in accordance with Article 118 of this Law. For land area used for business purposes, the State shall lease land in accordance with Article 120 of this Law.

3. The State shall allocate or lease land to investors to implement land-using public-private partnership investment projects in accordance with this Law.

4. The land administration and use mechanisms and financial obligations to implement public-private partnership investment projects must comply with this Law and the Law on Public-Private Partnership Investment.

5. Provincial-level People's Committees shall be responsible for considering arranging land funds and allocating land to the People's Public Security Forces upon request for them to ensure security and social order in the area of land used for public purposes or land for implementation of public-private partnership investment projects.

### **Article 208. Land used for civil airports and airfields**

1. Land used for civil airports and airfields includes:

a) Land for construction of head offices of State authorities and units of the people's armed forces at airports, land for construction of airport infrastructure and other facilities, auxiliary areas of State-owned airports;

b) Land for construction of items belonging to airport infrastructure and

aviation service facilities, non-aviation services not prescribed at Point a of this Clause.

2. Based on the approved land use master plans, land use plans, and master plans or civil airports and airfields, provincial-level People's Committees shall allocate or lease land in accordance with the following regulations:

a) Allocation without land use levy of the land prescribed at Point a, Clause 1 of this Article;

b) Lease with annual rental payment of land as prescribed at Point b, Clause 1 of this Article;

c) The airport authority of such airport shall be authorized to administer the remaining area after land allocation or land lease in accordance with Points a and b of this Clause.

3. Provincial-level People's Committees shall be responsible for arranging land funds and allocating land to the People's Public Security Forces for them to ensure security and social order in civil airports and airfields.

4. In the case where civil airports and airfields subject to public-private partnership investment projects involve land use, they shall comply with Article 207 of this Law.

5. The Government shall detail this Article.

### **Article 209. Land for railway**

1. Land for railway includes:

a) Land for construction of national railway infrastructure, urban railways; land for construction of State authority head offices for regular activities within railway stations;

b) Land for construction of specialized railway infrastructure, railway industrial facilities;

c) Land for construction of service facilities related to passenger transport, freight transport, and other commercial service facilities within the scope of railway infrastructure construction land.

2. Allocation and lease of land for railways shall be conducted as follows:

a) Allocation without land use levy of the land prescribed at Point a, Clause 1 of this Article;

b) Lease of land with annual rental payment, which is exempted, as prescribed at Point b, Clause 1 of this Article.

c) Lease with annual rental payment of land as prescribed at Point c, Clause 1 of this Article.

3. For railway land that has been allocated or leased prior to the effective

date of this Law, the State shall consider granting land use rights certificates and ownership of land-attached property in accordance with Clause 2 of this Article.

4. Provincial-level People's Committees shall be responsible for arranging land funds and allocating land to the People's Public Security Forces for them to ensure security and social order in train stations.

#### **Article 210. Land used for construction of facilities and areas with safety corridors**

1. Land used for construction of facilities and areas with safety corridors includes:

a) Land for construction of facilities and areas with safety corridors as prescribed by relevant law regulations, and safety corridors of such facilities and areas;

b) Land for construction of national defense facilities and military zones, and land within protection corridors, protected areas, and buffer zones of national defense facilities and military zones as prescribed by law regulations on the management and protection of national defense facilities and military zones.

2. The use of land for facilities with safety corridors must ensure the use of both the aerial and underground space, the combination of different facilities in the same land area in order to save land, and comply with relevant law regulations.

3. For land within the safety corridors, protected areas, and buffer zones of national defense facilities and military zones, land users shall continue to use the land for its intended purposes and in accordance with the law regulations. They shall not obstruct the safety protection of the facilities and areas with safety corridors, unless otherwise relocation is required in accordance with relevant law regulations.

In the case where the use of land within the safety corridors, protected areas, and buffer zones hinders the safety protection of the facilities and areas with safety corridors, the owners of facilities and the land users shall take remedial measures. In case of failure to remedy the problem, the State will recover the land and pay compensation in accordance with law regulations.

4. Authorities or organizations directly managing the facilities and areas with safety corridors shall publicize information on boundary marks of the safety corridors, protected areas, and buffer zones and take the main responsibility for the protection of the facilities. In the case where land of the safety corridors, protected areas, and buffer zones is illegally encroached, occupied or used, the authorities or organizations shall promptly report this to and request handling from the commune-level People's Committees of the localities where the safety corridors are located.

The use of land within the protected areas and buffer zones of national defense facilities and military zones shall comply with the Law on Management and Protection of National Defense facilities and Military Zones.

5. The People's Committees at all levels in the locality where the facilities and areas with safety corridors are located shall coordinate with the authorities or organizations directly managing such facilities and areas in disseminating laws and regulations on safety protection of such facilities and areas, publicizing boundary marks for the land use within the safety corridors and promptly deal with the illegal occupation, encroachment or use of the safety corridors of the facilities and areas.

6. The Government shall detail this Article.

### **Article 211. Land with historical-cultural relics, famous landscapes, and natural heritages**

1. Land with historical-cultural relics, famous landscapes, and natural heritages that have been classified or included in the inventory lists of relics by the provincial-level People's Committees in accordance with law regulations on cultural heritages shall be administered as follows:

a) Organizations, individuals and communities that directly manage land with historical-cultural relics, famous landscapes, and natural heritages in accordance with law regulations shall assume the prime responsibility for the use of such land;

b) Commune-level People's Committees shall assume the main responsibility for the administration of the land areas with historical-cultural relics, famous landscapes, natural heritages which are not prescribed at Point a of this Clause in their localities;

c) If land with historical-cultural relics, famous landscapes, and natural heritages is encroached, occupied or used for improper or illegal purposes, the commune-level People's Committee of the locality where such land is located shall detect, prevent and handle such illegal activities which fall under their competence or advise the competent authority or person to hand them in accordance with the law regulations.

2. The use of land with historical-cultural relics, famous landscapes, and natural heritages in combination with other purposes must comply with the requirements prescribed in Article 218 of this Law, the Law on Cultural Heritages, and other relevant legal regulations.

3. Land users within the protected area of historical-cultural relics and famous landscapes as prescribed by the Law on Cultural Heritages shall exercise their rights as land users in accordance with this Law but shall not affect the original elements of the historical-cultural relics, famous landscapes, natural landscapes, and ecological environment of the relics. In the case where the State

recovers land for administration and use for restoration, protection, and promotion of the value of historical-cultural relics and famous landscapes, they shall be compensated, supported, and resettled in accordance with this Law.

### **Article 212. Belief-practicing land**

1. Belief-practicing land means the land with communal houses, temples, shrines, hermitages, ancestral temples; pagodas not prescribed in Clause 1, Article 213 of this Law; and other places of worship.

2. Belief-practicing land must be used properly for its intended purposes and in accordance with the land use master plans and land use plans, and construction master plans which have been approved by competent authorities.

3. The use of belief-practicing land in combination with commercial and service purposes must meet the requirements specified in Clause 2, Article 218 of this Law.

### **Article 213. Religious land**

1. Religious land includes land for construction of religious institutions, the headquarters of religious institutions and their affiliated organizations, and other lawful religious structures.

2. The State shall not charge land use levy for land used to build religious facilities and headquarters of religious institutions and their affiliated organizations.

3. The State shall lease land with annual rental payment to religious institutions and their affiliated organizations using land not falling under the cases prescribed in Clause 2 of this Article.

4. The provincial-level People's Committees shall, depending on the actual needs of religious activities and the local land fund, set the quotas and decide on the area of land allocated to religious institutions and their affiliated organizations in the respective provincial-level localities.

5. The use of religious land in combination with commercial and service purposes must meet the requirements specified in Clause 2, Article 218 of this Law.

6. In the case where the State recovers religious land in accordance with Clause 2 of this Article, a new location appropriate to the local land fund and suitable for the religious activities of believers shall be arranged.

### **Article 214. Land for cemeteries, funeral homes, crematoria; land for columbaria**

1. Land for cemeteries, funeral homes, crematoria; land for columbaria must be concentrated in line with land use master plans, construction master plans, in conformity to sanitation and environmental protection standards, thereby

conserve land resources.

2. It is strictly prohibited to establish cemeteries, funeral homes, crematoria, and columbaria that contradict the land use master plans, land use plans, and construction master plans approved by competent authorities.

3. Land for cemeteries, funeral homes, crematoria and land for columbaria shall be allocated or leased by the State to economic institutions in accordance with the following regulations:

a) Land shall be allocated with land use levy for building columbaria or to implement projects on investment in infrastructure of cemeteries in order to transfer land use rights associated with infrastructure of columbaria;

b) Land shall be leased for construction of funeral homes and crematoriums.

4. Land for cemeteries, funeral homes, crematoria and land for columbaria that do not fall under the cases prescribed in Clause 3 of this Article shall be allocated by the State to the commune-level People's Committees or public non-business units for administration.

#### **Article 215. Land with special-purpose waterbodies and land with rivers, streams, canals, ditches, and springs**

1. Land with special-purpose waterbodies means the land where waterbodies such as ponds, lakes, marshes, and lagoons with determined use purposes other than aquacultural purposes.

2. Depending on their determined use purposes, land with special-purpose waterbodies and land with rivers, streams, canals, ditches, and springs shall be managed and used as follows:

a) The State shall allocate land with special-purpose waterbodies to organizations for administration in combination with use and exploitation of such land for non-agricultural purposes, or for non-agricultural purposes in combination with aquaculture and exploitation of aquatic resources;

b) The State shall lease out land with rivers, streams, canals, ditches, and springs to and collect annual land rentals from economic organizations, individuals, foreign residents of Vietnamese origin, and foreign-invested economic institutions for aquaculture or for non-agricultural purposes or for non-agricultural purposes in combination with aquaculture and must comply with law regulations on water resources;

c) The State shall lease out land with waterbodies which are hydroelectric and irrigation reservoirs for combined use with non-agricultural, aquacultural, and fishery purposes within its competence;

d) The State shall allocate or lease out land within the protection and buffer

zones of dams and reservoirs of hydroelectric and irrigation structures to organizations and individuals for administration in combination with use and exploitation of the land with waterbodies for other land use purposes in accordance with relevant law regulations, which must be licensed by competent State authorities in accordance with the regulations.

3. The exploitation and use of land with special-purpose waterbodies and land with rivers, streams, canals, ditches, and springs must not affect the determined principal land use purposes; and must also comply with the technical regulations of relevant sectors and fields and the regulations on environmental and landscape protection, and may not obstruct natural flows and waterway transportation.

