

**THE NATIONAL ASSEMBLY**

-----

Law No. 45/2013/QH13

**SOCIALIST REPUBLIC OF VIETNAM**

**Independence - Freedom - Happiness**

-----

*Hanoi, November 29, 2013*

## **LAND LAW**

*Pursuant to the Constitution of the Socialist Republic of Vietnam;*

*The National Assembly promulgates the Land Law.*

### **Chapter 1.**

#### **GENERAL PROVISIONS**

##### **Article 1. Scope of regulation**

This Law prescribes the regime of land ownership, powers and responsibilities of the State in representing the entire-people owner of land and uniformly managing land, the regime of land management and use, the rights and obligations of land users involving land in the territory of the Socialist Republic of Vietnam.

##### **Article 2. Subjects of application**

1. State agencies that exercise the powers and perform the responsibilities of the representative of the entire-people owner of land, and perform the tasks of unified state management over land.
2. The land users.
3. Other subjects involving land management and/or use.

##### **Article 3. Interpretation of terms**

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

1. Land parcel means a land area delimited by boundaries determined on the field or described in dossiers.
2. Master plan on land use means the distribution and zoning of land by use space in serve of the objectives of 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 socio-economic region and administrative unit in a defined period of time.

3. Land use plan means the division of a master plan on land use according to periods of time for implementation during the period of the master plan on land use.

4. Cadastral map is a map that shows the land parcels and related geographic elements, and is made according to administrative units of communes, wards or townships, and certified by a competent state agency.

5. Land use status quo map is a map that demonstrates the distribution of various types of land at a specified time, and is made according to each administrative unit.

6. Land use-planning map is a map made at the beginning of a planning period, which demonstrates the distribution of various types of land at the end of that planning period.

7. The State allocates land use rights (below referred to as the State allocates land) means that the State issues decisions on land allocation to hand land use rights to subjects having land use demand.

8. The State leases land use rights (below referred to as the State leases land) means that the State decides to hand land use rights to subjects having land use demand under contracts on land use right lease.

9. The State recognizes land use right means that the State hands land use right to a person that is using stably the land not allocated or leased by the State, through the grant of a certificate of land use right, ownership of houses and other land-attached assets for the first time, for a certain land parcel.

10. 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 capital contribution with land use rights.

11. The State recovers land means the State decides to recover land use rights from a person that is allocated land use rights by the State, or from a land user that violates the land law.

12. Land compensation means the State returns the value of land use rights for the recovered land area to land users.

13. Remaining land investment costs include costs for ground fill-up and leveling and other directly related costs that can be proved to have been invested in land and have not been retrieved by the time the State recovers the land.

14. Support when State recovers land means the State provides assistance to persons having land recovered, in order to stabilize their livelihood, production and development.

15. Registration of land, houses and other land-attached assets means the declaration and acknowledgement of the legal status of land use rights, ownership of houses and other land-

attached assets, and the land management right over a certain land parcel, in the cadastral records.

16. Certificate of land use rights and ownership of houses and other land-attached assets is a legal certificate in which the State certifies the lawful land use rights and ownership of houses and land-attached assets of the person who has land use rights and ownership of houses and land-attached assets.

17. Land statistics means that the State, based on the cadastral records, sums up and evaluates the land use status at the time of making statistics, and the land-related changes between two statistical times.

18. Land inventory means that the State, based on the cadastral records and on the field, investigates, sums up and evaluates the land use status at the time of conducting inventory, and the land-related changes between two inventory times.

19. Land price means the 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 specified land area in a specified land use term.

21. Land use levy means an amount of money that a land user shall pay to the State when being allocated land with the collection of land use levy by the State, permitted to change the land use purpose, or having land use rights recognized by the State.

22. Land information system means the system consisting of information technology technical infrastructure, software, data and processes and procedures which are developed to collect, store, update, process, analyze, synthesize and track land information.

23. Land database means a collection of land data that are arranged and organized to serve the access to, use, management and update by electronic devices.

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

25. Land destruction means acts of topographically deforming land, reducing land quality, polluting the land, causing the loss or reduction of the land usability according to a determined purpose.

26. Public non-business unit means an organization established by a competent state agency or by a political organization or a socio-political organization, having the function of carrying out public services in accordance with law.

27. Economic organizations include enterprises, cooperatives or other economic organizations as prescribed by the civil law, excluding foreign-invested enterprises.

28. Land for construction of underground facilities means a land area used for construction of underground facilities that are not parts of works constructed on the ground.

29. Land-using household means those who share a marital, family or foster relationship as prescribed by the marriage and family law, are living together and have joint land use rights at the time of being allocated land or leased land, or having land use rights recognized by the State; or receiving transfer of land use rights.

30. Household or individual directly engaged in agricultural production means a household or an individual that has been allocated, leased agricultural land, or having agricultural land use rights recognized by the State; or has received transfer of agricultural land use rights, and generates stable income from agricultural production on that land.

#### **Article 4. Land ownership**

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

#### **Article 5. Land users**

Land users may be allocated land or leased land, have land use rights recognized by the State, or receive transfer of land use rights in accordance with this Law, including:

1. Domestic organizations, including state agencies, people's armed forces units, political organizations, socio-political organizations, economic organizations, socio-politico-professional organizations, social organizations, socio-professional organizations, public non-business organizations, and other organizations as prescribed by the civil law (below referred collectively to as organizations);
2. Domestic households and individuals (below referred collectively to as households and individuals).
3. Communities, including Vietnamese communities residing in the same village, street quarter or similar residential area sharing the same customs and practices or the same family line.
4. Religious establishments, including pagodas, churches, oratories, shrines, monasteries, abbeys, religious schools, head offices of religious organizations, and other religious establishments.
5. Foreign organizations with diplomatic functions, including diplomatic representative missions, consulates, other foreign representative agencies with diplomatic functions recognized by the Vietnamese Government, representative missions of organizations of the United Nations, inter-governmental agencies or organizations, and representative missions of inter-governmental organizations.
6. Overseas Vietnamese as prescribed by the nationality law.

7. Foreign-invested enterprises, including 100% foreign-invested enterprises, joint-venture enterprises, Vietnamese enterprises in which foreign investors purchase shares, merge or acquire in accordance with investment law.

#### **Article 6. Land use principles**

1. Compliance with master plan and plans on land use, and use for proper purposes.
2. Economy, effectiveness, environmental protection, and causing no harm to the legitimate interests of adjacent land users.
3. Land users may exercise their rights and perform their obligations within the land use term in accordance with this Law and other relevant laws.

#### **Article 7. Persons taking responsibility before the State for land use**

1. Heads of organizations, foreign organizations with diplomatic functions, or foreign-invested enterprises, shall take responsibilities for the land use by their organizations.
2. The chairpersons of the People's Committee of communes, wards or townships shall take responsibilities for the use of agricultural land for public purposes; the use of non-agricultural land which is allocated to the People's Committees of communes, wards or townships (below referred to as commune-level People's Committees) for the purpose of construction of the People's Committee offices, public facilities in serve of culture, education, health, physical training and sports, entertainment, recreation, markets, cemeteries, graveyards and other public facilities in the locality.
3. The representatives of resident community, who are the heads of villages or street quarters, or the persons appointed under agreement of resident community, shall be responsible for the use of the allocated or recognized land of the community.
4. Heads of religious establishments shall be responsible for the use of land allocated to the religious establishments.
5. Heads of households shall be responsible for the land use by the households.
6. Individuals and overseas Vietnamese shall be responsible for their land use.
7. The persons who shares, or represents a group sharing, land use rights, shall be responsible for the use of that land.

#### **Article 8. Persons who are assigned management over land for which they shall be responsible before state**

1. Heads of organizations shall be responsible for land management in the following cases:

- a) Organizations assigned to manage public facilities, including roads, bridges, culverts, sidewalks, water supply and drainage systems, irrigation systems, dikes and dams; squares, statues and monuments, and memorial stela;
  - b) Economic organizations assigned to manage land used for investment projects in the form of build- transfer (BT) and other forms prescribed by the investment law;
  - c) Organizations assigned to manage land with water surface of rivers and land with special- use water surface;
  - d) Organizations assigned to manage the land fund recovered under decisions of competent state agencies.
2. The chairpersons of commune-level People's Committees shall be responsible for the management over land used for public purposes which they are assigned to manage and land that has not been allocated or leased in the locality.
  3. The chairpersons of People's Committees of provinces or centrally run cities shall be responsible for the management of unused land on uninhabited islands in their localities.
  4. The representatives of resident community shall be responsible for land allocated to the resident community for management.

### **Article 9. Encouragement of investment in land**

The State shall promulgate policies to encourage land users to invest labor, materials and capital in, and apply scientific and technological achievements to, the following activities:

1. Land protection, improvement and fertilization.
2. Reclamation of waste and unused land, seaward encroachment, use of empty land, bare hills and unused land with water surface in accordance with master plans, plans on land use.
3. Development of infrastructure to increase land value.

### **Article 10. Land classification**

Depending on use purpose, land is classified into the following types:

1. Agricultural land, including:
  - a) Land for cultivation of annual crops, including paddy land and land for cultivation of other annual crops;
  - b) Land for cultivation of perennial trees;

- c) Production forest land;
- d) Protective forest land;
- e) Special-use forest land;
- f) Aquaculture land;
- g) Salt-production land;
- h) Other agricultural land, including land used to build greenhouses and other building types for cultivation purpose, including fanning not directly on the land, or to build breeding facilities for cattle, poultry and other animals as permitted by law; land for cultivation, breeding and aquaculture for the purpose of learning, research or experimentation; land for planting and nursing seedlings and breeders, and land for growing flowers and ornamental plants.

2. Non-agricultural land, including:

- a) Residential land, including rural residential land and urban residential land;
- b) Land for construction of offices;
- c) Land for national defense or security purpose;
- d) Land for construction of non-business facilities, including land for construction of offices of non-business organizations; land for construction of cultural, social, health, education and training, physical training and sports, science and technology, and diplomatic facilities and other non-business facilities;
- e) Land for non-agricultural production and business, including land for industrial parks, industrial clusters, export processing zones; land for trading and service; land of non-agricultural production establishments; land used for mining activities; and land for production of building materials, and pottery;
- f) Land used for public purposes, including land used for transport (including airports, airfields, inland waterway ports, maritime ports, rail system, road system and other transport facilities); irrigation; land with historical-cultural relics or scenic spots; land for community activities or public entertainment and recreation; land for energy facilities; land for post and telecommunications facilities; land for markets; land for waste dumping and treatment, and land for other public facilities;
- g) Land used by religious establishments;
- h) Land used for cemeteries, graveyards, funeral service centers and cremation centers;
- i) Land with rivers, streams, canals, springs and special-use water surface;

k) Other non-agricultural land, including land for motels, tents and camps for workers in production establishments; land for construction of warehouses and houses to store agricultural products, plant protection drugs, fertilizers, machinery and tools for agricultural use, and land for other buildings of land users which are used for non-commercial purposes and not attached to residential land.

3. Unused land, including land of types for which land use purposes have not been determined yet.

### **Article 11. Bases for determining land types**

The determination of a land type must be based on the following grounds:

1. The certificate of land use rights, or certificate of house ownership and residential land use rights which is granted before December 10, 2009; and the certificate of land use rights and ownership of houses and other land-attached assets;

2. Papers on land use rights prescribed in Clauses 1, 2 and 3, Article 100 of this Law, for the cases in which the certificates mentioned in Clause 1 of this Article have not yet been granted.

3. Decisions on land allocation, land lease or permission for change of land use purpose issued by competent state agencies, for the cases in which the certificates mentioned in Clause 1 of this Article have not yet been granted.

4. For the cases in which papers prescribed in Clauses 1, 2 and 3 of this Article are not available, the determination of land type must comply with the Government's regulations.

### **Article 12. Strictly prohibited acts**

1. Encroaching, occupying or destroying land.

2. Violating publicized master plans and plans on land use.

3. Failing to use land, or using land for improper purposes.

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

5. Receiving transfer of agricultural land use rights exceeding the quota set for households and individuals as prescribed by this Law.

6. Using land, exercising land transactions without registration with competent state agencies.

7. Failing to perform or fully performing financial obligations toward the State.

8. Abusing positions and powers to act against land management regulations.

9. Failing to provide land information or providing incorrect land information as prescribed by law.

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

## **Chapter 2.**

### **RIGHTS AND DUTIES OF THE STATE INVOLVING LAND**

#### **SECTION 1. RIGHTS OF THE STATE INVOLVING LAND**

##### **Article 13. Rights of the representative of the land owner**

1. To decide on master plans, plans on land use.
2. To decide on land use purposes.
3. To prescribe land use quotas and land use terms.
4. To decide on land recovery and land requisition.
5. To decide on land prices.
6. To decide on hand-over of land use rights to land users.
7. To decide on financial policies on land.
8. To prescribe the rights and obligations of land users.

##### **Article 14. The State shall decide on land use purposes**

The State shall decide on land use purposes through master plans and plans on land use, and permit the change of land use purposes.

##### **Article 15. The State shall prescribe land use quotas and land use terms**

1. The State shall prescribe land use quotas, including allocation quotas for agricultural land, allocation quotas for residential land, recognition quotas for recognition of residential land use rights, and quotas for receiving transfer of agricultural land use rights.
2. The State shall prescribe land use terms in the following forms:
  - a) Long-term and stable use;
  - b) Definite-term use.

#### **Article 16. The State shall decide on land recovery or requisition**

1. The State shall decide to recover land in the following cases:
  - a) For the purpose of national defense or security; socio-economic development for the national or public interest;
  - b) Land recovery due to violations of the land law;
  - c) Land recovery due to termination of land use in accordance with law, voluntary return of land, or the risk of threatening human life.
4. The State shall decide to requisition land in case of extreme necessity to perform national defense and security tasks, or in cases of war or emergency circumstances, or to prevent and combat natural disasters.

#### **Article 17. The State shall allocate land use rights to land users**

The State shall allocate land use rights to land users in the following forms:

1. Decision on allocation of land without the collection of land use levy, and allocation of land with the collection of land use levy.
2. Decision on lease of land with annual rental payment, and lease of land with one-off rental payment for the entire lease period.
3. Recognition of land use rights.

#### **Article 18. The State shall decide on land prices**

1. The State shall prescribe the principles and methods for land valuation.
2. The State shall promulgate land price brackets and tables, and decide on specific land prices.

#### **Article 19. The State shall decide on financial policies involving land**

1. The State shall decide policies on financial collection and spending involving land.
2. The State shall perform the regulation of the added value from land which does not originate from land user's investment through tax police, land use levy, land rent, investment in infrastructure, and support policies for persons having land recovered.

#### **Article 20. The State shall prescribe the rights and obligations of land users**

The State shall prescribe the rights and obligations of land users in conformity with the forms of land allocation, land lease, recognition of land use rights, land use origin and financial obligations of land users.

#### **Article 21. Exercise of the rights of the land owner representative**

1. The National Assembly shall promulgate laws and resolutions on land; decide on national master plans and plans on land use; and exercise the supreme right to supervise over land management and use nationwide.
2. People's Councils at all levels shall exercise the right to adopt local master plans and plans on land use before submitting them to competent agencies for approval; to adopt land price tables and land recovery to implement socio-economic development projects for the national or public interest in their localities, according to their competence prescribed in this Law; and to supervise the implementation of the land law in their localities.
3. The Government and People's Committees at all levels shall exercise the rights of the land owner representative according to their competence prescribed in this Law.

### **SECTION 2. RESPONSIBILITIES OF THE STATE FOR LAND**

#### **Article 22. Contents of state management over land**

1. Promulgating law normative documents on land management and use and organizing the implementation thereof.
2. Determining administrative boundaries, compiling and managing administrative boundary records and making administrative maps.
3. Surveying, measuring, making cadastral maps, land use status quo maps and land use planning maps; surveying and assessing land resources; and surveying for land pricing.
4. Managing master plans and plans on land use.
5. Managing land allocation, land lease, land recovery and change of land use purposes.
6. Managing compensation, support and resettlement upon land recovery.
7. Land registration, compiling and managing cadastral records, and granting certificates of land use rights and ownership of houses and other land-attached assets.
8. Making land statistics and inventories.
9. Developing the land information system.
10. Financial management on land and land prices.

11. Managing and supervising the exercise of rights and performance of obligations by land users.
12. Inspecting, examining, supervising, monitoring and assessing the observance of the land law, and handling violations of the land law.
13. Disseminating and educating about the land law.
14. Settling land-related disputes; settling complaints and denunciations involving land management and use.
15. Managing activities of providing land-related services.

### **Article 23. Responsibilities for state management over land**

1. The Government shall perform the unified state management over land nationwide.
2. The Ministry of Natural Resources and Environment shall take responsibility before the Government for the unified state management over land.

Related ministries and ministerial-level agencies shall, within the scope of their respective tasks and powers, assist the Government in performing the state management over land.

3. People's Committees at all levels shall perform the state management over land in their localities according to their competence prescribed in this Law.

### **Article 24. Land management agencies**

1. The system of land management agencies shall be organized uniformly from central level to local level.
2. The Ministry of Natural Resources and Environment is land administration agency at the central level.

Land management agencies at the local level shall be set up in provinces and centrally run cities, and in districts, towns and provincial cities; land-related public service organizations shall be set up and operate in accordance with the Government's regulations.

### **Article 25. Cadastral civil servants in communes, wards and townships**

1. Communes, wards and townships must have civil servants performing cadastral work in accordance with the Law on cadres and civil servants.
2. Cadastral civil servants in communes, wards and townships shall assist commune-level People's Committees in local land management.

## **Article 26. The State's guarantees for land users**

1. State protects the lawful rights to use land and land-attached assets of land users.
2. State grants the certificates of land use rights and ownership of houses and other land-attached assets to land users who are eligible as prescribed by law.
3. When State recovers land for national defense or security purpose; or for socio-economic development for the national or public interest, land users shall be entitled to compensation, support and resettlement as prescribed by law.
4. State adopts policies in the form of vocational training, change of occupation and job seeking to facilitate for persons directly engaging in agriculture, forestry, aquaculture or salt production and having no land for production due to land use restructuring or economic restructuring.
5. 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 27. Responsibilities of the State for residential and agricultural land applicable to ethnic minorities**

1. To adopt policies on residential land and land for community activities for ethnic minorities in conformity with their customs, practices and cultural identities and the practical conditions of each region;
2. To adopt policies to facilitate for ethnic minorities who are directly engaged in agricultural production in rural areas to have land for agricultural production.

## **Article 28. Responsibilities of the State for the building up and provision of land information**

1. To build up and manage the land information system and guarantee the right to access to the land information system for organizations and individuals.
2. To promptly announce and publicize available information in the land information system for organizations and individuals, except confidential information as prescribed by law.
3. To notify administrative decisions and acts in the field of land administration to organizations and individuals whose lawful rights and interests are affected.
4. Competent state agencies and persons in land administration and use shall facilitate and provide land information for organizations and individuals in accordance with law.

## **Chapter 3.**

# **ADMINISTRATIVE BOUNDARIES AND BASE SURVEY ON LAND**

## **SECTION 1. ADMINISTRATIVE BOUNDARIES**

### **Article 29. Administrative boundaries**

1. The Government shall direct the determination of administrative boundaries and the compilation and management of administrative boundary records at all levels nationwide.

The Minister of Home Affairs shall prescribe the order and procedures for identification of administrative boundaries and the management of boundary landmarks and administrative boundary records at all levels.

The Minister of Natural Resources and Environment shall prescribe the techniques and economic-technical specifications for placing administrative boundary landmarks and compiling administrative boundary records at all levels.

2. People's Committees at all levels shall organize the determination of administrative boundaries on the field and compilation of administrative boundary records in their respective localities.

Commune-level People's Committees shall manage administrative boundary landmarks on the field in their localities. If the administrative boundary landmarks are lost, moved or damaged, they shall promptly report this to the People's Committees of districts, towns or provincial cities (below referred to as district-level People's Committees).

3. The administrative boundary records include paper and electronic documents showing information on the establishment and adjustment of administrative units and boundary landmarks and boundary lines of those administrative units.

The superior People's Committee shall certify the administrative boundary records of the immediate subordinate level. The Ministry of Home Affairs shall certify the administrative boundary records of provinces and centrally run cities.

The administrative boundary records of a level shall be archived at the People's Committee of such level, the superior People's Committee, the Ministry of Home Affairs and the Ministry of Natural Resources and Environment.

4. Disputes over administrative boundaries among administrative units shall be settled by the People's Committees of such administrative units through their coordination. If they fail to reach agreement or the results lead to changes in administrative boundaries, the settlement competence is provided as follows:

a) If the dispute is related to the boundaries of provinces or centrally run cities, the Government shall submit it to the National Assembly for decision;

b) If the dispute is related to the boundaries of districts, towns or provincial cities or communes, wards or townships, the Government shall submit it to the National Assembly Standing Committee for decision.

The Ministry of Natural Resources and Environment, the land management agencies of provinces and centrally run cities, of districts, towns and provincial cities shall provide necessary documents and coordinate with competent state agencies in settling disputes involving administrative boundaries.

### **Article 30. Administrative maps**

1. The administrative maps of a locality must be made on the basis of administrative boundary maps of such locality.

2. The making of administrative maps must comply with the following provisions:

a) The Ministry of Natural Resources and Environment shall provide directions and guidelines for making administrative maps of all levels nationwide and organize the making of administrative maps for the whole country and provinces and centrally run cities;

b) The People's Committees of provinces and centrally run cities (below referred to as provincial People's Committee) shall organize the making of administrative maps of districts, towns and provincial cities.

## **SECTION 2. BASE SURVEY OF LAND**

### **Article 31. Making and adjustment of cadastral maps**

1. The measurement, drawing of cadastral maps must be conducted in details for each land parcel in each administrative unit of commune, ward or township.

2. The adjustment of cadastral maps is made when there are changes in shape, dimension, and area of the land parcel or other factors involving the contents of cadastral maps.

3. The Minister of Natural Resources and Environment shall prescribe the making, adjustment and management of cadastral maps for the whole country and conditions for practice of cadastral measurement.

4. Provincial People's Committees shall organize the making, adjustment and management of cadastral maps in their respective localities.

### **Article 32. Survey and assessment activities of land**

1. Survey and assessment of land include the following activities:

a) Surveying and assessing land quality and potential;

- b) Surveying and assessing land degradation and pollution;
- c) Surveying and classifying agricultural land;
- d) Making land statistics and conducting land inventory;
- e) Surveying and making statistics on land prices; monitoring land price changes;
- f) Building up and maintaining observation and supervision systems for land resources.

2. Survey and assessment of land include the following contents:

- a) Sampling, analyzing and making statistics on land observation data;
- b) Making maps on land quality, land potential, land degradation, land pollution, classification of agricultural land, and land prices;
- c) Making assessment reports on land quality, land potential, land degradation, land pollution, classification of agricultural land, and land prices;
- d) Making reports on land statistics and land inventory, drawing land use status quo maps, and reports on land price and changes in land prices.

### **Article 33. Organization of land survey and assessment**

1. The Ministry of Natural Resources and Environment shall:

- a) Organize, and publicize results of, survey and assessment of land for the whole country and all regions once every 5 years and for each theme;
- b) Direct the survey and assessment of land in provinces and centrally run cities;
- c) Summarize and publish results of survey and assessment of land nationwide.

2. Provincial People's Committees shall organize, and publicize results of, survey and assessment of land of their respective localities, and send the results to the Ministry of Natural Resources and Environment for summarization.

3. The Minister of Natural Resources and Environment shall prescribe the land survey and assessment and conditions on the capacity of units which conduct land survey and assessment.

### **Article 34. Land statistics and inventories and the making of land use status quo maps**

1. Land statistics and inventories include periodical land statistics and inventories and thematic land inventories.

2. Periodical land statistics and land inventories must comply with the following provisions:

- a) Land statistics shall be made and land inventories shall be conducted according to administrative units of communes, wards and townships;
- b) Land statistics shall be made once a year, except the year when land inventory is conducted;
- c) Land inventory shall be conducted once every 5 years.

3. The land use status quo map must be made once every 5 years in connection with land inventory as prescribed in Clause 2 of this Article.

4. Thematic land inventories serving the state management must be conducted under decisions of the Prime Minister or the Minister of Natural Resources and Environment.

5. Responsibilities for making land statistics and conducting land inventories and making land use status quo map are prescribed as follows:

- a) The People's Committees at all levels shall make land statistics and conduct land inventories and make land use status quo maps of their respective localities;
- b) The results of land statistics and inventories and the making of land use status quo maps of localities shall be reported to the immediate superior People's Committees by the People's Committees at commune and district levels, reported to the Ministry of Natural Resources and Environment by the provincial People's Committees;
- c) The Ministry of National Defense and the Ministry of Public Security shall assume the prime responsibility for, and coordinate with provincial People's Committees in, making statistics and conducting inventories on land used for national defense or security purpose, and send reports on their results to the Ministry of Natural Resources and Environment;
- d) The Ministry of Natural Resources and Environment shall summarize and report to the Prime Minister and publicize the results of annual land statistics and 5-year land inventories for the whole country.

6. The Minister of Natural Resources and Environment shall detail the making of land statistics, conducting of land inventories and making of land use status quo maps.

#### **Chapter 4.**

### **MASTER PLANS, PLANS ON LAND USE**

#### **Article 35. Principles of formulation of master plans and plans on land use**

1. To conform to strategies, master plans and plans on socio-economic development, national defense and security.

2. To be formulated from the master level to detailed level; the master plan on land use of the subordinate level must conform to the master plan on land use of the superior level; and the land use plans must conform to the master plan on land use approved by competent state agencies. The national master plan on land use must take into account specific characteristics and linkages of the socio-economic regions; and the district-level master plan on land use must demonstrate the contents of the commune-level land use.
3. To use land economically and efficiently.
4. Reasonable exploitation of natural resources and environmental protection; climate change adaptation.
5. To protect and embellish cultural-historical relics and scenic spots.
6. To be democratic and public.
7. To ensure priority for using the land fund for the purposes of national defense and security, serve national and public interests, food security and environmental protection.
8. Master plans and plans of the sectors, fields and localities that use land must conform to the master plans, plans on land use already decided or approved by competent state agencies.

