

**THE GOVERNMENT**

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No. 43/2014/ND-CP

**THE SOCIALIST REPUBLIC OF VIETNAM**

**Independence - Freedom - Happiness**

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*Hanoi, May 15, 2014*

**DECREE**

**DETAILING A NUMBER OF ARTICLES OF THE LAND LAW**

*Pursuant to the December 25, 2001 Law on Organization of the Government;*

*Pursuant to the November 29, 2013 Land Law;*

*At the proposal of the Minister of Natural Resources and Environment,*

*The Government promulgates the Decree detailing a number of articles of Land Law No. 45/2013/ND-CP.*

**Chapter I**

**GENERAL PROVISIONS**

**Article 1.** Scope of regulation

1. This Decree details a number articles and clauses of Land Law No. 45/2013/QH13 (below referred to as the Land Law).
2. Other decrees of the Government shall detail a number of articles and clauses of the Land Law concerning compensation, support, resettlement; land prices; collection of land use levy; collection of land and water surface rentals; and sanctioning of land-related administrative violations.

**Article 2.** Subjects of application

1. State agencies that exercise the powers and perform the responsibilities of the representative of the entire-people ownership of land, and perform the task of uniform state management of land.
2. Land users defined in Article 5 of the Land Law.
3. Other subjects involved in land management and use.

**Article 3.** Determination of land types

The determination of a land type in cases land is used without the papers prescribed in Clauses 1, 2 and 3, Article 11 of the Land Law must comply with the following provisions:

1. In case of current stable use of land which is acquired not through illegal encroachment, occupation or change of land use purpose, the land type shall be determined based on the current land use status.
2. In case of use of land which is acquired through illegal encroachment, occupation or change of land use purpose, the land type shall be determined according to the land origin and the process of land management and use.
3. For a land parcel which is currently used for different purposes (other than residential land with gardens and ponds in the same parcel), the determination of land type must comply with the following provisions:
  - a/ In case boundaries of land areas used for different purposes can be determined, the land parcel shall be divided into smaller parcels according to their use purposes which shall be determined according to the current use status of such parcels;
  - b/ In case boundaries of land used for different purposes cannot be determined, the main land use purpose shall be determined according to the current land type with the highest price in the land price table promulgated by the People's Committee of the province or centrally run city (below collectively referred to as the provincial-level People's Committee). In case of land use after a land use master plan is approved by a competent agency, the determination of the main use purpose shall be based on such master plan.
4. In case of land on which a condominium for mixed purposes is built before July 1, 2014, with the floor area of the condominium partly used as offices, commercial or service establishments, the main use purpose of the land area for building the condominium shall be determined as residential purpose.
5. Agencies to determine land types specified in Clauses 1, 2, 3 and 4 of this Article are provincial-level People's Committees, for organizations, religious institutions, foreign-invested enterprises, and foreign organizations with the diplomatic function; People's Committees of districts, towns or provincial cities (below collectively referred to as district-level People's Committees), for households, individuals, communities and overseas Vietnamese. In case of land recovery, agencies competent to determine land types are those competent to recover land in accordance with the land law.

## **Chapter II**

### **THE SYSTEM OF LAND ADMINISTRATION ORGANIZATION AND SERVICES IN THE LAND MANAGEMENT AND USE**

#### **Article 4. Land administration agencies**

1. Local land administration agencies include:

a/ Land administration agencies of provinces and centrally run cities which are provincial-level Natural Resources and Environment Departments;

b/ Land administration agencies of districts, towns and provincial cities which are district-level Natural Resources and Environment Divisions.

2. Provincial-level People's Committees and district-level People's Committees shall organize land administration apparatuses in their localities; district-level People's Committees shall appoint cadastral officers of communes, wards and townships to perform land administration tasks.

3. The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with the Ministry of Home Affairs in, specifying the functions, tasks and organizational structures of local land administration agencies and tasks of cadastral officers of communes, wards and townships.

#### **Article 5.** Provision of land-related services

1. Land registration offices:

a/ Land registration offices are public non-business units of provincial-level Natural Resources and Environment Departments established or reorganized by provincial-level People's Committees on the basis of consolidating existing land use rights registration offices of provincial-level Natural Resources and Environment Departments and district-level Natural Resources and Environment Divisions in localities; have the legal person status, own working offices and seals and may open accounts for their operation in accordance with law.

Land registration offices have the functions of registering land and other land-attached assets; compiling, managing, updating and uniformly revising cadastral dossier and land databases; making land statistics and inventory; providing land information to organizations and individuals at their request under regulations;

b/ Land registration offices have branches in districts, towns and provincial cities. Branches of land registration offices may perform the functions and tasks and exercise the powers of land registration offices under decisions of provincial-level People's Committees;

c/ Operation funds of land registration offices must comply with regulations on finance of public non-business units.

2. Land fund development organizations:

a/ Land fund development organizations are public non-business units established in accordance with the law on establishment, reorganization and dissolution of public non-business units; have the legal person status, own working offices and seals and may open accounts for their operation

in accordance with law; have branches in districts, towns and provincial cities. For localities that currently have both provincial-level and district-level land fund development organizations, these organizations shall be consolidated.

Land fund development organizations have the functions of creating, developing, managing and exploiting land funds; organizing the payment of compensations, provision of support, and resettlement; receiving land use rights transferred by organizations, households and individuals; organizing the auction of land use rights and providing other services.

b/ Operation funds of land fund development organizations must comply with regulations on finance of public non-business units.

3. Land-related services, including:

a/ Surveying and assessing land; improving land;

b/ Elaborating land use master plans and plans;

c/ Measuring and making cadastral maps and dossier, building land databases, making dossiers for grant of certificates of land use rights and ownership of houses and other land- attached assets;

d/Providing consultancy on determination of land prices;

dd/ Auctioning land use rights;

e/ Paying compensations, providing support and organizing resettlement.

4. The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with the Ministry of Home Affairs and the Ministry of Finance in. specifying the organizational structures, tasks and operation mechanism of land registration offices and land fund development organizations.

5. Land registration offices and land fund development organizations must be established or reorganized before December 31, 2015. Pending the establishment or reorganization of offices or organizations defined in Clauses 1 and 2 of this Article, previously established land use rights registration offices and land fund development centers may continue operating according to their assigned functions and tasks.

## **Article 6. Land development fund**

1. Land development funds mentioned in Article 111 of the Land Law shall be established in accordance with the law on establishment, reorganization and dissolution of public non-business units or entrusted to the development investment funds or other financial funds of localities before January 1, 2015. Land development funds are state financial institutions attached to provincial-level People's Committees, have the legal person status, conduct independent

accounting, have own seals and may open accounts at the State Treasury and credit institutions for their operation in accordance with law.

Land development funds established before July 1, 2014, may continue operating under this Decree.

2. Financial sources of land development funds shall be incorporated in local budget estimates, allocated from the state budget right upon their establishment and annually supplemented; and may be mobilized from other sources, including aid, financial assistance, support or sources entrusted for management of international organizations, domestic and foreign organizations and individuals under aid, financial assistance or entrustment programs or projects.

Based on annual land use plans, provincial-level People's Committees shall submit to People's Councils of the same level for decision state budget allocations for land development funds upon their establishment and specific annual additional allocations for the funds suitable to their local conditions.

3. Land development funds shall be used to advance capital for land fund development organizations and other organizations to pay compensations for ground clearance and create land funds under land use master plans and plans approved by competent agencies.

4. The Ministry of Finance shall submit to the Prime Minister for promulgation a model regulation on management and use of land development funds; and prescribe the allocation, accounting, settlement and finalization of land development funds, mobilization and use of financial sources of land development funds, and a mechanism of entrustment to development investment funds and other financial funds of localities in case no land development fund is established under regulations on management of the State's budget and financial funds.

Provincial-level People's Committees shall base themselves on Clauses 1, 2 and 3 of this Article, the model regulation on management and use of land development funds promulgated by the Prime Minister and other relevant regulations to decide on establishment or adjustment of the functions and tasks of previously established land development funds and on the organizational structure, financial sources and operation mechanism of land development funds to suit local conditions and situations.

### **Chapter III**

#### **LAND USE MASTER PLANS AND PLANS**

**Article 7.** Elaboration and modification of land use master plans and plans

1. The responsibility to determine the land use demand in the elaboration and modification of national land use master plans and plans is prescribed as follows:

a/ Ministries and sectors shall determine the land use demands and propose projects in the sectors and fields under their management in provincial-level administrative units; provincial-level People's Committees shall determine the land use demands of their localities;

b/ Ministries, sectors and provincial-level People's Committees shall send reports on their land use demands to the Ministry of Natural Resources and Environment within 45 days after receiving the latter's written request for registration of land use demands;

c/ The Ministry of Natural Resources and Environment shall summarize and balance the land use demands and plan on the allocation of national land use norms to every socioeconomic region and provincial-level administrative unit.

## 2. Provincial-level land use master plans and plans:

a/ The responsibility to determine the land use demands in the elaboration and modification of provincial-level land use master plans and plans:

Provincial-level departments and sectors shall determine the land use demands and propose land-using projects within provincial-level land use norms for every district-level administrative unit; district-level People's Committees shall determine the land use demands of their localities.

Provincial-level departments and sectors and district-level People's Committees shall send reports on their land use demands to provincial-level Natural Resources and Environment Departments within 30 days after receiving the latter's written requests for registration of land use demands.

Provincial-level Natural Resources and Environment Departments shall plan the allocation of national land use norms and list projects in the national land use master plan and plans for every district-level administrative unit; summarize and balance the land use demands and plan the allocation of provincial-level land use norms to every district-level administrative unit.

b/ Land use norms in provincial-level land use master plans include land use norms by land type and land use norms by functional zone.