#### **Article 216. Land used for construction of underground facilities**

1. Land for construction of underground facilities includes land used for construction of above-ground facilities to serve the operation, exploitation, and use of underground facilities and the underground space used for construction of underground facilities that are not part of above-ground constructions.

2. Land users may transfer, lease, or sublease underground space after such space is determined by the State in accordance with law regulations on construction law, urban planning, and architecture.

3. The State encourages organizations and individuals to use their own capital and technology to implement underground construction projects while adopting policies on supports and incentives for investors in accordance with the law regulations.

4. The use of land for construction of underground facilities must meet the following requirements:

a) National defense, security, environmental protection, sustainable development, and preservation of historical-cultural relics and famous landscapes shall be ensured;

b) It conforms to construction master plans and urban development master plans;

c) Compensation as prescribed by law shall be made for damages to land users of the land above the underground facilities;

d) Construction of underground facilities must be conducted under investment projects or project items in accordance with law regulations;

dd) It complies with the law regulations on construction.

5. The allocation and lease of land for construction of above-ground facilities to serve the operation, exploitation, and use of underground facilities shall be conducted in accordance with the following regulations:

a) Land allocation without land use levy, in case of using land for construction of above-ground facilities to serve the operation, exploitation, and use of underground facilities not for business purposes;

b) Land lease with annual rental payment, in case of using land for construction of above-ground facilities to serve the operation, exploitation, and use of underground facilities for business purposes.

6. The grant of a certificate of land use rights and ownership of land-attached property for land used for construction of underground facilities must comply with the following regulations:

a) The project owner of an underground construction project shall be granted land use a certificate of land use rights and ownership of land-attached property for the land area used to build above-ground facilities to serve the operation, exploitation, and use of underground facilities and shall exercise the rights of the land user prescribed by this Law;

b) The project owner of an underground construction project shall be granted a certificate of ownership of the underground facilities and shall exercise the rights of the owner in accordance with law regulations.

7. The Government shall detail this Article.

### **Article 217. Land administered by State authorities or organizations**

1. Land administered by State authorities or organizations means the land not yet allocated, leased, or already administered under authorization, including:

a) Agricultural land used for public purposes;

b) Land with rivers, streams, canals, ditches, springs, ponds, lakes, marshes, and lagoons;

c) Land for cemeteries, funeral homes, crematoria; land for columbaria;

d) Land with special-purpose waterbodies;

dd) Land for special-use forests, land for protection forests, and land for production forests;

e) Land recovered by the State and allocated to land fund developers for administration;

g) Land which the State recovers and authorizes commune-level People's Committees or public non-business units to administer in cases prescribed at Point dd, Clause 1 and Clause 3, Article 82; Clause 2, Article 82 in rural areas; Clause 5, Article 86; Point e, Clause 2, Article 181 of this Law;

h) Land which is returned and of which land use rights are transferred by foreign organizations with diplomatic functions when they no longer need to use such land, which is based on international treaties and agreements, and relevant

law regulations;

i) Agricultural land used for public purposes of the communes, wards or townships;

k) Unused land.

2. State authorities or organizations authorized to administer land funds as prescribed in Clause 1 of this Article shall be responsible for comprehensive administration and conservation of the allocated land area. The use of the land fund shall comply with the respective land use regime as prescribed by this Law.

### **Article 218. Land use for combined purposes**

1. The following land types may be used for combined purposes:

a) Agricultural land used in combination with commercial, service, animal husbandry, and medicinal plant cultivation purposes;

b) Public-use land used in combination with commercial and service purposes;

c) Land for construction of public service facilities used in combination with commercial and service purposes;

d) Residential land used in combination with agricultural, commercial and service purposes, and for public service purposes including business purposes;

dd) Land with waterbodies shall be used for a combination of multiple purposes in accordance with Articles 188, 189, 215 of this Law;

e) Religious land and belief-practicing land used in combination with commercial and service purposes;

g) Land prescribed in Clause 2 and Clause 3, Article 9 of this Law used for combined purposes of agriculture and construction of postal and telecommunications, technology, information, outdoor advertising, solar power infrastructure.

2. The use of land for combined purposes must:

a) Not change the land type in accordance with land classification prescribed in Clause 2 and Clause 3, Article 9 and already determined in the types of documents prescribed in Article 10 of this Law;

b) Not remove essential conditions for returning to land use for its primary purpose;

c) Not affect national defense and security;

d) Limit impacts on preserving natural ecosystems, biodiversity, and environmental landscapes;

dd) Not affect the land use of adjacent land parcels;

e) To fully fulfill financial obligations in accordance with regulations;

g) Comply with relevant law regulations.

3. In the case where a public non-business unit uses land to construct public service facilities in combination with commercial and service purposes, it must change to lease the land with annual land rental payment for the area used for such combined purposes.

4. Cases of land use in combination with commercial and service purposes as prescribed at Points a, b, c, d, dd, and e, Clause 1 of this Article shall require land use plans submitted to the competent authorities for approval. A plan to use land for combined purposes contains the following details:

a) Information about land parcel and land area currently in use: the location, area, and land use form; the land use term;

b) Area and combined purposes of land used, and the land use term for combined purposes;

c) The content must meet the requirements prescribed in the law regulations on environmental protection and other relevant law regulations.

5. The Government shall detail this Article.

### **Article 219. Contribution of land use rights and land adjustment**

1. The contribution of land use rights and land adjustment is a method of rearranging land within a specific area based on the consensus of land users to adjust all or part of their land in such area in accordance with the approved plan by the competent authority.

2. The contribution of land use rights and adjustment of land may be conducted in the following cases:

a) Concentration of agricultural land for production;

b) Implementation of projects on renovation and development of rural residential areas, expansion and upgrading of rural roads;

c) Implementation of projects on urban renovation and development; renovation, upgrading, or reconstruction of condominiums; expansion and upgrading of urban roads.

3. Conditions for contributing land use rights and adjusting land are prescribed as follows:

a) It conforms to the land use master plan and land use plan; construction master plans; urban development master plans approved by the competent authority;

b) A plan on contribution of land use rights and land adjustment is agreed upon by the land users in the tentative area and approved by the provincial-level

People's Committee in the case prescribed at Point c of this Article 2, or approved by the district-level People's Committee in the case prescribed at Point b of this Article 2.

4. A plan on contribution of land use rights and land adjustment must contain the following details:

a) The reality of land use in the area to be adjusted and the contributors of land use rights;

b) The plan to rearrange land, including the design of technical infrastructure, social infrastructure, and environmental infrastructure, the area of land such land users contribute to build technical infrastructure and provide public services;

c) Location and area of land to be received back by land users after the land adjustment plan is implemented.

5. The land area administered by State authorities or organizations in the locality, of which the land use rights are contributed or which is adjusted, shall be used as follows:

a) For construction and upgrading of infrastructure systems and public services for residential areas;

b) For auction of land use rights with respect to the remaining land area after the land is used in accordance with Point a of this Clause. The proceeds from the auction of land use rights shall be used to implement projects.

6. The contribution of land use rights and land adjustment must be subject to an investment project implemented by the community of land users themselves or in association with investors in accordance with law regulations.

7. Provincial-level and district-level People's Committees shall:

a) Provide information on the reality of land use, land use master plans and land use plans; construction master plans; urban development master plans approved by the competent authorities related to the area for which land use right are contributed or which is adjusted;

b) Grant certificates of land use rights and ownership of land-attached property under the approved plans on contribution of land use rights and land adjustment.

8. The Government shall detail this Article.

### **Article 220. Splitting a land parcel and merging land parcels**

1. The following principles and conditions must be ensured when splitting a land parcel or merging land parcels:

a) The land parcel has been granted one of the following certificates: the

certificate of land use rights, the certificate of house ownership and residential land use rights, the certificate of land use rights and ownership of houses and other land-attached property, and the certificate of land use rights and ownership of land-attached property;

b) The land parcel is still within the land use term;

c) Land that is dispute-free or neither subject to constraint to ensure the execution of judgments nor subject to provisional urgent measures of competent State authorities.

In case of disputed land, if the scope and boundaries of the disputed area can be determined, the remaining undisputed area of such land parcel is permitted to be split or merged;

d) When splitting a land parcel and merging land parcels, pathways must be available and the land parcel(s) must be connected to existing public roads and in such land parcel(s), reasonable water supply, drainage, and other necessary utilities must be ensured. In the case where the land user uses part of the residential land parcel or the land parcel with residential land and other land types therewithin as pathway, when splitting the land parcel and merging it with other land parcels, the land use purpose may not be changed for the area used as pathway.

2. In case of splitting a land parcel, in addition to the principles and conditions prescribed in Clause 1 of this Article, the following conditions must also be ensured:

a) The land parcels split from one must have a minimum area for the type of land in use in accordance with the regulations of the provincial-level People's Committee;

In the case where the land parcel to be split has an area smaller than the minimum area permitted for splitting, it must be simultaneously merged with adjacent land parcels;

b) In case of changing the land use purpose of part of the land parcel, the minimum area of the land parcel after being split must be equal to or larger than the minimum area of the land type after the land use purpose is changed. Splitting a land parcel with residential land and other land types therewithin is not mandatory when changing the land use purposes for a part of such land parcel, unless otherwise the land user wish so;

c) In the case where land use rights are divided under a judgment or ruling of the court, if the land parcels split as the result of such division do not meet the conditions nor have the area and size as prescribed by regulations, the land parcel shall not be split.

3. In case of merging land parcels, in addition to the principles and

conditions prescribed in Clause 1 of this Article, the following conditions must also be ensured:

a) Land parcels to be merged must have the same land use purpose, land use term, and land rental payment form, unless otherwise all or part of residential land and other land types on the same land parcel are merged together, and residential land and other land types on the same land parcel are merged with another residential land parcel;

b) In case of merging land parcels that are different in terms of land use purpose, land use term, and land rental payment form, the procedures for changing the land use purposes, adjusting the land use terms, and changing the land rental payment forms must be carried out simultaneously in order to unify them into one land use purpose, one land use term, and one land rental payment form as prescribed by law.

4. Provincial-level People's Committees shall, pursuant to Clauses 1, 2 and 3 of this Article and other relevant legal regulations and local customs and practices, specify the conditions and minimum area to which a land parcel may be split or land parcels may be merged for each type of land.

### **Article 221. Management of unused land**

1. Commune-level People's Committees shall be responsible for managing and protecting unused land in their respective localities, registering this in the cadastral records, and directly reporting to higher-level People's Committees on the management and exploitation of unused land.

2. Chairpersons of provincial-level People's Committees shall be responsible for the administration of unused land on islands that have not been assigned to commune- or district-level administrative units for administration.