#### **Article 36. System of master plans and plans on land use**

1. National master plans and plans on land use.
2. Provincial master plans, plans on land use.
3. District-level master plans, plans on land use.
4. Master plans, plans on land use for national defense.
5. Master plans, plans on land use for security.

#### **Article 37. Periods of master plans and plans on land use**

1. The period of master plan on land use is 10 years.
2. The period of land use plans at the national and provincial levels and for national defense and security is 5 years. District-level land use plans must be made every year.

#### **Article 38. National master plan on land use and plan**

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

a) National strategies for socio-economic development, national defense and security; master plans on the development of socio-economic regions; and strategies and master plans for development of sectors, fields;

b) Natural and socio-economic conditions;

c) Current land use status, land potential and results of implementation of the national master plan on land use in the previous period;

d) Land use demands of all sectors and fields;

e) Scientific and technological advances involving land use.

2. The national master plan on land use includes the following contents:

a) Orientation for land use in 10 years;

b) Determination of land use targets for agricultural land, non-agricultural land, unused land, including the determination of the areas of paddy land, land used only for wet rice farming, land for protective forest, land for special-use forest, land for production forest, aquaculture land, salt-production land, land for national defense or security purpose, land for industrial parks, land for export processing zones, land for hi-tech zones, land for economic zones, land for national infrastructure development, land for cultural-historic relics and scenic spots, urban land and land for waste dump and treatment;

c) Determination of the areas of the land types specified at Point b this Clause in the planning period for each provincial administrative unit and each socio-economic region;

d) The land use-planning maps at the national level and of socio-economic regions;

e) Solutions for implementation of the master plan on land use.

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

a) The national master plan on land use;

b) The 5-year and annual socio-economic development plans of the whole country;

c) Land use demands in 5 years of all sectors and fields;

d) Results of implementation of the national land use plan in the previous period;

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

4. The national land use plan includes the following contents:

- a) Analysis and evaluation of the implementation of the national land use plan in the previous period;
- b) Determination of the areas of the land types specified at Point b, Clause 2 of this Article in the 5-year land use plan;
- c) The 5-year land use plans for each provincial administrative unit and each socio-economic region;
- d) Solutions for implementation of the land use plan.

### **Article 39. Provincial master plans, plans on land use**

1. A provincial master plan on land use must be formulated based on:

- a) The national master plan on land use;
- b) The master plans for socio-economic development of the socio-economic region and the province or centrally run city; the strategies and master plans on development of sectors and fields;
- c) Natural and socio-economic conditions of the province or centrally run city;
- d) Current land use status, land potential and results of implementation of the provincial master plan on land use in the previous period;
- e) Land use demands of all sectors and fields and of the province;
- f) Land use quotas;
- g) Scientific and technological advances involving land use.

2. A provincial master plan on land use has the following contents:

- a) Orientation for land use in 10 years;
- b) Determination of the areas of the land types already allocated in the national master plan on land use and the areas of the land types in accordance with provincial land use demands;
- c) Determination of land use zones by land use function;
- d) Determination of the areas of the land types specified at Point b of this Clause for each district-level administrative unit;
- e) The provincial land use-planning map;

f) Solutions for implementation of the master plan on land use.

3. The provincial land use plans must be formulated based on:

- a) The national 5-year land use plan; the provincial master plan on land use;
- b) The provincial 5-year and annual socio-economic development plans;
- c) Land use demands in 5 years of all sectors and fields and the province;
- d) Results of implementation of the provincial land use plan in the previous period;
- e) Ability to invest and mobilize resources for implementing the land use plan.

4. A provincial land use plan has the following contents:

- a) Analysis and evaluation of the implementation of the provincial land use plan in the previous period;
- b) Determination of the areas of the land types specified at Point b, Clause 2 of this Article in the land use plan period for each year and each district-level administrative unit;
- c) Determination of the areas of the land types for which land use purposes need to be changed as prescribed at Points a, b, c, d and f, Clause 1, Article 57 of this Law in the land use plan period for each year and each district-level administrative unit;
- d) Determination of the areas and locations of national and provincial construction works and projects which use land for the purposes prescribed in Articles 61 and 62 of this Law in the land use plan period for each year and each district-level administrative unit.

For projects on technical infrastructure, construction, embellishment of urban centers and rural residential areas, the determination of locations and areas of recovered land in the adjacent areas must be conducted concurrently in order to put land use rights up for auction to implement housing, trading, service, production and business projects;

- e) Making the provincial land use plan map;
- f) Solutions for implementation of the land use plan.

#### **Article 40. District-level master plans, plans on land use**

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

- a) The provincial master plan on land use;
- b) The master plans for socio-economic development of the province and district;

- c) Natural and socio-economic conditions of the district, town or provincial city;
- d) The current land use status, land potential and results of implementation of the district-level master plan on land use in the previous period;
- e) Land use demands of all sectors and fields, the district and communes;
- f) Land use quotas;
- g) Scientific and technological advances involving land use.

2. A district-level master plan on land use has the following contents:

- a) Orientation for land use in 10 years;
- b) Determination of the areas of the land types already allocated in the provincial master plan on land use and the areas of land types in accordance with land use demands of the district and communes;
- c) Determination of land use zones by land use function for each commune-level administrative unit;
- d) Determination of the areas of land types prescribed at Point b of this Clause for each commune-level administrative unit;
- e) The district-level land use planning map in which the zones already planned for paddy land and for changes of land use purposes as prescribed at Points a, b, c, d and f, Clause 1, Article 57 of this Law must be demonstrated in detail for each commune-level administrative unit;
- f) Solutions for implementation of the master plan on land use.

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

- a) The provincial land use plan;
- b) The district-level master plan on land use;
- c) Land use demands in the planning year of all sectors, fields and levels;
- d) Ability to invest and mobilize resources for implementing the land use plan.

4. A district-level annual land use plan has the following contents:

- a) Analysis and evaluation on the implementation result of the land use plan in the previous year;

b) Determination of the areas of the land types already allocated in the provincial land use plan and the area of land types in accordance with land use demands of the district and communes in the planning year;

c) Determination of the areas and locations of land to be recovered to implement construction works and projects which use land for the purposes prescribed in Articles 61 and 62 of this Law in the planning year for each commune-level administrative unit.

For the projects on technical infrastructure, construction, embellishment of urban centers and rural residential areas, the determination of locations and areas of the recovered land in the adjacent area must be conducted concurrently in order to put up land use rights for auction to implement housing, trading, service, production and business projects;

d) Determination of the areas of land types of which land use purposes need to be changed as prescribed at Points a, b, c, d and f, Clause 1, Article 57 of this Law in the planning year and for each commune-level administrative unit;

e) District-level annual land use plan map;

f) Solutions for implementation of the land use plan.

5. Urban districts of which the urban master plans have been approved by competent state agencies shall are not required making master plan on land use but must formulate annual land use plans; in case the urban master plan of an urban district is inconsistent with the area allocated in the provincial master plan on land use, it must be adjusted in accordance with the provincial master plan on land use.

#### **Article 41. Master plans, plans on land use for national defense or security purpose**

1. A master plan on land use for national defense or security purpose must be formulated based on:

a) The national master plan on land use;

b) Strategies for socio-economic development, national defense and security and master plans for the development of socio-economic regions;

c) Natural and socio-economic conditions;

d) The current land use status, land potential and results of implementation of the master plan on land use for national defense or security purpose in the previous period;

e) The land use demands for national defense or security;

f) Land use quotas;

g) Scientific and technological advances involving land use.

2. A master plan on land use for national defense or security purpose has the following contents:

a) Orientation for land use for national defense or security purpose;

b) Determination of land use demands for national defense or security purpose in the planning period in accordance with the master plan for socio-economic development, national defense and security and national plan for socio-economic development;

c) Determination of the locations and areas of land for national defense or security purpose which may be re-allocated to localities for management and use for socio-economic development;

d) Solutions for implementation of the master plan on land use for national defense or security purpose.

3. A land use plan for national defense or security purpose must be formulated based on:

a) The national 5-year land use plan and the master plan on land use for national defense or security purpose;

b) The land use demands in 5 years for national defense or security purpose;

c) Results of implementation of the land use plan for national defense or security purpose in the previous period;

d) Ability to invest and mobilize resources for implementing the land use plan for national defense or security purpose.

4. A land use plan for national defense or security purpose has the following contents:

a) Analysis and evaluation of the implementation result of the land use plan for national defense or security purpose in the previous period;

b) Determination of the locations and areas of land which shall be used for national defense or security purpose in the 5-year land use plan and detailed for each year;

c) Determination in detail of the locations and areas of land for national defense or security purpose which may be re-allocated to localities in the 5-year period;

d) Solutions for implementation of the land use plan for national defense or security purpose.

#### **Article 42. Responsibilities for formulating master plans, plans on land use**

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

2. Provincial People's Committees shall organize the formulation of provincial-level master plans, plans on land use. District-level People's Committees shall organize the development of district-level master plans, plans on land use.

Provincial- and district-level land management agencies shall assume the prime responsibility for assisting their respective People's Committees in the formulation of master plans and plans on land use.

3. The Ministry of National Defense shall organize the formulation of master plans and plans on land use for national defense. The Ministry of Public Security shall organize the formulation of master plans and plans on land use for security.

4. The Government shall detail this Article.

#### **Article 43. Consultations on master plans, plans on land use**

1. The agencies which organize the formulation of master plans and plans on land use as prescribed in Clauses 1 and 2, Article 42 of this Law shall organize consultations with the people on master plans, plans on land use.

2. The forms, contents and timing of consultation with the people on master plans, plans on land use must comply with the following provisions:

a) The consultations with the people on national and provincial master plans, plans on land use must be conducted in the form of publicizing the contents of master plans and plans on land use on the websites of the Ministry of Natural Resources and Environment and the provincial-level People's Committees. The consultations with the people on district-level master plans, plans on land use must be conducted in the form of organizing meetings, direct consultation and publicizing the contents of master plans and plans on land use on the websites of provincial and district-level People's Committees.

b) The consultations with the people on master plans, plans on land use must be conducted on the targets of master plans and plans on land use, projects and construction works to be implemented during the master plan on land use and plan periods;

c) The consultations with the people on master plans, plans on land use must be conducted within 30 days after competent state agencies decide to conduct consultations.

3. Agencies responsible for conducting consultations with the people on master plans, plans on land use prescribed in Clause 1 of this Article shall prepare reports on summarization, assimilation and explanation of the people's opinions, and improve the master plans, plans on land use before submitting to the appraisal board for master plans, plans on land use.

4. For master plans, plans on land use for national defense or security purpose, the Ministry of National Defense and the Ministry of Public Security shall conduct consultations with provincial-level People's Committees in the course of formulation of master plans and plans on land use.

5. The Government shall detail this Article.

#### **Article 44. Appraisal of master plans and plans on land use**

1. Competence to establish the appraisal board for master plans, plans on land use:

a) The Prime Minister may establish an appraisal board for national master plans and plans on land use.

The Ministry of Natural Resources and Environment shall assist this appraisal board during the process of appraising master plans, plans on land use;

b) The Minister of Natural Resources and Environment may establish an appraisal board for master plans, plans on land use for national defense or security purpose, and for provincial master plans, plans on land use.

Land management agencies at central level shall assist this appraisal board during the process of appraising master plans, plans on land use;

c) The chairperson of a provincial People's Committee may establish an appraisal board for district-level master plans, plans on land use.

Land management agencies at provincial and district levels shall assist this appraisal board in appraising master plans, plans on land use.

2. The appraisal boards for master plans, plans on land use at all levels shall appraise and send the notices of appraisal results of land use master plans and plans to the agencies in charge of organizing the formulation of master plans and plans on land use as prescribed in Article 42 of this Law. The agencies in charge of organizing the formulation of master plans and plans on land use shall assimilate and explain the contents stated in the notices of appraisal results of land use master plans and plans.

In case of necessity, the appraisal board for master plans, plans on land use shall organize the examination and field survey of the areas for which the land use purposes are planned to change, especially changing of paddy land, land for protective forest and land for special-use forest.

3. The appraisal of a master plan on land use covers the following contents:

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

b) The extent of conformity of the master plan on land use with strategies and master plans for socio-economic development, national defense and security of the whole country and the locality, and with the master plans for development of sectors and fields;

c) Socio-economic and environmental effects;

d) The feasibility of the master plan on land use.

4. The appraisal of a land use plan covers the following contents:

a) The extent of conformity of the land use plan with the master plan on land use;

b) The extent of conformity of the land use plan with the plan for socio-economic development;

c) The feasibility of the land use plan.

5. The fund for appraisal of master plans and plans on land use shall be determined as a separate item in the fund for formulation of master plans and plans on land use.

#### **Article 45. Competence to decide and approve master plans, plans on land use**

1. The National Assembly shall decide on national master plans and plans on land use;

2. The Government shall approve provincial master plans, plans on land use, master plans, plans on land use for national defense purpose and master plans, plans on land use for security purpose.

Provincial People's Committees shall submit provincial master plans, plans on land use to their respective People's Councils for adoption before submitting them to the Government for approval.

3. Provincial People's Committee shall approve district-level master plans, plans on land use.

District-level People's Committees shall submit district-level master plan on land use to their People's Councils for adoption before submitting them to the provincial People's Committee for approval.

District-level People's Committees shall submit annual land use plans to the provincial People's Committee for approval. Provincial People's Committees shall submit to their People's Councils for adoption the lists of projects for which land needs to be recovered as prescribed in Clause 3, Article 62 of this Law, before approving the district-level annual land use plans.

#### **Article 46. Adjustment of master plans and plans on land use**

1. Adjustment of a master plan on land use is only conducted in the following cases:

a) There are adjustments to the strategies for socio-economic development, national defense, and security or master plan for development of socio-economic regions and such adjustments result in change of land use structure;

b) Natural disasters or wars result in changes in the land use purposes, structure, locations and area;

c) There are adjustments in the master plan on land use of the immediate superior level which affect the master plan on land use of the concerned level;

d) There are adjustments to local administrative boundaries.

2. Adjustments to a land use plan are only conducted when there are adjustments in the master plan on land use or there are changes in the ability to implement the land use plan.

3. Adjustments to a master plan on land use are part of the approved Master plan on land use. Adjustments to a land use plans are part of the approved land use plan.

The adjustment of master plans and plans on land use must be conducted under Articles 42, 43, 44 and 48 of this Law.

4. The state agencies competent to decide on or approve master plans, plans on land use at a certain level have competence to decide on or approve adjustments to master plans, plans on land use at that level.

#### **Article 47. Consultancy on formulation of master plans and plans on land use**

1. In the process of formulation of master plans and plans on land use, the agencies in charge of formulation of master plans and plans on land use may hire consultants to formulate master plans, plans on land use.

2. The Government shall prescribe the conditions for organizations and individuals to provide consultancy on formulation of master plans and plans on land use.

#### **Article 48. Publicization of master plans and plans on land use**

1. The master plans, plans on land use at national, provincial and district levels must be publicized after being decided or approved by competent state agencies.

2. Responsibilities for publicizing master plans, plans on land use are prescribed as follows:

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

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

c) District-level People's Committees shall publicize district-level master plans, plans on land use at their head offices and on their websites and the contents of district-level master plans, plans on land use involving communes, wards and townships at the head offices of commune-level People's Committees.

3. Timing and duration for publicizing master plans, plans on land use are prescribed as follows:

a) The master plans, plans on land use must be publicized within 30 days from the date they are decided or approved by competent state agencies;

b) The publicity is implemented throughout periods of the master plans, plans on land use.

#### **Article 49. Implementation of master plans and plans on land use**

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

The Prime Minister shall, based on national land use targets which have been decided by the National Assembly, allocate land use targets for provinces and centrally run cities, the Ministry of National Defense and the Ministry of Public Security.

Provincial- and district-level People's Committees shall implement Master plans, plans on land use of their respective localities.

Commune-level People's Committees shall implement Master plans, plans on land use in their communes.

The Ministry of National Defense and the Ministry of Public Security shall implement Master plans, plans on land use for national defense or security, respectively.

2. If the master plan on land use 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 law.

If the district-level annual land use plans are available, land users for whom the land use purposes are to be changed or whose land is to be recovered in accordance with the plans may continue exercising the rights of land users, but may not build new houses or construction works or plant perennial crops. They shall apply for permission from competent state agencies before repairing or renovating existing houses or construction works.

3. If a land area is to be recovered for implementation of a project or for change of land use purpose as indicated in the publicized annual district-level land use plan, but the decision to recover land has not been issued or the change of land use purpose has not been approved within 3 years, the state agency that has competence to approve the land use plan shall adjust or cancel the recovery or change of land use purpose and shall publicize such adjustment or cancellation for part of land stated in plan on land use.

In case the state agency that has competence to approve 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 rights as prescribed in Clause 2 of this Article.

4. At the end of the master plan on land use period, the land use targets that have not fully been implemented may continue to be implemented until the master plan on land use of the subsequent period is decided or approved by competent state agencies.

5. The Government shall detail the organization of the implementation of master plans and plans on land use.

#### **Article 50. Report on implementation of master plans and plans on land use**

1. The responsibility to make annual reports on results of implementation of master plans and plans on land use is prescribed as follows:

a) The People's Committees at commune and district levels shall send reports on results of implementation of master plans and plans on land use to the direct superior People's Committees. Provincial People's Committees shall send report on results of implementation of master plans and plans on land use to the Ministry of Natural Resources and Environment;

b) The Ministry of National Defense or the Ministry of Public Security shall send reports on results of implementation of master plans and plans on land use for national defense or security purpose to the Ministry of Natural Resources and Environment;

c) The Ministry of Natural Resources and Environment shall summarize the annual results of implementation of master plans and plans on land use of the whole country in a report to the Government for submission to the National Assembly at the year-end session.

2. The report on results of implementation of the annual land use plan for the last year of the first land use plan period must be enclosed with the review report on the implementation of the whole land use plan period.

The report on results of implementation of the annual land use plan for the last year of the master plan on land use period must be enclosed with the review report on the implementation of the last land use plan period and the review report on the implementation of the whole master plan on land use period.

#### **Article 51. Settlement of problems arising in master plans, plans on land use after this Law takes effect**

1. When formulating the land use plans for 5 years (2016-2020), the master plans, plans on land use that have been decided or approved by competent state agencies prior to the effective date of this Law must be reviewed and additionally surveyed for adjustment in accordance with this Law.

2. If the district-level master plan on land use and plan have not yet been approved by competent state agencies when this Law takes effect, the land recovery, land allocation, land lease, recognition of land use rights and change of land use purpose must be conducted in accordance with the provincial land use plans and the list of projects for socio-economic development of the district concerned which is prepared and submitted by the district-level People's Committee to the provincial People's Committee for decision.

The approval of district-level master plans, plans on land use must be completed within 01 year after this Law takes effect.

## **Chapter 5.**

### **LAND ALLOCATION, LAND LEASE AND CHANGE OF LAND USE PURPOSE**

#### **Article 52. Bases for land allocation, land lease and change of land use purpose**

1. The annual district-level land use plans which have been approved by competent state agencies.
2. Land use demands as indicated in investment project documents or in applications for land allocation, land lease or change of land use purpose.

#### **Article 53. Allocation or lease of land which is currently used by a person to another**

The State's decision on allocation or lease of land which is already being used by a person to another may be made only after a competent state agency decides on land recovery in accordance with this Law and the compensation, support and resettlement have been completed in accordance with law in case ground clearance is required.

#### **Article 54. Land allocation without land use levy**

The State shall allocate land without land use levy in the following cases:

1. Households and individuals directly engaged in agriculture, forestry, aquaculture or salt production to whom agricultural land is allocated within the quotas prescribed in Article 129 of this Law;
2. Persons who use protective forest land, special-use forests or production forests which are natural forests, for office construction, for national defense or security purpose, for non-commercial public use, for cemeteries and graveyards which fall outside the cases prescribed in Clause 4, Article 55 of this Law;
3. Public non-business organizations that are not self-financed and use land for office construction.
4. Organizations that use land for construction of resettlement houses under the State's projects.

5. Communities using agricultural land; religious establishments using non-agricultural land as prescribed in Clause 1, Article 159 of this Law.

#### **Article 55. Land allocation with land use levy**

The State shall allocate land and collect land use levy in the following cases:

1. Households and individuals that are allocated residential land;
2. Economic organizations that are allocated land to implement investment projects on construction of houses for sale or a combination of sale and lease;
3. Overseas Vietnamese and foreign-invested enterprises that are allocated land to implement investment projects for the construction of houses for sale or for a combination of sale and lease;
4. Economic organizations that are allocated land to implement investment projects on infrastructure of cemeteries and graveyards for transfer of land use rights together with the infrastructure.

#### **Article 56. Land lease**

1. The State may lease land and collect an annual land rental or full one-off rental for the entire lease period in the following cases:

- a) Households and individuals that use land for the purpose of agriculture, forestry, aquaculture or salt production;
- b) Households and individuals that need to further use agricultural land that exceeds the land allocation quotas prescribed in Article 129 of this Law;
- c) Households and individuals that use land for trading and services, mining activities, production of construction materials, production of ceramic products, and non-agricultural production establishments;
- d) Households and individuals that use land for construction of public facilities for commercial purpose;
- e) Economic organizations, overseas Vietnamese and foreign-invested enterprises that use land to implement investment projects in agriculture, forestry, aquaculture or salt production, for non-agricultural business and production purpose, for construction of public facilities for commercial purpose, and for implementation of investment projects on houses for lease;
- f) Economic organizations, self-financed public non-business organizations, overseas Vietnamese and foreign-invested enterprises that use land for construction of non-business facilities;

g) Foreign organizations with diplomatic functions that use land to build offices.

2. The State may lease land to and collect annual rentals from people's armed forces units for the purpose of agriculture, forestry, aquaculture or salt production, or in combination with national defense or security tasks.

### **Article 57. Change of land use purpose**

1. Cases in which change of land use purpose requires permission by competent state agencies:

a) Change of land for rice cultivation to land for perennial crops, forests, aquaculture or salt production;

b) Change of land for other annual crops to land for saltwater aquaculture, salt production or aquaculture in ponds, lakes or marshlands;

c) Change of special-use forest land, protective forests or production forests to land for other purposes within the type of agricultural land;

d) Change of agricultural land to non-agricultural land;

e) Change of non-agricultural land which is allocated by the State without land use levy to non-agricultural land which is allocated by the State with land use levy, or to leased land;

f) Change of non-agricultural land which is not residential land to residential land;

g) Change of land for construction of non-business facilities or land for public purposes involving commercial purpose, or non-agricultural land for business and production purposes which is not land for trading or services to land for trading or services; change of land for trading or services or land for construction of non-business facilities to land for non-agricultural production establishments.

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.

### **Article 58. Conditions for land allocation, land lease and change of land use purpose to implement investment projects**

1. For investment projects that use paddy land or protective forest land or land for special-use forests for other purposes and are other than those to be decided by the National Assembly or approved in principle by the Prime Minister, competent state agencies may only decide on land allocation or land lease or permit change of land use purpose when one of the following documents is available:

a) The written approval by the Prime Minister for change of land use purpose for the paddy land with an area of 10 ha or more, and for protective forest or special-use forest with a land area of 20 ha or more;

b) The resolution of the provincial People's Council for change of land use purpose for the paddy land with an area less than 10 ha, and for protective forest or special-use forest with a land area less than 20 ha.

2. For investment projects which use land on islands or in border or coastal communes, wards or townships, competent state agencies may only decide on land allocation, land lease or change of land use purpose upon receiving written approval from related ministries and sectors.

3. Those who are allocated land or leased land by the State, or permitted by the State to change land use purpose to implement investment projects must meet the following conditions:

a) Having financial capacity to ensure the land use according to the investment project's schedule;

b) Paying a deposit in accordance with the investment law;

c) Not violating the land law if they are implementing other projects on the state-allocated or -leased land.

4. The Government shall detail this Article.

#### **Article 59. Competence to allocate, lease land and approve change of land use purpose**

1. Provincial 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, organizations;

b) Allocation of land to religious establishments;

c) Allocation of land to overseas Vietnamese or foreign-invested enterprises under Clause 3, Article 55 of this Law;

d) Lease of land to overseas Vietnamese or foreign-invested enterprises under Points e and f, Clause 3, Article 56 of this Law;

e) 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 of change of land use purpose for, households and individuals. If these subjects wish to lease or use agricultural land with an area of 0.5 ha or more for trading and service purposes, written approval from the provincial People's Committee is required before the district-level People's Committee makes decision;

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. Agencies having the competence to decide on land allocation or lease and permit change of land use purpose as prescribed in Clauses 1 and 2 of this Article may not delegate their competence.

### **Article 60. Handling of cases of land allocation and land lease which are decided prior to the effective date of this Law**

1. Economic organizations, households, individuals and overseas Vietnamese that are eligible to lease land in accordance with this Law and are allocated land with land use levy by the State prior to the effective date of 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 agency, they shall change to lease land in accordance with this Law.

2. Organizations, households, individuals and overseas Vietnamese who are eligible to lease land in accordance with this Law and are allocated land by the State without land use levy prior to the effective date of this Law, shall change to lease land from the effective date of this Law and pay land rental.

3. Economic organizations, households, individuals and overseas Vietnamese that are eligible to lease land in accordance with this Law and lawfully acquire land use rights prior to the effective date of this Law, may continue using the land for the remaining land use term without having to change to lease land in accordance with this Law.

4. Economic organizations that are eligible to lease land in accordance with this Law and lawfully acquire agricultural land use rights from households or individuals that are allocated land without land use levy by the State to implement investment projects in agricultural production prior to the effective date of this Law, may continue using the land for the remaining land use term without having to change to lease land in accordance with this Law.

5. Overseas Vietnamese and foreign-invested enterprises that lease land with full one-off rental payment for the entire lease period to implement investment projects on construction of houses for sale or for a combination of sale and rent prior to the effective date of this Law, may continue using the land for the remaining land use term, or change to land allocation with land use levy in accordance with this Law if they have demand.

## **Chapter 6.**

### **LAND RECOVERY, LAND REQUISITION, COMPENSATION, SUPPORT AND RESETTLEMENT**

#### **Section 1. LAND RECOVERY AND LAND REQUISITION**

##### **Article 61. Land recovery for national defense or security purpose**

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

1. Land for military barracks or offices;
2. Land for construction of military bases;
3. Land for construction of national defense works, battle fields and special works of national defense or security;
4. Land for military railway stations and ports;
5. Land for industrial, scientific and technological, cultural or sports facilities that directly serve national defense or security purpose;
6. Land for warehouses of the people's armed forces;
7. Land for shooting grounds, training grounds, and weapon testing and destroying sites;
8. Land for training institutions and centers, hospitals and sanatoriums of the people's armed forces;
9. Land for construction of public-duty houses of the people's armed forces;
10. Land for detention and education institutions managed by the Ministry of National Defense or the Ministry of Public Security.