Land use norms by land type include those based on land types allocated by the national land use master plan to provincial-level localities and those based on land types determined by provincial-level localities. Land use norms based on land types determined by provincial-level localities include land for cultivation of perennial trees; land for cultivation of other annual crops; rural residential land; urban residential land; land for construction of offices of state agencies; land for construction of offices of non-business organizations; land for construction of diplomatic facilities; land of industrial clusters; land for trading and services; land of non-agricultural production units; land used for mining activities; land for development of provincial-level infrastructure facilities; land of religious institutions; land used for cemeteries, graveyards, funeral service centers and crematories.

Land use norms by functional zone include agricultural production zones; forestry zones; nature and biodiversity conservation zones; industrial development zones; urban centers; trade- service zones; and rural residential zones.

c/ In case of necessity to change the sizes, locations and number of projects and works of the same land type without changing land use norms and areas according to use functions in approved land use master plans, provincial-level People's Committees shall submit such changes to People's Councils of the same level for approval and update to district-level land use master plans and plans for implementation.

### 3. District-level land use master plans and plans:

a/ The responsibility for determining the land use demands in the elaboration and modification of district-level land use master plans and plans:

District-level divisions and sections shall determine the land use demands and propose land-related projects on the list of district-level land use norms for every commune-level administrative unit; People's Committees of communes, wards or townships (below referred to as commune-level People's Committees) shall determine the land use demands of their localities.

District-level divisions and sections and commune-level People's Committees shall send reports on their land use demands to district-level Natural Resources and Environment Divisions within 30 days after receiving the latter's written requests for registration of land use demands.

District-level Natural Resources and Environment Divisions shall determine provincial- level land use norms and projects in provincial-level land use master plans and plans allocated to districts for every commune-level administrative unit; summarize and balance the land use demands and plan the allocation of district-level land use norms to every commune-level administrative unit.

b/ Land use norms in district-level land use master plans include land use norms by land type and land use norms by functional zone

Land use norms by land type include those based on land types allocated by provincial- level land use master plans to district-level localities and those based on land types determined by district- and commune-level localities. Land use norms based on land types determined by district and commune-level localities include other agricultural land; land for production of building materials and pottery; land for development of district- and commune-level infrastructure facilities; land for communal activities and public entertainment and recreation centers; land for belief activities; land with rivers, streams, canals, springs and special-use water surface; and other non-agricultural land.

Land use norms by functional zone include zones for cultivation of wet rice; zones for production of perennial industrial trees; protection, special-use and production forests; industrial parks and clusters; urban - trade - service centers; tourist resorts; rural residential areas, craft villages and non-agricultural production zones.

4. In the course of elaborating master plans and plans on use of national defense or security land, the Ministry of National Defense or the Ministry of Public Security shall coordinate with provincial-level People's Committees in determining locations and areas of land types used for national defense and security purposes specified in Article 61 of the Land Law in their localities.

5. The Ministry of Natural Resources and Environment shall detail the order and contents of elaboration and modification of land use master plans and plans.

**Article 8.** Consultation on land use master plans and plans

1. A dossier for consultation on national, provincial-level or district-level land use master plan or plan comprises:

a/ A brief report on the land use master plan or plan, covering land use norms, a list of projects and works expected to be built in the period of land use master plan or plan;

b/ A land use master plan or plan map.

2. Reports on summarization, assimilation and explanation of public opinions on national land use master plans and plans shall be publicized on the website of the Ministry of Natural Resources and Environment and the General Department of Land Administration. For provincial- or district-level land use master plans and plans, public opinions shall be publicized on websites of provincial- or district-level People's Committees.

3. The consultation with provincial-level People's Committees on masterplans and plans on use of national defense and security land is prescribed as follows:

a/ The Ministry of National Defense or the Ministry of Public Security shall send dossiers for consultation on draft master plans and plans on use of national defense or security land to provincial-level People's Committees. Within 30 days after receiving dossiers, provincial- level People's Committees shall send their opinions to the Ministry of National Defense or the Ministry of Public Security;

b/ The Ministry of National Defense or the Ministry of Public Security shall summarize, assimilate and explain opinions of provincial-level People's Committees and improve draft land use master plans and plans before submitting them to the Government for approval.

**Article 9.** Order of and procedures for appraisal and approval of land use master plans and plans

1. Order of and procedures for appraisal and approval of provincial-level land use master plans and plans:

a/ A provincial-level People's Committee shall send the dossier of a land use master plan or plan to the Ministry of Natural Resources and Environment for appraisal;



b/ Within 5 days after receiving a complete and valid dossier of a land use master plan or plan, the Ministry of Natural Resources and Environment shall send such dossier to members of the Council for Appraisal of Land Use Master Plans and Plans for opinion;

c/ In case of necessity, within 10 days after receiving a complete and valid dossier, the Council for Appraisal of Land Use Master Plans and Plans shall conduct the site inspections and surveys in areas in which land use purposes are expected to change, especially areas in which the use purpose of rice cultivation, protection forest or special-use forest land is expected to change;

d/ Within 15 days after receiving a valid dossier, members of the Council for Appraisal of Land Use Master Plans and Plans shall send their written opinions to the Ministry of Natural Resources and Environment;

dd/ Within 10 days after the expiration of the time limit for collection of opinions, the Ministry of Natural Resources and Environment shall organize a meeting of the Council for Appraisal of Land Use Master Plans and Plans and send a notice of results of appraisal of the land use master plan or plan to the provincial-level People's Committee;

e/ The provincial-level People's Committee shall complete the dossier of the land use master plan or plan; submit it to the provincial-level People's Council for approval; and then submit it to the Ministry of Natural Resources and Environment for approval;

g/ Within 10 days after receiving a complete and valid dossier, the Ministry of Natural Resources and Environment shall submit the provincial-level land use master plan or plan to the Government for approval.

## 2. Order of and procedures for appraisal and approval of district-level land use master plans:

a/ A district-level People's Committee shall send the dossier of a land use master plan to the provincial-level Natural Resources and Environment Department for appraisal;

b/ Within 5 days after receiving a complete and valid dossier of a land use master plan or plan, the provincial-level Natural Resources and Environment Department shall send such dossier to members of the Council for Appraisal of Land Use Master Plans and Plans for opinion;

c/ In case of necessity, within 10 days after receiving a complete and valid dossier, the Council for Appraisal of Land Use Master Plans and Plans shall conduct the site inspections and surveys in areas where land use purposes are expected to change, especially areas where the use purpose of rice cultivation, protection forest or special-use forest land is expected to change;

d/ Within 15 days after receiving a valid dossier, members of the Council for Appraisal of Land Use Master Plans and Plans shall send their written opinions to the provincial-level Natural Resources and Environment Department;

dd/ Within 10 days after the expiration of the time limit for collection of opinions, the provincial-level Natural Resources and Environment Department shall organize a meeting of the Council

for Appraisal of Land Use Master Plans and Plans and send a notice of results of appraisal of the land use master plan to the district-level People's Committee;

e/ The district-level People's Committee shall complete the dossier of the land use master plan; submit it to the district-level People's Council for approval; and then submit it to the provincial-level Natural Resources and Environment Department for approval;

g/ Within 10 days after receiving a complete and valid dossier, the provincial-level Natural Resources and Environment Department shall submit the district-level land use master plan to the provincial-level People's Committee for approval.

3. The order of and procedures for appraisal and approval of modifications of provincial-level land use master plans and plans must comply with Clause 1 of this Article; the order of and procedures for appraisal and approval of modifications of district-level land use master plans must comply with Clause 2 of this Article.

4. Order of and procedures for appraisal and approval of annual district-level land use plans:

a/ In the third quarter of every year, a district-level People's Committee shall send the dossier of an annual land use plan of the subsequent year to the provincial-level Natural Resources and Environment Department for appraisal;

b/ Within 5 days after receiving a complete and valid dossier, the provincial-level Natural Resources and Environment Department shall send such dossier to members of the Council for Appraisal of Land Use Master Plans and Plans for opinion;

c/ Within 15 days after receiving a valid dossier, members of the Council for Appraisal of Land Use Master Plans and Plans shall send their written opinions to the provincial-level Natural Resources and Environment Department;

d/ Within 5 days after the expiration of the time limit for collection of opinions, the provincial-level Natural Resources and Environment Department shall organize a meeting of the Council for Appraisal of Land Use Master Plans and Plans and send a notice of results of appraisal of the land use plan to the district-level People's Committee for completion of the dossier;

dd/ The provincial-level Natural Resources and Environment Department shall draw up a list of projects which need land recovery under Clause 3, Article 62 of the Land Law and report it to the provincial-level People's Committee for submission to the provincial-level People's Council for approval together with decision on allocation of the state budget for the payment of compensations for ground clearance at the year-end meeting of the provincial-level People's Council;

e/ Based on the complete dossier of the annual district-level land use plan and the resolution of the provincial-level People's Council, the provincial-level Natural Resources and Environment Department shall submit the plan to the provincial-level People's Committee for approval before December 31.

5. Order of and procedures for appraisal and approval of national defense or security land use master plans and plans:

a/ The Ministry of National Defense or the Ministry of Public Security shall send the dossier of a land use master plan or plan to the Ministry of Natural Resources and Environment for appraisal;

b/ Within 5 days after receiving a complete and valid dossier, the Ministry of Natural Resources and Environment shall send such dossier to members of the Council for Appraisal of Land Use Master Plans and Plans for opinion;

c/ Within 15 days after receiving the dossier, members of the Council for Appraisal of Land Use Master Plans and Plans shall send their written opinions to the Ministry of Natural Resources and Environment;

d/ Within 10 days after the expiration of the time limit for collection of opinions, the Ministry of Natural Resources and Environment Department shall organize a meeting of the Council for Appraisal of Land Use Master Plans and Plans and send a notice of results of appraisal of the land use master plan or plan to the Ministry of National Defense or the Ministry of Public Security;

dd/ The Ministry of National Defense or the Ministry of Public Security shall complete the dossier of the land use master plan or plan and submit it to the Ministry of Natural Resources and Environment for approval;

e/ Within 10 days after receiving a complete and valid dossier, the Ministry of Natural Resources and Environment shall submit the national defense or security land use master plan or plan to the Government for approval.