### **Article 222. Putting of unused land into use**

1. Based on the land use master plans and land use plans approved by competent authorities, the People's Committees of all levels shall make plans to put the unused land into use.

2. The State shall encourage investment by organizations and individuals to put unused land into use in accordance with the land use master plans and land use plans approved by competent authorities.

3. For land areas planned for agricultural purposes, priority is given to individuals residing in their respective localities who have not been allocated land or lack production land.

4. The State shall adopt policies on investment in infrastructure in border areas, islands, areas with difficult socio-economic conditions, areas with extremely difficult socio-economic conditions, areas with abundance of land but few residents in order to implement plans to bring unused land into use; adopt

policies on exemption and reduction of land use levy and land rental in cases of allocating or leasing unused land for use.

5. Provincial-level People's Committees use proceeds from permitting the change of land use purposes of land for rice cultivation to other purposes and other legal funding sources for rehabilitation and utilization of unused land.

## **Chapter XIV**

### **LAND-RELATED ADMINISTRATIVE PROCEDURES**

#### **Article 223. Land-related administrative procedures**

1. Land-related administrative procedures include:
  - a) Procedures for land recovery, land allocation, land lease, change of land use purposes, extension or adjustment of land use terms;
  - b) Procedures for registration of land and land-attached property;
  - c) Procedures for grant of certificates of land use rights and ownership of land-attached property; procedures for correction, revocation, cancellation of existing certificates;
  - d) Procedures for exercising the rights of land users;
  - dd) Procedures for splitting a land parcel and merging land parcels;
  - e) Procedures for coercively enforcing decisions on compulsory land inventory and land recovery decisions;
  - g) Procedures for mediation and resolution of land disputes at administrative authorities;
  - h) Procedures for sanction of administrative violations in the field of land;
  - i) Procedures for providing land information and data;
  - k) Other land-related administrative procedures.
2. The Government shall detail this Article.

#### **Article 224. Principles for implementation of land-related administrative procedures**

1. Equality, objectivity, transparency, and close, timely, accurate coordination shall be ensured among competent authorities in the process of handling administrative procedures.

2. The methodology must be ensured to be simple, understandable, easy to implement, and integrated into the process of handling land-related administrative procedures, thereby saving time, costs, and efforts of

organizations, individuals, and competent authorities and making contributions to administrative procedure reform.

3. Organizations and individuals requesting land-related administrative procedures to be processed shall be held accountable to the law for the accuracy and truthfulness of the declarations and documents included in the dossiers submitted by them.

4. Land-related administrative procedures shall be conducted in person through the postal system or electronically, and have equal legal validity.

5. The authorities processing land-related administrative procedures shall be responsible for complying with their competence and time frame prescribed by law. They are not responsible for details of documents in the dossiers that have been previously accepted, appraised, approved, or processed by other competent authorities or persons.

#### **Article 225. Publicization and public disclosure of land-related administrative procedures**

1. Administrative procedures regarding land, after being approved by the competent authorities, must be publicized in accordance with the regulations of the Government on control of administrative procedures.

2. Details of administrative procedures that need to be publicized include:

a) The competent authority receiving applications and delivering results; the authority proceeding with administrative procedures; the entities/persons performing administrative procedures;

b) Time for handling each of the administrative procedures;

c) Composition and quantity of documents in the dossier for each of the administrative procedures;

d) The process and responsibilities for settling each of the administrative procedures;

dd) Financial obligations, charges and fees payable for each of the administrative procedures;

e) Other details of the set of administrative procedures (if any).

3. Regulations in Clause 2 of this Article must be publicized by regularly displaying at the offices of the authorities where the dossiers are received and the results are returned; and posting on the National Public Service Portal, ministerial- or provincial-level public service portal, and websites of district- and commune-level People's Committees.

#### **Article 226. Responsibilities for implementing land-related administrative procedures**

1. Ministries and sectoral authorities shall, within the ambit of their functions, tasks and powers, coordinate in the direction, guidance and examination of the implementation of land-related administrative procedures to ensure consistency of the land-related administrative procedures with other related administrative procedures.

2. People's Committees at all levels shall direct, guide, examine and implement administrative procedures in the localities and grant regulations on the coordination among relevant local authorities in settling land-related administrative procedures and other related administrative procedures; and organize the implementation of such administrative procedures electronically.

3. Competent authorities in charge of processing land-related administrative procedures shall strictly follow the prescribed order and procedures, and publicize the results of the administrative procedures they have processed.

### **Article 227. Process and procedures for permitting change of land use purposes**

The change of land use purposes must be permitted by the state authority as prescribed in this Law following the below process and procedures:

1. A land user submits the application for change of land use purposes in accordance with regulations.

2. The authority in charge of land administration checks the conditions for change of land use purposes. In the case where the application is incomplete, the land user shall be guided to supplement and resubmit it to the authority in charge of land administration.

3. Authorities in charge of land administration shall:

a) In the case where land prices in the land price list are applied to calculate land use levy or land rental, the authority in charge of land administration shall prepare a dossier and submit it to the competent People's Committee for issuing a decision to permit the change of land use purposes, or the land allocation or land lease;

b) In the case where specific land prices are determined to calculate land use levy or land rental, the authority in charge of land administration shall prepare a dossier and submit it to the competent People's Committee for issuing a decision to permit the change of land use purposes, or on land allocation or land lease; organize the determination of land prices and submit land prices to the competent authority for calculation of land use levy or land rental.

4. Land users pay land use levy and land rental in accordance with law regulations. In case of reduction of land use levy or land rental, the authority collecting land use levy or land rental shall reduce such land use levy or land

rental for the land users.

5. The authorities in charge of land administration shall sign land lease contracts in the case where the state leases land; transfer dossiers to land registries or branches of land registries to carry out the registration, grant certificates of land use rights and ownership of land-attached property, update and adjust land database and cadastral records, and deliver the certificates of land use rights and ownership of land-attached property to land users.

6. In case of acquiring land use rights and changing land use purposes, the procedures for land use right transfer registration shall be conducted simultaneously with the procedures for land use purpose change as prescribed in this Article.

**Article 228. Procedures for land allocation and lease without auction of land use rights or without bidding to select investors to implement land-using projects, and cases of land allocation and lease through bidding to select investors to implement land-using projects;**

Allocation or land lease by the State in the cases prescribed in Articles 124 and 126 of this Law shall be conducted in the following process and procedures:

1. Organizations and individuals submit applications for land allocation or lease;

2. Authorities in charge of land administration shall:

a) Review and examine dossiers and retrieve the measurements and data. In the case where organizations and individuals request land allocation and lease but lack relevant documents, they shall guide them to supplement the documents;

b) In the case where land prices in the land price list are applied to calculate land use levy or land rental, the authority in charge of land administration shall prepare a dossier and submit it to the competent People's Committee for issuing a decision on land allocation or land lease, and submit the certificate of land use rights and ownership of land-attached property for signature;

c) In the case where specific land prices are determined to calculate land use levy or land rental, the authority in charge of land administration shall prepare a dossier and submit it to the competent People's Committee for issuing a decision on land allocation or land lease; organize the determination of land prices and submit land prices to the competent authority for calculation of land use levy or land rental, and submit the certificate of land use rights and ownership of land-attached property for signature;

3. Land users pay land use levy and land rental in accordance with law regulations. In case of reduction of land use levy or land rental, the authority collecting land use levy or land rental shall reduce such land use levy or land rental for the land users;

4. The authority in charge of land administration transfers dossiers to land registries or branches of land registries to update and adjust land database and cadastral records, signs land lease contracts in case of land lease by the State; organizes the handover of land in reality, and grants certificates of land use rights and ownership of land-attached property to land users.

### **Article 229. Procedures for land allocation and lease through auction of land use rights**

1. Preparation for holding an auction of land use rights is conducted as follows:

a) The unit authorized to administer the land fund shall develop a plan for auction of land use rights and submit it to the competent authority for approval;

b) The unit assigned to organize the auction of land use rights shall be responsible for preparing documents of the land area of which land use rights are to be auctioned, and sending them to the authority in charge of land administration for escalation thereof to the competent People's Committee for decision on the auction of land use rights;

c) The authority in charge of land administration organizes the determination of the starting price for the land area to be auctioned and submits it to the competent People's Committee for approval;

d) Based on the proposal of the authority in charge of land administration, the competent People's Committee decides to auction land use rights;

dd) The unit assigned to organize the auction of land use rights shall be responsible for selecting and signing a contract to hire another unit or organization to conduct the auction of land use rights.

2. The unit or organization holding the auction of land use rights shall be responsible for holding it in accordance with law regulations on property auction.

3. The results of the auction of land use rights shall be recognized as follows:

a) The unit assigned to organize the auction of land use rights shall prepare and submit a dossier to authority in charge of land administration for the latter to escalate it to the competent People's Committee which then issues the decision on recognition of the auction results;

b) The competent People's Committee shall sign and issue a decision on recognition of the results of the successful auction of land use rights to be sent to the authority in charge of land administration, the unit assigned to organize the auction of land use rights, the tax authority, and the winner of the auction of land use rights.

4. The auction winner shall pay the land use levy or the land rental as

prescribed by law.

5. After the auction winner has completed the payment of the land use levy or land rental, the authority in charge of land administration shall:

a) Submit to the competent People's Committee for issuance of a land allocation or land lease decision and signing of a certificate of land use rights and ownership of land-attached property;

b) Send the dossiers to the land registry or its branch to update and adjust the land database and cadastral records as prescribed;

c) Sign a land lease contract in case of leasing land.

6. The authority in charge of land administration shall assume the prime responsibility for, and coordinate with the organizer of the auction of land use rights and the commune-level People's Committee of the locality where the land is located to hand over the land in reality and grant the certificate of land use rights and ownership of land-attached property to the winner of the auction of land use rights.

## Chapter XV

### **MONITORING, EVALUATION, AND ASSESSMENT OF LAND MANAGEMENT AND USE; INSPECTION, EXAMINATION, AND AUDITING; RESOLUTION OF DISPUTES, SETTLEMENT OF COMPLAINTS AND DENUNCIATIONS, AND HANDLING OF VIOLATIONS OF LAW REGULATIONS ON LAND**

#### Section 1

##### **SUPERVISION, MONITORING AND EVALUATION OF LAND ADMINISTRATION AND USE**

**Article 230. Supervision of the National Assembly, the Vietnam Fatherland Front, and People's Councils at all levels regarding land administration and use**

The National Assembly, the Vietnam Fatherland Front and its member organizations, the People's Councils at all levels shall supervise land administration and use as prescribed by the Constitution, the Law on Supervision of the National Assembly and People's Councils, the Law on the Vietnam Fatherland Front, and the Law on Organization of Local Administration.