##### **Article 62. Land recovery for socio-economic development in the national or public interest**

The State may recover land for socio-economic development in the national or public interest in the following cases:

1. Implementation of projects of national importance which are approved in principle by the National Assembly for which land must be recovered.
2. Implementation of projects which are approved or decided by the Prime Minister, for which land must be recovered, including:

a) Projects on construction of industrial parks, export processing zones, hi-tech zones, economic zones, new urban centers; investment projects funded with official development assistance (ODA) capital;

b) Projects on construction of offices of state agencies, central political and socio-political organizations, offices of foreign organizations with diplomatic functions; ranked historical-cultural relics and scenic spots, parks, squares, statutes, monuments and national public non-business facilities;

c) Projects for construction of national technical infrastructure including transport, irrigation, water supply and drainage, electricity and communication facilities; oil and gasoline pipelines and depots; national reserve warehouses; facilities for waste collection and treatment.

3. Implementation of projects which are approved by provincial People's Councils for which land must be recovered, including:

a) Projects on construction of offices of state agencies, political and socio-political organizations; ranked historical-cultural relics and scenic spots, parks, squares, statutes, monuments, and local public non-business facilities;

b) Projects on construction of local technical infrastructure including transport, irrigation, water supply and drainage, electricity, communication and urban lighting works; facilities for waste collection and treatment;

c) Projects on construction of common activities of the communities; projects on resettlement, dormitories for students, social houses, and public-duty houses; construction of religious establishments, public culture, sports and entertainment and recreation centers; markets; graveyards, cemeteries, funeral service centers and cremation centers;

d) Projects on construction of new urban centers and rural residential areas; on improvement of urban areas and rural residential areas; industrial clusters; concentrated zones for production and processing of agricultural, forestry, aquaculture and seafood products; and projects on development of protective forests or special-use forests;

dd) Mining projects that are licensed by competent agencies, except mining of minerals for use as common construction materials, peat, and minerals in scattered and small mining areas, and salvage mining.

**Article 63. Bases for land recovery for national defense or security purpose; for socio-economic development in the national or public interest**

Land recovery for national defense or security purpose; for socio-economic development in the national or public interest must be based on the following:

1. The projects fall in cases of land recovery as prescribed in Articles 61 and 62 of this Law.

2. The annual district-level land use plans which are approved by competent state agencies.
3. The land use schedule of the projects.

#### **Article 64. Land recovery due to violations of land law**

1. Cases of land recovery due to violations of the land law include:

- a) 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;
- b) Land users intentionally damage land;
- c) Land was allocated or leased to wrong subjects or ultra vires;
- d) Land that is ineligible for transfer or donation as prescribed in this Law is transferred or donated;
- e) Land that is allocated by the State for management is encroached or occupied;
- f) Land that is ineligible for transfer of land use rights as prescribed by this Law is encroached or occupied due to the irresponsibility of land users;
- g) Land users who fail to fulfill obligations to the State and have been administratively sanctioned for such violation but do not comply;
- h) Land for annual crops that is not used for 12 consecutive months; land for perennial plants that is not used for 18 consecutive months; land for afforestation that is not used for 24 consecutive months;
- i) Land that is allocated or leased for implementing investment projects is not used within 12 consecutive months, or the land use schedule is 24 months late compared with the schedule stated in the project documents since the hand-over in the field. In case of not putting the land into use, the land use term may be extended 24 months and the investors shall pay a sum of money equivalent to the total land use levy or land rental for the delayed period. If the investors still fail to put the land into use when the extended time is over, the State shall recover the land without compensation for land and land-attached assets, except due to force majeure.

2. Land recovery due to violations of the land law must be based on documents and decisions issued by state agencies which are competent to determine violations of the land law.

3. The Government shall detail this Article.

#### **Article 65. Land recovery due to termination of land use in accordance with law, voluntary return of land or risks of threatening human life**

1. Cases of land recovery due to termination of land use in accordance with law, voluntary return of land or risks threatening human life include:

a) Organizations to which land is allocated by the State without land use levy, or organizations to which land is allocated with collection of land use levy and the land use levy is originated from the state budget, are dissolved, go bankrupt, move to another place, or have lower or no land use demand; land users which lease land with annual rental payment are dissolved, go bankrupt, move to another place, or have lower or no land use demand;

b) Individual land users die without any heir;

c) Land users return the land voluntarily;

d) Land is allocated or leased by the State for definite periods and such periods expired without extension;

e) Land is located in environmentally polluted areas which bears the risks of threatening human life;

f) Land having risks of being eroded or sunk or otherwise affected by other natural disasters threatening human life.

2. Land recovery prescribed in Clause 1 of this Article must be based on the following:

a) The document of a competent agency which has taken legal effect, for the case of land recovery prescribed at Point a, Clause 1 of this Article;

b) The death certificate or the decision declaring that the individual concerned is dead in accordance with law and the document issued by the commune-level People's Committee of the locality where the individual concerned permanently resides, confirming that he/she has no heir, for the case of land recovery prescribed at Point b, Clause 1 of this Article;

c) The document of the land user on the return of land, for the case of land recovery prescribed at Point c, Clause 1 of this Article;

d) The decision on land allocation or land lease, for the case of land recovery prescribed at Point d, Clause 1 of this Article;

e) Document issued by a competent state agency determining the extent to which land is environmentally polluted, eroded, sunk, or otherwise affected by another natural disaster which threatens human life, for the case of land recovery prescribed at Point e and Point f, Clause 1 of this Article.

3. The Government shall detail this Article.

#### **Article 66. Competence to recover land**

1. Provincial People's Committee may decide on land recovery in the following cases:
  - a) Recovery of land from organizations, religious establishments, overseas Vietnamese, foreign organizations with diplomatic functions, and foreign-invested enterprises, excluding the case prescribed at Point b, Clause 2 of this Article;
  - b) Recovery of agricultural land which is part of the public land funds of communes, wards or townships.
2. District-level People's Committees may decide on land recovery in the following cases:
  - a) Recovery of land from households, individuals and communities;
  - b) Recovery of land from overseas Vietnamese who are allowed to own houses in Vietnam.
3. In case both subjects prescribed in Clauses 1 and 2 of this Article exist in one recovered area, the provincial People's Committee shall decide on the land recovery or authorize district-level People's Committees to decide on the land recovery.

**Article 67. 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 decision on land recovery, at least 90 days prior to the recovery of agricultural land or 180 days prior to the recovery of non-agricultural land, competent state agencies shall notify the land users of the land recovery. The contents to be notified include land recovery, investigation, survey, measurement and inventory plans.
2. In case land users in area of land recovery agree for competent state agencies to conduct 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 for the land recovery notification expires.
3. Land users of recovered land shall coordinate with agencies and organizations performing compensation and ground clearance in the process of investigation, survey, measurement, inventory, and making of plans for compensation, support and resettlement.
4. After the land recovery decisions take effect and plans for compensation, support and resettlement approved by competent state agencies are publicized, land users of recovered land shall comply with the land recovery decisions.

**Article 68. Organizations in charge of compensation and ground clearance; management of land which has been recovered**

1. Organizations in charge of compensation and ground clearance include public land service organizations and compensation, support and resettlement councils.

2. The land which has been recovered shall be allocated for management and use according to the following provisions:

- a) Land recovered under Articles 61 and 62 of this Law shall be allocated to investors for implementation of investment projects or to public land service organizations for management;
- b) Land recovered under Clause 1, Article 64, and Points a, b, c or d, Clause 1, Article 65 of this Law shall be allocated to public land service organizations for management and auction of land use rights.

In case the land recovered under Clause 1, Article 64, and Points a, b, c or d, Clause 1, Article 65 of this Law, is agricultural land of households and individuals in rural areas that land shall be allocated to commune-level People's Committees for management. This land fund shall be allocated or leased in accordance with law to households and individuals that have no land or lack production land.

3. The Government shall detail this Article.

**Article 69. Order and procedures for land recovery for national defense or security purpose; for socio-economic development in the national or public interest**

1. The making and 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 issue a notice of land recovery.

The notice of land recovery must be sent to every user of recovered land, publicized in the meetings with people in the recovered area and through the mass media, posted up at offices of the commune-level People's Committee and at common public places of the residential areas of which land is recovered;

- b) The commune-level People's Committee shall coordinate with the organization in charge of compensation and ground clearance to implement plans for land recovery, investigation, survey, measurement and inventory;

- c) Land users shall coordinate with the organization in charge of compensation and ground clearance in conducting investigation, survey and measurement of land area, inventory of houses and other land-attached assets to make plans for compensation, support and resettlement;

- d) In case the land users in the recovered area fail to cooperate with the organization in charge of compensation and ground clearance for investigation, survey, measurement and inventory, the commune-level People's Committee and Vietnam Fatherland Front in the locality and the organization in charge of compensation and ground clearance shall mobilize and persuade the land users to cooperate.

If the land users still do not cooperate with the organization in charge of compensation and ground clearance within 10 days after the mobilization and persuasion, the chairperson of the district-level People's Committee shall issue a decision on compulsory inventory. User of recovered land shall comply with decision on compulsory inventory. In case the land users do not comply with the decision, the chairperson of the district-level People's Committee shall issue a decision on enforcement of the decision on compulsory inventory and organize the enforcement in accordance with Article 70 of this Law.

2. The making and appraisal on plans for compensation, support and resettlement are prescribed as follows:

a) The organization in charge of compensation and ground clearance shall make the plan for compensation, support and resettlement and coordinate with the commune-level People's Committee in the locality to conduct consultations on the plans for compensation, support and resettlement in the forms of meetings with land users living in the recovered area, posting up the plan for compensation, support and resettlement at offices of the commune-level People's Committee and at common public places of the residential areas of which land is recovered.

The consultation results must be recorded in minutes which are certified by representatives of the commune-level People's Committee and Vietnam Fatherland Front, and users of recovered land.

The organization in charge of compensation and ground clearance shall make a written summarization of opinions which clearly specifies the numbers of opinions for, against and other opinions regarding the plans for compensation, support and resettlement; coordinate with the commune-level People's Committee in the locality in organizing dialogues with those who have objections on the plans for compensation, support and resettlement; and improve the plans for submission to competent agencies.

b) Competent agencies shall appraise the plans for compensation, support and resettlement before submitting them to the competent People's Committee for decision on land recovery.

3. The decision on land recovery, the approval and the organization of implementation of the plans for compensation, support and resettlement are prescribed as follows:

a) The People's Committee which has the competence as prescribed in Article 66 of this Law shall issue a decision on land recovery and a decision on approval of the plans for compensation, support and resettlement in the same day;

b) The organization in charge of compensation and ground clearance shall coordinate with the commune-level People's Committee to publicize and post up the decision on approval of the plans for compensation, support and resettlement at the commune-level People's Committee offices and at common public places of the residential areas of which land is recovered. The organization shall send the decision on compensation, support and resettlement to each person whose land is recovered and that decision will clearly show the level of compensation and support, arrangement of the resettlement land or house (if any), time and place of payment for

compensation or support, time to arrange resettlement land or house (if any) and time to hand over the recovered land to the organization in charge of compensation and ground clearance;

c) The organization in charge of compensation and ground clearance shall implement activities in accordance with the approved plans for compensation, support and resettlement;

d) In case users of recovered land fail to hand over the land to the organization in charge of compensation and ground clearance, the commune-level People's Committee and Vietnam Fatherland Front in the locality and the organization in charge of compensation and ground clearance shall mobilize and persuade the land users to implement.

In case the land users fail to comply with the decision for handing over land even after the mobilization and persuasion, the chairperson of the district-level People's Committee shall issue a decision on enforcement of land recovery and organize the enforcement in accordance with Article 71 of this Law.

4. The organization in charge of compensation and ground clearance shall manage land which is already cleared.

#### **Article 70. Enforcement of decisions on compulsory inventory**

1. Principles of enforcement of a decision on compulsory inventory:

a) The enforcement is conducted in a public, democratic, objective, orderly, safe and lawful manner;

b) The times of starting the enforcement fall in working hours of state agencies.

2. The enforcement of a decision on compulsory inventory may be conducted when all the following requirements are met:

a) Users of recovered land do not comply with the decision on compulsory inventory after the mobilization and persuasion by the commune-level People's Committee, Vietnam Fatherland Front and the organization in charge of compensation and ground clearance;

b) The decision on enforcement of the compulsory inventory decision is posted up publicly 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 enforcement of the compulsory inventory decision has taken effect;

d) The coerced person has received the effective decision on enforcement.

In case the coerced person refuses to receive the decision on enforcement or is absent when the decision on enforcement is delivered, the commune-level People's Committee shall make a written record of 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 order and procedures for executing the decision on enforcement of compulsory inventory are prescribed as follows:

a) The organization assigned to conduct the enforcement shall mobilize, persuade and organize dialogues with, the coerced people;

b) In case the coerced person complies with the decision on enforcement, the organization assigned to conduct enforcement shall make a written record to acknowledge the compliance, and conduct investigation, survey, measurement or inventory.

In case the coerced person fails to comply with the decision on enforcement, the organization assigned to conduct the enforcement shall execute the decision on enforcement.

#### **Article 71. Enforcement to execute land recovery decisions**

1. The principles of enforcement to execute a land recovery decision comply with Clause 1, Article 70 of this Law.

2. The enforcement of a land recovery decision is conducted when all the following requirements are met:

a) The person whose land is to be recovered fails to comply with the land recovery decision after the mobilization and persuasion by the commune-level People's Committee and Vietnam Fatherland Front in the locality and the organization in charge of compensation and ground clearance;

b) The decision on enforcement to execute the land recovery decision has been 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 enforcement of the land recovery decision has taken effect;

d) The coerced person has received the effective decision on enforcement.

In case the coerced person refuses to receive the decision on enforcement or is absent when the decision on enforcement is delivered, the commune-level People's Committee shall make a written record of delivery.

3. The chairperson of the district-level People's Committee issues the decision on enforcement of the land recovery decision, and organizes the execution of the decision.

4. The order and procedures for enforcement of land recovery:

a) Before executing the enforcement, the chairperson of the district-level People's Committee shall decide to establish an enforcement board;

b) The enforcement board shall mobilize, persuade, and conduct dialogues with, the coerced persons. If the coerced persons comply, the enforcement board shall prepare a written record to acknowledge the compliance. The land must be handed over within 30 days from the date of making the minutes.

In case the coerced person fails to comply with the decision on enforcement, the enforcement board shall execute the enforcement;

c) The enforcement board has the power to ask coerced persons and related people to leave the coerced land areas and to move their properties out of the land areas by themselves. If these people fail to comply, the enforcement board shall move the coerced persons, related people and their properties out of the land areas.

In case the coerced person refuses to receive their properties, the enforcement board shall make a written record, preserve the properties in accordance with law, and notify the properties' owners to get the properties back.

5. Responsibilities of organizations and individuals in executing decisions on enforcement of land recovery:

a) The district-level People's Committee shall implement the enforcement, settle complaints involving the enforcement in accordance with the law on complaints; implement the resettlement plans before executing the enforcement; ensure necessary conditions and means to serve the enforcement; and allocate funds for enforcement to recover land;

b) The enforcement board shall assume the prime responsibility for making the enforcement plans and cost estimation for enforcement activities and submitting them to the competent People's Committee for approval, conduct the enforcement in accordance with the approved plans and hand over the land to the organization in charge of compensation and ground clearance.

In case of remaining properties on the coerced land, the enforcement board shall preserve the properties. The preservation cost shall be born by the properties' owners;

c) The police shall maintain social order and safety in the process of organizing the execution of the decision on enforcement of land recovery;

d) The commune-level People's Committee of the locality concerned shall coordinate with related agencies and units in delivering and posting up the decision on enforcement of land recovery, participate in the enforcement process and coordinate with the organization in charge of compensation and ground clearance in sealing and moving the properties of coerced people;

e) Other related agencies, organizations and individuals shall coordinate with the enforcement board in executing the enforcement of land recovery at the request of the enforcement board.

6. The Government shall detail this Article.

### **Article 72. 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 must be made in writing. In case of emergency when the decision cannot be made in writing, the person who has competence to requisition land may make the decision verbally but shall write a confirmation document on the land requisition decision right at the time of land requisition. The decision on land requisition takes effect from the time of its issuance.

Within 48 hours from the time of making the land requisition decision verbally, the agency of the person making that decision shall confirm in writing and send the confirmation document to the person whose land is requisitioned.

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, chairpersons of provincial 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 persons who have the competence to requisition land may not delegate this competence to another person.

4. The duration of land requisition must not exceed 30 days from the time the decision on land requisition takes effect. 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.

In case 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 land requisition must be made in writing and sent to the people whose land is requisitioned before the land acquisition duration expires.

5. The person whose land is requisitioned shall comply with the decision on land requisition. If the land requisition decision is made in accordance with law and the people whose land is requisitioned fail to comply with that decision, the person who decides to requisition the land shall issue a decision on enforcement and organize the enforcement, or assign the chairperson of the provincial People's Committee and the district-level People's Committee of the locality where land is requisitioned to organize the 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) The person whose land is requisitioned is entitled to compensation in case the requisitioned land is destroyed or his/her income is lost as a direct consequence of the land requisition;

b) If the requisitioned land is destroyed, the compensation must be made in money, based on the price of land use rights transferred in the market at the payment time;

c) If the person whose land is requisitioned loses income 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.

d) The chairperson of the provincial- or district-level People's Committee of the locality where land is requisitioned 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;

e) Compensation for damage caused by land requisition must be paid from the state budget in one-off payment and directly to the person whose land is requisitioned within 30 days from the returning date.

8. The Government shall detail this Article.

### **Article 73. Use of land through transfer and lease of land use rights and receipt of land use rights contributed as capital for production and business**

1. If the land used for the projects or facilities for production and business purposes is not subject to recovery by the State as prescribed in Articles 61 and 62 of this Law and such land use is in accordance with the master plans, plans on land use approved by competent state agencies, the investors may receive the transfer of, or lease, land use rights, or receive land use rights contributed as capital in accordance with law.

2. The State shall adopt policies to encourage the lease of land use rights or the receipt of land use rights contributed as capital of economic organizations, households and individuals to implement the projects or facilities for production and business.

3. The Government shall detail this Article.

## **Section 2. COMPENSATION FOR LAND, SUPPORT AND RESETTLEMENT**

### **Article 74. Principles of land compensation when State recovers land**

1. When state recovers land, land users who meet the conditions prescribed in Article 75 of this Law shall be compensated.
2. The compensation must be made in the form of allocating new land with the same land use purpose with the recovered land. If there is no land available for compensation, the land users shall receive compensation in money calculated according to the specific land price of the type of recovered land which is decided by the provincial People's Committee at the time of the recovery decision.
3. The compensation when State recovers land must be made in a democratic, impartial, equal, public, timely and lawful manner.

### **Article 75. 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. Households and individuals using land which is not the leased land with annual rental payment, having a certificate of land use rights, a certificate of ownership of houses and residential land use rights, or a certificate of land use rights and ownership of houses and other land-attached assets (below referred to as the certificate), or being eligible to be granted a certificate under this Law but not being granted that certificate yet, except the cases prescribed in Clause 2, Article 77 of this Law. Overseas Vietnamese who are eligible to own houses associated with land use rights in Vietnam and are granted a certificate of land use rights and ownership of houses and residential land use rights and other land-attached assets, or being eligible to be granted such certificate under this Law but not being granted that certificate yet.
2. Communities and religious establishments using land which is not allocated or leased land by the State and having a certificate, or being eligible to be granted a certificate of land use rights and ownership of houses and other land-attached assets under this Law but not being granted that certificate yet.
3. Overseas Vietnamese who are allocated land with land use levy by the State, or are leased land with full one-off rental payment for the entire lease period, or are transferred land use rights in industrial parks, industrial clusters, export processing zones, hi-tech zones or economic zones, having a certificate or being eligible to be granted a certificate of land use rights and ownership of houses and other land-attached assets under this Law but not being granted that certificate yet.
4. Organizations that are allocated land with land use levy by the State, or are leased land with full one-off rental payment for the entire lease period, or are inherited land use rights, or are transferred land use rights for which the land use levy has been paid or the amount paid for the

transfer does not originate from the state budget, having a certificate or being eligible to be granted a certificate of land use rights and ownership of houses and other land-attached assets under this Law but not being granted that certificate yet.

5. Foreign organizations with diplomatic functions that are leased land by the State with full one-off rental payment for the entire lease period and having a certificate or being eligible to be granted a certificate of land use rights and ownership of houses and other land-attached assets under this Law but not being granted that certificate yet.

6. Economic organizations, overseas Vietnamese and foreign-invested enterprises that are allocated by the State land with land use levy to implement investment projects for construction of houses for sale or for a combination of sale and rent, or are leased land by State with full one-off rental payment for the entire lease period, having a certificate or being eligible to be granted a certificate of land use rights and ownership of houses and other land-attached assets under this Law but not being granted that certificate yet.

**Article 76. Compensation for remaining 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 that are not eligible for compensation for land but are paid compensation for the remaining investment costs on land when the State recovers the land include:

a) Land which is allocated by the State without land use levy, except the cases of agricultural land which is allocated to households and individuals by State as prescribed in Clause 1, Article 54 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 full one-off rental payment for the entire lease period but the land rental is exempted, for cases in which households and individuals use land under the policies for people with meritorious services to the revolution;

d) Agricultural land belonging to the public land fund of the communes, wards or townships;

e) Contracted land for agriculture, forestry, aquaculture or salt production.

2. The Government shall detail this Article.

**Article 77. Compensation for land and remaining investment costs on land when the State recovers agricultural land from households and individuals**

1. Households and individuals using agricultural land when the State recovers land are paid compensation for land and remaining investment costs on land in accordance with the following provisions:

a) Agricultural land area to be compensated includes the area within the quotas as prescribed in Articles 129 and 130 of this Law and the area received in the form of inheritance;

b) Agricultural land area exceeding the quota specified in Article 129 of this Law is not eligible to pay compensation for land but is eligible to pay compensation for the remaining investment costs on land;

c) For agricultural land area exceeding the quota prior to the effective date of this Law, the compensation and support must comply with the Government's regulations.

2. For agricultural land which was used before July 01,2004, of which land users are households and individuals directly engaged in agricultural production but have not been granted a certificate or not being eligible to be granted a certificate of land use rights and ownership of houses and other land-attached assets under this Law, the compensation must be made for the land area which is actually used and does not exceed the agricultural land allocation quota prescribed in Article 129 of this Law.

**Article 78. Compensation for land and remaining investment costs on land when the State recovers agricultural land from economic organizations, self-financed public non-business organizations, communities or religious establishments**

1. For economic organizations 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 75 of this Law when the State recovers the land, they shall be compensated for land; the compensation levels shall be determined according to the remaining land use term.

2. Economic organizations, self-financed public non-business organizations that are using agricultural land which is leased by State with annual rental payment, shall, when State recovers land, not be compensated for land but for the remaining investment costs on land if the costs do not originate from the state budget.

If agricultural land is not land for special-use forest, protective forest or production forest which is natural forest and has been contracted by economic organizations to households and individuals in accordance with law, when State recovers land, the households and individuals acquiring the contracted land shall not be compensated for land but for the remaining investment costs on land.

3. Communities and religious establishments that are using agricultural land and eligible for compensation as prescribed in Article 75 of this Law, shall, when State recovers land, be compensated for land in accordance with the Government's regulations.

## **Article 79. Compensation for land when the State recovers residential land**

1. Households and individuals using residential land and overseas Vietnam owning houses associated with land use rights in Vietnam, who are eligible for compensation as prescribed in Article 75 of the Law when State recovers land, shall be compensated as follows:

a) If they have no other residential land or houses in the communes, wards or townships in which the recovered land is located, they shall be compensated with residential land or house. If they have no need for compensation with residential land or house, the State shall compensate them in money;

b) If they have other residential land or houses in the communes, wards or townships in which the recovered land is located, they shall be compensated in money. For localities with available land fund, the compensation in the form of residential land may be considered.

2. For households and individuals that are required to move when State recovers land and land-attached houses, if they are not eligible for compensation with residential land and have no other living place, the State shall offer houses for them to buy or lease-purchase, or allocate them residential land with land use levy.

3. Economic organization, overseas Vietnamese and foreign-invested enterprises that are using land for housing projects and are eligible for compensation as prescribed in Article 75 of this Law, shall be compensated for land when State recovers land.

4. The Government shall detail this Article.

## **Article 80. Compensation for land and remaining investment costs on land when the State recovers non-agricultural land which is not residential land of households and individuals**

1. For 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 75 of this Law, they shall be compensated with land having the same land use purpose. In case such land is not available for compensation, they shall be compensated with money calculated based on the remaining land use term for land with use term.

2. For households and individuals using non-agricultural land which is not residential land and is leased by the State with annual rental payment or with full one-off rental payment for the entire lease period but being exempted from land rental, when the State recovers land, they shall not be compensated for land but for the remaining investment costs in land, except the cases in which households and individuals use land under the policies for people with meritorious services to the revolution.

3. The Government shall detail this Article.

## **Article 81. Compensation for land and remaining investment costs on land when the State recovers non-agricultural land which is not residential land from economic organizations,**

**self-financed public non-business organization, communities, religious establishments, overseas Vietnamese, foreign organizations with diplomatic functions, and foreign-invested enterprises**

1. For economic organizations and overseas Vietnamese using non-agricultural land which is not residential land or land of cemeteries or graveyards, when the State recovers land, if they are eligible for compensation as prescribed in Article 75 of this Law, they shall be compensated with land having the same land use purpose. In case that land is not available for compensation, they shall be compensated with money calculated based on the remaining land use term.
2. Economic organizations using land allocated for construction of cemeteries or graveyards as prescribed in Clause 4, Article 55 of this Law; or joint ventures using non-agricultural land that is not residential land as a result of receipt of land use rights contributed as capital as prescribed in Article 184 of this Law, shall be compensated for land according to the Government's regulations when the State recovers the land.
3. For economic organizations, self-financed public non-business organization, overseas Vietnamese, foreign organizations with diplomatic functions, and foreign-invested enterprises using non-agricultural land which is leased with full one-off rental payment for the entire lease period, if they are eligible for compensation as prescribed in Article 75 of this Law when the State recovers land, they shall be compensated for land according to the remaining land use term.
4. Economic organizations, self-financed public non-business organization, overseas Vietnamese, foreign organizations with diplomatic functions, and foreign-invested enterprises using non-agricultural land which is leased by the State with annual rental payment shall be compensated for the remaining investment costs on land when State recovers land.
5. For communities and religious establishments using non-agricultural land, if they are eligible for compensation as prescribed in Article 75 of this Law when the State recovers land, they shall be compensated for land in accordance with the Government's regulations.