**Article 10.** Conditions on organizations providing consultancy on the elaboration of land use master plans and plans

1. A non-business organization or an enterprise may provide consultancy on the elaboration of land use master plans and plans when fully meeting the following conditions:

a/ Having the function of providing consultancy on the elaboration of land use master plans and plans;

b/ Having at least 5 qualified persons meeting the conditions prescribed in Clause 2 of this Article.

2. A person may practice as a consultant on the elaboration of land use master plans and plans in an organization with the function of providing consultancy when fully meeting the following conditions:

a/ Having the civil act capacity;

b/ Possessing a university or postgraduate degree in land administration, cadastral or other professional fields related to land use planning;

c/ Having worked in the field of land use planning and other specialized planning for at least 24 months.

**Article 11.** Implementation of land use master plans and plans

1. Provincial- and district-level People's Committees shall review master plans and plans of land-using sectors, fields and localities to ensure their conformity with land use master plans and plans decided or approved by competent state agencies.

2. Provincial-level People's Committees shall direct and inspect district- and commune- level People's Committees in specifically determining the actual areas and boundaries of rice cultivation, special-use forest and protection forest land.

Provincial-level People's Committees must be answerable to the Prime Minister for protecting rice cultivation, special-use forest and protection forest land determined in land use master plans and plans.

3. The Ministry of Natural Resources and Environment must be answerable to the Prime Minister for inspecting the realization of land use norms in national and provincial-level land use master plans and plans and supervising localities, ministries and sectors in implementing land use master plans and plans.

4. In case some land use norms in land use master plans and plans, by the end of a land use planning period, remain unrealized but still conform with the same-level general socioeconomic development plan approved by competent state agencies, they may continue to be realized until land use master plans of the subsequent period are approved but within 12 months after the end of the previous land use planning period.

**Article 12.** Settlement of some matters related to land use master plans and plans arising after July 1, 2014

1. For localities that have land use master plans through 2020, district- and commune- level land use plans for the first 5 years of the period (2011-2015) approved by competent state agencies before July 1, 2014, may be used for the elaboration of district-level land use plans of 2015, modification of district-level land use master plans through 2020, and elaboration of annual land use plans in accordance with the Land Law.

2. For localities that have land use master plans through 2020, district-level land use plans for the first 5 years of the period (2011-2015) approved by competent state agencies and commune-level land use master plans and plans not yet approved before July 1, 2014, no commune-level land use master plans and plans shall be elaborated. Land use master plans through 2020, district-level land use plans for the first 5 years of the period (2011-2015) and products of projects on elaboration of commune-level land use master plans and plans for communes which are

elaborating land use master plans and plans may be used for the elaboration of district-level land use plans of 2015, modification of land use master plans through 2020 and elaboration of annual land use plans in accordance with the Land Law.

## **Chapter IV**

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

**Article 13.** Consultations with ministries on land-using projects on islands or in border or coastal communes, wards and townships

1. For projects with foreign direct investment on islands or in border or coastal communes, wards and townships not subject to approval or investment decision of the National Assembly or Prime Minister, before considering and approving the investment policy, provincial-level People's Committees shall send written requests to the following ministries for opinion:

a/ The Ministry of National Defense, Ministry of Public Security and Ministry of Foreign Affairs, for land parcels on islands or in border communes, wards or townships;

b/ The Ministry of National Defense, for land parcels in coastal communes, wards or townships adjacent to land parcels used for national defense purposes, except the cases in which restricted areas have been determined under regulations;

c/ The Ministry of Public Security, for land parcels in coastal communes, wards or townships adjacent to land parcels used for security purposes.

2. Within 20 days after receiving a written request for opinion, the Ministry of National Defense, Ministry of Public Security and Ministry of Foreign Affairs shall send their written opinions to provincial-level People's Committees.

3. In case projects specified in Clause 1 of this Article use rice cultivation, protection forest or special-use forest land under Point a, Clause 1, Article 58 of the Land Law, ministries shall be consulted before these projects are submitted to the Prime Minister.

**Article 14.** Detailed provisions on conditions on persons allocated or leased land by the State or permitted by the State to change land use purpose to implement investment projects

a/ Investment projects to build houses for sale or lease or both sale and lease in accordance with the housing law;

b/ Investment projects to deal in real estate associated with land use rights in accordance with the law on real estate business;

c/ Production or business projects not funded by the state budget.

2. The condition of financial capacity to ensure the land use according to the investment project's schedule is prescribed as follows:

a/ Having own capital for implementation of the project equal to at least 20% of the total investment, for projects using less than 20 hectares of land; or to at least 15% of the total investment, for projects using 20 hectares of land or more;

b/ Being able to raise capital for implementation of the project from credit institutions, foreign bank branches and other organizations and individuals.

3. The identification of persons to be allocated or leased land by the State or permitted by the State to change the land use purpose to implement investment projects not in violation of the land law in case they are using land allocated or leased by the State for implementation of other investment projects must be based on the following grounds:

a/ Results of the handling of violations of the land law committed by local projects archived at provincial-level Natural Resources and Environment Departments;

b/ Contents of violations of the land law and results of the handling thereof publicized on the websites of the Ministry of Natural Resources and Environment and the General Department of Land Administration, for other local projects.

4. The examination of the conditions specified in this Article shall be conducted at the same time with the appraisal of the land use demands of investors upon the grant of investment certificates, appraisal of investment projects, elaboration of economic-technical reports or investment approval in accordance with the investment law and construction law in case of land allocation or lease not through the auction of land use rights or change of land use purpose. In case land use rights are auctioned, the examination of the above conditions shall be conducted before the auction of land use rights is organized.

**Article 15.** *Force majeure* circumstances which affect the land use schedule of investment projects and point of time for counting the land use term extension of 24 months in cases land is not put to use or the land use schedule is late

1. *Force majeure* circumstances which directly affect the land use schedule of investment projects allocated or leased land by the State under Point i, Clause 1, Article 64 of the Land Law include:

a/ Natural disasters, environmental disasters;

b/ Fires and epidemics;

c/ Wars;

d/ Other *Force majeure* circumstances as decided by the Prime Minister.

2. The point of time for counting the land use term extension of 24 months in case land is not put to use or the land use schedule is late is prescribed as follows:

a/ In case an investment project fails to put land into use for 12 consecutive months after receiving land handed over in the field, the investor may extend the land use term for 24 months counted from the 13<sup>th</sup> month since the land handover;

b/ In case the land use schedule of an investment project is 24 months late compared with the schedule stated in the project documents since the land handover in the field, the point of time for counting the land use term extension of 24 months is the 25<sup>th</sup> month since the planned time of completion of construction investment.

In case the project is allocated or leased land according to schedule, the land use term extension of 24 months shall apply to each land area allocated or leased as scheduled; the point of time for counting the land use term extension of 24 months is the 25<sup>th</sup> month since the planned time of completion of construction investment in such land area.

3. Provincial-level People's Committees shall review, handle and publicize on their websites investment projects that have failed to put land into use for 12 consecutive months or have land use schedules 24 months late compared with those stated in project documents; projects that have their land use terms extended; and projects that have late land use schedules due to *Force majeure* circumstances; and provide information to be publicized on the websites of the Ministry of Natural Resources and Environment and the General Department of Land Administration.

**Article 16.** Use of land for production and business purposes through purchase of land- attached assets, receipt of transferred or leased land use rights or receipt of land use rights contributed as capital

The use of land for production and business purposes through purchase of land-attached assets, receipt of transferred or leased land use rights or receipt of land use rights contributed as capital must adhere to the following principles:

1. It is conformable with approved and publicized district-level annual land use plans.
2. Localities no longer have clear ground areas for use for proper production and business purposes, except for projects in the sectors or areas eligible for investment incentives.
3. In case investors receive transferred land use rights but have to change the land use purpose, they may do so only after competent People's Committees permit in writing the land use purpose change and land use term adjustment suitable to the use of land for production and business.
4. In case the land area for implementation of a production or business project has a land parcel on which the current land user has no right to transfer, lease or contribute land use rights as capital in accordance with the land law, the investor may reach agreement to purchase land-attached assets of the current land user and the State shall recover land, change the land use purpose and lease land to the investor for project implementation. The contract on purchase and

sale of land-attached assets must clearly state that the asset seller voluntarily returns the land for recovery and lease by the State to the asset purchaser.

**Article 17.** Notification of land recovery, composition of land recovery enforcement boards, expenses for land recovery enforcement, settlement of complaints about and lawsuits against land recovery enforcement

The notification of land recovery, composition of land recovery enforcement boards, expenses for land recovery enforcement, settlement of complaints about and lawsuits against land recovery enforcement prescribed in Articles 61 and 62 of the Land Law must comply with the following provisions:

1. The natural resources and environment agency shall submit to the same-level People's Committee for approval a plan on land recovery, investigation, survey, measurement and inventory, covering the following contents:

a/ Reason for land recovery;

b/ Area and location of the land parcel to be recovered as stated in the existing cadastral dossier or detailed construction master plan approved by a competent state agency. In case land is recovered according to the project implementation schedule, the land recovery schedule must be clearly stated;

c/ Plan on investigation, survey, measurement and inventory;

d/ Tentative plan on relocation and resettlement;

dd/ Assignment of the tasks of making and implementing a compensation, support and resettlement plan.