##### **Article 231. Supervision by citizens of land administration and use**

1. Citizens may supervise land administration and use, and report on,

request or petition competent authorities for handling of, wrongdoings and violations in land administration and use by themselves or through representative organizations.

2. The supervision, reporting, and sending of requests and petitions must ensure objectivity, honesty and lawfulness. Citizens may not abuse the right to supervise and report to lodge complaints and denunciations illegally or negatively affect social order. Citizens shall take responsibility before law regulations for the accuracy of the information they have reported.

3. The supervision of the land administration and use by citizens covers the following details:

- a) Formulation, adjustment, publicization, and implementation of land use master plans and land use plans;
- b) Land allocation, land lease, and permission for change of land use purpose;
- c) Land recovery, compensation, support and resettlement;
- d) The registration of land and land-attached property, and grant of the certificate of land use rights, the certificate of house ownership and residential land use rights, the certificate of house ownership, the certificate of ownership of constructions, the certificate of land use rights and ownership of houses and other land-attached property, and the certificate of land use rights and ownership of land-attached property;
- dd) Collection of, exemption from, or reduction of, land use levy, land rental and land-related taxes, and land valuation;
- e) Implementation of administrative procedures related to the rights and obligations of land users.

4. The forms of supervision of the land administration and use by citizens include:

- a) Directly exercising the right to supervision through reporting to authorities or persons with settling competence;
- b) Sending petitions to the lawful representative organizations for these organizations to conduct the supervision.

5. The competent State authorities, when receiving feedback and recommendations from citizens and organizations representing the citizens, shall:

- a) Receive and classify, then examine, settle and respond to them in writing depending on their competence;
- b) Forward the petitions to competent State authorities for settlement, for cases falling beyond their competence;

c) Notify the results to the reporting organizations, individuals, or petitioners.

### **Article 232. Monitoring and evaluation of the land administration and use**

1. Monitoring and evaluation of the land administration and use means the utilization of information in the land administration and use and the supervision thereof to evaluate the implementation of the law regulations on land, the efficiency of land administration and use, and the impacts of land policies and law regulations on the economy, society and environment on both national and local scales.

2. Details of monitoring and evaluation include:

a) Organization and implementation of law regulations on land by State authorities administering land;

b) Compliance with law regulations on land by land users;

c) Effectiveness of land administration and use; impact of land policies and law regulations on the economy, society, and environment;

d) Actual examination and supervision by citizens of land administration and use.

3. Monitoring and evaluation shall be conducted on an annual basis.

4. Responsibilities for monitoring and evaluation of land administration and use are prescribed as follows:

a) The Ministry of Natural Resources and Environment shall be responsible for assisting the Government in monitoring and evaluating land administration and use in provinces and municipalities; land use for important national projects approved, and for which the investment policies are endorsed, by the National Assembly and the Prime Minister, and large-scale projects using large land areas;

b) Provincial-level People's Committees organize the monitoring and evaluation of land administration and use at the district-level localities; evaluate land administration and use in the provincial-level localities;

c) District-level localities People's Committees organize the monitoring and evaluation of land administration and use at the commune level; evaluate the land administration and use in the district-level localities;

d) Commune-level People's Committees organize the monitoring and evaluation of land administration and use in the commune-level localities.

5. The Government shall detail this Article.

### **Article 233. System of monitoring and evaluation of the land administration and use**

1. The system of monitoring and evaluation of the land administration and use is part of the National Land Information System and other information collected during the implementation of the law regulations on land throughout the country, including:

a) Information on land use master plans and land use plans, land statistics and inventories, land prices and land taxes; land allocation, land lease, land recovery, permission for change of land use purpose, grant of the certificates of land use rights, the certificates of house ownership and residential land use rights, the certificates of house ownership, the certificates of ownership of constructions, the certificates of land use rights and ownership of houses and other land-attached property, and the certificates of land use rights and ownership of land-attached property; implementation of land-using investment projects; observance of the land law regulations; State administrative authorities' examination, inspection and handling of land-related violations;

b) Information on the resolution of land-related disputes, denunciations, and complaints;

c) Information from the supervision of the implementation of law regulations on land by the citizens; the National Assembly, People's Councils at all levels, Vietnam Fatherland Front and its member organizations, and other relevant organizations;

d) Necessary information which needs to be collected by technology solutions including aerial photography from satellites, aircraft and other flying craft; collected through field surveys and by other technical equipment;

dd) Necessary information from sociological surveys on land administration and use.

2. Authorities in charge of land administration shall be responsible for updating information in the system of monitoring and evaluation of the land administration and use into the National Land Information System; managing the system of monitoring and evaluation; assisting the Government and People's Committees at all levels in monitoring and evaluating land administration and use.

3. The system for land administration and use monitoring and evaluation shall be publicly available for organizations and individuals to search information thereon in accordance with law regulations.

## Section 2

### **INSPECTION, EXAMINATION, AUDITING, RESOLUTION OF LAND-RELATED DISPUTES, COMPLAINTS, DENUNCIATIONS**

## **Article 234. Land-related specialized inspection and examination, land auditing**

1. Specialized land inspection means inspection conducted by competent state authorities toward authorities, organizations and individuals regarding their observance of the law regulations on land and professional, technical and management regulations and principles in the field of land.

2. Specialized land examination means a regular, continuous activity of authorities, organizations, units, and individuals assigned the task of land administration to urge the implementation of policies and law regulations on land; and the tasks of authorities, organizations, and individuals, thereby contributing to enhancing the effectiveness and efficiency of State governance; detecting, preventing, and promptly handling violations in land administration and use.

3. Responsibilities for directing and organizing land-related specialized inspection and examination are prescribed as follows:

a) The Ministry of Natural Resources and Environment shall direct and organize the implementation of specialized land inspection and examination nationwide;

b) Provincial-level authorities in charge of land administration shall be responsible for organizing land-related specialized inspection and examination;

c) District-level authorities in charge of land administration shall be responsible for organizing land-related specialized examination.

4. The specialized land inspection covers the following details:

a) Inspection and examination of the observance of the land law regulations by People's Committees at all levels;

b) Inspection and examination of the observance of the land law regulations by land users and other related organizations and individuals;

c) Inspection and examination of the observance of professional and technical regulations, techniques and management principles in the field of land.

5. Specialized land inspection and examination cover the following tasks:

a) To inspect and examine the observance of the land law regulations by State authorities and land users in land administration and use;

b) To urge the implementation of guidelines, policies and law regulations related to land; to detect, prevent and handle violations of the land law regulations in accordance with their competence or propose the settlement of violations to competent State authorities.

6. The responsibilities and powers of leaders of inspection teams, inspectors, civil servants performing land inspection, and the process and procedures for land inspection comply with the law regulations on inspection.

7. The State Audit shall conduct audits of land administration and use in accordance with the Law on State Audit and other relevant legal regulations.

8. The Government shall detail land-related specialized inspection.

### **Article 235. Mediation of land disputes**

1. The State encourages disputing parties to mediate land disputes themselves or through grassroots mediation as prescribed by law regulations on grassroots mediation, mediation as prescribed by law regulations on commercial mediation, or other mediation mechanisms as prescribed by law.

2. Before the competent State authorities resolve land disputes as prescribed in Article 236 of this Law, disputing parties must conduct mediation at the commune-level People's Committee of the locality where the disputed land is located. The mediation of land disputes at the commune-level People's Committee of the locality where the disputed land is located is conducted as follows:

a) Upon receiving a request for mediation of land disputes, the chairperson of the commune-level People's Committee shall establish a council for mediation of land disputes to conduct the mediation;

b) A council for land dispute mediation shall have the chairperson or vice chairperson of the commune-level People's Committee as its chairperson, a representative of the commune-level Vietnam Fatherland Front Committee, a civil servant performing cadastral work, a long-term resident familiar with the origin and use history of the disputed land (if any) as its members. On a case-by-case basis, representatives of other organizations and other individuals may be invited to participate in the council for land dispute mediation;

c) Mediation conduct at the commune-level People's Committees shall be completed within 30 days from the date the commune-level People's Committees receive a request for mediation of land disputes;

d) The mediation process must be recorded in writing with signatures of all parties to the mediation and certified by the commune-level People's Committee on the result, either a successful or unsuccessful mediation. The written record of mediation shall then be sent to the involved parties and archived at the commune-level People's Committee concerned;

dd) In the case where mediation fails and one or more disputing parties do not sign the written record of mediation, the chairperson of the council and the mediators must sign such written record and affix the seal of the commune-level People's Committee, and then send it to the disputing parties.

3. Mediation of land disputes at the court is conducted in accordance with law regulations on mediation and dialogue at court, and the law regulations on civil proceedings. Mediation of disputes arising from commercial activities

related to land through commercial mediation is conducted in accordance with the law regulations on commercial mediation.

4. In case of mediating land disputes as prescribed in Clauses 1, 2, and 3 of this Article but mediation is successful and changes are made to the current state regarding boundaries, area of land and land users, within 30 working days from the date of receiving the acknowledgment of successful mediation, the participating parties must send the acknowledgment of successful mediation to the competent State authority to carry out registration and grant of the certificate of land use rights and ownership of land-attached property in accordance with the regulations.

5. In localities where commune-level administrative units under the district-level People's Committees are not established, Clause 2 of this Article shall not apply. The competence to resolve land-related disputes must comply with Article 236 of this Law.

### **Article 236. Competence to settle land disputes**

1. Land disputes where the disputing parties or one of the disputing parties holds/hold the certificate(s) of land use rights, the certificate(s) of house ownership and residential land use rights, the certificate(s) of house ownership, the certificate(s) of ownership of constructions, the certificate(s) of land use rights and ownership of houses and other land-attached property, and the certificate(s) of land use rights and ownership of land-attached property or one of the documents prescribed in Article 137 of this Law, and disputes over land-attached property shall be resolved by the courts.

2. Land disputes where the disputing parties neither hold the certificates of land use rights, the certificates of house ownership and residential land use rights, the certificates of house ownership, the certificates of ownership of constructions, the certificates of land use rights and ownership of houses and other land-attached property, and the certificates of land use rights and ownership of land-attached property nor one of the documents prescribed in Article 137 of this Law shall, depending on the choice of the disputing parties, be resolved by either of the following land dispute resolution methods:

a) Filing a written request for dispute settlement with a competent People's Committee as prescribed in Clause 3 of this Article;

b) Filing a lawsuit with a competent court in accordance with the law regulations on civil procedures.