**Article 82. Cases where State recovers land without land compensation**

The State shall recover land without compensation for land in the following cases:

1. The cases specified in Clause 1, Article 76 of this Law;
2. Land which is allocated by the State for management;
3. Land which is recovered as prescribed in Article 64 and at Points a, b, c and d, Clause 1, Article 65 of this Law;
4. Cases that are not eligible for a certificate of land use rights and ownership of houses and other land-attached assets in accordance with this Law, except the cases prescribed in Clause 2, Article 77 of this Law.

### **Article 83. Support when State recovers land**

1. Principles of support when State recovers land:

- a) When State recovers land, in addition to receiving compensation in accordance with this Law, land users shall also be considered for receiving support from the State;
- b) The support must ensure impartiality, equality, publicity, timeliness and lawfulness.

2. The support when State recovers land includes:

- a) Support for stabilizing livelihood and production;
- b) Support for training, occupation change and job seeking for cases of recovery of agricultural land from households and individuals directly engaged in agricultural production, or of recovery of land which is a combination between residential land and land for trading and services of households and individuals that have to be relocated;
- c) Support for resettlement in case of recovery of land from households, individuals and overseas Vietnamese who have to be relocated;
- d) Other support.

3. The Government shall detail this Article.

### **Article 84. Support for vocational training, occupation change and job seeking for households and individuals when State recovers land**

1. For households and individuals directly engaged in agricultural production, when the State recovers agricultural land and there is no agricultural land available for compensation, in addition to receiving compensation in money, they are entitled to support for vocational training, occupation change and job seeking.

In case the people who are entitled to support for vocational training, occupation change or job seeking are of working age and have need for vocational training, they may be admitted to vocational training centers, be received counseling on job seeking and be provided preferential loans to develop production and business.

2. Households and individuals using residential land in combination with trading and services in which the main source of income derives from trading and services, and need to be relocated when the State recovers land, are entitled to preferential loans to develop production and business. Persons having land recovered and who are of working age are entitled to support for vocational training, occupation change and job seeking.

3. Based on the annual district-level land use plans, provincial- and district-level People's Committees shall make and implement plans for vocational training, occupation change and job

seeking for those whose recovered land is agricultural land or residential land in combination with trading and services. 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, provincial- and district-level People's Committees shall organize consultations with, and give explanation and assimilate opinions from, people whose land is recovered.

#### **Article 85. Formulation and implementation of resettlement projects**

1. Provincial- and district-level People's Committees shall develop and implement the resettlement projects before conducting the land recovery.
2. In the concentrated resettlement areas, infrastructure must be developed synchronously, ensuring construction standards and regulations and conformity with the conditions, customs and practices of each region and area.
3. Land recovery can only be conducted after the construction of houses or infrastructure in the resettlement area is completed.
4. The Government shall detail this Article.

#### **Article 86. Resettlement arrangement for persons having residential land recovered and having to relocate**

1. The organization in charge of compensation and ground clearance which is assigned by the provincial- and district-level People's Committees to arrange resettlement shall notify persons having land recovered and being subjects to relocation of the tentative resettlement arrangement plan and post up the plan at the offices of the commune-level People's Committee, at common public places of the residential areas of which land is recovered and at resettlement areas for at least 15 days before competent state agencies approve the plan on resettlement arrangement.

The contents of the notification include 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 persons having land recovered.

2. People whose land is recovered shall be resettled in the same place if the resettlement projects are developed in area of land recovery or conditions for resettlement arrangement are available. Convenient locations are prioritized for those who hand over the recovered land early or people with meritorious services to the revolution.

The approved plan for resettlement arrangement must be publicized at the office of the commune-level People's Committee and at common public places of the residential areas of which land is recovered and at place of resettlement.

3. The specific land price used to calculate land use levy at resettlement areas and the sale price of resettlement houses shall be determined by the provincial People's Committee.

4. In case people having land recovered are resettled while the amount of compensation and support is not enough to buy the minimum resettlement plot, the State shall make up the deficit.

The Government shall specify the minimum resettlement plot in conformity with specific conditions of each region, area and locality.

### **Article 87. Compensation, support and resettlement for special cases**

1. For investment projects that are decided by the National Assembly or approved in principle by the Prime Minister and require relocation of all population in the community, affecting all the livelihood, socio-economic activities, and cultural traditions of the community, and for projects of which the recovered land is located in several provinces and centrally run cities, the Prime Minister shall decide on the policy framework for compensation, support and resettlement.

2. For projects using loans from international or foreign organizations for which Vietnam has committed to a policy framework for compensation, support and resettlement, that framework policy shall apply.

3. For the recovery cases prescribed at Points e and f, Clause 1, Article 65 of this Law, people whose land is recovered are entitled to compensation, support and resettlement to stabilize their livelihood and production in accordance with the Government's regulations.

## **Section 3. COMPENSATION FOR DAMAGE TO ASSETS, PRODUCTION AND BUSINESS**

### **Article 88. Principles of compensation for damage to assets and damage incurred due to stopped production and business when State recovers land**

1. If land-attached assets are damaged when State recovers land, lawful owners of those assets are entitled to compensation.

2. Upon the land recovery by the State, if organizations, households, individuals, overseas Vietnamese or foreign-invested enterprises have to stop production and business which causes them damage, they are entitled to compensation for the damage.

### **Article 89. Compensation for damage to houses and construction facilities on land upon the land recovery by the State**

1. For houses and land-attached residential construction facilities of households, individuals or overseas Vietnamese which are wholly or partially dismantled when State recovers land while the remaining part does not meet technical standards as prescribed by law, their owners are entitled to compensation equivalent to the value of new houses and construction facilities with equivalent technical standards.

If the remaining part of the houses and construction facilities still meets the technical standards as prescribed by law, the compensation must be made based on the actual damage.

2. For houses and other land-attached construction facilities not falling into the case specified in Clause 1 of this Article, which are wholly or partially dismantled when State recovers land while the remaining part does not meet technical standards as prescribed by law, their owners are entitled to compensation for the damage in accordance with the Government's regulations.

3. For land-attached technical infrastructure and social infrastructure currently in use and not falling into the cases specified in Clauses 1 and 2 of this Article, the compensation amount is equivalent to the value of new construction facilities with equivalent technical standards prescribed by specialized law.

### **Article 90. Compensation for plants and livestock**

1. In case the land recovery by the State causes damage to plants, the compensation shall be made according to the following provisions:

a) For annual crops, the compensation must be equal to the output value of the harvest. The output value of the harvest is the highest yield of the harvests in the preceding 3 years of the local main crop and the average price at the time of land recovery;

b) For perennial crops, the compensation must be equal to the current value of the planting area calculated in local prices at the time of the land recovery, excluding the value of land use rights;

c) 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;

d) For planted forests funded by the state budget and for natural forests allocated to organizations, households and 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 on forest protection and development.

2. In case land recovery by the State causes damage to aquatic livestock, the compensation must be made according to the following provisions:

a) For aquatic livestock which are due to be harvested at the time of land recovery, no compensation must be made;

b) For aquatic livestock which are not due to be harvested at the time of land recovery, the actual damage due to the early harvest must be compensated. In case the aquatic livestock can be brought to another location, the transportation cost and the damage caused by the transportation must be compensated. The specific compensation amount must be determined by provincial People's Committees.

### **Article 91. Compensation for transportation costs when State recovers land**

1. When State recovers land, people whose assets 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 People's Committees shall prescribe the compensation amount mentioned in Clause 1 of this Article.

### **Article 92. Cases where State recovers land without compensation for land-attached assets**

1. Land-attached assets falling into any of the cases of land recovery specified at Points a, b, d, e, f and i, Clause 1, Article 64, and at Points b and d, Clause 1, Article 65 of this Law.
2. Land-attached assets which are illegally created or created after having a notice of land recovery of a competent state agency.
3. Technical infrastructure, social infrastructure and other construction facilities which are no longer in use.

### **Article 93. Payment of compensation, support and resettlement money**

1. Within 30 days after the decision on the land recovery by a competent state agency takes effect, agencies and organizations in charge of compensation shall pay compensation and support to people whose land is recovered.
2. If agencies and organizations in charge of compensation delay the payment, in addition to the compensation and support prescribed in approved plans for compensation, support and resettlement, people whose land is recovered 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.
3. In case people whose land is recovered do not receive the compensation and support prescribed in approved plans for compensation, support and resettlement, this compensation and support must be deposited in the temporary custody account of the State Treasury.
4. For land users who are entitled to compensation when State recovers land 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.
5. The Government shall detail this Article.

### **Article 94. Compensation for land within safety corridors upon construction of facilities with safety corridors**

When the State builds public, national defense or security facilities with safety corridors without recovering the land located within the safety corridors, the land users are entitled to compensation for the damage caused by limited land use and for the damage to land-attached assets in accordance with the Government's regulations.

## **Chapter 7.**

### **LAND REGISTRATION, GRANT OF CERTIFICATES OF LAND USE RIGHTS AND OWNERSHIP OF HOUSES AND OTHER LAND-ATTACHED ASSETS**

#### **Section 1. REGISTRATION OF LAND, HOUSES AND OTHER LAND-ATTACHED ASSETS**

##### **Article 95. Registration of land, houses and other land-attached assets**

1. Land registration is compulsory for land users and people who are allocated land for management. Registration of ownership of houses and other land-attached assets is conducted at the request of the owner.
2. Registration of land, houses and other land-attached assets includes the first registration and change registration which are conducted at the land registration organization under the land administration agency, in the form of paper or electronic registration, which are of the same legal validity.
3. First registration is conducted in the following cases:
  - a) The land parcel is allocated or leased for use;
  - b) The land parcel is in use but not registered yet;
  - c) The land parcel is allocated for management but not registered yet;
  - d) The houses and other land-attached assets are not registered yet.
4. Change registration is conducted in the cases in which the certificates have been granted or change occurs after the first registration as follows:
  - a) The land user or the owner of land-attached assets exercises the right to exchange, transfer, lease, sublease, inherit, donate land use rights or land-attached assets; mortgage or contribute as capital land use rights or land-attached assets;
  - b) The land user or the owner of land-attached assets is allowed to change his/her name;
  - c) There is a change in the shape, dimension, area, number and address of the land parcel;
  - d) There is a change in land-attached assets compared with the registered contents;

e) There is a change of land use purpose;

f) There is a change of land use term;

g) There is a change from land lease with annual rental payment to land lease with one-off rental payment for the entire lease period, from land allocation without land use levy to land lease, or from land lease to land allocation with land use levy in accordance with this Law;

h) Land use rights or the ownership of houses and other land-attached assets of the wife or husband is converted the joint land use rights and ownership of houses and other land-attached assets of both husband and wife;

i) The joint land use rights and ownership of houses and other land-attached assets of the organization or the household, of both husband and wife, of joint land users group and joint owners of land-attached assets are split;

k) There is a change in land use rights or ownership of houses and other land-attached assets as a result of the successful conciliation of land disputes which is confirmed by a competent People's Committee, the agreement in the mortgage contract to settle the debt, the decision of a competent state agency on settlement of land dispute, complaint and denunciation, the decision or judgment of a People's Court, the decision on judgment enforcement of the enforcement board which has been implemented, or the document recognizing the result of the auction of land use rights in accordance with law;

l/ The limited use rights to the adjacent land parcel are established, changed or terminated;

m/ There is a change in the limitations on the rights of land users.

5. Land users and owners of land-attached assets who have declared and registered are recorded in the cadastral book and granted a certificate of land use rights and ownership of houses and other land-attached assets if they so request and are eligible in accordance with this Law and other relevant laws. In case of change registration, land users are granted a certificate of land use rights and ownership of houses and other land-attached assets, or have the change certified in the granted certificate.

In case of first registration, if land users are not eligible for a certificate of land use rights and ownership of houses and other land-attached assets, they may use land temporarily until the State issues a handling decision in accordance with Government's regulations.

6. For the cases of change registration specified at Points a, b, h, i, k and l, Clause 4 of this Article, land users shall perform the procedures for change registration within 30 days from the date of the change. In case of land use right inheritance, this period is calculated from the date the inherited land use rights are divided.

7. The registration of land and land-attached assets takes effect on the date of registration in the cadastral book.

## **Article 96. Cadastral records**

1. Cadastral records include paper or digital documents which show detailed information on each land parcel, people assigned to manage the land, the land user, the owner of any land-attached asset, land use rights and changes of land use rights, and the ownership of land-attached assets.
2. The Minister of Natural Resources and Environment shall prescribe cadastral records, the establishment, editing and management of cadastral records, and provide a roadmap for change from paper to digital cadastral records.

## **Section 2. GRANT OF THE CERTIFICATE OF LAND USE RIGHTS AND OWNERSHIP OF HOUSES AND OTHER LAND-ATTACHED ASSETS**

### **Article 97. Certificates of land use rights and ownership of houses and other land-attached assets**

1. A certificate of land use rights and ownership of houses and other land-attached assets is granted to those who have land use rights and the ownership of houses and other land-attached assets, which is made according to a form used uniformly nationwide.

The Minister of Natural Resources and Environment shall issue specific regulations on the certificate of land use rights and ownership of houses and other land-attached assets.

2. The certificate of land use rights, the certificate of house ownership and residential land use rights, the certificate of house ownership and the certificate of construction facilities ownership which have been granted in accordance with the land law, housing law or construction law before December 10, 2009, remain legally valid and are not required to be changed to the certificate of land use rights and ownership of houses and other land-attached assets. In case those who were granted a certificate before December 10, 2009, want to change the certificate, they shall be granted the certificate of land use rights and ownership of houses and other land-attached assets in accordance with this Law.

### **Article 98. Principles of grant of certificates of land use rights and ownership of houses and other land-attached assets**

1. The certificate of land use rights and ownership of houses and other land-attached assets shall be granted for each land parcel. Land users who are using several agricultural land parcels in the same commune, ward or township, shall be granted one certificate for all parcels at their request.
2. For a land parcel which is used by several land users or for the houses and other land-attached assets which are owned by several owners, the names of all involved persons shall be recorded in the certificate, and each person shall be granted one certificate. At the request of the land users or owners, only one certificate may be granted to all of them and delivered to the representative.

3. Land users or owners of houses and other land-attached assets shall be granted a certificate of land use rights and ownership of houses and other land-attached assets after they have fulfilled the financial obligations as prescribed by law.

In case the land users or owners of houses and other land-attached assets do not have to fulfill financial obligations or are exempted from financial obligations or allowed to owe the financial obligations and in case the land is leased with annual rental payment, they may receive the certificate of land use rights and ownership of houses and other land-attached assets right after the certificate is granted by a competent agency.

4. In case land use rights, or land use rights and the ownership of houses and other land- attached assets, or the ownership of houses and other land-attached assets are) is the joint property of husband and wife, the full names of both husband and wife must be recorded in the certificate of land use rights and ownership of houses and other land-attached assets, unless husband and wife agree to record the full name of only one person.

In case land use rights, or land use rights and the ownership of houses and other land-attached assets, or the ownership of houses and other land-attached assets are) is the joint property of husband and wife and the granted certificate only records the full name of the husband or wife, a new certificate which records the full names of both husband and wife may be granted if requested.

5. If there is a difference in the area between the actual surveyed data with data recorded on the documents as prescribed in Article 100 of this Law or in the granted certificate while the boundaries of the land parcel in use have not changed in comparison with the boundaries of the land parcel at the time of receiving the document on land use rights and there is no dispute with the adjacent land users, the land area is determined in accordance with the actual surveyed data for granting or changing the certificate. Land users do not have to pay land use levy for the positive balance in area, if any.

In case of resurvey and the boundaries of the land parcel change compared with the boundaries of the land parcel at the time of receiving the document on land use rights and the surveyed area is larger than the area recorded in that document, the positive balance area (if any) may be considered for the grant of a certificate of land use rights and ownership of houses and other land-attached assets in accordance with Article 99 of this Law.

#### **Article 99. Cases of land use to be granted a certificate of land use rights and ownership of houses and other land-attached assets**

1. The State shall grant a certificate of land use rights and ownership of houses and other land-attached assets for the following cases:

a) Current land users who are eligible to be granted a certificate of land use rights and ownership of houses and other land-attached assets in accordance with Articles 100, 101 and 102 of this Law;

- b) People who are allocated land or leased land by the State from the date this Law takes effect;
- c) People who are allowed to exchange, acquire, inherit, receive land use rights as a donation, or receive land use rights contributed as capital, or to receive land use rights upon settlement of contracts on mortgage with land use rights to recover debts;
- d) People who are entitled to use land as a result of the successful conciliation of land disputes, a judgment or decision of the People's Court, a judgment enforcement decision of the judgment enforcement agency, or a decision on settlement of land disputes, complaints or denunciations of a competent state agency, which has been executed;
- e) People who win an auction of land use right;
- f) People who use land in industrial parks, industrial clusters, export processing zones, hi-tech zones or economic zones;
- g) People who buy houses and other land-attached assets;
- h) People who buy houses attached to residential land liquidated by the State or buy state- owned houses;
- i) People who use split or consolidated land parcels; a group of land users or members of a household, husband and wife, organizations using land who split or consolidate the existing land use rights;
- k) Land users who request the renewal or re-grant of a lost certificate.

2. The Government shall detail this Article.

**Article 100. Grant of the certificate of land use rights and ownership of houses and other land-attached assets 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 shall be granted a certificate of land use rights and ownership of houses and other land-attached assets without having to pay land use levy:

- a) The documents on land use rights before October 15, 1993, which were granted by a competent agency in the process of implementing the land policy of the Democratic Republic State of Vietnam, the Provisional Revolutionary Government of the Republic of South Vietnam or the Socialist Republic of Vietnam;
- b) Temporary certificates of land use rights granted by competent state agencies, or having their names recorded in the Land Register Book or Cadastral Book before October 15, 1993;

c) Lawful papers on inheritance or donation of land use rights or land-attached assets, documents on hand-over of land-attached gratitude house or charity house;

d) The document on the transfer of land use rights or purchase of residential land-attached houses before October 15, 1993, and such houses were certified as being used before October 15, 1993, by the commune-level People's Committee;

e) 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;

f) The document on land use rights issued by a competent authority of the former regime to land users;

g) Other documents issued before October 15, 1993, in accordance with the Government's regulations.

2. Households and individuals that are using the land and have one of the documents specified in Clause 1 of this Article bearing the names of other people accompanied by the documents on transfer of land use rights signed by the related parties, but have not performed the procedures for the transfer of land use rights in accordance with law prior to the effective date of this Law, and there is no dispute on that land, shall be granted a certificate of land use rights and ownership of houses and other land-attached assets without having to pay land use levy.

3. Households and individuals that are allowed to use land pursuant to a decision or a judgment of the People's Court, a judgment enforcement decision of a judgment enforcement agency, a document recognizing results of the successful conciliation or a decision of a competent state agency on settlement of land disputes, complaints or denunciations which was executed, shall be granted a certificate of land use rights and ownership of houses and other land-attached assets. In case they have not fulfilled their financial obligations, they shall fulfill those obligations in accordance with law.

4. Households and individuals using land that is allocated or leased by the State from October 15, 1993, to the effective date of this Law and have not been granted a certificate, shall be granted a certificate of land use rights and ownership of houses and other land-attached assets. In case they have not fulfilled their financial obligations, they shall fulfill those obligations in accordance with law.

5. Communities using land with communal houses, temples, shrines, hermitages, worship halls or ancestral temples; agricultural land prescribed in Clause 3, Article 131 of this Law, and there is no dispute on that land and land is certified as the land used commonly by the community by the commune-level People's Committee, shall be granted a certificate of land use rights and ownership of houses and other land-attached assets.

**Article 101. Grant of a certificate of land use rights and ownership of houses and other land- attached assets to households and individuals that are using land and have no documents on land use rights**

1. Households and individuals using the land prior to the effective date of this Law and having none of documents prescribed in Article 100 of this Law that have a book of status of permanent residence in the locality and are directly engaged in agriculture, forestry, aquaculture or salt production in areas with difficult socio-economic conditions or especially difficult socio-economic conditions, and are certified by the commune-level People's Committee that the land has been used stably and dispute-free, shall be granted a certificate of land use rights and ownership of houses and other land-attached assets without having to pay land use levy.

2. Households and individuals using land and having none of documents prescribed in Article 100 of this Law that have used land stably before July 01, 2004, with no violations of the land law and such land is certified by the commune-level People's Committee as dispute-free and conformable with the master plan on land use, detailed urban construction master plan and master plan on construction of rural residential areas approved by competent state agencies, shall be granted a certificate of land use rights and ownership of houses and other land-attached assets.

3. The Government shall detail this Article.

**Article 102. Grant of a certificate of land use rights and ownership of houses and other land- attached assets to organizations and religious establishments that are using land**

1. Organizations using land shall be granted a certificate of land use rights and ownership of houses and other land-attached assets for the land area which is used for proper purposes.

2. The land area used by organizations which is not covered in the certificate of land use rights and ownership of houses and other land-attached assets is settled as follows:

a) The State shall recover land which is not used, is used improperly, is borrowed or leased illegally, is encroached or occupied;

b) Organizations shall hand over the land area which was used as residential land to the district-level People's Committee for management. In case that residential land is in accordance with the master plan on land use approved by a competent state agency, the land users are entitled to be granted a certificate of land use rights and ownership of houses and other land-attached assets. In case a state enterprise engaged in agriculture, forestry, aquaculture or salt production is allocated land and lets households and individuals use part of that land for residential purpose before July 01, 2004, that enterprise shall make a plan for rearrangement of such residential area into a residential quarter and submit it to the provincial People's Committee for approval before handing over the land to the locality for management.

3. For organizations using leased land as prescribed in Article 56 of this Law, the provincial-level land administration agency shall perform the procedures to sign the land lease contract before granting a certificate of land use rights and ownership of houses and other land-attached assets.

4. Religious establishments using land shall be granted a certificate of land use rights and ownership of houses and other land-attached assets if they fully meet the following conditions:

- a) Being licensed to operate by the State;
- b) The land is dispute-free;
- c) The land is not acquired via transfer or donation after January 01, 2004.

5. The Government shall detail this Article

**Article 103. Determination of residential land area with respect to land with ponds and gardens**

1. In order to be considered as residential land with gardens and ponds of households or individuals must be located within a land parcel with existing houses.
2. If a land parcel with gardens and ponds was formed before December 18, 1980, and the land user possesses one of the documents on land use rights as prescribed in Clauses 1, 2 and 3, Article 100 of this Law, the area of residential land shall be determined in accordance with such documents.

In case the residential area is not indicated clearly in documents on land use rights prescribed in Clauses 1, 2 and 3 of Article 100 of this Law, the residential land area to be recognized without payment of land use levy must not exceed 05 times the residential land allocation quota prescribed in Clause 2, Article 143, and Clause 4, Article 144 of this Law.

3. If a land parcel with gardens and ponds was formed in the period from December 18, 1980, to before July 01, 2004, and the land user possesses one of the documents on land use rights as prescribed in Article 100 of this Law and the land area is indicated clearly in those documents, the residential land area shall be determined according to those documents.
4. If a land parcel with gardens and ponds was formed in the period from December 18, 1980, to before July 01, 2004, and the land user possesses one of the documents on land use rights as prescribed in Article 100 of this Law and the land area is not indicated clearly in those documents, the residential land area shall be determined as follows:
  - a) The provincial People's Committee shall, based on the local conditions and customs, prescribe the residential land recognition quota for each household in accordance with local customs and the number of members in the household;
  - b) If the land parcel is larger than the prescribed residential land recognition quota of the locality, the residential land area shall be determined equal to the residential land recognition quota of the locality;
  - c) If the land parcel is smaller than the prescribed residential land recognition quota of the locality, the residential land area must be determined as the whole area of the land parcel.

5. In case there are no documents on land use rights as prescribed in Article 100 of this Law, and the land has been used stably since before October 15, 1993, the residential land area shall be determined under Clause 4 of this Article. In case the land has been used stably from October 15, 1993, the residential land area shall be determined in accordance with residential land area allocated to each household or individual as prescribed in Clause 2, Article 143, and Clause 4, Article 144 of this Law.

6. After the residential land area is determined under Clauses 2, 3, 4 and 5 of this Article, the remaining land area with gardens and ponds shall be used for the current land use purpose under Clause 1, Article 10 of this Law.

7. The Government shall detail this Article.

#### **Article 104. Grant of a certificate for land-attached assets**

1. Land-attached assets to be granted a certificate of land use rights and ownership of houses and other land-attached assets include houses, other construction facilities, production forests which are planted forests, and perennial crops existing at the time the certificate of land use rights and ownership of houses and other land-attached assets is granted.

2. The grant of a certificate of land use rights and ownership of houses and other land-attached assets for land-attached assets must comply with the Government's regulations.

#### **Article 105. Competence to grant certificates "of land use rights and ownership of houses and other land-attached assets**

1. Provincial People's Committees shall grant certificates of land use rights and ownership of houses and other land-attached assets to organizations, religious establishments, overseas Vietnamese, foreign-invested enterprises which implement investment projects, and foreign organizations with diplomatic functions.

Provincial People's Committees may authorize the agency in charge of natural resources and environment of the same level to grant the certificates of land use rights and ownership of houses and other land-attached assets.

2. District-level People's Committees shall grant the certificates of land use rights and ownership of houses and other land-attached assets to households, individuals and communities, and to overseas Vietnamese that are eligible to own house associated with land use rights in Vietnam.