2. A notice of land recovery must have the contents specified at Points a, b, c and d, Clause 1 of this Article.

3. A land recovery enforcement board shall be composed of:

a/ Chairperson or vice chairperson of the district-level People's Committee as the head;

b/ Members who are representatives of district-level finance, natural resources and environment, inspection, justice and construction agencies; the commune-level Fatherland Front Committee; the organization in charge of payment of compensations and ground clearance and the commune-level People's Committee of the locality where the land is located, and some other members decided by the chairperson of the district-level People's Committee.

4. The public security force shall base itself on land recovery enforcement plans to make plans to protect order and safety in the process of implementation of land recovery enforcement plans.



5. When enforcing the land recovery, if coerced persons refuse to receive their assets under Point c, Clause 4, Article 71 of the Land Law, enforcement boards shall hand over their assets to commune-level People's Committees for preservation in accordance with law.

6. Persons whose land is recovered and related organizations and individuals may file lawsuits about land recovery in accordance with the law on complaints.

Pending the issuance of decisions on settlement of complaints, complainants shall continue to comply with land recovery decisions or land recovery enforcement decisions. In case state agencies competent to settle complaints conclude that the land recovery is unlawful, the uncompleted enforcement shall be stopped, issued land recovery decisions shall be cancelled and compensations for damage (if any) caused by land recovery decisions must be paid.

In case the land recovery is related to rights and interests of other organizations and individuals in the use of land in accordance with other relevant laws, the State shall recover land or enforce land recovery decisions under regulations before the rights and obligations related to the land use are completely settled between persons whose land is recovered and such organizations and individuals in accordance with relevant laws.

## **Chapter V**

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

**Article 18.** Other documents on land use rights specified at Point g, Clause 1, Article 100 of the Land Law

Other documents made before October 15, 1993, under Point g, Clause 1, Article 100 of the Land Law bearing names of land users include:

1. Land registers and field establishment registers made before December 18, 1980.
2. One of documents made during the process of land and field registration under the Prime Minister's Directive No. 299-TTg of November 10, 1980, on survey, classification and statistical registration of land and fields nationwide under the management of state agencies, including:
  - a/ Minutes of approval of commune-level land and field registration councils, determining that the current land use is lawful;
  - b/ Lists of lawful land use cases made by commune-level People's Committees or commune-level land and field registration councils or district- or provincial-level land administration agencies;
  - c/ Applications for registration of land and field use rights, for cases in which documents specified at Points a and b of this Clause are unavailable.

3. Projects or lists or documents on emigration of people to build new economic zones or for resettlement approved by district- or provincial-level People's Committees or competent state agencies.
4. Documents of state-run agricultural and forest farms on allocation of land to workers of these farms for building their houses (if any).
5. Documents having contents on ownership of houses and works; building and repair of houses and works certified or permitted by district- or provincial-level People's Committees or state management agencies in charge of houses and construction.
6. Documents on temporary allocation of land by district- or provincial-level People's Committees; written requests for land use approved by commune-level People's Committees or agricultural cooperatives before July 1, 1980, or approved by district- or provincial-level People's Committees.
7. Documents issued by competent state agencies on allocation of land to agencies and organizations for arrangement of land parcels to their officials, workers and employees for building houses on their own or for building houses to be distributed to their officials, workers and employees with non-state budget funds or contributions of such officials, workers and employees. In case of building houses with state budget funds, built houses shall be handed over to local housing management agencies for management and trading in accordance with law.
8. Copies of the documents specified in Article 100 of the Land Law and the documents specified in Clauses 2, 3, 4, 5, 6 and 7 of this Article must have certification of district- or provincial-level People's Committees or specialized management agencies in case the original documents are lost and state agencies no longer preserve dossier of management of the grant of such documents.

**Article 19.** Entities ineligible for grant of certificates of land use rights and ownership of houses and other land-attached assets

1. Organizations and communities that are allocated land by the State for management in the cases specified in Article 8 of the Land Law.
2. Persons who are managing and using agricultural land belonging to the public-utility land funds of communes, wards or townships.
3. Persons who lease or sub-lease land from land users, except cases of leasing or subleasing land from investors building and dealing in infrastructure facilities in industrial parks, industrial clusters, export processing zones, hi-tech parks or economic zones.
4. Persons who receive land for use on a contractual basis in agricultural or forestry farms, agricultural or forestry enterprises, protection forest management boards or special-use forest management boards.

5. Current land users that fail to fully meet the conditions for grant of certificates of land use rights and ownership of houses and other land-attached assets.

6. Land users that fully meet the conditions for grant of certificates of land use rights and ownership of houses and other land-attached assets but have received land recovery notices or decisions of competent state agencies.

7. Organizations and commune-level People's Committees that are allocated land by the State without land use levy for the purpose of construction of public facilities, including roads; water, petrol, oil and gas pipelines; power transmission and information communication lines; outdoor entertainment and recreation centers; cemeteries and graveyards for non-commercial purposes.

**Article 20.** Grant of certificates of land use rights and ownership of houses and other land-attached assets to households and individuals currently using land without documents on land use rights and having committed no violation of the land law

The grant of certificates of land use rights and ownership of houses and other land- attached assets (recognition of land use rights) to households and individuals that have been stably using land since before July 1, 2004, but have none of the documents specified in Article 100 of the Land Law, Article 18 of this Decree, and do not fall into any of the cases specified in Clause 1, Article 101 of the Land Law and Article 23 of this Decree, must comply with the following provisions:

1. For households and individuals that have been using land on which there are houses and other construction works since before October 15, 1993, and are now certified by commune- level People's Committees of localities where such land is located that they are not involved in any land use dispute; if the land use at the time of submission of dossiers of application for certificates of land use rights and ownership of houses and other land-attached assets is conformable with approved land use master plans, detailed urban construction master plans or master plans on construction of rural residential areas or master plans on construction of new countryside (below collectively referred to as master plans), or is unconformable with these master plans but started before these master plans are approved or takes place in localities having no master plan, their land use rights may be recognized as follows:

a/ For a land parcel with houses which is smaller than or equal to the residential land recognition quota prescribed in Clause 4, Article 103 of the Land Law (below referred to as the residential land recognition quota), the whole area of the land parcel shall be recognized as residential land.

For a land parcel with houses which is larger than the residential land recognition quota, the residential land area to be recognized must be equal to the residential land recognition quota. In case the land area for construction of houses and works for daily life is larger than the residential land recognition quota, the actual construction area shall be recognized as residential land area;

b/ For a land parcel with construction works for production, commercial activities or provision of non-agricultural services, the actual construction area shall be recognized as land of non-

agricultural production establishments, commercial or service land. The form of land use shall be recognized as land allocation with land use levy for stable and long-term use;

c/ For a land parcel with both houses and construction works for production, commercial activities or provision of non-agricultural services which is larger than the residential land allocation quota, the residential, non-agricultural production, commercial or service land area shall be recognized under Points a and b of this Clause;

d/ Land areas remaining after the determination is conducted under Points a, b and c of this Clause shall be determined as agricultural land and recognized under Clause 5 of this Article.

2. For households and individuals that have been using land on which there are houses and other construction works since before October 15, 1993, to before July 1, 2004, and are now certified by commune-level People's Committees of localities where such land is located that they are not involved in any land use dispute; if their land use is conformable with approved land use master plans, or is unconformable with these master plans but started before these master plans are approved or takes place in localities having no master plan; and if there is no land recovery notice or decision of a competent state agency in case of compulsory recovery, their land use rights may be recognized as follows:

a/ For a land parcel with houses which is smaller than or equal to the residential land allocation quota prescribed in Clause 2, Article 143, and Clause 4, Article 144 of the Land Law (below referred to as the residential land allocation quota), the whole area of the land parcel shall be recognized as residential land.

For a land parcel with houses which is larger than the residential land allocation quota, the residential land area to be recognized must be equal to the residential land allocation quota. In case the land area for construction of houses and works for daily life is larger than the residential land allocation quota, the actual construction area shall be recognized as residential land area;

b/ For a land parcel with construction works for production, commercial activities or provision of non-agricultural services, the actual construction area shall be recognized as land of non-agricultural production establishments, commercial or service land under Point b, Clause 1 of this Article;

c/ For a land parcel with both houses and construction works for production, commercial activities or provision of non-agricultural services which is larger than the residential land allocation quota, the residential, non-agricultural production, commercial or service land area shall be recognized under Points a and b of this Clause;

d/ Land areas remaining after the determination is conducted under Points a, b and c of this Clause shall be determined as agricultural land and recognized under Clause 5 of this Article.

3. In case a land parcel is jointly used by many households and individuals, the residential land quota prescribed in Clauses 1 and 2 of this Article must be equal to the total residential land quota of such households and individuals.

In case a household or an individual uses many land parcels with houses bequeathed by their ancestors or inherits land use rights from their ancestors and is certified by the commune-level People's Committee that it/he/she has been stably using land since before October 15, 1993, and commits no violation of the land law, the residential land quota shall be determined according to regulations for each of such land parcels.

4. The application of local regulations on residential land quotas to determine residential land areas in the cases specified in Clauses 1, 2 and 3 of this Article must comply with regulations effective at the time when land users submit valid dossiers for registration and grant of certificates of land use rights and ownership of houses and other land-attached assets.

5. A household or an individual that has been stably using land for the agricultural purpose since before July 1, 2004, which is now certified by the commune-level People's Committee to be dispute-free, may have its/his/her land use rights recognized as follows:

a/ In case the household or individual is directly engaged in agricultural production, it/he/she shall be granted a certificate of land use rights and ownership of houses and other land-attached assets in the form of land allocation by the State with land use levy for the land area currently in use not exceeding the agricultural land allocation quota specified in Article 129 of the Land Law. The remaining agricultural land area (if any) shall be converted into land leased from the State;

b/ In case the household or individual is not directly engaged in agricultural production, it/he/she shall be granted a certificate of land use rights and ownership of houses and other land-attached assets in the form of land lease by the State for the land area currently in use. The land lease term must comply with Clause 2, Article 126 and Clause 4, Article 210 of the Land Law;

c/ For agricultural land in the same parcel with houses and other construction works which is not recognized as non-agricultural land specified in Clauses 1 and 2 of this Article, the household or individual currently using land shall be granted a certificate of land use rights and ownership of houses and other land-attached assets according to the current use purpose in the cases specified at Point a of this Clause. Land users that wish to change to a non-agricultural purpose shall carry out procedures for land use purpose change and pay land use levy in accordance with law.