3. In the case where the parties to a dispute choose dispute resolution at a competent People's Committee, such land dispute shall be resolved as follows:

a) Chairpersons of the district-level People's Committees shall resolve disputes between households, individuals, or communities with each other. After a period of 30 days from the date of receiving the decision on dispute resolution

of the chairperson of the district-level People's Committee, if the disputing parties do not initiate a lawsuit or appeal as prescribed in this Point, the decision on dispute resolution of the chairperson of the district-level People's Committee shall come into effect.

In the case where they disagree with the decision on dispute resolution, within 30 days from the date of receiving the decision on dispute resolution of the chairperson of the district-level People's Committee, the disputing parties may initiate a lawsuit at the court in accordance with law regulations on administrative proceeding or appeal to the chairperson of the provincial-level People's Committee. The decision on dispute resolution of the chairperson of the provincial-level People's Committee shall come into effect.

b) Disputes of which one of the disputing parties is an organization, a religious institution or their sub-organization, a foreign resident of Vietnamese origin, or a foreign-invested economic institution shall be resolved by chairpersons of the provincial-level People's Committees. After a period of 30 days from the date of receiving the decision on dispute resolution of the chairperson of the provincial-level People's Committee, if the disputing parties do not initiate a lawsuit or appeal as prescribed in this Point, the decision of the chairperson of the provincial-level People's Committee shall come into effect.

In the case where they disagree with the decision on dispute resolution, within 30 days from the date of receiving the decision on dispute resolution of the chairperson of the provincial-level People's Committee, the disputing parties may initiate a lawsuit at the court in accordance with law regulations on administrative proceeding or appeal to the Minister of Natural Resources and Environment. The decision on dispute resolution of the Minister of Natural Resources and Environment shall come into effect.

4. The chairpersons of the district-level People's Committees, the chairpersons of the provincial-level People's Committees, the Minister of Natural Resources and Environment when resolving land disputes as prescribed in Clause 3 of this Article must issue decisions on dispute resolution. The legally effective decision on dispute resolution must be strictly complied by the parties. If the party/parties fail(s) to abide by the dispute resolution decision after 30 days from its effective date, coercive enforcement shall be applied.

The chairperson of the district-level People's Committee issues decisions on coercive enforcement of the land dispute resolution decisions, and organizes the execution of such decisions.

5. Disputes between the parties arising from commercial activities related to land shall be resolved by the courts in accordance with law regulations on civil proceedings or by Vietnamese commercial arbitration in accordance with law regulations on commercial arbitration.

6. The People's Committees at all levels shall be responsible for providing relevant documents and materials related to land administration and use when requested by the courts and Vietnamese commercial arbitration to serve as the basis for resolving land disputes.

7. The Government shall detail resolution of disputes under the jurisdiction of the chairpersons of the district-level People's Committees, the chairpersons of the provincial-level People's Committees, and the Minister of Natural Resources and Environment as mentioned in this Article.

### **Article 237. Settlement of complaints and initiation of lawsuits related to land administration**

1. Land users and people who have land use-related rights and obligations are entitled to lodge complaints about, or file lawsuits against, administrative decisions or administrative acts in land administration.

2. The order and procedures for settling complaints about administrative decisions or administrative acts related to land administration comply with the law regulations on complaints. The order and procedures for initiating lawsuits against administrative decisions or administrative acts related to land administration shall comply with the law regulations on administrative procedures.

3. The collection, preservation, use and storage of records and documents related to the settlement of complaints about land administration shall comply with law regulations on complaints.

### **Article 238. Settlement of denunciations about land administration and use**

1. Individuals are entitled to denounce violations of law regulations on land administration and use.

2. The settlement of denunciations about violations of law regulations on land administration and use shall comply with law regulations on denunciations.

3. The collection, preservation, use and storage of records and documents related to the settlement of denunciations about land administration and use shall comply with law regulations on denunciations.

## **Section 3**

### **HANDLING OF LAND-RELATED LAW VIOLATIONS**

#### **Article 239. Handling of violators of land law regulations**

Persons who commit violations of law regulations on land shall, depending

on the nature and seriousness of their violations, be disciplined, administratively sanctioned or examined for penal liability, and compensate for any possible damages in accordance with law regulations.

#### **Article 240. Handling of persons who commit law violations regarding land administration while on duty**

1. Those who commit violations of the law regulations on land administration while on duty shall, depending on the nature and seriousness of their violations, be disciplined or examined for penal liability in accordance with law for the following violations:

a) Taking advantage of or abusing positions and powers in violation of law regulations in making land use master plans and land use master plans, allocation and lease of land, change of land use purposes, land recovery, land requisition, compensation, support, resettlement, determination of financial obligations related to land, management of cadastral records, registration and grant of certificates of land use rights, certificates of house ownership and residential land use rights, certificates of house ownership, certificates of ownership of constructions, certificates of land use rights and ownership of houses and other land-attached property, certificates of land use rights and ownership of land-attached property, and issuance of administrative decisions in land administration;

b) Lacking responsibility in management which lets violations of land law regulations occur, or committing other acts which cause damage to the interests of the State or the legitimate rights and obligations of land users;

c) Violating regulations on invitation to comment, publicization and disclosure of information; violating regulations on administrative process and procedures; violating reporting regulations in land administration.

2. The Government shall detail violations of the law regulations on land administration while on duty that are subject to disciplinary actions as mentioned in Clause 1 of this Article.

#### **Article 241. Responsibilities for detecting, preventing and handling violations of law regulations on land administration and use**

1. Chairpersons of People's Committees at all levels shall:

a) Chairpersons of the provincial- and district-level People's Committees shall detect, prevent and promptly handle violations of the law regulations on land administration and use in their respective localities within their competence;

b) Chairpersons of the commune-level People's Committees shall be responsible for regularly inspecting, detecting, preventing and handling in a timely manner within their competence the non-registration of land; land encroachment, unauthorized land occupation, and land destruction; improper use

of land not for intended purposes; illegal transfer and acquisition of land use rights and other violations of law regulations on land committed by land users.

2. Heads of provincial- and district-level authorities in charge of land administration shall be responsible for inspecting, supervising, and guiding the performance of official duties of cadres and civil servants; resolving complaints, denunciations, and proposals from individuals and organizations regarding land administration and use in a timely, lawful, and authorized manner, or recommending competent authorities to resolve them; handling violations related to land administration and use within their respective localities within the ambit of their competence.

3. Commune-level civil servants performing cadastral work and public employees of authorities in charge of land administration at all levels shall be responsible for identifying and proposing timely penalties to violations of law regulations on land.

**Article 242. Acknowledgment and handling of violations of heads, civil servants, public employees of authorities in charge of land administration at all levels and commune-level civil servants performing cadastral work**

1. Organizations and individuals who detect violations by civil servants and public employees of authorities in charge of land administration at all levels, and commune-level civil servants performing cadastral work in land administration may submit petitions to the competent authorities in accordance with the following regulations:

a) For violations committed by commune-level civil servants performing cadastral work, the petitions shall be sent to the chairpersons of the respective commune-level People's Committees;

b) For violations committed by civil servants or public employees working at an authority in charge of land administration, the petitions shall be sent to the director of the land administration authority concerned;

c) For violations committed by the director of an authority in charge of land administration, the petition shall be sent to the chairperson of the People's Committee of the same level.

2. Within 30 days after receiving a petition, the chairperson of the People's Committee or the head of the authority in charge of land administration prescribed in Clause 1 of this Article shall consider processing such petition and notify the results thereof to the petitioner.

**Chapter XVI**  
**IMPLEMENTATION PROVISIONS**

## Section 1

### AMENDMENTS AND SUPPLEMENTS TO A NUMBER OF ARTICLES OF THE NATIONAL ASSEMBLY'S LAWS AND RESOLUTIONS RELATED TO LAND

**Article 243. Amendments and supplements to a number of articles of Law No. 21/2017/QH14 on Planning, of which a number of articles were amended and supplemented under Law No. 15/2023/QH15, Law No. 16/2023/QH15 and Law No. 28/2023/QH15**

1. To amend and supplement Clause 2, Article 24 as follows:

“2. A national land use master plan contains the following principal details:

a) Analysis and assessment of factors, natural conditions, resources, direct contextual factors that cause impacts, and the reality of land use in various sectors and fields;

b) Forecasting of trends in changes in land use;

c) Determination of viewpoints and goals for land use in the new period;

d) Land use orientation for the whole country and each socio-economic region, land use vision to meet land use needs for socio-economic development; assurance of national defense and security; environmental protection and adaptation to climate change;

dd) Determination of land use quotas for agricultural and non-agricultural land; including certain land types such as land for rice cultivation, land for special-use forests, land for protection forests, land for natural production forests, land for national defense, and land for security;

e) Solutions and resources for implementation of the Master Plan.”.

2. To amend and supplement a number of Clauses of Article 25 as follows:

a) To amend the first paragraph of Article 4 as follows:

“4. National resource use master plans, except for land use master plans for national defense and security purposes, shall contain the following details:”.

b) To add Clause 4a after Clause 4 as follows:

“4a. A land use master plan for national defense or a land use master plan for security contains the following principal details:

a) Orientations for use of land for national defense or security;

b) Determination of land use demands for national defense or security purpose in the planning period in accordance with the national development

master plan; national defense and security tasks and national plans for socio-economic development;

c) Phasing the national defense and security land use master plans into five-year plans;

d) Solutions and resources for implementation of the land use master plan for national defense or the land use master plan for security purpose.”.

c) To amend and supplement Article 7 as follows:

“7. The Government shall detail national sectoral master plans mentioned in Clauses 3, 4, 4a, 5, and 6 of this Article; and prescribe the integration of the master plans into such national sectoral master plans.

The formulation, appraisal, approval, and adjustment of technical and specialized master plans in order to implement the details prescribed in Clauses 3, 4, 4a, 5, and 6 of this Article shall comply with relevant law regulations.”.

3. To amend and supplement Point 1, Clause 2, Article 27 as follows:

“1) Land use orientation for each district-level administrative unit;”.

4. Adding sequential number 1a before number 1 of Appendix II on the list of master plans with technical and specialized nature as follows:

<b>No.</b>	<b>NAME OF MASTER PLAN</b>	<b>REGULATORY DOCUMENT</b>
1a.	Provincial-level land use master plans	Land Law No. 31/2024/QH15

#### **Article 244. Amendments and supplements to Clause 4, Article 44 of the Law No. 18/2017/QH14 on Fisheries**

“4. The period of allocation of a marine area for aquaculture must not exceed 50 years, counting from the effective date of the allocation decision. Upon the expiration of this period, the State may consider extending it if the organization or individuals concerned wishes to continue using the allocated marine area for aquaculture. Multiple extensions may be granted but must not exceed 20 years. The period of allocation of marine areas to Vietnamese organizations and individuals for performing aquaculture-serving scientific and technological tasks must not exceed the performance period of these tasks as approved by competent authorities.”.