3. For the subjects that were granted a certificate, a certificate of houses ownership or a certificate of construction facilities ownership, and execute the rights of land users or owners of land-attached assets or apply for the renewal or re-grant of the certificate, the certificate of houses ownership or the certificate of construction facilities ownership, the agency in charge of natural resources and environment shall handle in accordance with the Government's regulations.

## **Article 106. Correction and withdrawal of granted certificates**

1. The state agencies which have the competence to grant the certificate shall correct the granted certificates which bear the following errors:

a) There is wrong information on the name, the papers on legal status or personal identity, in the address of the land user or owner of land-attached assets as compared with the papers on legal status or personal identity at the time of grant of the certificate to such person;

b) There is wrong information on the land parcel, land-attached assets as compared with the registration declaration dossier on land and land-attached assets which have been inspected and certified by the land registration agency.

2. The State may withdraw a granted certificate in the following cases:

a) The State recovers the whole land area indicated on the granted certificate;

b) The granted certificate is renewed;

c) The land user or owner of the land-attached assets registers for a change of land or land-attached assets for which a new certificate of land use rights and ownership of houses and other land-attached assets must be granted;

d) The existing certificate was granted ultra vires, to an improper land user, for a wrong land area, without sufficient conditions, for improper land use purpose or land use term or land use origin as prescribed by the land law, except for the case in which the person for whom the certificate is granted has transferred land use rights or ownership of land-attached assets in accordance with the land law.

3. The withdrawal of a granted certificate for the cases prescribed at Point d, Clause 2 of this Article shall be decided by the agency having the competence to grant the certificate of land use rights and ownership of houses and other land-attached assets as prescribed in Article 105 of this Law based on the conclusion of the inspection agency at the same administrative level, or based on the effective document issued by a competent state agency on land dispute settlement.

## **Chapter 8.**

### **LAND FINANCE, LAND PRICE AND AUCTIONS OF LAND USE RIGHTS**

#### **Section 1. LAND FINANCE**

#### **Article 107. Financial revenues from land**

1. Financial revenues from land include:

- a) Land use levy upon land allocation with collection of land use levy, permission of change of land use purpose, or recognition land use rights with payment of land use levy by State;
- b) Land rental upon land lease by the State;
- c) Land use tax;
- d) Income tax on transfer of land use rights;
- e) Revenue from sanction of administrative violations of the land law;
- f) Indemnification to the State for damage caused during land management and use;
- g) Charges and fees in land management and use.

2. The Government shall prescribe in detail the collection of land use levy and land rental, fines of administrative violations of the land law, and indemnification to the State for damage caused during land management and use.

#### **Article 108. Bases and time for 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 use purpose;
- c) The land price as prescribed in Article 114 of this Law; in case of auction of land use rights, the land price is the winning price.

2. Bases for calculation of land rental include:

- a) The area of leased land;
- b) The land lease term;
- c) The unit price for land lease; in case of auction of land lease rights, the land rental is the winning unit price;
- d) Types of land lease, including annual rental payment or full one-off rental payment for the entire lease period.

3. The time for calculation of land use levy or land rental is the time when the State decides on the land allocation or land lease, permits change of land use purpose, or recognizes land use rights.

**Article 109. Payment of land use levy or land rental upon change of land use purpose or extension of land use term**

1. Upon change of land use purpose as prescribed at Points d, e, f and g, Clause 1, Article 57 of this Law, land users shall pay land use levy or land rental in accordance with the following provisions:

a) Payment of land use levy or the full one-off rental payment for the entire lease period which is the difference between the land use levy or land rental after and before the change of the land use purpose;

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 and the land user is obliged to pay land use levy or land rental, the land user shall fulfill their financial obligations for the extended land use term.

3. The Government shall detail this Article.

**Article 110. 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) Using land for production and business purposes in sectors or geographical areas that are given investment preferences in accordance with the investment law, except for investment projects on construction of commercial houses;

b) Using land for implementation of policies on houses and residential land for the people with meritorious services to the revolution, for poor households, for households and individuals of ethnic minorities living in areas with especially difficult socio-economic conditions, in bordering areas or on islands; using land for social housing construction in accordance with the housing law; residential land for people who have to be relocated when the State recovers land due to the risks threatening humans life;

c) Using agricultural land by households and individuals of ethnic minorities;

d) Using land for construction of non-business facilities of public non-business organizations;

e) Using land for construction of infrastructure of airports, airfields and facilities to provide air services;

f) Using land for construction of offices, drying grounds and warehouses; service facilities directly serving agriculture, forestry, aquaculture or salt production for agricultural cooperatives;

g) Other cases as prescribed by the Government.

2. The Government shall detail this Article.

### **Article 111. Land development fund**

1. The land development fund of a locality shall be established by the provincial People's Committee or entrusted to the Fund for development investment or other financial funds of the locality to advance capital for compensation, ground clearance or creation of land fund in accordance with master plans, plans on land use approved by competent state agencies.

2. The financial sources for the land development fund shall be allocated from the State budget and other mobilized sources in accordance with law.

3. The Government shall detail this Article.

## **Section 2. LAND PRICE**

### **Article 112. Principles and methods of land valuation**

1. Land valuation must abide by the following principles:

a) Based on the lawful land use purpose at the time of land valuation;

b) Based on the land use term;

c) Being suitable with the popular market price of transferred land with the same land use purpose, or winning price in auctions of land use rights in case of organizing auctions of land use rights, or the income earned from land use;

d) At a time, the adjacent land parcels with the same land use purpose, profitability and income earned from land use have the same price.

2. The Government shall prescribe land valuation methods.

### **Article 113. Land price frames**

The Government shall promulgate land price frames once every 5 years for each type of land and for each region. During the implementation of land price frames, if the popular price in the market increases 20% or more over the maximum price or reduces 20% or more below the minimum price prescribed in land price frames, the Government shall adjust land price frames accordingly.

### **Article 114. Land price tables and specific land prices**

1. Based on the principles, methods of land valuation and land price frames, provincial People's Committees shall develop and submit the land price tables to the People's Councils of the same

level for review before promulgation. Land price tables shall be developed once every 5 years and publicized on January 01 of the beginning year of the period.

During the implementation of land price tables, when the Government adjusts land price frames or there are changes in popular land price in the market, provincial People's Committees shall adjust land price tables accordingly.

At least 60 days before submitting the land price tables to the People's Council of the same level for review, the provincial People's Committee shall send the draft land price tables to agencies in charge of developing land price frames for consideration. In case of big difference in land prices at bordering locations among provinces and centrally run cities, this difference must be reported to the Prime Minister for decision.

2. Land price tables shall be used as a basis for the following cases:

a) Calculation of land use levy when the State recognizes residential land use rights of households and individuals for land areas within land use quotas, or permits change of land use purpose from agricultural land or non-agricultural land which is non-residential land to residential land for land areas within land allocation quotas applied to households and individuals;

b) Calculation of land use tax;

c) Calculation of charges and fees in land management and use;

d) Calculation of fines for administrative violations in the field of land;

e) Calculation of indemnification paid to the State for damage caused in land management and use;

f) Valuation of land use rights paid to the people who voluntarily return land to the State in case the returned land is allocated with collection of land use levy, recognized of land use rights with collection of land use levy, or leased land with full one-off rental payment for the entire lease period by the State.

3. Provincial People's Committees shall decide on specific land prices. The provincial-level land administration agency shall assist the provincial People's Committee in the determination of specific land prices. During the implementation, the provincial land administration agency may hire organizations having consultancy functions for advising on the determination of specific land prices.

The determination of specific land prices must be based on the investigation, collection of information about land parcels, market land price and information on land price in the land database, and based on suitable valuation methods. Based on the consultation on land price, the provincial land administration agency shall submit the specific land price to the council for land

price appraisal for consideration before submitting it to the People's Council of the same level for decision.

The council for land price appraisal comprises the chairperson of the provincial People's Committee as the chairperson, and representatives of related agencies and organizations and the organization with the function of consultancy on land price determination.

4. Specific land price shall be used as a basis for the following cases:

a) Calculation of land use levy when the State recognizes land use rights of households and individuals for land areas in excess of land use quotas, or permits change of land use purpose from agricultural land or non-agricultural land which is non-residential land to residential land for land areas in excess of land allocation quotas applied to households and individuals; and determination of land rental for agricultural land areas in excess of land allocation quotas or quotas for receipt of transferred agricultural land use rights of households and individuals;

b) Calculation of land use levy when the State allocates land with collection of land use levy not through auction of land use rights, recognizes land use rights, or permits change of land use purpose for organizations that shall pay land use levy;

c) Calculation of land rental when the State leases land not through auction of land use rights;

d) Valuation of land use rights upon equitization of state enterprises that are allocated land with land use levy, leased land with one-off rental payment; and calculation of land rental in case equitized state enterprises are leased land by the State with annual rental payment;

e) Calculation of compensation amount when State recovers land.

5. The Government shall detail this Article.

#### **Article 115. Consultancy on land price determination**

1. Consultancy on land price determination may be necessary in the following cases:

a) Development or adjustment of land price frames; development or adjustment of land price tables and determination of specific land prices at the request of competent state agencies;

b) Settlement of complaints about land price at the request of competent state agencies or related parties;

c) Performance of civil transactions involving specific land prices at the request by parties.

2. Conditions for activities and practice of land price determination consultancy comply with the Government's regulations.

3. The land price determination by consultants must be independent, impartial and honest and must comply with land valuation principles and methods prescribed in Article 112 of this Law.

4. Land prices determined by consultants serve as one of the bases for competent state agencies to prescribe or decide on land prices.

**Article 116. Rights and obligations of organizations with the function of consultancy on land price determination**

1. An organization with the function of consultancy on land price determination has the following rights:

a) To provide consultancy on land price determination in accordance with this Law, the Law on Price and other relevant laws;

b) To request information and documents relating to the consultancy on land price determination from consultancy hirers; and to receive service charges as agreed in the contracts;

c) To unilaterally terminate or cancel the contract on consultancy on land price determination when the consultancy hirer violates conditions agreed by both parties in the contract or as prescribed by law;

d) Other rights as prescribed by law.

2. An organization with the function of consultancy on land price determination has the following obligations:

a) To take responsibility before law for the accuracy, honesty and impartiality of the results of consultancy on land valuation determination;

b) To implement the agreements with consultancy hirers stated in the contract on consultancy on land price determination;

c) To submit to the inspection and examination by competent state agencies; and to report on the organization and results of consultancy on land price determination to competent state agencies annually or in unexpected cases;

d) To fulfill the tax obligations and other financial obligations in accordance with law;

e) To register the list of member valuers and the change or adjustment of this list to competent state agencies of the locality where the organization is headquartered;

f) To archive documents and records on results of consultancy on land price determination;

g) Other obligations as prescribed by law.

### **Section 3. AUCTIONS OF LAND USE RIGHTS**

#### **Article 117. Principles of auctions of land use rights**

1. Auctions of land use rights shall be conducted on the principles of publicity, continuity, impartiality, honesty, equality and protection of lawful rights and interests of involved parties.
2. Auctions of land use rights shall be conducted in accordance with the order and procedures prescribed in the land law and law on asset auctions.

#### **Article 118. Cases subject to auction of land use rights and cases not subject to auction of land use rights**

1. The State shall allocate land with land use levy or lease land through auction of land use rights in the following cases, except the cases prescribed in Clause 2 of this Article:

- a) Investment in construction of houses for sale or for lease or for lease-purchase;
- b) Investment in construction of infrastructure for transfer or for lease;
- c) Use of land fund to create capital for infrastructure construction;
- d) Use of land for trading or services, and land for non-agricultural production establishments;
- e) Lease of land which is part of agricultural land fund for public purposes for agriculture, forestry, aquaculture or salt production;
- f) Allocation or lease of land recovered by the State through rearrangement and handling of working offices, non-business establishments, or production or business establishments of which the land-attached assets are owned by the State;
- g) Allocation of urban and rural residential land to households or individuals;
- h) Allocation or lease of land in the cases eligible to land use levy or land rental reduction.

2. Cases not subject to auction of land use rights upon land allocation and land lease by the State:

- a) Land allocation without collection of land use levy;
- b) Use of land for which land use levy or land rental is exempted as prescribed in Article 110 of this Law;
- c) Use of land as prescribed at Points b and g, Clause 1, and in Clause 2, Article 56 of this Law;
- d) Use of land for mining activities;

e) Use of land for implementation of projects on construction of resettlement housing, social housing or public-duty housing;

f) Residential land allocation to cadres, civil servants and public employees who change offices under transfer decisions of competent agencies;

g) Allocation of residential land to households or individuals that have permanent residence status books in a commune but have no residential land and have not been allocated residential land by the State;

h) Allocation of residential and to households of individuate that have permanent residence status books in a township in an area with difficult socio-economic conditions or with especially difficult socio-economic conditions but have no residential land and have not been allocated residential land by the State;

i) Other cases as decided by the Prime Minister.

3. In case the land has been put up for auction of land use rights as prescribed in Clause 1 of this Article but nobody participates in the auction or only one person registers or the auction fails after at least 2 times, the State may allocate or lease land without organizing auctions of land use rights.

### **Article 119. Holding of auctions of land use rights**

1. Conditions for holding an auction of land use rights when State allocates or leases land:

a) The annual district-level land use plan approved by a competent state agency is available;

b) The land has been cleared or is land with attached assets owned by the State;

c) The plan for holding the auction of land use rights approved by a competent state agency is available.

2. Organizations and individuals participating in an auction of land use rights must satisfy the following all conditions:

a) Being eligible to be allocated or leased land as prescribed in Article 55 or 56 of this Law;

b) Meeting the conditions for the implementation of investment projects under Article 58 of this Law in case of land allocation or land lease for implementation of investment projects.

## **Chapter 9.**

### **LAND INFORMATION SYSTEM AND LAND DATABASE**

#### **Article 120. Land information system**

1. The land information system shall be designed comprehensively and developed as a uniform system nationwide to serve multiple purposes in accordance with national standards and regulations as well as international ones recognized in Vietnam.

2. The land information system includes the following basic parts:

- a) Technical infrastructure for land information technology;
- b) The system of operation software, system software and application software;
- c) The national land database.

#### **Article 121. The national land database**

1. The national land database shall be uniformly developed nationwide.

2. The national land database has the following components:

- a) Database on legal normative documents on land;
- b) Cadastral database;
- c) Database of base investigations on land;
- d) Database of master plans and plans on land use;
- e) Database of land prices;
- f) Database of land statistics and land inventories;
- g) Database on inspection, examination, settlement of disputes, complaints and denunciations on land;
- h) Other databases involving land.

3. The contents, structure and information types of the land database shall be prescribed by the Minister of Natural Resources and Environment.

#### **Article 122. Management and use of land databases**

1. Information in land databases provided by competent state agencies bears the same legal validity as information in paper documents.

2. Land databases are a national property which needs to be strictly protected in terms of security and safety. All activities of illegal access, destruction or causing deviations in information of land databases are prohibited.

3. Organizations and individuals that have demands for land information and land data may use or exploit them through central and local land information portals with payment of fee. The use and exploitation of land information and data must be in accordance with law.

### **Article 123. Electronic public services in the field of land**

1. Electronic public services to be provided include registration of land and land-attached assets, performance of transactions on land and land-attached assets, and provision of land information and data.

2. Land management agencies shall provide public services as prescribed in Clause 1 of this Article and provide services in a convenient, simple and safe manner to organizations and individuals in the internet environment.

### **Article 124. Responsibilities for developing the land information system**

1. The State shall adopt investment policies for the development of the land information system and land databases and ensure funds for the operation and maintenance of the land information system and land databases.

2. The Ministry of Natural Resources and Environment shall organize the development, management and use of the land information system and the national land database; and provide electronic public services in the field of land in accordance with the Government's regulations.

3. Ministries, sectors and related agencies shall provide results of base investigations on land and other land-related information and data to the Ministry of Natural Resources and Environment to update the national land database and the land information system.

4. Provincial People's Committees shall organize the development, management and exploitation of the land information system and the land databases in their localities and provide land data to the Ministry of Natural Resources and Environment to integrate into the national land database.

5. The Minister of Natural Resources and Environment shall issue detailed regulations on the development, management and exploitation of the land information system and on conditions for organizations and individuals practicing consultancy on land database and land information system development.

## **Chapter 10.**

### **LAND USE REGIME**

#### **Section 1. LAND USE TERM**

#### **Article 125. Land used for long and stable term**

Land users may use land for a long and stable term in the following cases:

1. Residential land used by households or individuals.
2. Agricultural land used by communities as prescribed in Clause 3, Article 131 of this Law.
3. Land for protective forest, for special-use forest and for production forest which are natural forests.
4. Land for trading or services, for non-agricultural production establishments of households and individuals that are using the land stably and that land is not allocated for limited term or leased by the State.
5. Land for construction of offices as prescribed at Clause 1, Article 147 of this Law and land for construction of public service facilities of public non-business organization which are not self-financed as prescribed at Point 2, Article 147 of this Law.
6. Land used for national defense or security purpose.
7. Land used by religious establishments as prescribed in Article 159 of this Law.
8. Land for religious practices.
9. Land for transportation and irrigation, land with historical-cultural relics and scenic spots and land used for the construction of other public facilities for non-commercial purposes.
10. Land for cemeteries or graveyards.
11. Land used by economic organizations as prescribed in Clause 3, Article 127 and Clause 2, Article 128 of this Law.

**Article 126. Land used for limited term**

1. The term for land allocation, recognition of agricultural land use rights for households and individuals directly engaged in agricultural production as prescribed in Clauses 1 and 2, at Point b, Clause 3, in Clauses 4 and 5, Article 129 of this Law is 50 years. When the term expires, households or individuals directly engaged in agricultural production that have demand may continue using land in accordance with the land use term prescribed in this Clause.
2. The term for lease of agricultural land to households or individuals must not exceed 50 years. At the expiry of the term, households or individuals that have demand shall be considered by the State for continued leasing of the land.
3. The term for land allocation or land lease to organizations for the purpose of agriculture, forestry, aquaculture or salt production; to organizations, households or individuals for the purpose of trading and services or for non-agricultural production establishments; to organizations for implementing investment projects; to overseas Vietnamese and foreign-invested enterprises for implementing investment projects in Vietnam, shall be considered and

decided on the basis of the investment projects or applications for land allocation or land lease, but must not exceed 50 years.

For large investment projects with slow recovery of capital, projects in areas with difficult socio-economic conditions or with especially difficult socio-economic conditions which require a longer term, the term of land allocation or land lease must not exceed 70 years.

For projects on construction of houses for sale or for a combination of sale and rent or for lease-purchase, the land use term shall be determined in accordance with the duration of the project. Those who buy houses associated with land use rights may use land for a long and stable term.

At the expiry of the term, if the land users still have land use needs, the State shall consider an extension which must not exceed the term prescribed in this Clause.

4. The land lease term for the purpose of office construction of foreign organizations with diplomatic functions must not exceed 99 years. At the expiry of the term, if these organizations are still in need of the land, the State shall consider extending the land lease term or leasing another land parcel. Each extension period must not exceed the term prescribed in this Clause.

5. The lease term for land which is part of agricultural land fund for public purposes of communes, wards or townships must not exceed 05 years;

6. Regarding land for construction of non-business facilities of self-financed public non-business organization as prescribed in Clause 2, Article 147 of this Law, and other public facilities involving commercial purpose, the land use term must 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.

7. For a land parcel with multiple use purposes, the land use term shall be determined in accordance with the land use term of the land type used for the main purpose.

8. 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 agency.

#### **Article 127. Land use term upon change of land use purpose**

1. The land use term for households and individuals upon change of land use purpose is prescribed as follows:

a) In case the land use purpose is changed from land for protective forest or special-use forest to land for other purposes, the term shall be determined on the basis of the land type of the new purpose. The land use term shall be calculated from the time of the decision on approval;

b) In case the land use purpose is changed from land for rice cultivation, other annual crops, perennial crops, production forest, aquaculture or salt production to land for protective forest or special-use forest, households or individuals may use the land for a stable and long term;

c) In case the land use purpose is changed among land categories including land for other annual crops, perennial crops, production forests, aquaculture or salt production, households and individuals may continue using such land for the determined land use term.

At the expiry of the term, if the land users still have land use needs, the State shall consider an extension which must not exceed the term prescribed in Clause 1, Article 126 of this Law;

d) In case the land use purpose is changed from agricultural purpose to non-agricultural purpose, the land use term shall be determined on the basis of the land type of the new purpose. The new land use term shall be calculated from the time of the decision on approval;

e) In case 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, households and individuals may use the land for a long and stable term.

2. For organizations, overseas Vietnamese or foreign-invested enterprises implementing investment projects outside industrial parks, industrial clusters, export processing zones or hi-tech zones, when the land use purpose is changed, the land use term shall be determined on the basis of the investment project as prescribed in Clause 3, Article 126 of this Law.

3. Economic organizations that change the land use purpose 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, may use the land for a long and stable term.

#### **Article 128. 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.

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.

### **Section 2. AGRICULTURAL LAND**

#### **Article 129. Allocation quotas for agricultural land**

1. The allocation quotas for land for annual crops, aquaculture and salt production for each household or individual directly engaged in agricultural production are prescribed as follows:

a) Not exceeding 03 hectares for each type of land in provinces and centrally run cities in the southeast region and Mekong Delta region;

b) Not exceeding 02 hectares for each type of land in other provinces and centrally run cities.

2. The allocation quotas for land for perennial crops for each household or individual in a delta commune, ward or township must not exceed 10 hectares and must not exceed 30 hectares for each household or individual in a midland or mountainous commune, ward or township.

3. The land allocation quota for each household or individual does not exceed 30 hectares for each of the following land categories:

a) Land for protective forest;

b) Land for production forest.

4. In case a household or individual is allocated with land of different categories including land for cultivation of annual crops, aquaculture land and salt-production land, the total quota for all categories must not exceed 05 hectares.

If the household or individual is additionally allocated with land for perennial crops, the land allocation quota for perennial crops must not exceed 05 hectares in a delta commune, ward or township and must not exceed 25 hectares in a midland and mountainous commune, ward or township.

If the household or individual is additionally allocated with land for production forest, the land allocation quota for production forest must not exceed 25 hectares.

5. The allocation quota for empty land, land for bare hill or land with water surface under the type of unused land to households or individuals for the purpose of agriculture, aquaculture or salt production in accordance with master plan on land use 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 households or individuals as prescribed in Clauses 1, 2, and 3 of this Article.

Provincial People's Committees shall prescribe the allocation quotas of empty land, land for bare hill and land with surface water in the type of unused land to households or individuals for use in accordance with master plans, plans on land use which have been approved by competent state agencies.

6. The allocation quotas of agricultural land for annual crops, perennial crops, afforestation, aquaculture or salt production in the buffer zone of a special-use forest for each household or individual must comply with Clauses 1, 2, 3, 4 and 5 of this Article.

7. Households and individuals may continue using the land area which is located in a commune, ward or township other than where they have permanent residence status books. If that land is

allocated without land use levy, its area shall be included in the allocation quota for agricultural land of the households or individuals

The land administration agency that allocates agricultural land without land use levy to households or individuals shall send a notice to the commune-level People's Committee of the locality where the households or individuals have permanent residence status books for its calculation of allocation quotas of agricultural land.

8. The area of agricultural land of households or 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 subjects or leased from the State, is not included in the allocation quota of agricultural land as prescribed in this Article.

### **Article 130. Quota for acquisition of agricultural land use rights by households and individuals**

1. The quota for acquisition of land use rights by households or individuals must not exceed 10 times of the allocation quota for agricultural land for households or individuals applicable to each type of land prescribed in Clauses 1, 2 and 3, Article 129 of this Law.

2. The Government shall prescribe quotas for acquisition of land use rights of households and individuals in accordance with specific conditions of each locality and in each period.

### **Article 131. Agricultural land used by households, individuals or communities**

1. Agricultural land used by households or 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 organizations, households or individuals or obtained through exchange, transfer, inheritance or donation in accordance with law.

2. The use of agricultural land allocated by the State to households or individuals is prescribed as follows:

a) Households and 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 a locality where land has not been allocated to households or individuals in accordance with the land law, 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 a locality where the People's Committees of different levels have provided guidelines for households and individuals to negotiate and adjust land areas for one another during the implementation of land policies and law before October 15, 1993, and such land area has been used stably, the current land users may continue using their land.

3. 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 and customs of the people;
- b) Communities which are allocated land or recognized land use rights by the State shall protect the allocated land and may use land for combined purposes of agriculture and aquaculture, but may not use such land for other purposes.

### **Article 132. Agricultural land used for public purposes**

1. Depending on the land fund, characteristics and demands of the locality, each commune, ward or township may establish an agricultural land fund for public purposes of the locality which does not exceed 5% of the total land area for annual crops, perennial crops and aquaculture production.

Agricultural land which is returned or to which land use rights are donated to the State by organizations, households or individuals, reclaimed land and recovered agricultural land constitute the source for creation or supplementation of the agricultural land fund used for public purposes of the commune, ward or township.

In a locality where the area of agricultural land fund used for public purposes exceeds 5%, the excess area must be used for construction or compensation when other land is used for construction of public facilities of the locality; or be allocated to households and individuals that are directly engaged in agriculture or aquaculture in the locality but have not been allocated or still lack production land.

2. The agricultural land fund for public purposes of a commune, ward or township shall be used for the following purposes:

- a) Construction of public facilities of the locality, including facilities for culture, physical training and sports, entertainment, recreation, health, education, markets, cemeteries, graveyards and other public facilities in accordance with regulations of the provincial People's Committee;
- b) Compensation for people whose land is used for construction of public facilities as prescribed at Point a of this Clause;
- c) Construction of gratitude houses and charity houses.

3. The commune-level People's Committee shall lease the land area which has not been used for the purposes specified in Clause 2 of this Article to households and individuals in the locality for the purposes of agriculture and aquaculture, through auctions of land lease. The land use term for each lease period must not exceed 05 years.

Rentals gained from the lease of land that is part of the agricultural land fund for public purposes must be paid to the state budget under management of the commune-level People's Committee and may only be used for public needs of the commune, ward or township in accordance with law.

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 master plans, plans on land use approved by competent state agencies.

**Article 133. Agricultural land used by organizations, overseas Vietnamese and foreign-invested enterprises**

1. Economic organizations, overseas Vietnamese or foreign-invested enterprises 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 organizations and public non-business organization that have been allocated or leased land prior to the effective date of this Law for the purpose of agriculture or forestry production, shall review the current land use status and make a plan for land use. 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 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 create the land fund for allocation and lease to organizations, households and individuals. During the process of land allocation or land lease, ethnic minority households and individuals in the locality that have no land or lacking production land, shall be prioritized.