6. The financial obligations for the grant of certificates of land use rights and ownership of houses and other land-attached assets in the cases specified in this Article shall be performed in accordance with law.

7. Houses and individuals that currently use land in the cases specified in Clauses 1, 2 and 5 of this Article but fail to meet the conditions for grant of certificates of land use rights and ownership of houses and other land-attached assets may temporarily use land in its current status until the State recovers land and shall make land declaration and registration under regulations.

#### **Article 21.** Bases for determining stable land use

1. Stable land use means consecutive use of land for a certain main purpose from the time of starting the use of land for such purpose to the time of grant of a certificate of land use rights and

ownership of houses and other land-attached assets or to the time of issuance of a land recovery decision by a competent state agency in case no certificate of land use rights, certificate of house ownership and residential land use rights or certificate of land use rights and ownership of houses and other land-attached assets (below collectively referred to as certificate) has been granted.

2. The time of starting the stable land use shall be determined based on the time and contents related to the land use purpose stated in one of the following documents:

a/ Receipt of agricultural land use tax and house and land tax;

b/ Written record or decision on sanctioning of administrative violation in land use, written record or decision on sanctioning of administrative violation in the construction of land-attached facilities;

c/ Decision or judgment of a people's court which has taken legal effect or judgment enforcement decision of a judgment enforcement agency which has been enforced regarding land-attached assets;

d/ Decision of a competent state agency on settlement of a land dispute which has taken legal effect; minutes of conciliation of a land dispute bearing signatures of disputing parties and certification of the commune-level People's Committee of the locality where the disputed land is located;

dd/ Decision on settlement of a land use-related complaint or denunciation of a competent state agency;

e/ Document for registration of permanent residence or long-term temporary residence in a residential land-attached house; identity card or birth certificate, and electricity and water charge bills and other receipts bearing the house address at the registered land parcel;

g/ Document on assignment, allocation or distribution of house or land by the agency or organization assigned by the State to manage and use land;

h/ Document on purchase and sale of houses and other land-attached assets or documents on purchase and sale of land and transfer of land use rights bearing signatures of related parties;

i/ Maps, registers and documents on land survey and measurement in different periods;

k/ Declaration of houses and land for registration bearing the certification of the commune-level People's Committee at the time of declaration and registration.

3. In case the points of time of land use shown in the documents specified in Clause 2 of this Article are inconsistent, the time of starting stable land use shall be determined according to the document showing the earliest date of land use.

4. In case none of the documents specified in Clause 2 of this Article is available or they do not clearly state the time of document establishment and land use purpose, there must be the commune-level People's Committee's certification of the time of starting land use and land use purpose based on opinions of persons who have once resided in the land by the time when the certification requester starts the land use in the residential area (village, hamlet or street quarter) where the land is located.

**Article 22.** Handling and grant of certificates of land use rights and ownership of houses and other land-attached assets to land-using households and individuals that commit violations of the land law before July 1, 2014

1. In case of use of encroached or occupied land of public-facility protection corridors after the State announces and puts up boundary landmarks of such corridors, or of encroached or occupied land of roads, roadsides and pavements after the State announces construction red lines, or of encroached or occupied land used for the construction of offices of state agencies, non-business works or other public facilities, the State shall recover land for returning to these works without granting certificates of land use rights and ownership of houses and other land- attached assets for encroached or occupied land areas.

In case due to adjustment of land use master plans and construction master plans approved by competent state agencies, encroached or occupied land areas no longer belong to public-facility protection corridors, lie within the redlined areas for construction of roads or for construction of offices of state agencies, non-business works or other public facilities, current land users may be considered for grant of certificates of land use rights and ownership of houses and other land- attached assets and shall perform the financial obligations prescribed by law.

2. Cases of use of encroached or occupied land which has been allocated by the State without land use levy to state-run agricultural and forestry farms, forest management boards, agricultural or forestry centers, stations, farms or companies shall be handled as follows:

a/ In case of use of encroached or occupied land areas planned for the protection and development of special-use forests or protection forests, provincial-level People's Committees shall direct the recovery of such land areas for allocation to forest management boards for management and use. Persons currently using encroached or occupied land may be considered by forest management boards for contractual assignment of forest land for forest protection and development in accordance with the law on forest protection and development.

In case no forest management board exists, persons currently using encroached or occupied land may be allocated land by the State for use for the purpose of protection and development of protection forests and be granted certificates of land use rights and ownership of houses and other land-attached assets;

b/ In case of use of encroached or occupied land areas planned for the construction of public infrastructure facilities, provincial-level People's Committees shall direct the recovery of such land areas for allocation to investors for the construction of such facilities.

Persons currently using encroached or occupied land may continue temporarily using such land until the State recovers the land but shall preserve the current land use status and make land declaration and registration under regulations;

c/ In case of use for agricultural production or construction of houses on encroached or occupied land areas which are not planned for the protection and development of special-use forests or protection forests, or for the construction of public infrastructure facilities, current land users may be considered for grant of certificates of land use rights and ownership of houses and other land-attached assets.

In case of use for agricultural production of land areas encroached or occupied during the period from July 1, 2004, to July 1, 2014, which are now still planned to be allocated to agricultural or forestry farms for management and use, provincial-level People's Committees shall recover such land areas for returning to agricultural or forestry farms.

3. Cases of encroachment or occupation of unused land or of land use purpose change without permission of competent state agencies in case such permission is required in accordance with the land law shall be handled as follows:

a/ In case of use of land planned for use for the purposes specified in Articles 61 and 62 of the Land Law, the State shall recover the land before projects or works are implemented or constructed.

Persons currently using encroached or occupied land may continue temporarily using such land until the State recovers it but shall preserve the current land use status and make land declaration and registration under regulations;

b/ In case of use of land not falling into the case specified at Point a of this Clause, provincial-level People's Committees shall direct the review and modification of land use master plans. Current land users may be considered for grant of certificates of land use rights and ownership of houses and other land-attached assets.

4. Households and individuals currently using self-reclaimed agricultural land areas which are conformable with land use master plans approved by competent state agencies and dispute-free may have their land use rights recognized by the State according to land quotas set by provincial-level People's Committees. They shall change to lease land areas that exceed land quotas set by provincial-level People's Committees.

5. Current land users stably using dispute-free land in the cases specified in Clause 1; Points a and c, Clause 2; and Point b, Clause 3 of this Article may be granted certificates of land use rights and ownership of houses and other land-attached assets as follows:

a/ For land parcels with houses, their residential land areas may be recognized under Point a, Clause 2, Article 20 of this Decree;



b/ Land parcels with non-residential construction works may be recognized under Point b, Clause 1 and Point b, Clause 2, Article 20 of this Decree;

c/ Land areas currently in use and determined as agricultural land may have land use rights recognized under regulations applicable to the cases specified in Clause 5, Article 20 of this Decree;

d/ Land users that are granted certificates of land use rights and ownership of houses and other land-attached assets specified in this Clause shall perform the financial obligations prescribed by law.

**Article 23.** Grant of certificates of land use rights and ownership of houses and other land-attached assets to households and individuals that are allocated land *ultra vires*

1. Cases of allocation of land *ultra vires* to households and individuals specified in this Article include cases in which heads of residential quarters or commune-level People's Committees allocated land *ultra vires* under the land law in different periods; and cases in which organizations that are allocated or leased land by the State for use distributed or arranged such land to their officials, workers, employees or members for use for housing and other purposes.

2. In case land allocated *ultra vires* has been stably used since before October 15, 1993, is dispute-free and conformable with land use master plans, current land users may be granted certificates of land use rights and ownership of houses and other land-attached assets for allocated land areas under Clause 1, Article 20 of this Decree.

3. For land allocated *ultra vires* and stably used in the period from October 15, 1993, to before July 1, 2014, which is dispute-free and conformable with land use master plans, certificates of land use rights and ownership of houses and other land-attached assets may be granted under Clause 2, Article 20 of this Decree.

For land parcels with gardens and ponds associated with houses or other construction works, the remaining areas without houses and other construction works shall be determined as agricultural land according to the current use status and land users that wish to change their use to non-agricultural purposes shall carry out procedures for land use purpose change.

4. Land users that are granted certificates of land use rights and ownership of houses and other land-attached assets specified in Clauses 2 and 3 of this Article shall perform the financial obligations prescribed by law.

5. The State shall not grant certificates of land use rights and ownership of houses and other land-attached assets for and shall recover all land areas allocated or leased *ultra vires* on and after July 1, 2014.

**Article 24.** Determination of residential land areas upon grant of certificates of land use rights and ownership of houses and other land-attached assets to households and individuals using land with gardens and ponds associated with houses

1. Land with gardens and ponds specified in Article 103 of the Land Law means land parcels with gardens and ponds associated with houses, including land parcels inside and outside residential quarters in the following cases:

a/ Land parcels with houses, gardens and ponds;

b/ Land parcels on which documents on land use rights specified in Clauses 1, 2 and 3, Article 100 of the Land Law and Article 18 of this Decree show houses, gardens and ponds which all have been actually used for the housing purpose.

2. Documents serving as bases for determination of residential land areas under Clauses 2, 3 and 4, Article 103 of the Land Law are those showing one or several use purposes, including housing or residential land purpose.