#### **Article 245. Amendments and supplements to a number of articles of Law No. 77/2015/QH13 on Organization of Local Administration, of which a number of articles were amended and supplemented under Law No. 21/2017/QH14, Law No. 47/2019/QH14 and Resolution No. 96/2023/QH15**

1. To amend and supplement Point h, Clause 3, Article 19 as follows:

“h) Approve the socio-economic development plans and annual land use plans of the province before submitting them to the Prime Minister for approval;

decide on measures for the management and use of land, water resources, mineral resources, benefits from the sea and airspace, and other natural resources, and environmental protection within the scope of decentralization.".

2. To amend and supplement Point a, Clause 2, Article 26 as follows:

"a) Approve the medium-term and annual socio-economic development plans of the district and the land use plans of the district before submitting them to the provincial-level People's Committee for approval;".

3. To amend and supplement Clause 2, Article 40 as follows:

"2. Approve the land use plans of the municipality in accordance with the Land Law before submitting them to the Prime Minister for approval.".

4. To add Clause 2a following Clause 2, Article 42 as follows:

"2a. Approve the land use plans of the districts under their jurisdiction in accordance with the Land Law.".

5. To amend and supplement Article 129 as follows:

**"Article 129. Competence to decide on the establishment, dissolution, merger, division, adjustment of boundaries, naming, and renaming of administrative units**

1. The National Assembly decides on the establishment, dissolution, merger, division, and adjustment of boundaries of provincial-level administrative units; naming and renaming of provincial-level administrative units.

2. The Standing Committee of the National Assembly decides on the establishment, dissolution, merger, division, and adjustment of district- and commune-level administrative unit boundaries; naming and renaming of district- and commune-level administrative units.

3. The Government submits to the National Assembly or the Standing Committee of the National Assembly the decisions on the establishment, dissolution, merger, division, and adjustment of boundaries of administrative unit; the naming and renaming of administrative units as prescribed in Clause 1 and Clause 2 of this Article.".

**Article 246. Amendments and supplements to Clause 4, Article 106 of Law No. 26/2008/QH12 on Civil Judgment Enforcement, of which a number of articles were amended and supplemented under Law No. 64/2014/QH13, Law No. 23/2018/QH14, Law No. 67/2020/QH14 and Law No. 03/2022/QH15**

To amend and supplement Clause 4, Article 106 as follows:

"4. In the case where the property is land use rights or land-attached property eligible for a certificate but such a certificate has not yet been granted for the first time, the judgment execution agency shall be responsible for requesting the competent authority to grant a certificate of land use rights and

ownership of land-attached property for the first time to the person who bought the property subject to judgment execution or the person who received the property under the judgment in accordance with law regulations.

In the case where the property is land use rights or land-attached property for which a certificate has been granted but cannot be revoked, the judgment execution agency shall be responsible for requesting the competent authority to revoke or cancel the existing certificate and grant a new certificate of land use rights and ownership of land-attached property to the person who bought the property subject to judgment execution or the person who received the property under the judgment in accordance with law regulations.”.

**Article 247. Amendments and supplements to Clause 1, Article 14 of Law No. 04/2007/QH12 on Personal Income Tax, of which a number of articles are amended and supplemented under Law No. 26/2012/QH13 and Law No. 71/2014/QH13**

To amend and supplement Clause 1, Article 14 as follows:

“1. Taxable income from real estate transfer shall be deemed the time-to-time transfer price. In case of transfer of land use rights, the taxable income shall be calculated at the land price in the land price list.”.

**Article 248. Amendments and supplements to a number of articles of Law No. 16/2017/QH14 on Forestry, of which a number of articles were amended and supplemented under Law No. 16/2023/QH15**

1. To amend and supplement Clause 1 and Clause 2 of Article 14 as follows:

“1. It conforms to the national forestry master plans or provincial development master plans or district-level land use master plans.

2. The land use purposes of natural forest land shall not be changed to other purposes, except for the following projects: projects of national importance; projects serving national defense and security; other necessary projects meeting the criteria prescribed by the Government.”.

2. To amend and supplement Clause 1, Article 15 as follows:

“1. The plans for forest allocation, forest lease, conversion of forest land use to other purposes of the district-level People's Committees approved by the provincial-level People's Committees or the district-level annual land use plans approved by the competent authorities.

3. To add Point dd after Point d, Clause 2 of Article 16 as follows:

“dd) Management Board of Special-Use Forests for protection forests interspersed within the special-use forest area.”.

4. To amend and supplement Clause 1, Article 19 as follows:

“1. It conforms to the national forestry master plans or provincial development master plans or district-level land use master plans.”.

5. To amend and supplement Article 20 as follows:

**“Article 20. Competence to decide on the policy of changing forest land use purpose to other purposes**

Provincial-level People's Councils decide on the policies of changing the use purposes of forests to other purposes, unless otherwise the projects must be approved or their investment policies must be endorsed by the National Assembly, the Prime Minister, and the provincial-level People's Councils in accordance with the Law on Investment, the Law on Public Investment, the Law on Public-Private Partnership Investment, and the Law on Gas and Oil.”.

6. To amend and supplement a number of Clauses of Article 23 as follows:

a) To amend and supplement Point a, Clause 1 as follows:

“a) Allocate and lease forests, and change the use purposes of forests to other purposes, and reclaim forests from organizations, unless otherwise prescribed at Point c, Clause 2 of this Article;”;

b) To amend and supplement Clause 2 as follows:

“2. District-level People's Committees have the competence to:

a) Allocate and lease forests, and change the use purposes of forests to other purposes to households and individuals;

b) Allocate and lease forests, and change the use purposes of forests to other purposes to communities;

c) Reclaim forests in case of land recovery with forests under the competence of the district-level People's Committees in accordance with the Land Law.”.

7. To amend and supplement the title of Article, Clause 5, and add Clause 6 after Clause 5 to Article 53, as follows:

a) To amend and supplement the title of Article 53 as follows:

**“Article 53. Activities of scientific research, teaching, practice, eco-tourism, recreation, entertainment, and nurturing, planting, development, and harvesting of medicinal plants in special-use forests”;**

b) To amend and supplement Clause 5 and add Clause 6 after Clause 5 as follows:

“5. May construct structures for ecotourism, entertainment, and resorts. The procedures for building, appraising, and approving eco-tourism, resort and entertainment projects and managing constructions serving eco-tourism, retreat

and entertainment in special-use forests shall comply with the Forest Management Regulations and other relevant legal regulations.

6. The following regulations apply to the cultivation, planting, development, and harvesting of medicinal plants in special-use forests:

a) Forest owners shall develop plans for the cultivation, planting, development, and harvesting of medicinal plants in special-use forests and submit them for approval by the competent authorities;

b) Forest owners shall organize themselves, or cooperate or form joint ventures with, or lease the forest environment to organizations and individuals for the cultivation, planting, development, and harvesting of medicinal plants or for the organization of scientific research activities;

c) The activities of cultivation, planting, developing and harvesting medicinal plants in special-use forests shall comply with the Forest Management Regulations and other relevant legal regulations.".

8. To amend and supplement the title of Article, Clause 5, and add Clause 6 after Clause 5 to Article 56 as follows:

a) To amend and supplement the title of Article 56 as follows:

**"Article 56. Activities of scientific research, teaching, practice, eco-tourism, recreation, entertainment, and cultivation, planting, and development of medicinal plants in protection forests";**

b) To amend and supplement Clause 5 and add Clause 6 after Clause 5 as follows:

"5. May construct structures for ecotourism, entertainment, and resorts. The procedures for building, appraising, and approving eco-tourism, resort and entertainment projects and managing constructions serving eco-tourism, retreat and entertainment in protection forests shall comply with the Forest Management Regulations and other relevant legal regulations.

6. The following regulations apply to the cultivation, planting, and development of medicinal plants in protection forests:

a) Forest owners shall develop plans for the cultivation, planting, and development of medicinal plants in protection forests and submit them for approval by the competent authorities;

b) Forest owners shall organize themselves, or cooperate or form joint ventures with, or lease the forest environment to organizations and individuals for planting, and development of medicinal plants or for the organization of scientific research activities;

c) The activities of raising, planting, and developing medicinal plants in protection forests shall comply with the Forest Management Regulations and other relevant legal regulations.”.

9. To amend and supplement Clause 4, Article 60 as follows:

“4. May organize themselves, or cooperate, form joint ventures or partnerships with, or lease forests or forest environments to organizations and individuals in line with the rights of forest owners to engage in ecotourism, recreation, entertainment, or cultivation, planting, and development of medicinal plants, or for the organization of scientific research activities, but not affect the land use purposes as prescribed by the law regulations on land.”.

**Article 249. Amendments and supplements to Clause 3, Article 6 of the Law No. 48/2010/QH12 on Non-Agricultural Land Use Tax**

To amend and supplement Clause 3, Article 6 as follows:

“3. The price of 1 square meter of land shall be equal to the land price in the land price list for the respective land use purpose and stabilized in a 5-year cycle.

**Article 250. Amendments and supplements to Clause 3, Article 29 of Law No. 61/2020/QH14 on Investment, of which a number of articles were amended and supplemented under Law No. 72/2020/QH14, Law No. 03/2022/QH15, Law No. 05/2022/QH15, Law No. 08/2022/QH15, Law No. 09/2022/QH15, Law No. 20/2023/QH15, Law No. 26/2023/QH15, Law No. 27/2023/QH15 and Law No. 28/2023/QH15**

To amend and supplement Clause 3, Article 29 as follows:

“3. Competent authorities shall carry out procedures for approval of investors in the following cases:

a) Unsuccessful bidding of land use rights as prescribed by the Land Law;

b) There is only one investor who is eligible for being invited to express interests in the case where the law regulations governing the respective sector or field requires the determination of the quantity of interested investors when carrying out procedures to select investors.”.

**Article 251. Annulment of a number of articles of the National Assembly's Laws and Resolutions related to land**

1. To annual a number of articles of the laws related to land as follows:

a) To annual Clause 3, Article 36 and Clause 2, Article 86 of the Law No. 15/2017/QH14 on Management and Use of Public Property, of which a number of articles have been amended and supplemented under the Law No. 64/2020/QH14 and Law No. 07/2022/QH15;

b) To annul Clause 1, Article 12 of the Law No. 06/2017/QH14 on

Railway, of which a number of articles were amended and supplemented under Law No. 35/2018/QH14 and Law No. 16/2023/QH15.