3. Land that is allocated by the State without land use levy to economic organizations for agriculture, forestry, aquaculture or salt production before the effective date of this Law, must be changed to leased land.

**Article 134. Land for rice cultivation**

1. The State shall develop policies to protect land for rice cultivation and to limit the change from the purpose of rice cultivation to other non-agricultural purposes. In case it is necessary to change a certain area for rice cultivation to another purpose, the State shall take measures to supplement such land area or improve the efficiency in using land for rice cultivation.

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.

2. Those who use land for rice cultivation shall improve and increase the fertility of the soil. They may not use that land for planting perennial trees, afforestation, aquaculture and salt production or for non-agricultural purposes without permission by competent state agencies.

3. People who are allocated or leased land by the State for non-agricultural purposes and that land is currently used for wet rice cultivation, shall pay a certain amount of money under the

Government's regulations for the State to supplement the lost area of wet rice cultivation land or improve efficiency in using land for rice cultivation.

### **Article 135. Land with production forest**

1. The State shall allocate land with production forest which is natural forest to the forest management organizations for management, protection and development.
2. The State shall allocate or lease land with production forest which is planted forest according to the following provisions:
  - a) Allocation of land to households and individuals directly engaged in agricultural production within the quotas prescribed at Point b, Clause 3, Article 129 of this Law for the purpose of forestry production. The area of production forest used by households and individuals which exceeds the quotas must change to leased land;
  - b) Lease of land to economic organizations, households, individuals, overseas Vietnamese or foreign-invested enterprises to implement afforestation projects;
  - c) Economic organizations, households, individuals, overseas Vietnamese or foreign-invested enterprises which are allocated or leased land with production forest by the State as prescribed at Points a and b of this Clause may use the land not covered with forest for planting forest or perennial trees.
3. Economic organizations, overseas Vietnamese or foreign-invested enterprises using land with production forest may concurrently provide landscape and eco-environmental tourist services using the space under the forest canopy.
4. Concentrated land area with production forest which is far from residential areas and cannot be allocated directly to households or individuals, shall be allocated by the State to organizations for protection and development of the forest combined with agricultural production, forestry or aquaculture.

### **Article 136. Land with protective forest**

1. The State shall allocate land with protective forest to the protective forest management organization for management, protection, zoning off for regeneration and afforestation in accordance with master plans, plans on land use already approved, by competent state agencies. These organizations may use land for other combined purposes in accordance with the law on forest protection and development.
2. The protective forest management organization shall allocate land with protective forest under contracts to households or individuals that are living in the protective forest area for protection and development of the forest. District-level People's Committees shall allocate residential land and land for agricultural production to such households or individuals.

3. Organizations, households or individuals that have demand and ability to protect and develop the forest and are living in the protective forest area for which no management organization has been established or in the area that is planned for protective forest, shall be allocated the land with protective forest for protection and development, and may use the land for other combined purposes in accordance with the law on forest protection and development.

4. Provincial People Committees shall decide on the lease of land with protective forest to economic organizations in the areas where it is allowed to provide landscape and eco-environmental tourist services under the forest canopy.

5. Communities that are allocated by the State protective forests in accordance with the Law on Forest Protection and Development, are entitled to be allocated land with protective forest for protection and development. The communities have the rights and obligations prescribed in the Law on Forest Protection and Development.

#### **Article 137. Land with special-use forest**

1. The State shall allocate land with special-use forest to the special-use forest management organization for management and protection in accordance with master plans, plans on land use already approved by competent state agencies. These organizations may use the land for other combined purposes in accordance with the law on forest protection and development.

2. The special-use forest management authority shall allocate under short-term contracts land with special-use forest in strictly protected forest areas to households or individuals that cannot move out of the area to protect the forests.

3. The special-use forest management organization shall allocate under contracts land with special-use forest in eco-rehabilitation areas to households or individuals residing stably in the area to protect and develop the forests.

4. Competent People's Committees shall decide to allocate and lease land in the buffer zones of special-use forests to organizations, households and individuals for the purpose of production, research or experiment on forestry or in combination with national defense or security tasks in accordance with the master plan for forest development of the buffer zone. These subjects may use the land for other combined purposes in accordance with the law on forest protection and development.

5. Provincial People Committees shall decide to lease land with special-use forest in the area that is allowed to provide landscape and eco-environmental tourist services under the forest canopy to economic organizations.

#### **Article 138. Salt-production land**

1. Salt-production land shall be allocated to households or individuals within the local land allocation quota for salt production. The land area which exceeds the allocation quota must be changed to leased land.

Salt-production land shall be leased by the State to economic organizations, overseas Vietnamese or foreign-invested enterprises 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 139. Inland land with water surface**

1. Ponds, lakes and marshes shall be allocated by the State within land allocation quotas to households or individuals for aquaculture and agricultural production.

Ponds, lakes and marshes shall be leased by the State to economic organizations, households, individuals, overseas Vietnamese or foreign-invested enterprises to implement investment projects on aquaculture production, agricultural production or agricultural production in combination with non-agricultural purposes.

2. In case a pond, lake or marsh is located in several communes, wards and townships, its use shall be decided by the district-level People's Committee. In case a pond, lake or marsh is located in several districts, towns and provincial cities, its use shall be decided by the provincial People's Committee. In case a pond, lake or marsh is located in several provinces and centrally run cities, its use shall be determined by the Government.

#### **Article 140. Coastal land with water surface**

1. Coastal land with water surface shall be leased by the State to economic organizations, households, individual, overseas Vietnamese or foreign-invested enterprises for aquaculture, agricultural, forestry, salt production or non-agricultural purposes.

2. The use of coastal land with water surface is prescribed as follows:

a) Complying with master plans, plans on land use which have been approved by competent state agencies;

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.

#### **Article 141. Riparian and coastal alluvial land**

1. Riparian and coastal alluvial land includes riparian alluvial land, river islets, coastal alluvial land and sea islands.

2. Riparian and coastal alluvial land shall be managed by the People's Committee of the commune, ward or township where such land is located.

Riparian and coastal alluvial land frequently expanded or eroded shall be managed and protected by district-level People's Committees.

3. Riparian and coastal alluvium land shall be leased by the State to economic organizations, households, individuals, overseas Vietnamese or foreign-invested enterprises to implement investment projects on agricultural or non-agricultural production and business.

4. Households or individuals that are allocated riparian and coastal alluvial land by the State for agricultural purpose prior to the effective date of this Law 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 master plans, plans on land use approved by competent agencies and do not violate the land law, the State shall consider leasing the land to them.

5. The State shall encourage economic organizations, households and individuals to invest in the use of riparian and coastal alluvial land.

6. The Government shall detail this Article.

#### **Article 142. Land used for farm economy**

1. The State shall encourage farm economy of households or individuals in order to use land efficiently for the development of production, expansion of the scale and enhancement of the efficiency of land use in agriculture, forestry, aquaculture or salt production, in association with services, processing and sale of agricultural products.

2. Land used for farm economy includes the land allocated by the State without collection of land use levy within land allocation quotas applicable to households and individuals that are directly engaged in agriculture, forestry, aquaculture or salt production as prescribed in Article 129 of this Law, the land leased from the State, the land obtained via lease, transfer, inheritance and donation, the land contracted from organizations, and the land contributed by households or individuals.

3. Households or individuals that are using land for farm economy may change the land use purposes in accordance with law.

4. Households or individuals using land for farm economy in accordance with approved master plans, plans on land use without any disputes, may continue using the land in accordance with the following provisions:

a) If the land is allocated without land use levy and within the allocation quotas applicable to households or individuals directly engaged in agriculture, forestry, aquaculture or salt production as prescribed in Clause 1, Article 54 of this Law, households or individuals may continue using the land under Clause 1, Article 126 of this Law;

b) If the land is allocated without collection of land use levy to households or individuals not directly engaged in agriculture, forestry, aquaculture or salt production, at the expiry of the land use term, households or individuals shall change to lease land;

c) If the land is leased from the State or transferred, inherited, donated or contracted from organizations or contributed by households or individuals, households or individuals may continue using the land in accordance with this Law.

5. It is forbidden to take advantage of farm economy to occupy and accumulate land for non-production purposes.

### **Section 3. NON-AGRICULTURAL LAND**

#### **Article 143. Rural residential land**

1. Residential land used by households or individuals in rural areas includes land for construction of houses and facilities for livelihood, gardens and ponds within one land parcel in a rural residential area which is established in accordance with the master plan on land use and the master plan for development of rural residential areas already approved by competent state agencies.

2. Based on the local land fund and the rural development master plans approved by competent state agencies, provincial People's Committees shall determine the land allocation quota to each household or individual for housing construction in rural areas and the minimum area for the division of a residential land parcel in accordance with local conditions and customs.

3. The allocation of residential land in rural areas indicated in the master plans, plans on land use must be in synchrony with the master plan for public facilities and public non-business facilities, ensuring convenience for production, people's life, environmental sanitation and rural modernization.

4. The State shall adopt policies to facilitate 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 144. Urban residential land**

1. Urban residential land includes land for construction of houses and facilities for livelihood, gardens and ponds within one land parcel in an urban residential area which is established in accordance with the master plan on land use and urban construction master plan already approved by competent state agencies.

2. Urban residential land shall be allocated in synchrony with land for construction of public facilities and non-business facilities, ensuring environmental sanitation and modern urban landscape.

3. The State shall develop master plan on land use for the purpose of urban housing construction and adopt policies to facilitate for urban residents to have accommodation.

4. Provincial People's Committees shall, based on the master plan on land use, urban construction master plans and the local land fund, determine the allocation quota of residential land to each household or individual for their own housing construction in case they are not eligible to be allocated land in an investment project on housing construction; and prescribe the minimum area for the division of a residential land parcel.

5. The change of land use purpose from residential land to land for construction of production and business establishments must conform to master plans, plans on land use and the urban construction master plan already approved by competent state agencies and with regulations on public order, safety and urban environmental protection.

#### **Article 145. Land for construction of condominiums**

1. Land for construction of condominiums includes land for the construction of condominiums, facilities directly serving the life of families living in the condominiums and facilities for public use in accordance with the construction master plan approved by competent state agencies.

2. The land master plan for construction of condominiums must be in harmony with the master plans on public facilities and environmental protection.

3. The Government shall detail the use of land for construction of condominiums.

#### **Article 146. Land used for improvement and development of urban areas and rural residential areas**

1. Land for urban improvement and development includes land for improvement of the existing inner urban areas and land planned for expanding existing urban areas or developing new urban areas.

Land for improvement and development of rural residential areas includes land for improvement 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 improvement and development of urban areas and rural residential areas must conform to the master plans, plans on land use, urban construction master plan and master plan for development of rural residential areas which have been approved by competent state agencies, and with construction standards and regulations issued by competent state agencies

3. Provincial People's Committees shall organize the development of projects and assign them to economic organizations, overseas Vietnamese or foreign-invested enterprises for implementation in accordance with law in order to improve or develop new urban or rural residential areas. The land for such projects shall be allocated appropriately in master plans, plans on land use for the whole area, including land for construction of infrastructure, residential land, land for public

facilities and non-business facilities, land for trading and services and land for non-agricultural production establishments.

When implementing projects on technical infrastructure, development or improvement of urban or rural residential areas, the State shall proactively recover the land which includes land for construction of infrastructure and the nearby area in accordance with master plans, plans on land use.

4. In case the communities develop or improve their facilities for public purposes based on the contributions of people or the support by the State, the voluntary contribution of land use rights, compensation or support shall be agreed upon by the communities and the land users.

#### **Article 147. Land for construction of offices and non-business facilities**

1. Land for construction of offices includes land for construction of offices of state agencies, political organizations and socio-political organizations.

2. Land for construction of non-business facilities includes land for construction of non-business facilities in the sectors and fields of economy, culture, society, health, education and training, physical training and sports, science and technology, environment, and foreign affairs and other non-business facilities.

3. The use of land prescribed in Clauses 1 and 2 of this Article must conform to the master plans, plans on land use, the urban construction master plan and the master plan for development of rural residential areas approved by competent state agencies.

4. The heads of agencies or organizations to which land is allocated or leased shall preserve the allocated or leased land and ensure proper land use purposes.

It is forbidden to use the land for construction of offices and non-business facilities for other purposes.

5. The State shall encourage the use of land for the purpose of development of culture, health, education and training, physical training and sports, science and technology, and environment.

#### **Article 148. Land for national defense or security purpose**

1. Land used for national defense or security purpose includes land used in the cases prescribed in Article 61 of this Law.

2. Provincial People's Committees shall perform the state management over land used for national defense or security purpose in their localities.

The Ministry of National Defense and the Ministry of Public Security shall coordinate with provincial People's Committees in formulating master plans, plans on land use for national defense or security purpose to meet the requirements of socio-economic development and

strengthening of national defense and security; review and define the boundaries of land used for national defense or security purpose; and define the areas and locations of land for national defense or security purpose which are no more needed or are improperly used, for handover to the localities for management and use.

3. For land areas that are planned for national defense or security purpose but are still not used for these purposes, the current users may continue using the land until the decision by a competent state agency to recover the land is issued, but must not cause deformation to the natural terrain.

4. The Government shall detail this Article.

#### **Article 149. Land for industrial parks, export processing zones, industrial clusters and trade villages**

1. The use of land for construction of industrial parks, export processing zones, industrial clusters or trade villages must conform to master plans, plans on land use and detailed construction master plans approved by competent state agencies.

During the planning and establishment of industrial parks or export processing zones, the planning and construction of housing areas and public facilities outside the industrial parks or export processing zones to serve the life of workers in industrial parks or export processing zones must be carried out concurrently.

2. The State shall lease the land to economic organizations, overseas Vietnamese or foreign-invested enterprises to invest in construction and commercial operation of infrastructure of industrial parks, industrial clusters and export processing zones. For the land area that is leased with annual rental payment, the lessee may sublease that land with annual rental payment. For the land area that is leased with full one-off rental payment for the entire lease period, the lessee may sublease that land with full one-off rental payment for the entire lease period or annual rental payment.

Investors are entitled to exemption from land rental for the land used for construction of infrastructure for common use in industrial parks, industrial clusters or export processing zones.

3. Economic organizations, households, individuals, overseas Vietnamese and foreign-invested enterprises that invest in production and business in industrial parks, industrial clusters or export processing zones are entitled to sublease land together with infrastructure from other economic organizations, overseas Vietnamese or foreign-invested enterprises that have invested in the construction and commercial operation of infrastructure, 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 174 of this Law;

b) In case of subleasing land with annual rental payment, they have the rights and obligations prescribed in Article 175 of this Law.

4. Land users in industrial parks, industrial clusters or export processing zones shall use land for the determined land use purposes, be granted a certificate of land use rights and ownership of houses and other land-attached assets, and have the rights and obligations prescribed in this Law.

5. Economic organizations, households, individuals or overseas Vietnamese that invest in production and business in industrial parks, industrial clusters or export processing zones and have been allocated land by the State or acquired land use rights together with infrastructure from other economic organizations or overseas Vietnamese that have invested in the construction and commercial operation of infrastructure of industrial parks, industrial clusters or export processing zones prior to the effective date of this Law, may continue using the land for the remaining project duration without having to change to lease land. At the expiry of the project duration, if these subjects still have demand, the State shall consider leasing land to them in accordance with this Law.

6. The Government shall detail this Article.

#### **Article 150. Land for hi-tech zones**

1. Land for hi-tech zones that are established under decisions of the Prime Minister includes land of different categories with different land use regimes used for the production and trading of hi-tech products, research, development and application of high technology and training of hi-tech human resources.

During the planning and establishment of hi-tech zones, the planning and construction of housing areas and public facilities outside the hi-tech zones to serve the life of experts and workers in hi-tech zones must be carried out concurrently.

2. The management board of a hi-tech zone shall be allocated land in the hi-tech zone by the provincial People's Committee. The board may lease land to organizations, individuals, overseas Vietnamese or foreign-invested enterprises using land in the hi-tech zone in accordance with this Law.

3. The management board of a hi-tech zone shall make a detailed construction plan of the hi-tech zone and submit it to the provincial People's Committee of the locality where the land is located for approval.

The provincial People's Committee shall allocate land to the management board of the hi-tech zone to organize the construction and development of the hi-tech zone in accordance with the approved master plan.

4. Land users that lease land in a hi-tech zone from its management board have the same rights and obligations as leasing land from the State in accordance with this Law.

5. The enterprise that develops the hi-tech zone or develops the infrastructure is entitled to lease land from the management board of hi-tech zone. Those who have demand to use land in the hi-tech zone may sublease land from this enterprise.

6. Land users in a hi-tech zone shall use land in accordance with land use purposes indicated in the land lease contract, be granted a certificate of land use rights and ownership of houses and other land-attached assets, and have the rights and obligations prescribed in this Law.

In case of transfer of land use rights in a hi-tech zone, the transferee shall continue using the land for the determined land use purpose.

7. The State shall encourage organizations, overseas Vietnamese and foreign-invested enterprises to invest in the construction and commercial operation of infrastructure in hi-tech zones, and encourage organizations, individuals, overseas Vietnamese and foreign-invested enterprises to use land for the development of science and technology.

8. The determination of land rental rates and calculation of land rentals in hi-tech zones must comply with this Law.

#### **Article 151. Land for economic zones**

1. Land for economic zones includes land used for construction of economic zones or border-gate economic zones which are established under decisions of the Prime Minister. Land in an economic zone includes land used for its functional areas, including non-tariff zone, tariff-bonded zone, export processing zone, industrial park, entertainment zone, tourist area, urban area, residential area, administrative area and other functional areas which are consistent with characteristics of each economic zone in order to create an especially favorable investment and business environment for investors.

The construction or opening of an economic zone must conform to the master plan on the economic zone system in the whole country.

2. Provincial People's Committees shall allocate land to the management boards of economic zones to organize the construction of the economic zones in accordance with the approved land use plan which is included in the detailed construction master plans of the economic zones.

3. The management board of an economic zone shall carry out the compensation and ground clearance for the recovered land which is allocated by a competent state agency before re-allocating or leasing the land. The management board may re-allocate land with or without land use levy or lease land to land users that need to use the land in the functional areas of the economic zone under Articles 54, 55 and 56 of this Law.

The land use term for production and business in an economic zone must not exceed 70 years.

4. 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 following rights and obligations:

a) In case of being re-allocated land in the economic zone by the management board, they have the rights and obligations as allocated land by the State in accordance with this Law;

b) In case of being leased land in the economic zone from the management board, they have the rights and obligations as being leased land from the State in accordance with this Law.

5. The State shall encourage investment in the construction and commercial operation of infrastructure in economic zones and encourage the use of land for economic development.

6. 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.

7. Economic organizations, households, individuals or overseas Vietnamese that invest in production and business in an economic zone and have been allocated land by the State or acquired land use rights from other economic organizations or overseas Vietnamese prior to the effective date of this Law may continue using the land for the remaining project duration without having to change to lease land. At the expiry of the project duration, if these subjects still have demand, the management board shall consider leasing land to them in accordance with this Law.

8. The Government shall detail this Article.

#### **Article 152. 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 in mining activities.

2. Land used for mineral exploration and exploitation shall be leased by the State to organizations, individuals, overseas Vietnamese or foreign-invested enterprises that are permitted to carry out projects on mineral exploration and exploitation.

Land used as ground for mineral processing falls under the type of non-agricultural land for production and business purposes with the same land use regime as for the land for trading and services or non-agricultural production establishments as prescribed in Article 153 of this Law.

3. The use of land for mining activities must comply with the following provisions:

a) Having a license for mining activities and a decision on land lease for mineral exploration and exploitation or a decision on lease of land as mineral processing ground, granted by a competent state agency according to the Government's regulations;

b) 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;

c) The use of land must be in line with the progress of mineral exploration and exploitation. Land users shall return the land in accordance with the progress of mineral exploration and exploitation and with the status of surface soil as stipulated in the land lease contract;

d) If the mineral exploration and exploitation do not require the use of surface soil or do not affect the use of the ground, there is no need to lease the surface soil.

### **Article 153. Land used for trading and services; land for non-agricultural production establishments**

1. Land used for trading or services includes land used for construction of trading or service establishments and other facilities serving trading or services.

Land used for non-agricultural production establishments includes land used for construction of non-agricultural production establishments that are located outside industrial parks, industrial clusters or export processing zones.

2. The use of land for trading, services and non-agricultural production establishments must be in line with master plans, plans on land use, urban construction master plan and master plan for development of rural residential areas which have been approved by competent state agencies, and with regulations on environmental protection.

3. Economic organizations, households or individuals may use land for trading, services or for non-agricultural production establishments, which is the land obtained through leasing land from the State, acquiring land use rights, leasing or subleasing land or receiving land use rights contributed as capital from other economic organizations, households or individuals, or from overseas Vietnamese, or subleasing land together with infrastructure from foreign-invested enterprises.

Overseas Vietnamese may use land for trading, services or non-agricultural production establishments, which is the land obtained through leasing land from the State, or leasing or subleasing land from other economic organizations, households or individuals, or from other overseas Vietnamese, or subleasing land together with infrastructure from foreign-invested enterprises. Overseas Vietnamese who are defined Clause 1, Article 186 of this Law are also entitled to obtain land through inheritance or donation of land use rights to use for construction of trading, services or non-agricultural production establishments.

Foreign-invested enterprises may use land for trading, services or non-agricultural production establishments, which is the land obtained through leasing land from the State, or leasing or subleasing land from economic organizations or overseas Vietnamese, or subleasing land together with infrastructure from other foreign-invested enterprises.

### **Article 154. Land used for production of construction materials and ceramic products**

1. Land used for production of construction materials and ceramic products includes land, land with surface water for material exploitation and land used as ground for processing and producing construction materials and ceramic products.

The use of land for exploiting raw materials for manufacturing bricks, tiles or ceramic products must take advantage of hilly land, uncultivated hillocks, abandoned land, land in riverbed or ponds or lakes that need to be dig deep, land along the rivers not being used for agricultural production, soil dikes no longer in use, or land from rehabilitation of rice fields.

2. Land or land with surface water used for exploiting raw materials shall be leased by the State to households or individuals that are permitted to exploit raw materials for the production of construction materials and ceramic products; to economic organizations, overseas Vietnamese or foreign-invested enterprises that are licensed to implement investment projects on exploitation of raw materials for production of construction materials and ceramic products.

Land used as ground for production of construction materials and ceramic products falls under the type of non-agricultural land for production and business purposes with the same land use regimes as for trading, services or non-agricultural production establishments as prescribed in Article 153 of this Law.

3. The use of land for production of construction materials and ceramic products must comply with the following provisions:

a) Having a decision on land lease for the purpose of exploitation of raw materials, processing and production of construction materials and ceramic products issued by a competent state agency;

b) Taking necessary measures to avoid causing damage to production activities, life and negative effects to the environment, water flows or transportation;

c) Land users shall return the land in accordance with the progress of exploitation of raw materials and with the status of surface soil as stipulated in the land lease contract.

4. It is forbidden to use land of the following types to exploit raw materials for manufacturing bricks, tiles or ceramic products:

a) Land with historical-cultural relics or scenic landscapes which have been ranked or placed under the protection of provincial People's Committees;

b) Land within the safety corridor of construction facilities.

5. In the process of using land to exploit raw materials for manufacturing bricks, tiles or ceramic products, land users shall apply appropriate technology measures to exploit and use the land suitably and economically and shall take necessary measures to avoid causing damage to production activities and the life of adjacent land users and adverse effects to the environment.

**Article 155. Land used for public purposes or for implementation of build-transfer (BT) and build-operate-transfer (BOT) projects**

1. The use of land for public purposes must be in line with the master plans, plans on land use, urban construction master plan and master plan for development of rural residential areas approved by competent state agencies.

2. For land used for public purposes, a detailed construction master plan must be formulated which clearly defines the functional areas used for public purposes involving non-commercial purpose and functional areas used for public purposes involving commercial purpose.

The land used for functional areas for non-commercial purposes shall be allocated by the State without collection of land use levy under Article 54 of this Law. The land used for functional areas for commercial purpose shall be leased by the State under Article 56 of this Law.

3. The State shall allocate land to investors for management to implement BT projects and allocate or lease land to investors to implement BOT projects and other forms as prescribed by the investment law.

4. The Government shall detail this Article.

**Article 156. Land used for civil airports and airfields**

1. Land used for civil aviation operations at airports or airfields includes:

a) Land used for construction of offices of state agencies which operate constantly at airports or airfields;

b) Land used for construction of infrastructure in airports or airfields, including land for construction of runways, taxiways, aircraft parking areas, facilities to ensure flight operations, aviation security and airfield emergency, fences, construction-serving roads, internal roads and other auxiliary facilities areas of the airfields;

c) Land used for construction of facilities for aviation services at airports or airfields;

d) Land used for construction of facilities for non-aviation services.

2. Airport authorities shall be allocated land by provincial People's Committees in accordance with master plans, plans on land use and master plan for airports and airfields which have been approved by competent state agencies. The certificate of land use rights and ownership of houses and other land-attached assets which are used for civil aviation operations at airports or airfields shall be granted to the airport authorities.

3. Based on master plans, plans on land use approved by the state management agency in charge of civil aviation, airport authorities shall allocate land without land use levy or lease land in accordance with the following provisions:

a) Allocation of land without land use levy for the land specified at Points a and b, Clause 1 of this Article;

b) Lease of land with annual rental payment for the land specified in Points c and d, Clause 1 of this Article. The calculation and collection of land rental must comply with this Law.

4. Organizations and individuals using land at airports or airfields have the following rights and obligations:

a) To use land for proper purposes; to refrain from exchanging, transferring, donating or leasing land use rights, or mortgaging or contributing as capital land use rights;

b) To use the assets under their ownership which are attached to the leased land as collateral at credit institutions which are licensed to operate in Vietnam; to sell or lease assets and contribute as capital assets under their ownership which are attached to the leased land.

5. The Government shall detail this Article.

#### **Article 157. Land used for construction of public facilities with safety corridors**

1. Land used for construction of public facilities with safety corridors includes land used for construction of systems of transport, irrigation, dykes, water supply and drainage, waste treatment, power transmission, oil and gas pipelines and communication, and land within the safety corridors of these systems.