3. For land parcels with gardens and ponds associated with houses formed before December 18, 1980, for which current land users have one of the documents on land use rights specified in Clauses 1, 2 and 3, Article 100 of the Land Law and Article 18 of this Decree, which does not clearly indicate the residential land area, the residential land area to be recognized without land use levy is equal to the actual area of the land parcel in case the area of the land parcel is smaller than five times the residential land allocation quota, or equal to five times the residential land allocation quota in case the area of the land parcel is larger than five times the residential land allocation quota in accordance with the Land Law.

4. For land areas remaining after the determination of residential land areas under Article 103 of the Land Law and Clause 3 of this Article, and currently used as gardens and ponds which are requested by land users to be recognized as residential land or other non- agricultural land, land users may be granted certificates of land use rights and ownership of houses and other land-attached assets according to such use purpose and shall perform the financial obligations prescribed by law.

5. Residential land areas of households and individuals in case of residential land parcels with gardens and ponds for which certificates are granted before July 1, 2014, shall be determined as follows:

a/ If households and individuals using land parcels with gardens and ponds associated with houses are granted certificates before July 1, 2014, residential land areas shall be determined to be areas stated in the granted certificates;

b/ If by the time of grant of previous certificates, land users had one of the documents specified in Clauses 1, 2 and 3, Article 100 of the Land Law and Article 18 of this Decree but residential land areas are neither determined under Clauses 2, 3 and 4, Article 103 of the Land Law and Clause 3 of this Article and nor re-determined under Points b and c, Clause 1, Article 45 of the Government's Decree No. 181/2004/ND-CP of October 29, 2004, on implementation of the 2003 Land Law, and now land users file written requests for re-determination of their residential land areas or the State recovers re-determined residential land areas under Clauses 2, 3 and 4, Article 103 of the Land Law and Clause 3 of this Article, households and individuals are not required to

pay land use levy and are entitled to compensations when the State recovers land areas re-determined as residential land.

**Article 25.** Grant of certificates of land use rights and ownership of houses and other land-attached assets to domestic organizations currently using land not falling into the cases specified in Article 46 of this Decree

1. Domestic organizations currently using land without certificates shall review and declare the current land use status and report such to provincial-level People's Committees of localities where the used land is located.

2. Based on reports on current land use status of the above organizations, provincial-level People's Committees of localities where the used land is located shall inspect the current land use status and decide to handle as follows:

a/ For land areas currently used for proper purposes, competent state agencies shall determine the form of land use in accordance with law and grant certificates of land use rights and ownership of houses and other land-attached assets. In case of land use without documents specified in Article 100 of the Land Law and Article 18 of this Decree, the forms of land use specified in Articles 54, 55 and 56 of the Land Law shall be applied, while the form of land use specified in Article 56 of the Land Law shall be applied to land for construction of offices of socio-professional organizations;

b/ The land use term, for which certificates of land use rights and ownership of houses and other land-attached assets are granted under Point a of this Clause in case land users have documents on land use rights specified in Article 100 of the Land Law and Article 18 of this Decree, shall be determined according to such documents. In case land users have documents on land use rights which do not indicate a land use term or indicate a land use term not conformable with the land law, the land use term shall be determined under Article 126 of the Land Law and counted from October 15, 1993, for cases of land use before October 15, 1993, or counted from the date of issuance of land allocation or lease decision, for cases of land use since October 15, 1993;

c/ Land areas used for improper purposes, land areas encroached or occupied due to irresponsibility, land areas leased or lent to other organizations, households and individuals, land areas unlawfully contributed as capital to joint ventures or undertakings, land areas not used for more than 12 months or left unused for more than 24 months behind schedule shall be handled under decisions of provincial-level People's Committees in accordance with law;

d/ Land areas arranged by organizations to households and individuals being their officials, workers and employees for the housing purpose shall be handed over to district-level

People's Committees of localities where such land areas are located, for management. For residential land areas currently used in conformity with master plans, certificates of land use rights and ownership of houses and other land-attached assets shall be granted to current land users, who shall perform the financial obligations prescribed by law;

dd/ For disputed land areas, provincial-level People's Committees shall definitely settle such disputes in order to identify land users in accordance with law.

**Article 26.** Grant of certificates of land use rights and ownership of houses and other land-attached assets for land for construction of urban areas, rural residential areas and production and business areas with multiple use purposes

1. For land allocated to investors for implementing projects on construction of urban areas or rural residential areas while these projects have different construction items or different land areas used for different purposes prescribed in Article 10 of the Land Law, the locations and sizes of land areas used for each purpose shall be determined and certificates of land use rights and ownership of houses and other land-attached assets shall be granted as follows:

a/ Certificates of land use rights and ownership of houses and other land-attached assets shall be granted for each land parcel used for a certain purpose in conformity with the detailed construction plan approved by a competent state agency;

b/ The land areas used for construction of public facilities serving the community's common interests inside and outside urban areas or rural residential areas under the investment projects and approved detailed construction plan shall be handed over to the localities for management without being granted certificates of land use rights and ownership of houses and other land-attached assets.

2. For land allocated to investors for implementing production and business projects which have different land areas used for different purposes, a single certificate of land use rights and ownership of houses and other land-attached assets shall be granted to the investor for the whole area of such land, which clearly indicates the locations and sizes of land areas used for each purpose prescribed in Article 10 of the Land Law. In case the investor so wishes, a certificate of land use rights and ownership of houses and other land-attached assets shall be granted for each land parcel used for a certain purpose in accordance with the land law and the approved detailed construction plan.

**Article 27.** Grant of certificates of land use rights and ownership of houses and other land-attached assets for land having historical-cultural relics or scenic spots

The grant of certificates of land use rights and ownership of houses and other land- attached assets for land having historical-cultural relics or scenic spots which have been ranked or are protected under decisions of provincial-level People's Committees is prescribed as follows:

1. For land having independent historical-cultural relics or scenic spots which are currently used by agencies, organizations, communities, households or individuals, certificates of land use rights and ownership of houses and other land-attached assets shall be granted to these agencies, organizations, communities, households or individuals.

2. In case historical-cultural relics or scenic spots are areas with different land users and involving different types of land, certificates of land use rights and ownership of houses and

other land-attached assets shall be granted to every land user and for each type of land in such areas. Land users shall comply with regulations on protection of historical-cultural relics and scenic spots.

**Article 28.** Grant of certificates of land use rights and ownership of houses-and other land-attached assets for land currently used by religious institutions

1. Religious institutions that are using land with pagodas, churches, chancels, monasteries, abbeys, religious schools, head offices of religious organizations or other religious institutions licensed by the State to operate but have not yet been granted certificates of land use rights and ownership of houses and other land-attached assets shall review and declare their land use and report to provincial-level People's Committees on:

a/ The total land area currently used;

b/ Land areas classified by the religious institution by origin: land area allocated by a competent state agency; land area acquired from transfer; land area donated; land area borrowed from organizations, households or individuals; land area created by the religious institution itself; and land areas of other origins;

c/ Land areas lent, lent for residence, or leased by the religious institution to organizations, households or individuals;

d/ Land area encroached upon or occupied by other persons.

2. Provincial-level People's Committees of localities where the land is located shall conduct field inspection, determine the boundaries of land parcels and make decisions as follows:

a/ For land areas used stably by organizations, households or individuals since before October 15, 1993, they shall base on land use demands of religious institutions and these organizations, households or individuals to make settlement decisions that ensure land use- related interests of the related parties and suit reality;

b/ For land areas used by organizations, households or individuals since between October 15, 1993, and before July 1, 2004, they shall make settlement decisions as in the case in which households or individuals borrow or rent land from other households or individuals in accordance with the land law;

c/ For land areas of religious institutions which have been expanded without permission of a competent state agency; are encroached upon or occupied; or are under dispute, they shall make definite settlement decisions in accordance with law.

3. For land areas of religious institutions which has been handled over under Clause 2 of this Article and meet the conditions prescribed in Clause 4, Article 102 of the Land Law, religious institutions shall be granted certificates of land use rights and ownership of houses and other

land-attached assets in the form of land allocation without land use levy for a long and stable use term.

For land areas currently used by religious institutions for the purpose of agricultural production, forestry production or non-agricultural production and business, or used for charitable establishments (including land areas acquired through transfer or donated before July 1, 2004), certificates of land use rights and ownership of houses and other land-attached assets shall be granted in a form and with a land use term corresponding to such purpose as for households and individuals.

**Article 29.** Grant of certificates of land use rights and ownership of houses and other land-attached assets for land parcels smaller than the prescribed minimum area

1. For a currently used land parcel which was formed before the effective date of the provincial-level People's Committee's document on the minimum area of a land parcel eligible for splitting and which is smaller than the minimum area prescribed by the provincial-level People's Committee but fully satisfies the conditions for grant of a certificate of land use rights and ownership of houses and other land-attached assets, the current user shall be granted such certificate.
2. Notarization, certification, grant of a certificate of land use rights and ownership of houses and other land-attached assets, and carrying out of procedures to exercise the rights of land users are not allowed in case land users arbitrarily divide the land parcels already registered and granted with the certificates into two or more smaller land parcels at least one of which is smaller than the minimum area prescribed by the provincial-level People's Committee.
3. In case land users simultaneously apply for splitting of a land parcel smaller than the prescribed minimum area and for consolidation of this land parcel with another adjacent one to form a new land parcel equal to or larger than the minimum area of a land parcel eligible for splitting, they shall be allowed to split and consolidate the land parcels simultaneously and shall be granted a certificate of land use rights and ownership of houses and other land- attached assets for the new land parcel.

**Article 30.** Grant of certificates of land use rights and ownership of houses and other land-attached assets in case the land area of a user is located in different administrative units

1. In case a land user has a land area located in different communes, wards and townships but falling within the competence of the same certificate-granting agency, a single certificate of land use rights and ownership of houses and other land-attached assets shall be granted to such land user, which must indicate each land area located in each commune-level administrative unit.
2. In case a land user has a land area located in different communes, wards and townships and falling within the competence of different certificate-granting agencies, a certificate of land use rights and ownership of houses and other land-attached assets shall be granted for each land parcel falling within the competence of each certificate-granting agency.