2. To annul Resolution No. 132/2020/QH14 dated November 17, 2020 of the National Assembly on piloting a number of policies to remove problems and backlog in the management and use of land for national defense and security purpose in combination with production labor and economic construction activities.

## Section 2

### EFFECT AND TRANSITIONAL PROVISIONS

#### **Article 252. Effect**

1. This Law takes effect on January 01, 2025, unless otherwise prescribed in Clauses 2 and 3 of this Article.

2. Article 190 and Article 248 of this Law takes effect from April 1, 2024.

3. The formulation and approval of the land use master plans shall continue to comply with Resolution No. 61/2022/QH15 of June 16, 2022 of the National Assembly on continuing to improve the effectiveness and efficiency of the implementation of planning policies and law regulations and a number of solutions to tackle difficulties and obstacles in, accelerate the progress of formulation and improve the quality of, master plans in the 2021-2030 period.

Clause 9, Article 60 of this Law takes effect from the date of expiration of Resolution No. 61/2022/QH15.

4. Land Law No. 45/2013/QH13 of which a number of articles were amended and supplemented under Law No. 35/2018/QH14 (hereinafter referred to as Land Law No. 45/2013/QH13) ceases to be effective on the effective date of this Law.

#### **Article 253. Provisional regulations on land use master plans and land use plans after this Law takes effect**

1. Land use master plans and land use plans that have been decided and approved by competent State authorities prior to the effective date of this Law shall continue to be implemented and must be adjusted upon review of land use master plans and land use plans in accordance with Article 73 of this Law.

2. Localities of which provincial development master plans for the period of 2021-2030 have been approved in accordance with law regulations on planning prior to the effective date of this Law shall continue to use the land allocation and demarcation plans in the provincial development master plans to conduct land administration until the end of the planning period. The adjustment of provincial

development master plans shall comply with the Law No. 21/2017/QH14 on Planning.

**Article 254. Transitional provisions on land recovery; compensation, support, and resettlement when the state recovers land when this Law comes into effect**

1. In the case where a decision on land recovery has been issued in accordance with the law regulations on land prior to the effective date of this Law but a decision approving the compensation, support, and resettlement plan has not yet been made by the competent State authority, the compensation, support, and resettlement shall continue to comply with this Law.

2. In the case where a decision on land recovery and a decision approving a compensation, support, and resettlement plan have been issued in accordance with the law regulations on land prior to the effective date of this Law but have not been implemented, the approved compensation, support, and resettlement plan shall continue to be implemented. The handling of delayed compensation payments shall comply with law regulations at the time the State issues such land recovery decision.

3. In the case where, prior to the effective date of this Law, a competent State authority has issued a document identifying the project owner's violation of failing to put land into use or delaying land use in accordance with Point i, Clause 1, Article 64 of the Land Law No. 45/2013/QH13, it shall be handled as follows:

a) In the case where there is no decision to recover land, the competent People's Committee shall handle it in accordance with Clauses 8 and 9, Article 81 of this Law;

b) In the case where a decision on land recovery has been issued, the land recovery shall comply with such land recovery decision and the settlement of land use levy, land rental, and property constructed on the recovered land shall comply with law regulations at the time the State issued such land recovery decision.

4. In the case where a decision on land recovery and a decision approving a compensation, support, and resettlement plan have been issued prior to the effective date of this Law, but the decision on the handover of resettlement land was issued after the effective date of this Law, the land price for calculating the land use levy at the resettlement location shall be the one at the time the compensation, support, and resettlement plan was approved. In the case where, at the time the decision on the handover of resettlement land was issued, the price of resettlement land is lower than the land price in the compensation, support, and resettlement plan, the land price at the time the decision on the handover of resettlement land was issued shall apply.

5. For investment projects for which the Prime Minister has approved the framework of compensation, support, and resettlement policies prior to the

effective date of this Law, but the localities have not yet approved the compensation, support, and resettlement plans, the more beneficial policies for the land users subject to land recovery shall be applied in accordance with the framework of compensation, support, and resettlement policies and this Law.

6. For investment projects subject to agreements on the acceptance of land use rights transfer in accordance with the Land Law No. 45/2013/QH13, which are currently under negotiation and have not been completed by the effective date of this Law, the provincial-level People's Committee shall decide on whether to allow the continuation of the negotiation on the acceptance of land use rights transfer based on the actual situation of the locality.

#### **Article 255. Transitional provisions on land allocation, land lease, and change of land use purposes when this Law comes into effect**

1. Households and individuals that are currently using agricultural land allocated before July 1, 2014 but the land areas exceed the land allocation quota at the time of allocation shall change to lease the excess area in accordance with this Law.

2. Economic institutions, individuals and overseas Vietnamese that were allocated land with land use levy by the State prior to the effective date of this Law but now have to lease land in accordance with this Law may continue using the land for the remaining land use term without having to change to lease land. Upon the expiry of the land use term, if permitted to extend the land use term by a competent State authority, they shall change to lease land in accordance with this Law.

3. Organizations, households, individuals, and overseas Vietnamese that were allocated land by the State without land use levy before July 1, 2014, but have to lease land as prescribed by the Land Law No. 45/2013/QH13 and this Law, must change to land lease.

4. Economic institutions, individuals and overseas Vietnamese that may continue using the land in accordance with Clause 3, Article 60 of the Land Law No. 45/2013/QH13 may continue using the land for the remaining land use term without having to change to lease land in accordance with this Law.

5. Economic institutions that may continue using the land in accordance with Clause 4, Article 60 of the Land Law No. 45/2013/QH13 may continue using the land for the remaining duration of the projects without having to change to lease land in accordance with this Law.

6. Land users that may continue using the land in accordance with Clause 5, Article 60 of the Land Law No. 45/2013/QH13 may choose to continue leasing the land for the remaining land use term or to be allocated land with land use levy in accordance with this Law.

7. Organizations, households, individuals, overseas Vietnamese, and

foreign-invested enterprises that have submitted dossiers to carry out procedures for land allocation, land lease, or permission for change of land use purposes, but have not yet received decisions on land allocation, land lease, or permission for change of land use purposes, shall have such land allocation, land lease, or permission for change of land use purposes done in accordance with law regulations prior to the effective date of this Law. If necessary, they may proceed in accordance with this Law.

8. Public non-business units allocated land by the State without land use levy or leased land prior to the effective date of this Law shall continue to use the land for the remaining land use term in the form of land allocation or land lease. In the case where they wish so, they can change to the form of land allocation or land lease in accordance with this Law. When the land use term expires, its extension shall comply with this Law.

9. For investment projects for which decisions on approval of investment policies or selection of investors or project owners have been made by the competent authorities in accordance with law regulations on investment, housing, and bidding law before July 1, 2014, but land has not yet been allocated or leased to investors or project owners, if the projects are now in accordance with land use master plans and land use plans and have been reviewed and certified by the provincial-level People's Committees to be compliant with the law regulations on investment, housing, and bidding at the time such documents were issued, and the delay in land allocation or land lease is not the fault of the investors or project owners, the auction of land use rights nor bidding to select investors to implement land-using projects shall not be held in accordance with this Law. The process, procedures, competence, and time limit for land allocation and land lease shall comply with this law.

10. For investment projects for which the investors or project owners have been selected in accordance with law regulations on investment, housing, and bidding in the period between July 1, 2014 and before the effective date of this Law but land has not yet been allocated or leased, if they are subject to land allocation or land lease not through auction of land use rights as prescribed by Land Law No. 45/2013/QH13 and relevant law regulations, and conform to the land use master plans and land use plans, the investors or project owners shall continue the subsequent steps in the land allocation or land lease process and procedures in order to be allocated or leases land in accordance with this Law.

11. Individuals that are allocated riparian and coastal alluvial land by the State for agricultural purpose prior to July 1, 2014 may continue using such land for the remaining land use term. At the expiry of this term, if they still have demand to use the land in accordance with land use master plans and land use plans and do not violate the law regulations on land, the State shall consider allocating or leasing out the land to them.

## **Article 256. Handling of cadastral records and dossiers of application for land registration or for grant of certificates when this Law comes into effect**

1. Paper-based cadastral records compiled prior to the effective date of this Law shall continue to be used for land administration purposes and must be digitized in the process of building the national land database in accordance with this Law.

2. If the dossiers of application for registration of land and land-attached property or grant of certificates of land use rights and ownership of houses and other land-attached property have been received by the competent authorities but certificates of land use rights and ownership of houses and other land-attached property have not yet been granted by such competent authorities by the effective date of this Law shall continue to apply the procedures prescribed in the Land Law No. 45/2013/QH13 and relevant legal documents on elaborations and guidance thereof. The competence to grant certificates of land use rights and ownership of land-attached property shall comply with this Law. In the case where the land users request to apply this Law, the competent authorities shall proceed in accordance with this Law.

3. The certificates of land use rights, the certificates of house ownership and residential land use rights, the certificates of house ownership, the certificates of ownership of constructions, and the certificates of land use rights and ownership of houses and other land-attached property, which have been granted in accordance with the law regulations on land, housing, and construction prior to the effective date of this Law, shall remain legally valid and are not required to be changed to the certificate of land use rights and ownership of land-attached property. In case of necessarily, they shall be exchanged for certificates of land use rights and ownership of land-attached property in accordance with this Law.

4. In the case where the certificate of land use rights, certificate of house ownership and residential land use rights, certificate of land use rights and ownership of houses and other land-attached property was granted to the representative of the household prior to the effective date of this Law, if the household members who share the land use rights so request, the certificate shall be exchanged for a certificate of land use rights and ownership of land-attached property which mention full names of the members who share the land use right.

The determination of members who share land use rights within a household for inclusion on the certificate of land use rights and ownership of land-attached property shall be based on mutual agreement among the household members who shall bear legal responsibility for their decisions.

## **Article 257. Settlement of land finance and land prices when this Law comes into effect**

1. The land price lists issued by the provincial-level People's Committees in accordance with the Land Law No. 45/2013/QH13 shall continue to be applied until December 31, 2025. In case of necessity, the provincial-level People's Committees shall decide to adjust the land price lists in accordance with this Law to match the actual situation of land prices in their respective localities.