2. The use of land for public 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 specialized laws concerning safety protection of facilities.

3. Legally recognized users of land within the safety corridors may continue using the land in accordance with the determined purposes and may not hinder the safety protection of the facilities.

In case the use of that land hinders the safety protection of the facilities, 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.

4. Agencies or organizations directly managing the facilities with safety corridors shall publicize information on boundary marks of the safety corridors and take the main responsibility for the protection of the facilities. In case the safety corridors of the facilities are illegally encroached, occupied or used, the agencies or organizations shall promptly report it to and request handling from the commune-level People's Committee of the locality where the safety corridors are located.

5. The People's Committees of all levels of the locality where the facilities with safety corridors are located shall coordinate with the agencies or organizations directly managing the facilities in

disseminating laws and regulations on safety protection of facilities, 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.

6. The Government shall detail this Article.

### **Article 158. Land with historical-cultural relics and landscapes**

1. Land with historical-cultural relics and landscapes which are ranked or under the protection of provincial People's Committees shall be strictly managed in accordance with the following provisions:

a) Organizations, households, individuals and communities that directly manage land with historical-cultural relics and landscapes shall assume the main responsibility in the use of such land in accordance with the law on cultural heritage;

b) Commune-level People's Committees shall assume the main responsibility for the management over land with historical-cultural relics and landscapes in their localities which are not specified at Point a of this Clause;

c) If land with historical-cultural relics and landscapes is encroached, occupied or used for improper or illegal purposes, the chairperson of the commune-level People's Committee of the locality where such land is located shall detect, prevent and deal with these illegal activities promptly.

2. In special cases in which it is necessary to use land with historical-cultural relics and landscapes for other purposes, the change of the land use purpose must conform with the master plans, plans on land use approved by competent state agencies and must be approved in writing by the state agencies which have the competence to decide on the ranking of those historical-cultural relics and landscapes.

### **Article 159. Land used by religious establishments**

1. Land used by religious establishments includes land for pagodas, churches, oratories, sanctuaries, monasteries, religious schools, head offices of religious establishments and other religious establishments whose operation is licensed by the State.

2. Provincial People's Committees shall base themselves on the state policies on religions and master plans, plans on land use approved by competent state agencies to determine the land areas to be allocated to the religious establishments.

### **Article 160. Land used for belief practices**

1. Land for belief practices includes land for communal houses, temples, shrines, hermitages, ancestral worship houses and ancestral temples.

2. Land for belief practices must be used properly and in accordance with the master plans, plans on land use, urban construction master plan and master plan for development of rural residential areas which have been approved by competent state agencies.

3. The construction or expansion of communal houses, temples, shrines, hermitages, ancestral worship houses and ancestral temples of the communities must be permitted by competent state agencies.

#### **Article 161. Land used for construction of underground facilities**

1. The use of land for construction of underground facilities must conform to the master plan for construction of underground facilities, land use plans and other related master plans which have been approved by competent state agencies.

2. Provincial People's Committees shall decide on land allocation and land lease for construction of underground facilities in accordance with the Government's regulations.

#### **Article 162. Land used to cemeteries or graveyards**

1. Land used for cemeteries or graveyards must be developed in concentrated areas in conformity with master plan on land use; be located far from residential areas and convenient for burial services and visits, satisfying sanitation and environmental requirements and used economically.

2. Provincial People's Committees shall prescribe land quotas and management regimes for construction of graves, statues and monuments, and memorial stela in cemeteries or graveyards with economical use of land, and adopt policies to encourage the burial without using land.

3. It is forbidden to build cemeteries or graveyards in contravention to master plans, plans on land use which have been approved by competent state agencies.

#### **Article 163. Land with rivers, streams, canals, springs and special-use water surface**

1. Based on the determined main purpose, land with rivers, streams, canals, springs or special-use water surface must be used and managed in accordance with the following provisions:

a) The State shall allocate land with special-use water surface to organizations for management in combination with use and exploitation of such land for non-agriculture purposes, or non-agriculture purposes in combination with aquaculture and exploitation of aquatic resources;

b) The State shall lease out land with rivers, streams, canals or springs with annual rental payment to economic organizations, households or individuals for aquaculture;

c) The State shall lease out land with rivers, streams, canals or springs with annual rental payment to overseas Vietnamese or foreign-invested enterprises for implementing their investment projects on aquaculture.

2. The exploitation and use of land with rivers, streams, canals, springs or special-use water surface must not affect the determined main land use purpose; and must also comply with the technical regulations of the related sector or field and the regulations on environmental and landscape protection, and may not obstruct natural flows and waterway transportation.

#### **Section 4. UNUSED LAND**

##### **Article 164. Management of unused land**

1. Commune-level People's Committees shall manage and protect unused land in their localities and register it in cadastral records.
2. Provincial People's Committees shall manage unused land on uninhabited islands.
3. The management of unused land must comply with the Government's regulations.

##### **Article 165. Putting of unused land into use**

1. Based on the master plans, plans on land use approved by competent state agencies, the People's Committees of all levels shall make plans for investment, reclamation and improvement of the unused land in order to put it into use.
2. The State shall encourage investment by organizations, households and individuals to put unused land into use in accordance with the master plans, plans on land use approved by competent state agencies.
3. Land areas planned for agricultural purposes shall be allocated with priority to local households or individuals directly engaged in agricultural, forestry, aquaculture or salt production that have not been allocated land or lack production land.

#### **Chapter 11.**

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

#### **Section 1. GENERAL PROVISIONS**

##### **Article 166. General rights of land users**

1. To be granted the certificate of land use rights, houses and other land-related assets ownership.
2. To enjoy the results of the labor and investment on land.
3. To enjoy the benefits derived from facilities constructed by the State for protecting and improving agricultural land.

4. To receive the State's guidance and assistance in the improvement and fertilization of agricultural land.
5. To be protected by the State against others' infringements of their lawful rights and benefits involving land.
6. To receive compensation when land is recovered by the State in accordance with this Law.
7. To complain about, denounce or file lawsuits over violations of their lawful land use rights and other violations of the land law.

**Article 167. The right to exchange, transfer, lease, sublease, inherit, donate, mortgage land use rights and contribute land use rights as capital**

1. Land users may exercise the rights to exchange, transfer, lease, sublease, inherit, donate, mortgage land use rights and to contribute land use rights as capital in accordance with this Law.
2. A group of land users sharing land use rights have the following rights and obligations:
  - a) A group of land users including households and individuals have the same rights and obligations as households and individuals in accordance with this Law.

In case one member of the group of land users is an economic organization, that group of land users has the same rights and obligations as economic organizations in accordance with 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 carry out the prescribed procedures to have the common land parcel split into different parcels of their own and apply for the certificates of land use rights and ownership of houses and other land-attached assets. Those members will then have the rights and obligations of land users in accordance with this Law.

In case land use rights of the group of land users can not be split into portions, the group shall authorize its representative to exercise the rights and perform the obligations of the group.

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 assets must be notarized or certified, except the case of real estate business prescribed at Point b of this Clause;
  - b) Contracts on lease or sublease of land use rights or the rights to use land and land-attached assets, a contract on exchange of agricultural land use rights, a contract on transfer of land use rights or the rights to use land and land-attached assets in which one party or all parties involved

in the transaction is/are a real estate business organization or organizations must be notarized or certified at the request of the parties;

c) The documents on inheritance of land use rights or the rights to use land and land-attached assets must be notarized or certified under the civil law;

d) The notarization shall be conducted at notarization-practicing organizations and the certification shall be conducted at commune-level People's Committees.

### **Article 168. Time to exercise the rights of land users**

1. Land users may exercise the rights to transfer, lease, sublease, donate and mortgage land use rights and to contribute land use rights as capital upon possessing a certificate. In case of exchanging agricultural land use rights, land users may exercise their rights after a decision on land allocation or land lease is issued. In case of inheritance of land use rights, land users may exercise their rights upon possessing a certificate or when they are eligible to be granted a certificate.

A land user who is allowed to delay the performance of, or owe, his/her financial obligations, may exercise his/her rights only after fulfilling all financial obligations.

2. The transfer of land use rights within an investment project on construction of houses for sale or lease or the transfer of land use rights together with the whole project within an investment project on construction of infrastructure for transfer or lease may only be conducted after possessing a certificate and satisfaction of all conditions prescribed in Article 194 of this Law.

### **Article 169. Acquisition of land use rights**

1. Acquisition of land use rights is prescribed as follows:

a) Households and individuals may acquire agricultural land use rights through exchange of land use rights as prescribed at Point b, Clause 1, Article 179 of this Law;

b) Economic organizations, households and individuals may acquire land use rights through receipt of transfer of land use rights, except the cases prescribed in Article 191 of this Law. Overseas Vietnamese may acquire land use rights through receipt of transfer of land use rights in industrial parks, industrial clusters, export processing zones, hi-tech zones or economic zones. Foreign-invested enterprises may acquire investment capital which is the value of land use rights in accordance with the Government's regulations;

c) Organizations, households, individuals and communities may acquire land use rights through receipt of donation of land use rights as prescribed at Point c, Clause 2, Article 174, and Point e, Clause 1, Article 179, of this Law, except the case prescribed in Article 191 of this Law;

d) Organizations, households, individuals and communities may acquire land use rights through receipt of inherited land use rights;

- e) Overseas Vietnamese who are eligible to own houses in Vietnam under the housing law may acquire land use rights through purchase, lease-purchase, inheritance or donation of houses associated with land use rights, or acquire land use rights in housing development projects;
- f) Economic organizations and joint ventures may acquire land use rights through receipt of contribution of land use rights as capital;
- g) Organizations, households, individuals, communities, religious establishments and overseas Vietnamese may acquire land use rights through land allocation by the State. Foreign-invested enterprises may acquire land use rights through land allocation by the State to carry out investment projects on construction of houses for sale or for a combination of sale and lease;
- h) Economic organizations, self-financed public non-business organizations, households, individuals, overseas Vietnamese, foreign-invested enterprises and foreign organizations with diplomatic functions may acquire land use rights through land lease by the State;
- i) Organizations, households, individuals, communities and religious establishments may acquire land use rights through the State's recognition of the existing stable use of the land;
- k) Organizations, households, individuals, overseas Vietnamese and foreign-invested enterprises may acquire land use rights through the successful conciliation of land disputes which is certified by a competent People's Committee, the agreement in the mortgage contract to handle the debt, or the decision of a competent state agency on settlement of land disputes, complaints or denunciations, the decision or judgment of a People's Court, the decision on judgment enforcement of the judgment enforcement agency which has been executed, the document recognizing the result of the auction of land use rights in accordance with law, or the document on splitting land use rights for households or groups sharing land use rights in accordance with law;
- l/ Communities and religious establishments may acquire land use rights through the successful conciliation of land disputes which is certified by a competent People's Committee, the decision of a competent state agency on settlement of land disputes, complaints or denunciations, the decision or judgment of a People's Court, or the judgment enforcement decision of the judgment enforcement agency which has been executed;
- m/ The organization which is a newly established legal entity through splitting or merger under the decision of a competent agency or organization or according to a lawful document on splitting or merger of economic organizations may acquire land use rights from the organizations which are split or merged legal entities.

2. Households and individuals may acquire land use rights, regardless of place of residence, except the cases prescribed in Clauses 3 and 4, Article 191, and Article 192 of this Law.

#### **Article 170. 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 laws.
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.
3. To fulfill financial obligations in accordance with law.
4. To take measures to protect the land.
5. To comply with regulations on environmental protection and not to cause damage to the lawful benefits of related land users.
6. To comply with the law on discovery of underground objects.
7. To return the land upon the State's decision on land recovery or at the expiry of the land use term without being permitted to extend the land use term.

#### **Article 171. Limited use rights to the adjacent land parcel**

1. The limited use rights to the adjacent land parcel include the right to access path, water supply and drainage, irrigation and drainage in cultivation, gas supply, power lines, communication and other reasonable needs on the adjacent land parcel.
2. The limited use rights to the adjacent land parcel shall be established in accordance with the civil law and must be registered under Article 95 of this Law.

#### **Article 172. Right to choose method of land rental payment**

1. Economic organizations, self-financed public non-business organizations, households, individuals, overseas Vietnamese and foreign-invested enterprises specified in Clause 1, Article 56 of this Law may choose between the form of annual rental payment or full one-off rental payment for the entire lease period.
2. Economic organizations, self-financed public non-business organizations, households, individuals, overseas Vietnamese and foreign-invested enterprises that are leasing land from the State with annual rental payment may change to the form of full one-off rental payment for the entire lease period. The specific land price used for determination of land rental must be re-determined in accordance with this Law at the time the decision on approval of the change to the form of full one-off rental payment for the entire lease period is issued.

### **Section 2. RIGHTS AND OBLIGATIONS OF ORGANIZATIONS USING LAND**

**Article 173. Rights and obligations of organizations that are allocated land without collection of land use levy by the State**

1. Organizations to which the land is allocated by the State without land use levy have the rights and obligations prescribed in Articles 166 and 170 of this Law.
2. Organizations to which the land is allocated by the State without collection of land use levy may not exchange, transfer, donate, lease land use rights; mortgage, contribute land use rights as capital, and are not entitled to compensation when State recovers land.

**Article 174. Rights and obligations of 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 organizations that are allocated land with collection of land use levy or leased land with full one-off payment for the entire lease period by the State have the general rights and obligations prescribed in Articles 166 and 170 of this Law.
2. In addition to the rights and obligations prescribed in Clause 1 of this Article, economic organizations that are allocated land with collection of land use levy or leased land with full one-off rental payment for the entire lease period by the State have the following rights:
  - a) To transfer land use rights and land-attached assets under their ownership;
  - b) 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;
  - c) To donate land use rights to the State and communities for construction of facilities for common public interests of the communities and donate land-attached gratitude houses in accordance with law;
  - d) To mortgage with land use right and land-attached assets under their ownership at credit institutions which are licensed to operate in Vietnam;
  - e) To contribute land use rights and land-attached assets under their ownership as capital for cooperation in production and business with organizations, individuals, overseas Vietnamese or foreign-invested enterprises in accordance with law.
3. Self-financed public non-business organizations leasing land with full one-off rental payment for the entire lease period from the State and for which the paid rental does not originate from the state budget, have the rights and obligations prescribed in Clauses 1 and 2 of this Article. The exercise of the rights is subject to written approval by a competent state agency.

Self-financed public non-business organizations leasing land with full one-off rental payment for the entire lease period from the State and for which the paid rental originates from the state budget have the rights and obligations prescribed in Article 173 of this Law.

4. 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) If the organization is allocated or leased land by the State for implementation of projects on construction of and trading in houses and is entitled to exemption from or reduction of land use levy or land rental, it has the same rights and obligations as being not entitled to exemption from or reduction of land use levy or land rental;

b) If the organization is allocated or leased land by the State for implementation of investment projects for profit purpose that is not prescribed at Point a of this Clause, and is allowed to pay a reduced land use levy or land rental, it has the same rights and obligations as being not entitled to exemption from or reduction of land use levy or land rental for the land type with similar land use purpose;

c) If the organization is allocated or leased land by the State for implementation of investment projects for profit purpose that is not prescribed at Point a of this Clause, and is exempted from land use levy or land rental, it has the same rights and obligations as leasing land with annual rental payment for the land type with similar land use purpose.

#### **Article 175. Rights and obligations of economic organizations and public non-business organizations using leased land with annual rental payment**

1. Economic organizations or public non-business organizations using leased land from the State with annual rental payment have the following rights and obligations:

a) General rights and obligations prescribed in Article 166 and Article 170 of this Law;

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

c) To sell their assets attached to the leased land upon the satisfaction of the conditions prescribed in Article 189 of this Law. The buyer of these assets may continue to be leased land for determined land use purpose by the State;

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

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, export processing zones, hi-tech zones or economic zones.

2. Economic organizations or public non-business organizations using land leased from organizations, households or individuals that are located outside industrial parks, industrial clusters or export processing zones have the rights and obligations prescribed in the civil law.

**Article 176. Rights and obligations of economic organizations which acquire land use rights or change land use purposes**

1. Economic organizations which acquire land use rights or change land use purpose have the general rights and obligations prescribed in Articles 166 and 170 of this Law.

2. Economic organizations acquiring the rights to use the land which originates from being allocated with land use levy or being leased with full one-off rental payment for the entire lease period by the State and the land use levy or land rental does not originate from the state budget have the rights and obligations prescribed in Clause 2, Article 174 of this Law.

3. Economic organizations acquiring the agricultural land use rights in accordance with law 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 2, Article 174 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 Clause 2, Article 174 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 Article 175 of this Law.

4. The rights and obligations of economic organizations which are approved by competent state agencies 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) If the economic organization is allocated land with land use levy or leased land with full one-off rental payment for the entire lease period, it has the rights and obligations prescribed in Clause 2, Article 174 of this Law;

b) If the economic organization is leased land with annual rental payment, it has the rights and obligations prescribed in Clause 1, Article 175 of this Law.

**Article 177. Rights and obligations of economic organizations receiving land use rights as contributed capital; land use rights of economic organizations upon dissolution or bankruptcy**

1. Economic organizations receiving land use rights as contributed capital from households, individuals or other economic organizations have the rights and obligations prescribed in Article 174 of this Law in the following cases:

a) The land of economic organizations 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 households or individuals is not the land leased by the State with annual rental payment.

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

a) The land allocated without land use levy or allocated with land use levy or leased by the State or obtained through buying land-attached assets or obtained through lawful acquisition of land use rights from others for which the land use levy or land rental, or the paid amount for purchase of land-attached assets, or the fund for acquisition of land use rights originates from the state budget, shall be recovered by the State;

b) The land allocated with land use levy, leased with full one-off rental payment for the entire lease period by the State, or obtained through buying land-attached assets or obtained through lawful acquisition of land use rights from others for which the land use levy or land rental, or the paid amount for purchase of land-attached assets, or the fund for acquisition of land use rights does not originate from the state budget; the land obtained through contribution of land use rights as capital from cooperative members, is not recovered by the State. Land use rights belong to the cooperative and shall be settled in accordance with the charter of the cooperative and the resolution of the members' meeting.

3. Land use rights of the economic organization which is an enterprise, upon its dissolution or bankruptcy, shall be settled in accordance with law.

#### **Article 178. Rights and obligations of economic organizations that are leased land for construction of underground facilities**

Economic organizations that are leased land by the State to invest in the construction of underground facilities have the following rights and obligations:

1. If the land is leased with full one-off rental payment for the entire lease period, they have the same rights and obligations as economic organizations prescribed in Clauses 1, 2 and 4, Article 174 of this Law;

2. If the land is leased with annual rental payment, they have the same rights and obligations as economic organizations prescribed in Clause 1, Article 175 of this Law.

#### **Section 3. RIGHTS AND OBLIGATIONS OF HOUSEHOLDS, INDIVIDUALS AND COMMUNITIES USING LAND**

## **Article 179. Rights and obligations of households and individuals using land**

1. Households or individuals that 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 Article 166 and Article 170 of this Law;
- b) To exchange agricultural land use rights with other households and individuals within the same commune, ward or township;
- c) To transfer land use rights in accordance with law;
- d) To lease land use rights to other organizations, households, individuals or overseas Vietnamese investing in Vietnam;
- e) Individuals using land are entitled to bequeath their land use rights in accordance with their will or law.

If any member of a household to which land has been allocated by the State dies, land use rights of that member may be inherited in accordance with his/her will or law.

If the heir is an overseas Vietnamese who falls into the category defined in Clause 1, Article 186 of this Law, he/she is entitled to inherit land use rights. Otherwise, he/she is only entitled to receive the value of the inherited land use rights;

- e) To donate land use rights under Point c, Clause 2, Article 174 of this Law and to donate land use rights to households, individuals or overseas Vietnamese who fall into the category defined in Clause 1, Article 186 of this Law;
- g) To mortgage land use rights at credit institutions which are licensed to operate in Vietnam, or at other economic organizations or individuals in accordance with law;
- h) To contribute land use rights as capital to organizations, households, individuals or overseas Vietnamese for cooperation in production or business;
- i) In case the land is subject to recovery for project implementation, land users are entitled to invest on land by their own or to lease land use rights to the investor or to contribute land use rights as capital to the investor for project implementation in accordance with the Government's regulations.

2. Households or 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 Article 166 and Article 170 of this Law;

b) To sell their assets attached to the leased land. The buyer of these assets may continue leasing land from the State for the determined purpose;

c) To inherit or donate their assets attached to the leased land. The heir or donee may continue leasing land from the State for the determined purpose;

d) To lease their assets attached to the leased land in accordance with the civil law;

e) To mortgage their assets attached to the leased land at credit institutions which are licensed to operate in Vietnam, or at other economic organizations or individuals in accordance with law;

f) To contribute their assets attached to the leased land within the lease term as capital to organizations, households, individuals or overseas Vietnamese for cooperation in production or business. The recipient of such capital contribution may continue leasing land from the State for the determined purpose

3. Households or individuals that sublease land in industrial parks, industrial clusters or export processing zones 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. Households or individuals that 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. Households or individuals that use leased land from organizations, households or individuals that do not fall into the case specified in Clause 3 of this Article, have the rights and obligations prescribed in the civil law,

**Article 180. Rights and obligations of households and individuals changing land use purpose from land allocation without collection of land use levy to land allocation with collection of land use levy or land lease**

1. Households or individuals that change land use purpose from land allocation without land use levy to land allocation with land use levy or land lease have the general rights and obligations prescribed in Articles 166 and 170 of this Law.

2. The rights and obligations of households or individuals using land of which the land use purpose is permitted to change from land allocation without collection of land use levy to land allocation with land use levy or land lease by competent state agencies 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, these households or individuals have the rights and obligations prescribed in Clause 1, Article 179 of this Law;

b) In case of being leased land with annual rental payment, these households or individuals have the rights and obligations prescribed in Clause 2, Article 179 of this Law.

#### **Article 181. Rights and obligations of religious establishments and communities using land**

1. Religious establishments and communities using land have the general rights and obligations prescribed in Articles 166 and 170 of this Law.

2. Religious establishments and communities using land may not exchange, transfer, lease or donate land use rights or mortgage or contribute as capital land use rights.

#### **Section 4. RIGHTS AND OBLIGATIONS OF OVERSEAS VIETNAMESE, FOREIGN ORGANIZATIONS WITH DIPLOMATIC FUNCTIONS AND FOREIGN-INVESTED ENTERPRISES USING LAND**

##### **Article 182. 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 166 and 170 of this Law;

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

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

2. In case 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 183. Rights and obligations of overseas Vietnamese and foreign-invested enterprises using land for implementation of investment projects in Vietnam**

1. Overseas Vietnamese investing in Vietnam who are allocated land with land use levy by the Vietnamese State have the following rights and obligations:

a) The general rights and obligations prescribed in Articles 166 and 170 of this Law;

b) The rights and obligations prescribed in Clause 2, Article 174 of this Law.

2. Overseas Vietnamese and foreign-invested enterprises that are leased land with annual rental payment from the Vietnamese State have the following rights and obligations:

- a) The general rights and obligations prescribed in Articles 166 and 170 of this Law;
- b) To mortgage their assets attached to the leased land at credit institutions which are licensed to operate in Vietnam, and to contribute as capital their assets attached to the leased land. The recipient of the capital contribution may lease land from the State for the determined purpose for the remaining lease term;
- c) To sell their assets attached to the leased land upon fulfillment of the requirements prescribed in Article 189 of this Law;
- d) To lease houses if they are permitted to invest in the construction of and trading in houses.

3. Overseas Vietnamese or foreign-invested enterprises that lease land from the State with full one-off rental payment for the entire lease period and foreign-invested enterprises that are allocated land with land use levy to implement projects have the following rights and obligations:

- a) The general rights and obligations prescribed in Articles 166 and 170 of this Law;
- b) To transfer land use rights and land-attached assets under their ownership during the land use term;
- c) To lease and sublease land use rights and land-attached assets under their ownership within the land use term;
- d) To mortgage land use rights and land-attached assets under their ownership at credit institutions which are licensed to operate in Vietnam within the land use term;
- e) To contribute land use rights and land-attached assets under their ownership as capital for cooperation in production and business within the land use term.

4. Foreign-invested enterprises using land formed through the purchase of shares of Vietnamese enterprises have the following rights and obligations:

- a) In case the foreign-invested enterprise formed through the purchase of shares of Vietnamese enterprises is a wholly foreign-invested enterprise or a foreign-invested enterprise in which the foreign investor is the dominant shareholder in accordance with the law on enterprises, that foreign-invested enterprise has the rights and obligations prescribed in Clauses 2 and 3 of this Article corresponding to the form of payment of land use levy or land rental;
- b) In case the foreign-invested enterprise formed through the purchase of shares of Vietnamese enterprises is an enterprise in which the Vietnamese party is the dominant shareholder in

accordance with the law on enterprises, that foreign-invested enterprise has the rights and obligations as economic organizations as prescribed in Articles 174 and 175 of this Law.

5. For overseas Vietnamese or foreign-invested enterprises that use 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 allowed to pay a reduced one, they have the rights and obligations prescribed in Clause 4, Article 174 of this Law.

**Article 184. Rights and obligations of joint ventures using land through receipt of land use rights as capital and wholly foreign-invested enterprises which are converted from joint ventures**

1. Joint ventures between foreign organizations, foreign individuals or overseas Vietnamese and economic organizations in which the economic organizations contribute land use rights as capital, have the rights and obligations prescribed in Article 174 of this Law in the following cases:

a) The land of which land use rights are contributed by the economic organizations is land allocated with land use levy or leased with full one-off rental payment for the entire lease period by the State, and the paid amount of land use levy or land rental does not originate from the state budget;

b) The land of which land use rights is contributed by the economic organizations through acquisition of land use rights is not the land leased by the State with annual rental payment, and the paid amount for the acquisition of land use rights does not originate from the state budget.

2. In case a state enterprise leases land from the State before July 01, 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 land law, as capital to establish a joint venture with a foreign organization or individual, that joint venture has the rights and obligations prescribed in Article 174 of this Law. The value of land use rights is considered the State's capital contributed to the joint venture.