### **Article 31.** House ownership certification

House owners eligible to own houses under the housing law and possessing papers proving the lawful formation of houses may have their house ownership certified according to the following provisions:

1. Domestic households and individuals must possess one of the following papers:

a/ House construction permit, in case construction permit is required under the construction law.

In case a house was built in contravention of the granted construction permit, written opinions of the construction licensing agency certifying that the improperly built area does not affect the safety of the house and is now compliant with the approved construction master plan are required;

b/ Contract on purchase and sale of a state-owned house under the Government's Decree No. 61/CP of July 5, 1994, on purchase, sale and trading of houses, or paper on liquidation or sale of a state-owned house before July 5, 1994;

c/ Paper on handover or donation of a gratitude or great-unity house;

d/ Paper on house ownership, granted by competent authorities in different periods while such house is not subject to entire-people ownership establishment by the State under the XIth National Assembly's Resolution No. 23/2003/QH11 of November 26, 2003, on houses and land managed and arranged by the State for use during the implementation of housing and land management policies and socialist reform policies before July 1, 1991, and the National Assembly Standing Committee's Resolution No. 755/2005/NQ-UBTVQH11 of April 2, 2005, on the settlement of specific house- and land-related cases during the implementation of housing and land management policies and socialist reform policies before July 1, 1991;

dd/ Paper on purchase and sale, donation, exchange or inheritance of the house already notarized or certified by a competent People's Committee under law.

For a house purchased, donated, exchanged or inherited from July 1, 2006 on, a paper on such transaction is required under the housing law.

For a house purchased from an enterprise building houses for sale, a contract on house purchase and sale signed between the purchaser and the seller is required;

e/ Legally effective judgment or decision of the people's court or paper of the state agency competent to permit house ownership;

g/ An applicant for house ownership certification that possesses one of the papers specified at Points a, b, c, d, dd and e of this Clause which bears the name of another person is required to possess one of the papers on house purchase and sale, donation, exchange or inheritance before July 1, 2006, signed by the related parties and certified by the commune- level People's

Committee; for a house purchased, donated, exchanged or inherited before July 1, 2006, without a paper on such purchase, donation, exchange or inheritance signed by the related parties, the commune-level People's Committee's certification of the time of purchase, donation, exchange or inheritance of such house is required.

In case an applicant for house ownership certification possesses one of the papers specified at Points a, b, c, d, dd and e of this Clause while the current conditions of the house are inconsistent with such paper, the commune-level People's Committee's certification is required for the part of the house inconsistent with the paper as in the case prescribed at Point h of this Clause;

h/ A domestic individual who possesses none of the papers specified at Points a, b, c, d, dd and e of this Clause shall obtain the commune-level People's Committee's written certification that the house was completely built before July 1, 2006, before the land use master plan or construction plan was promulgated, or complied with the master plan in case the house was built after the land use master plan, the detailed urban construction plan or master plan on construction of rural residential areas was promulgated under law. For a house completely built since July 1, 2006, the commune-level People's Committee's written certification that the house is not subject to construction permit and satisfies the planning conditions like houses built before July 1, 2006, is required; for a house which was subject to construction permit but was built without such permit, the district-level construction management agency's written approval of the existence of such house is required.

2. Overseas Vietnamese owning houses in Vietnam must possess the following papers:

a/ Paper on house purchase and sale, donation, inheritance or ownership in another form under the housing law;

b/ One of the papers of the transferor as prescribed in Clauses 1 and 3 of this Article.

3. Domestic organizations and overseas Vietnamese implementing investment projects and foreign organizations and individuals must possess papers prescribed below:

a/ In case of building houses for commercial purposes, one of the papers on projects on commercial housing development (project approval decision, investment decision, investment license and investment certificate) is required;

b/ In case of purchase, donation, inheritance or ownership of houses in another form as prescribed by law, a paper on such transaction is required in accordance with the housing law;

c/ For houses which were built in contravention of the papers specified at Points a and b of this Clause, written opinions of the construction licensing agency certifying that the improperly built area does not affect the safety of the houses and is now compliant with the approved construction master plan (if any) are required.

4. In case house owners are not land users, in addition to the papers on house ownership as specified in Clauses 1, 2 and 3 of this Article, a lawfully notarized or certified land lease



contract, capital contribution contract, business cooperation contract or written approval of the land user of house construction and copies of papers on land use rights under the land law are required.

**Article 32.** Certification of ownership of non-residential construction facilities

Owners of non-residential construction facilities may have their ownership certified according to the following regulations:

1. Domestic households, individuals and communities must possess one of the following papers:

a/ Facility construction permit, in case construction permit is required under the construction law.

For facilities which were built in contravention of the granted construction permits, written opinions of the construction licensing agency certifying that the improperly built area

does not affect the safety of the facilities and is now compliant with the approved construction master plan are required;

b/ Papers on ownership of construction facilities, granted by competent authorities in different periods, unless the facilities have been managed and arranged by the State for use;

c/ Notarized or certified paper on purchase and sale, donation or inheritance of the construction facility as prescribed by law;

d/ Legally effective paper of the people's court or a competent state agency proving the ownership of the construction facility;

dd/ An applicant for construction facility ownership certification who possesses one of the papers specified at Points a, b, c and d of this Clause which bears the name of another person is required to possess one of the papers on purchase and sale, donation, exchange or inheritance of construction facilities before July 1, 2004, signed by the related parties and certified by the commune- or higher-level People's Committee; in case of purchase, donation, exchange or inheritance of construction facilities before July 1, 2004, without a paper on such purchase, donation, exchange or inheritance signed by the related parties, the commune-level People's Committee's certification of the time of purchase, donation, exchange or inheritance of the construction facility in the application for a certificate of land use rights and ownership of houses and other land-attached assets is required.

In case an applicant for construction facility ownership certification possesses one of the papers specified at Points a, b, c and d of this Clause while the current conditions of the facility are inconsistent with such paper, the commune-level People's Committee's certification is required for the part of the facility inconsistent with the paper as in the case prescribed at Point e of this Clause;

e/ In case a domestic individual possesses none of the papers specified at Points a, b, c and d of this Clause, the commune-level People's Committee's certification that the facility was completely built before July 1, 2004, before the land use master plan or construction plan is promulgated, or is compliant with the master plan, in case the facility was built after the land use master plan or construction plan is promulgated, is required.

For a facility completely built since July 1, 2004, the commune-level People's Committee's certification that the facility is not subject to construction permit and satisfies the planning conditions as for facilities built before July 1, 2004, is required; for a facility which was subject to construction permit but was built without such permit, the district-level construction management agency's written approval of the existence of such facility is required.

2. Domestic organizations, religious institutions, foreign organizations, foreign individuals and overseas Vietnamese must possess papers prescribed below:

a/ In case of construction of new facilities under law, the project approval decision, project investment decision, investment license, investment certificate or construction permit granted by a competent state agency and the paper on land use rights under the land law or the land lease contract with the land user indicating the land use purpose conformable with the facility construction purpose, are required;

b/ In case of purchase and sale, donation, exchange, inheritance or in another form as prescribed by law, a lawful paper on such transaction is required;

c/ In case of unavailability of one of the papers specified at Points a and b of this Clause, the provincial-level construction management agency's certification that the facility existed before the construction master plan is promulgated and is now compliant with the approved construction master plan is required;

d/ For facilities built in contravention of the papers specified at Points a, b and c of this Clause, the improperly built area shall be inspected by the construction licensing agency and is certified not to affect the safety of the facility and to be compliant with the approved construction master plan.

3. In case construction facility owners are not land users, in addition to the facility ownership papers specified in Clauses 1 and 2 of this Article, the lawfully notarized or certified written approval of the land user of the construction of the facility and copies of papers on land use rights under the land law are required.

### **Article 33.** Certification of ownership of planted production forests

Owners of planted production forests whose capital used for forestation, money paid for acquisition of forests or money paid to the State upon allocation of forests with land use levy does not originate from the state budget and who possess one of the following papers may have their ownership certified:

1. Certificate or one of the papers specified in Article 100 of the Land Law and Article 18 of this Decree, which indicates that the State allocates land, leases land or recognizes land use rights for planting production forests;
2. Paper proving the allocation of planted production forests;
3. Lawfully notarized or certified contract or document on purchase and sale, donation or inheritance of planted production forests;
4. Legally effective judgment or decision of the people's court or paper of a competent state agency on the ownership of planted production forests;
5. In case households, individuals or communities have none of the papers specified in Clauses 1, 2, 3 and 4 of this Article but have planted production forests with their own capital, the land registration office's certification of their full satisfaction of the conditions for having land use rights recognized under the land law is required;
6. For domestic organizations that implement projects on planting production forests with capital not originating from the state budget, the project approval decision, project investment decision, investment license or investment certificate for planting production forests under the investment law is required;
7. For foreign-invested enterprises and overseas Vietnamese that implement projects on planting production forests, the project approval decision, project investment decision, investment decision, investment license or investment certificate for planting production forests under the investment law is required;
8. In case owners of planted production forests are not land users, in addition to the papers specified in Clauses 1 thru 7 of this Article, the legally notarized or certified written agreement of the land user permitting the use of land for forestation and copies of papers on land use rights under the land law are required.