2. In the cases where decisions have been made on land allocation, land lease, permission of change of land use purposes, permission of change from annual land rental payment to one-off land rental payment for the entire lease period, extension of the land use term, adjustment of the land use term, and adjustment of detailed master plans in accordance with law regulations on land and other relevant law regulations prior to the effective date of this Law but land prices have not been decided, the following shall be implemented:

a) In case of land allocation and land lease in accordance with the 1993 Land Law, the Law No. 13/2003/QH11 on Land and relevant legal documents on elaborations and guidance thereof, if the land was handed over in reality before January 1, 2005, the policies on collection of land use levy and land rental and the land prices for calculation of land use levy and land rental shall apply as the same as at the time the land price lists issued by the provincial-level People's Committees in 2005 took effect;

b) In case of land allocation and land lease in accordance with the 1993 Land Law, the Law No. 13/2003/QH11 on Land and relevant legal documents on elaborations and guidance thereof, if the competent State authorities handed over the land in reality in the period of between January 1, 2005 and before the effective date of this Law, the policies on collection of land use levy and land rental and the land prices for calculation of land use levy and land rental shall be determined at the time of land handover in reality;

c) In the case where decisions on land allocation, land lease, change of land use purposes, or change of land lease form from annual rental payment to one-off rental payment for the entire lease period, or extension of land use term, adjustment of land use term, adjustment of detailed construction master plans as prescribed by the Land Law No. 45/2013/QH13 and relevant legal documents on elaborations and guidance thereof were issued, but the land price options have not yet been submitted to the competent People's Committees, the policies on collection of land use levy and land rental, and the land prices shall be determined as the same at the time such decisions were issued.

In the case where the competent People's Committees have already allocated land or leased land in accordance with the schedule of compensation, support, and resettlement, the specific land prices shall be determined as the same at the time each decision was issued;

d) The Government shall prescribe the application of land valuation methods and the amount of money such land users must pay additionally for the

period in which land use levy or land rental have not been calculated in the cases prescribed at Points a, b, and c of this Clause.

3. In the case where the land price options has already been submitted to the competent People's Committee for decision on the specific land price in accordance with law regulations prior to the effective date of this Law, the competent People's Committee shall decide the specific land prices in accordance with the submitted options without applying the regulations of this Law.

### **Article 258. Settlement of land use terms when this Law comes into effect**

1. For the land allocated by the State to economic institutions to raise capital for infrastructure construction within a project, or the land obtained through the winning at auctions of land use rights before July 1, 2004, and used by the economic institutions, the land use term shall be the term stated on the land allocation decision. In the case where the land allocation decision does not specify the term, the land use term shall be determined as the term of the land type prescribed by law at the time of land allocation.

2. Land that has already been allocated or leased, or of which land use rights have been recognized by the State, if the land use term has expired and the land has not yet been recovered by competent State authorities prior to the effective date of this Law, shall have its land use term considered for extension or be recovered in accordance with this Law.

### **Article 259. Settlement of land use rights of households established prior to the effective date of this Law**

1. Households using land shall be determined in accordance with the law regulations on land prior to the effective date of this Law and shall be permitted to participate in land-related legal relations as a group of land users sharing the right to use land as prescribed in Clause 2, Article 27 of this Law.

Households, which have been allocated land, leased land, or had their land use rights recognized, or acquired land use rights through transfer prior to the effective date of this Law, shall have the same rights and obligations as those of individuals using land in accordance with this Law.

2. When the competent State authority allocates land or leases land to a household to implement the approved compensation, support, and resettlement plan, the decision on land allocation or land lease must clearly specify the individuals who are members of such household with the right to use land.

3. Households, which have been allocated land by the State without land use levy, allocated land with land use levy, or leased land prior to the effective date of this Law, shall continue to use the land for the remaining land use term. When the land use term expires, it can be extended with the form of land allocation or land lease to the individuals who are members of such a household

in accordance with this Law.

## **Article 260. Transitional provisions applicable to other cases upon effective date of this Law**

1. Economic institutions, households or individuals that leased land from the State before July 1, 2004, and have paid land rental for the entire lease period or prepaid land rental for many years while the land lease period for which the land rental is already paid remains 05 years or more, economic institutions have the rights and obligations prescribed in Article 33 of this Law, while households and individuals have the rights and obligations prescribed in Clause 1, Article 37 of this Law.

2. If a project owner leasing land from the State with annual rental payment for construction and commercial operation of infrastructure of industrial parks, industrial clusters or export processing zones has subleased out the land together with infrastructure in the form of full one-off rental payment for the entire lease period prior to July 1, 2014, such project owner shall pay the land rental to the State in accordance with the Government's regulations. Those who sublease the land have the same rights and obligations as leasing land with full one-off rental payment for the entire lease period from the State after the project owner has paid the whole land rental to the State Budget.

3. Economic institutions, individuals or overseas Vietnamese that invest in production and business in industrial parks, industrial clusters, processing zones that are permitted to continue using land for remaining project duration in accordance with Clause 5, Article 149 of the Land Law No. 45/2013/QH13 may continue using the land for the remaining project duration without having to change to lease such land. At the expiry of the project duration, if these entities/persons still have demand, the State shall consider leasing out land to them in accordance with this Law.

4. Plans on land use, plans on land treatment, and plans on rearrangement and handling of houses and land, which have been approved by competent authorities prior to the effective date of this Law in accordance with Resolution No. 132/2020/QH14 of the National Assembly on piloting a number of policies to remove problems and backlog in the management and use of land for national defense and security purpose in combination with production labor and economic construction activities, shall be implemented under the approved plans.

Plans on land use, plans on land treatment, and plans on rearrangement and handling of houses and land, which are being finalized to be submitted to competent authorities for approval shall continue to comply with Resolution No. 132/2020/QH14 of the National Assembly on piloting a number of policies to remove problems and backlog in the management and use of land for national defense and security purpose in combination with production labor and economic construction activities.

5. For industrial clusters that were established prior to the effective date of this Law by public non-business units, district-level People's Committees, or commune-level People's Committees as project owners for building infrastructure, the competence to lease land to organizations, households, and individuals investing in production and business activities in such industrial clusters shall comply with Article 123 of this Law.

6. Land in economic zones and hi-tech parks, which has been allocated by the State to the Management Boards of such economic zones or the Management Boards of such hi-tech parks prior to the effective date of this Law, shall be handled as follows:

a) For the land area that has already been sub-allocated or leased prior to the effective date of this Law, the land user shall continue to use it until the end of the land use term. The extension of land use terms shall comply with this Law;

b) The land areas, which the Management Boards of the economic zones or the Management Boards of the hi-tech parks have not yet allocated or leased, shall be recovered, and then allocated or leased by the State in accordance with this Law;

c) Users of land in economic zones and hi-tech parks prior to the effective date of this Law shall continue to exercise their rights and obligations corresponding to the form of land allocation or land lease for the remaining land use term in accordance with this Law;

d) Economic institutions, individuals or overseas Vietnamese that invest in production and business in economic zones that are permitted to continue using land for remaining project duration in accordance with Clause 7, Article 151 of the Land Law No. 45/2013/QH13 may continue using the land for the remaining project duration without having to change to lease such land. At the expiry of the project duration, if these entities/persons still have demand, the State shall consider leasing out land to them in accordance with this Law.

7. In the case where a project involving land reclamation from the sea, for which an investment project approval decision has been made by the National Assembly or the Prime Minister in accordance with law regulations on public investment, or a decision on approval of the investment policy, or a decision on approval of the investment policy and the investor has been properly issued in accordance with the law regulations on investment prior to the effective date of Article 190 of this Law, the project owner that is allocated or leased land without auction of land use rights or without bidding for land-using projects shall continue to implement the approved project.

8. In case of a project for the construction of underground facilities for which an investment project approval decision as prescribed by the law regulations on public investment, or a decision on approval of the investment

policy, or a decision on approval of the investment policy and the investor has been properly issued in accordance with the law regulations on investment prior to the effective date of this Law, the approved investment project shall continue to be implemented.

9. Land for civil airports and airfields, which has already been allocated or leased by the State to the Airport Authorities prior to the effective date of this Law, shall continue to be administered and used in accordance with the Land Law No. 45/2013/QH13. In the case where the State adopts policies on investment in upgrading or expanding the civil airports and airfields, which changes the construction master plans of such civil airports and airfields, or changes the authorities managing and using of such civil airports and airfields, the administration and use of land shall comply with this Law.

In the case where an Airport Authority has leased land prior to the effective date of this Law, it shall continue to comply with the signed contract. When the term expires, the State shall recover the land area of the Airport Authority to lease it in accordance with this Law.

10. Land used by religious institutions and their affiliated organizations prior to the effective date of this Law shall continue to be used in the form determined in accordance with the Land Law No. 45/2013/QH13.

11. Land users who have been allocated land by the State with land use levy or leased land but have their land use levy or land rental exempted or reduced in accordance with the law regulations on land prior to the effective date of this Law shall continue to have their land use levy or land rental exempted or reduced for the remaining land use term in accordance with the law regulations on land prior to the effective date of this Law.

12. Land users who have been leased land by the State and have chosen the form of annual rental payment or one-off rental payment for the entire lease period prior to the effective date of this Law shall continue to use the land in accordance with the chosen lease form for the remaining land use term, unless otherwise prescribed in Article 30 of this Law.

13. Land users who have voluntarily advanced the funding for compensation, support, and resettlement in accordance with the compensation, support, and resettlement plans approved by the competent authorities prior to the effective date of this Law shall be refunded by deducting the amount from the payable land use levy or land rental in accordance with the law regulations on land prior to the effective date of this Law.

14. In the case where economic institutions were exempted from land use levy or land rental payment prior to the effective date of this Law and now transfer or contribute as capital land use rights, they shall exercise their rights and obligations in accordance with this Law.

15. Individuals who are ethnic minorities allocated or leased land by the State in accordance with the policies on land support for ethnic minorities in accordance with law regulations prior to the effective date of this Law and are eligible for the policies on land support for ethnic minorities prescribed in this Law shall enjoy the policies on land support prescribed in this Law.

16. For foreign-invested enterprises as prescribed by the revised Law No. 66/2014/QH13 on Real Estate Business, of which a number of articles were amended and supplemented under Law No. 61/2020/QH14, which are undergoing procedures as transferees of the entire or part of real estate projects but have not yet completed the land-related procedures for the projects or the transferred part of the projects by the effective date of this Law, the competent State authorities shall carry out land allocation or land lease procedures for such transferees and grant certificates of land use rights and ownership of land-attached property in accordance with this law. The transferee of the entire or part of the real estate project shall take over the rights and obligations regarding land from the transferor of the project.

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*This Law was passed on January 18, 2024, by the 15<sup>th</sup> National Assembly of the Socialist Republic of Vietnam, at its 5<sup>th</sup> extraordinary session.*

**CHAIRMAN OF THE NATIONAL ASSEMBLY**

**Vuong Dinh Hue**