3. In case an overseas Vietnamese who is allocated land with land use levy or leased land with full one-off rental payment for the entire lease period by the State contributes the value of land use rights in the capacity as a domestic economic organization as capital to a joint venture with a foreign organization or individual, that joint venture has the rights and obligations prescribed in Article 174 of this Law.

4. If a joint venture in which the Vietnamese party contributes land use rights as capital is converted into a wholly foreign-invested enterprise, it has the following rights and obligations:

a) The rights and obligations prescribed in Clause 2, Article 183 of this Law, for the case in which the contributed land use rights are not used for implementing investment projects on

houses for sale and the wholly foreign-invested enterprise is leased land by the State with annual rental payment under Clause 1, Article 56 of this Law;

b) The rights and obligations prescribed in Clause 3, Article 183 of this Law, for the case in which the contributed land use rights are not used for implementing investment projects on houses for sale and the wholly foreign-invested enterprise is leased land by the State with full one-off rental payment for the entire lease period under Clause 1, Article 56 of this Law;

c) The rights and obligations prescribed in Clause 3, Article 183 of this Law, for the case in which the contributed land use rights are used for implementing projects on houses for sale and the wholly foreign-invested enterprise is allocated land by the State under Clause 3, Article 55 of this Law.

**Article 185. Rights and obligations of overseas Vietnamese and foreign-invested enterprises using land in industrial parks, industrial clusters, export processing zones, hi-tech zones or economic zones**

1. Overseas Vietnamese may acquire land use rights in industrial parks, industrial clusters, export processing zones, hi-tech zones or economic zones, and have the rights and obligations prescribed in Article 174 of this Law.

2. Overseas Vietnamese or foreign-invested enterprises leasing or subleasing land in industrial parks, industrial clusters, export processing zones, hi-tech zones or economic zones have the following rights and obligations:

a) In case of making full one-off rental payment for the land lease or sublease for the whole lease or sublease period, they have the rights and obligations prescribed in Article 174 of this Law;

b) In case of making annual rental payment, they have the rights and obligations prescribed in Article 175 of this Law.

**Article 186. Rights and obligations involving land use of overseas Vietnamese who are eligible to own houses in Vietnam; foreign individuals or overseas Vietnamese who are ineligible to buy houses associated with land use rights in Vietnam**

1. Overseas Vietnamese who are entitled to own houses in accordance with the housing law are entitled to own houses associated with residential land use rights in Vietnam.

2. Overseas Vietnamese who are entitled to own houses associated with residential land use rights in Vietnam have the following rights and obligations:

a) The general rights and obligations prescribed in Article 166 and Article 170 of this Law;

b) To transfer land use rights when selling, donating, bequeathing, exchanging houses with domestic organizations or individuals, overseas Vietnamese who are eligible to own houses for their own living; to donate houses associated with residential land use rights to the State,

communities or donate houses of gratitude as prescribed at Point c, Clause 2, Article 174 of this Law. In case of donating or bequeathing to people who are ineligible to own houses in Vietnam, such people may only to receive the value of houses associated with residential land use rights;

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

d) To lease, and authorize the management of, houses when they do not use.

3. If all the heirs of land use rights and ownership of houses and other land-attached assets are foreigners or overseas Vietnamese who are ineligible to own houses 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 houses and other land-attached assets but may transfer or donate the inherited land use rights in accordance with the following provisions:

a) In case of transferring land use rights, the heirs may act as the transfer or in the contract of transfer of land use rights;

b) In case of donating land use rights, the people to receive land use rights must be the subjects specified at Point e, Clause 1, Article 179 of this Law and be eligible under the housing law, 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 with a lawful document on authorization, shall submit a dossier on the inheritance to the land registration agency in order to update on the cadastral book.

4. In case there is an overseas Vietnamese who is ineligible to buy 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 land law and the inherited land use rights have not been divided, the heirs or their representatives with lawful documents on authorization, shall submit dossiers on the inheritance to the land registration agency in order to update on the cadastral book.

Once division of the inheritance parts is made, the certificates of land use rights and ownership of houses and other land-attached assets are granted to those who are eligible for being granted such certificate; regarding the overseas Vietnamese who is not eligible to buy houses associated with residential land use rights in Vietnam, his/her inherited part shall be dealt with in accordance with Clause 3 of this Article.

5. In the cases specified 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 land law and other relevant laws.

**Article 187. Rights and obligations of overseas Vietnamese and foreign-invested enterprises leasing land for construction of underground facilities**

Overseas Vietnamese or foreign-invested enterprises investing in the construction of underground facilities and leasing land from the State have the following rights and obligations:

1. In case of leasing land with full one-off rental payment for the entire lease period, they have the rights and obligations prescribed in Clauses 3 and 5, Article 183 of this Law.
2. In case of leasing land with annual rental payment, they have the rights and obligations prescribed in Clauses 2 and 5, Article 183 of this Law.

## **Section 5. CONDITIONS FOR THE EXERCISE OF RIGHTS OF LAND USERS**

### **Article 188. Conditions for the exercise of the rights to exchange, transfer, lease, sublease, inherit, donate or mortgage land use rights; to contribute land use rights as capital**

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 meeting the following conditions:

- a) Having the certificate, except the case prescribed in Clause 3, Article 186 and the case of receiving inheritance prescribed in Clause 1, Article 168 of this Law;
- b) The land is dispute-free;
- c) The land use rights are not distrained to secure judgment enforcement;
- d) Within the land use term.

2. In addition to the conditions specified in Clause 1 of this Article, when exercising the rights to exchange, transfer, lease, sublease, inherit, donate or mortgage land use rights and contribute land use rights as capital, land users must also be eligible under Articles 189, 190, 191, 192, 193 and 194 of this Law.

3. The exchange, transfer, lease, sublease, inheritance, donation or mortgage of land use rights or contribution of land use rights as capital must be registered with the land registration agency and will take effect from the time of registration in the cadastral book.

### **Article 189. Conditions for selling and buying assets attached to land which is leased by the State with annual rental payment**

1. Economic organizations, households, individuals, overseas Vietnamese and foreign- invested enterprises may sell assets attached to leased land when fully meeting die following conditions:

- a) The assets attached to leased land are legally established in accordance with law;
- b) The construction has been completed in accordance with the detailed construction master plan and approved investment project.

2. The buyer of assets attached to leased land must ensure the following conditions:
  - a) Having financial capacity to implement investment projects;
  - b) Having business lines relevant to investment projects;
  - c) Not violating the land law when being allocated or leased land from the State to implement the previous projects.
3. The buyers of assets may continue leasing land from the State within the remaining land use term according to specific land price and for the purposes determined in the project documents.
4. The case of leasing land to implement projects on construction and commercial operation of infrastructure is prescribed in Article 194 of this Law.

#### **Article 190. Conditions for exchanging agricultural land use rights**

Households and individuals using agricultural land which is allocated by the State or obtained through exchange, acquisition of land use rights, inheritance, donation of lawful land use rights from other land users, may only exchange these agricultural land use rights to other households and individuals in the same commune, ward or township to facilitate agricultural production, and do not have to pay income tax incurred from the exchange of land use rights and registration fee.

#### **Article 191. Cases in which acquisition or donation of land use rights is not allowed**

1. Organizations, households, individuals, communities, religious establishments, overseas Vietnamese and foreign-invested enterprises may not receive transfer or donation of land use rights in case the transfer or donation of land use rights is prohibited by law.
2. Economic organizations may not acquire the rights to use paddy land, protective forest land or special-use forest land from households or individuals, except the case of change in land use purpose in accordance with the master plans, plans on land use approved by competent state agencies.
3. Households and individuals not directly engaged in agricultural production may not receive the transfer or donation of paddy land use rights.
4. Households and individuals may not receive the transfer or donation of residential land use rights and agricultural land use rights with regard to the land located in the areas of protective forests, strictly protected zones and ecological rehabilitation zones in special-use forests if they do not live in such protective forests or special-use forests.

#### **Article 192. Cases in which households and individuals may transfer or donate land use rights under certain conditions**

1. Households and individuals living in the strictly protected zones or ecological rehabilitation zones in special-use forests and are not able to move out of these areas may only transfer or donate the rights to use residential land or forest land in combination with agricultural, forestry and aquaculture production purposes to households and individuals living in these areas.
2. Households and individuals that are allocated residential land or agricultural land in protective forests by the State may only transfer or donate the rights to use residential or agricultural land to households and individuals living in these areas.
3. Households and individuals of ethnic minorities using allocated land under the support policies of the State may transfer or donate land use rights after 10 years from the date of issuance of the decisions on land allocation in accordance with the Government's regulations.

**Article 193. Conditions for receiving the transfer or contribution as capital of, or leasing, agricultural land use rights to carry out investment projects on non-agricultural production and business**

Economic organizations, households and individuals may receive the transfer or contribution as capital of, or lease, agricultural land use rights to carry out investment projects on non-agricultural production and business when fully meeting the following conditions:

1. Economic organizations may receive the transfer or contribution as capital of, or lease, agricultural land use rights to carry out investment projects upon receiving written approval from a competent state agency.
2. The use purpose for the land area of which land use rights are acquired, contributed as capital or leased must be consistent with the master plans, plans on land use approved by competent state agencies.
3. For land used exclusively for wet rice cultivation, the provisions of Clause 3, Article 134 of this Law shall apply.

**Article 194. Conditions for transferring land use rights in implementation of investment projects on construction of and trading in houses; investment projects on construction of infrastructure for transfer of lease**

1. The transfer of land use rights in investment projects on construction of and trading in houses must be conducted in accordance with the following provisions:
  - a) The provincial People's Committee may, based on the Government's regulations on conditions and types of urban centers, permit investors of projects on construction of and trading in houses to transfer land use rights in the form of dividing land parcels upon completion of the infrastructure construction and fulfillment of financial obligations involving land;
  - b) For investment projects on construction of and trading in houses, the transfer of land use rights together with the transfer of the whole or part of the project may be conducted upon

receipt of the certificate. Those who acquire land use rights shall implement investment projects in accordance with the approved schedule.

2. The transfer of land use rights together with the transfer of the whole project on construction of infrastructure for transfer or lease must meet the following conditions:

- a) Satisfaction of all conditions specified in Clause 1, Article 188 of this Law;
- b) The technical infrastructure facilities must be completely constructed in accordance with the schedule stated in the approved project document.

3. The Government shall detail this Article.

## **Chapter 12.**

### **LAND-RELATED ADMINISTRATIVE PROCEDURES**

#### **Article 195. Land-related administrative procedures**

1. Land-related administrative procedures include:

- a) Procedures for land recovery, land allocation, land lease, and change of land use purpose;
- b) Procedures for registration of land and land-attached assets and grant of the certificate of land use rights and ownership of houses and other land-attached assets;
- c) Procedures for renewal, re-grant, correction or withdrawal of the certificate, the certificate of house ownership or the certificate of construction work ownership;
- d) Procedures for exercising the rights of land users;
- dd) Procedures for enforcing decisions on compulsory inventory and enforcing the implementation of land recovery decisions;
- e) Procedures for conciliation and settlement of land-related disputes at administrative agencies;
- g) Procedures for sanction of administrative violations in the field of land.

2. The Government shall detail this Article.

#### **Article 196. Publicity of land-related administrative procedures**

1. Contents of administrative procedures that need to be publicized include:

- a) State agencies which have competence to receive dossiers and return results;

- b) Time for handling each of the administrative procedures;
- c) Documents in the dossier for each of the administrative procedures;
- d) The process and responsibilities for settling each of the administrative procedures;
- e) Financial obligations, charges and fees payable for each of the administrative procedures.

5. The publicity of contents prescribed in Clause 1 of this Article must be conducted by regular posting at the offices of the agencies where the dossiers are received and the results are returned; and posting on the website of the national database on administrative procedures and websites of provincial and district-level People's Committees.

#### **Article 197. Implementation of land-related administrative procedures**

1. Ministries and agencies shall, according to 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 issue regulations on the coordination among relevant local agencies in settling land-related administrative procedures and other related administrative procedures.
3. Agencies having competence to settle land-related administrative procedures shall follow the prescribed order and procedures.
4. Land users and other related people shall fully follow the land-related administrative order and procedures and fulfill financial obligations as prescribed by law.

#### **Chapter 13.**

### **SUPERVISION, INSPECTION, SETTLEMENT OF DISPUTES, COMPLAINTS, DENUNCIATIONS AND HANDLING OF VIOLATIONS OF LAND LAW**

#### **Section 1. SUPERVISION, MONITORING AND EVALUATION OF LAND MANAGEMENT AND USE**

#### **Article 198. Oversight by the National Assembly, People's Councils at all levels, Vietnam Fatherland Front and its member organizations of the land management and use**

1. The National Assembly and People's Councils at all levels shall exercise the power to supervise the land management and use in accordance with the Constitution and the Law on Oversight Activities of the National Assembly and the Law on Organization of the People's Councils and People's Committees.

2. The Vietnam Fatherland Front and its member organizations shall exercise the power to supervise the land management and use in accordance with the Constitution, the Law on the Vietnam Fatherland Front and other relevant laws.

### **Article 199. Supervision by citizens of land management and use**

1. Citizens have the right to supervise and report on wrongdoings and violations in the land management and use by themselves or through representative organizations.

2. The supervision and reporting must ensure objectivity, honesty and lawfulness. Citizens may not abuse the right to supervise and report to lodge complaints and denunciations illegally or cause social disorder. Citizens shall take responsibility before law for the accuracy of the information they have reported.

3. The contents of supervision of the land management and use by citizens include:

a) Formulation, adjustment, publicization and implementation of master plans and plans on land use;

b) Land allocation, land lease, and permission for change of land use purpose;

c) Land recovery, compensation, support and resettlement;

d) Registration of land and land-attached assets, and grant of the certificate of land use rights and ownership of houses and other land-attached assets;

e) Collection of, exemption from, or reduction of, land use levy, land rental and land-related taxes, and land valuation;

f) Implementation of administrative procedures involving the rights and obligations of land users.

4. The methods of supervision over the land management and use by citizens include:

a) Directly exercising the right to supervision through reporting and sending petitions to agencies or persons competent to settlement;

b) Sending petitions to the lawful representative organizations for these organizations to conduct the supervision.

5. Responsibilities of competent state agencies upon receiving opinions from citizens and representative organizations:

a) To examine, settle and respond to the opinions in writing according to their competence;

b) To forward the petitions to competent state agencies for settlement, for cases falling beyond their competence;

c) To notify the results to the reporting organizations or individuals.

#### **Article 200. System of monitoring and evaluation of the land management and use**

1. The system of monitoring and evaluation of the land management and use shall be used to evaluate the implementation of the land law, the efficiency of land management and use, and the impacts of land policy and law on the economy, society and environment on both national and local scales.

2. The system of monitoring and evaluation of the land management and use shall be developed based on the land information system and the collection of other information during the implementation of the land law throughout the country, including:

a) Information on master plans, plans on land use, 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 certificate of land use rights and ownership of houses and other land-attached assets; implementation of investment projects using land; observance of the land law; examination, inspection and handling of land-related violations of administrative agencies;

b) Information on the settlement of disputes and lawsuits related to land;

c) Information from the supervision process of the land law implementation of the National Assembly, People's Councils at all levels, Vietnam Fatherland Front and its member organizations, other related organizations and people;

d) Necessary information which needs to be collected by technology solutions including aerial photography from satellites, aircraft and other flying craft, field surveys and other Technical equipment;

e) Necessary information from the sociological survey data on land management and use which is obtained from different researches, investigations, surveys and performance of additional sociological investigations when necessary.

3. The agency in charge of natural resources and environment shall manage the monitoring and evaluation system, conduct evaluation of the land law implementation, the efficiency in the land management and use and the impacts of land policy and law on the economy, society and environment on both national and local levels. The evaluation results shall be sent periodically to the Government and the National Assembly.

4. The state agency which archives the information specified in Clause 2 of this Article shall provide information sufficiently, accurately and timely to the agency managing the monitoring and evaluation system. The agency in charge of natural resources and environment shall update the information in the monitoring and evaluation system into the land information system.

5. The monitoring and evaluation system on the land management and use shall be made public for information search by organizations and individuals in accordance with law.

6. The Government shall prescribe in detail the creation and operation of the monitoring and evaluation system on land management and use.

## **Section 2. INSPECTION, SETTLEMENT OF DISPUTES, COMPLAINTS AND DENUNCIATIONS AND TREATMENT OF VIOLATIONS OF LAND LAW**

### **Article 201. Specialized land inspection**

1. Specialized land inspection means inspection activities earned out by competent state agencies toward agencies, organizations and individuals regarding their observance of the land law and professional, technical and management regulations in the field of land.

The Ministry of Natural Resources and Environment shall direct and organize the implementation of specialized land inspection throughout the country.

Local land management agencies shall organize specialized land inspections in localities.

2. The specialized land inspection includes the following contents:

- a) Inspection of the observance of the land law by People's Committees at all levels;
- b) Inspection of the observance of the land law by land users and other related organizations and individuals;
- c) Inspection of the observance of professional and technical regulations in the field of land.

3. Specialized land inspectors have the following tasks:

- a) To inspect the observance of the land law by state agencies and land users in land management and use;
- b) To detect, prevent and handle violations of the land law according to their competence or propose the settlement of violations to competent state agencies.

4. The powers and obligations of leaders of inspection teams, inspectors, civil servants performing specialized land inspection, and the procedures for specialized land inspection comply with the inspection law.

### **Article 202. Conciliation of land disputes**

1. The State shall encourage the disputing parties to conciliate themselves or have their land disputes settled through grassroots conciliation.

2. In case the self-reconciliation fails, the parties may send a petition to the commune-level People's Committee of the locality where the disputed land is located, for reconciliation.

3. Commune-level People's Committee chairpersons shall organize conciliation of land disputes in their localities. In the process of conciliation, they shall coordinate with the commune-level Vietnam Fatherland Front Committee and its member organizations and other social organizations. The conciliation procedures carried out at the commune-level People's Committees shall be completed within 45 days from the date the commune-level People's Committees receive a petition for settlement of land dispute.

4. The conciliation process must be made in a written record with signatures of all parties and certified by the commune-level People's Committee on the result, either a successful or unsuccessful conciliation. The conciliation minutes shall then be sent to the involved parties and archived at the commune-level People's Committee concerned.

5. In case of successful conciliation which results in changes in the boundaries or land users, the commune-level People's Committee shall send the conciliation minutes to the district-level Division of Natural Resources and Environment, for land disputes among households, individuals and communities, or to the provincial Department of Natural Resources and Environment, for other land disputes.

The district-level Division of Natural Resources and Environment or the provincial Department of Natural Resources and Environment shall submit the case to the People's Committee of the same level for decision on recognizing the change in boundaries or renewing the certificate of land use rights, houses and other land-related assets ownership.

### **Article 203. Competence to settle land disputes**

If the conciliation at a commune-level People's Committee fails, a land dispute shall be settled as follows:

1. The land dispute in which the concerned party possesses a certificate or any of the papers prescribed in Article 100 of this Law and the dispute over land-attached assets shall be settled by the People's Court;

2. For the land dispute in which the concerned party does not possess a certificate or any of the papers prescribed in Article 100 of this Law, the parties may choose between the following two options of settlement:

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 People's Court in accordance with the law on civil procedures;

3. In case the concerned parties choose the option of settlement at a competent People's Committee, the settlement is as follows:

a) In case the dispute occurs among households, individuals and communities, the chairperson of the district-level People Committee is responsible for the settlement. If the concerned parties disagree with the settlement decision, they are entitled to lodge a complaint with the chairperson of the provincial People's Committee or to file a lawsuit at a People's Court in accordance with the law on administrative procedures;

b) In case the dispute involves one party being an organization, a religious establishment, an overseas Vietnamese or a foreign-invested enterprise, the chairperson of the provincial People's Committee is responsible for the settlement. If the concerned parties disagree with the settlement decision, they are entitled to lodge a complaint with the Minister of Natural Resources and Environment or to file a lawsuit with a People's Court in accordance with the law on administrative procedures;

4. The person having competence to settle the land dispute as prescribed in Clause 3 of this Article shall issue a settlement decision. The legally effective decision on dispute settlement must be strictly abided by the concerned parties. If the parties fail to comply, the decision shall be enforced.

#### **Article 204. Settlement of complaints and lawsuits involving land**

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 management.

2. The order and procedures for settling complaints about administrative decisions or administrative acts involving land comply with the law on complaints. The order and procedures for settling lawsuits against administrative decisions or administrative acts involving land comply with the law on administrative procedures.

#### **Article 205. Settlement of denunciations about land**

1. Individuals are entitled to denounce violations of the law on land management and use.

2. The settlement of denunciations about violations of the law on land management and use shall comply with the law on denunciations.

#### **Article 206. Handling of violators of land law**

1. Violators of the land law shall, depending on the nature and seriousness of their violations, be administratively sanctioned or examined for penal liability in accordance with law.

2. Those who commit violations of the land law which cause damage to the State or other people, shall be handled in accordance with law and pay compensation for the actual damage caused to the State or to other people.

**Article 207. Handling of persons who commit violations of land law while on duty in the field of land**

1. Those who commit violations of the land law 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) Abusing positions and powers to commit illegal acts in land allocation, land lease, change of land use purpose, land recovery, compensation, support, resettlement, transfer of land use rights, implementation of master plans and plans on land use, determination of financial obligations involving land, management of cadastral records, or issuance of administrative decisions in land management;

b) Lacking responsibility in management which lets violations of land law occur, or committing other acts which cause damage to land resources or the rights and obligations of land users;

c) Violating regulations on consultation, publicization and publicity of information; violating regulations on administrative order and procedures; violating reporting regulations in land management.

2. The Government shall detail this Article.

**Article 208. Responsibilities of chairpersons of People's Committees at all levels in detecting, preventing and handling violations of law on land management and use**

1. Chairpersons of the People's Committees at all levels shall detect, prevent and promptly handle violations of the law on land management and use in localities.

2. Chairpersons of commune-level People's Committees shall detect, prevent and promptly handle the illegal transfer of land use rights and change of land use purpose; detect, prevent and promptly handle the construction of facilities on encroached land, occupied land or the land used for improper purposes in their localities, and force the violators to restore the land to the conditions as before the violation was committed.

**Article 209. Receipt and handling of responsibility of heads, civil servants or public employees working at land management agencies at all levels and commune-level cadastral civil servants who violate the order of carrying out administrative procedures**

1. Organizations or individuals that detect civil servants or public employees of the land management agencies at all levels or commune-level cadastral civil servants violating regulations on the order and procedures and terms for land allocation, land lease, permission for

change of land use purpose, land recovery, performance of procedures for exercising the rights of land users, or grant of the certificate, may send a petition to the following competent persons:

a) For violations committed by commune-level cadastral civil servants, the petition shall be sent to the chairperson of the commune-level People's Committee;

b) For violations committed by civil servants or public employees working at a land administration agency, the petition shall be sent to the director of the land administration agency concerned;

c) For violations committed by the director of a land administration agency, 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 land administration agency prescribed in Clause 1 of this Article shall consider and settle the petition and notify the result to the petitioner.

## **Chapter 14.**

### **IMPLEMENTATION PROVISIONS**

#### **Article 210. Transitional provisions**

1. For those that leased land from the State before July 01, 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 organizations have the rights and obligations prescribed in Article 174 of this Law, while households and individuals have the rights and obligations prescribed in Clause 1, Article 179 of this Law.

2. If an investor 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 the effective date of this Law, the investor 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 investor has paid the whole land rental to the state budget.

3. Households and individuals that are directly engaged in agricultural production and have been allocated or recognized land use rights or acquired agricultural land use rights prior to the effective date of this Law, if still having demand at the expiry of the land use term, may use the land within the term prescribed in Clause 1, Article 126 of this Law. The land use term shall be counted from October 15, 2013, for cases in which the land use term expires on October 15, 2013, in accordance with the 2003 Land Law; and from the expiry date of the land allocation term, for cases in which the land use term expires after October 15, 2013.

4. For households and individuals that use agricultural land prior to the effective date of this Law and have not been granted the certificate, the land use term upon the grant of the Certificate shall be counted from the effective date of this Law.

5. For the land allocated by the State to economic organizations to create capital for infrastructure construction within a project, or the land obtained through the winning at auctions of land use rights before July 01, 2004, and used by the economic organizations with no determined land use term, the land use term will comply with the Government's regulations.

6. The provisions of this Law do not apply to the projects or facilities for which the compensation, support and resettlement have been conducted prior to the effective date of this Law. In case the plan for compensation, support and resettlement for the project or facilities has been approved or the compensation, support and resettlement are being conducted in accordance with the plan approved before the effective date of this Law, the compensation, support and resettlement must still be conducted in accordance with the approved plan, not apply this Law.

7. Regarding cases of land allocation, land lease, change of land use purpose or recognition of land use rights which have been implemented before the effective date of this Law and the land users have not fulfilled their financial obligations, the time for calculation of land use levy or land rental shall comply with the Government's regulations.

8. Households and individuals using agricultural land areas allocated in excess of the land use quotas before the effective date of this Law, shall change to lease land in accordance with this Law.

9. The Government shall prescribe the handling of specific cases in which the land is used in contravention of the land law and the cases guaranteed by land use rights before the effective date of this Law.

#### **Article 211. Effect**

1. This Law takes effect on July 01, 2014.

Land Law No. 13/2003/QH11 and Resolution No. 49/2013/QH13 of June 21, 2013, of the National Assembly on extension of the land use term for annual crops, aquaculture or salt production of households and individuals cease to be effective on the effective date of this Law.

2. Article 57 of Law No. 66/2006/QH11 on Vietnam Civil Aviation, Article 2 of Law No. 34/2009/QH12 Amending and Supplementing Article 126 of the Law on Housing and Article 121 of the Land Law, Article 4 of Law No. 38/2009/QH12 Amending and Supplementing a Number of Articles of Laws Concerning Capital Construction Investment, Article 264 of Law No. 64/2010/QH12 on Administrative Procedures, and the provisions on land requisition in Law No. 15/2008/QH12 on Compulsory Purchase and Requisition of Property, are hereby annulled.

#### **Article 212. Detailing provision**

The Government shall detail the articles and clauses as assigned in this Law.

This Law was passed on November 29, 2013, by the XIII<sup>th</sup> National Assembly of the Socialist Republic of Vietnam at its 6<sup>th</sup> session.-

**CHAIRMAN OF THE NATIONAL  
ASSEMBLY**

**Nguyen Sinh Hung**