**Article 34.** Certification of ownership of perennial trees

Owners of perennial trees may have their ownership certified if they possess one of the following papers:

1. Certificate or one of the papers specified in Article 100 of the Land Law and Article 18 of this Decree, which indicates that the State allocates land, leases land or recognized the land use rights for planting perennial trees as suitable to the land use purposes indicated in such certificate or paper;
2. Lawfully notarized or certified contract or document on purchase and sale, donation or inheritance of perennial trees;

3. Legally effective judgment or decision of the people's court or paper of a competent state agency on the ownership of perennial trees;
4. In case households, individuals or communities have none of the papers specified in Clauses 1, 2 and 3 of this Article, the land registration office's certification of their full satisfaction of the conditions for having land use rights recognized under the land law is required;
5. For domestic organizations, the project approval decision, project investment decision, investment certificate or investment license for planting perennial trees under the investment law is required;
6. In case owners of perennial trees are not land users, in addition to the papers specified in Clauses 1 thru 5 of this Article, the legally notarized or certified paper of the land user permitting the use of land for planting perennial trees and copies of papers on land use rights prescribed by the land law are required;
7. The Ministry of Agriculture and Rural Development shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment in, specifying types of perennial trees eligible for ownership certification.

**Article 35.** Land-attached assets ineligible for ownership certification upon grant of certificates of land use rights and ownership houses and other land-attached assets

Land-attached assets are ineligible for ownership certification in one of the following cases:

1. Land-attached assets on land parcels which fail to fully satisfy the conditions for grant of certificates of land use rights and ownership of houses and other land-attached assets as prescribed in the Land Law and this Decree;
2. Houses or other construction facilities which are temporarily built during the construction of main facilities or which are built with bamboo, leaf or earth; and auxiliary facilities which are outside the premises of main facilities and serve the management, use and operation of main facilities;
3. Land-attached assets for which competent state agencies have issued clearance or dismantlement notices or decisions or land recovery notices or decisions;
4. Houses or facilities which are built after a construction ban is announced; which encroach or occupy the protection corridors of technical infrastructure facilities or ranked historical-cultural relics; land-attached assets which are formed after the master plan is approved by a competent state agency but do not comply with the master plan approved at the time of grant of certificates of land use rights and ownership houses and other land-attached assets;
5. State-owned assets, except assets already determined as state capital contributions to enterprises under the guidance of the Ministry of Finance;

6. Land-attached assets not falling in the cases eligible for ownership certification as prescribed in Articles 31, 32, 33 and 34 of this Decree;

7. Assets formed as a result of illegal change of land use purpose.

**Article 36.** Grant of certificates of land use rights and ownership houses and other land- attached assets in case the State’s decisions on management of land and land-attached assets had been issued but have not yet been implemented

Households and individuals that are currently using land and land-attached assets for which state agencies’ decisions on management of such land and assets had been issued during the implementation of state policies but have not yet actually been implemented, may continue using them and may be considered for grant of certificates of land use rights and ownership of houses and other land-attached assets in accordance with law.

**Article 37.** Agencies granting certificates of land use rights and ownership of houses and other land-attached assets when land users exercise the rights of land users or owners of land-attached assets; renewal or re-grant of certificates

1. For localities in which land registration offices have been established under Clause 1, Article 5 of this Decree, provincial-level Natural Resources and Environment Departments shall grant certificates of land use rights and ownership of houses and other land-attached assets to land users and owners of land-attached assets who have been granted certificates, certificates of ownership of houses or certificates of ownership of construction facilities in the following cases:

a/ When land users or asset owners exercise the rights of land users or owners of land- attached assets, which requires the grant of new certificates of land use rights and ownership of houses and other land-attached assets;

b/ Renewal or re-grant of certificates, certificates of ownership of houses or certificates of ownership of construction facilities.

2. For localities in which land registration offices have not yet been established under Clause 1, Article 5 of this Decree, the grant of certificates to the subjects specified in Clause 1 of this Article is prescribed as follows:

a/ Provincial-level Natural Resources and Environment Departments shall grant certificates of land use rights and ownership of houses and other land-attached assets to religious organizations or institutions; overseas Vietnamese implementing investment projects; foreign organizations and individuals; and foreign-invested enterprises;

b/ District-level People’s Committees shall grant certificates of land use rights and ownership of houses and other land-attached assets to households, individuals, communities, and overseas Vietnamese eligible to own houses associated with the rights to use residential land in Vietnam.

3. The Ministry of Natural Resources and Environment shall define the subjects that are eligible for grant of certificates of land use rights and ownership of houses and other land- attached assets upon registration of changes in land or land-attached assets, and certify changes in the granted certificates.

## **Chapter VI**

### **REGIME ON USE OF LAND OF DIFFERENT TYPES**

#### **Section 1. GENERAL PROVISIONS**

**Article 38.** Use of state-allocated land by economic organizations for creating capital for infrastructure construction under projects or use of land originating from winning at the auction of land use rights before July 1, 2004

1. Economic organizations that are currently using land allocated by the State for a long and stable term for creating capital for infrastructure construction under the land law before July 1, 2004, may continue using such land for a long and stable term.

2. Economic organizations that are currently using land originating from winning at the auction of land use rights before July 1, 2004, for which the use term has not been determined, may continue using such land for a long and stable term.

**Article 39.** Transfer of investment capital being the value of land use rights

1. Foreign-invested enterprises may acquire investment capital being the value of land use rights transferred from enterprises that are currently using land originating from the allocation by the State with land use levy or lease by the State with full one-off rental payment for the entire lease period while the value of land use rights has been included in the capital of enterprises, except transfer of investment capital being the value of the rights to use agricultural production land or forestland.

2. When transferring investment capital, enterprises or owners of enterprises shall determine the capital amount being the value of land use rights in the total transferred capital amount, and fulfill tax, charge and fee obligations in accordance with law.

**Article 40.** Conditions for transfer or donation of land use rights of ethnic minority households and individuals that use land allocated by the State under the support policy

1. Ethnic minority households and individuals that use land allocated by the State under the support policy may only transfer or donate land use rights 10 years after land allocation decision is issued if the commune-level People's Committee of the locality where the land is located certifies that they no longer need to use the land because they move from the commune, ward or township where they reside to other places or they shift to do other trades or they no longer have working capacity.

2. Organizations and individuals may not acquire or be donated land use rights from ethnic minority households or individuals that use land allocated by the State under the support policy if the latter do not fall in the cases eligible for transfer or donation of land use rights as prescribed in Clause 1 of this Article.

**Article 41.** Conditions for transfer of land use rights under investment projects on construction of houses for sale or for combined sale and lease

1. Conditions for investment projects on construction of houses for sale or for combined sale and lease to transfer land use rights in the form of dividing land parcels for sale include:

a/ The projects comply with district-level annual land use plans;

b/ Project investors shall complete the construction of infrastructure facilities including service, technical and social infrastructure facilities under the approved 1:500 detailed master plans, ensuring the connection with the common infrastructure systems of the areas before transferring land use rights to people for building houses, and ensuring the provision of essential services of electricity and water supply, water drainage and garbage collection;

c/ Projects investors shall fulfill all financial obligations related to the projects' land, such as land use levy and land rental; and land-related taxes, charges and fees (if any);

d/ The projects are implemented in areas or urban centers of the types eligible for transfer of land use rights in the form of dividing land parcels for sale as prescribed in Clause 2 of this Article.

2. Investors of projects on construction of houses for sale or for combined sale and lease may transfer land use rights in the form of dividing land parcels for sale in the areas outside the inner districts of special urban centers; areas with strict requirements on landscape architecture, central areas, and around buildings that are prominent architectural points in urban centers; the frontages of regional- or higher-level roads and main landscape roads in urban centers.

3. Households and individuals that acquire land use rights for building houses shall build houses strictly according to the construction permits as well as approved detailed master plans and urban designs.

4. The Ministry of Construction shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment in, detailing this Article.

**Article 42.** Conditions for transfer of land use rights associated with the transfer of part or the whole of investment projects on construction and trading of houses

The transfer of land use rights associated with the transfer of part or the whole of investment projects on construction and trading of houses must satisfy the following conditions:

1. All the conditions prescribed in Clause 1, Article 188 of the Land Law;

2. The investors fulfill all financial obligations related to the projects' land, such as land use levy and land rental; and land-related taxes, charges and fees (if any).

3. Transferees of land use rights associated with part or the whole of investment projects on construction and trading of houses conduct relevant business lines and satisfy the conditions prescribed in Article 58 of the Land Law and Articles 13 and 14 of this Decree.

#### **Article 43.** Handling of land use rights of state enterprises upon equitization

1. State enterprises that are currently using land allocated or leased by the State and are equitized may be allocated land by the State with land use levy under Clauses 2 and 4, Article 55 of the Land Law, or leased land with annual land rental payment or with full one-off rental payment for the entire lease period under Article 56 of the Land Law.

2. The value of land use rights upon equitization shall be handled under the Government's regulations on equitization of state enterprises, ensuring adherence to the principle that the land price used for determining the value of land use rights is the specific land price decided by provincial-level People's Committee as prescribed in Clause 3 and Point d, Clause 4, Article 114 of the Land Law.

3. Upon equitization of state enterprises, provincial-level People's Committees shall review land areas currently used by the enterprises, handle such land areas and grant certificates of land use rights and ownership of houses and other land-attached assets under Article 102 of the Land Law and Article 25 of this Decree.

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

#### **Article 44.** Quotas for acquisition of agricultural land use rights of households and individuals

Quotas for acquisition of land for cultivation of annual crops, land for cultivation of perennial trees, land for planted production forests, land for aquaculture and land for salt production for each household or individual for agricultural purposes are applicable to the cases of transfer or acquisition of land use rights or debt handling as agreed in land use rights mortgage contracts, specifically as follows:

1. Land for cultivation of annual crops, land for aquaculture or land for salt production:

a/ Not exceeding 30 ha for each type of land, for provinces and centrally run cities in the southeastern region and the Mekong delta region;

b/ Not exceeding 20 ha for each type of land, for remaining provinces and centrally run cities.

2. Land for cultivation of perennial trees:

a/ Not exceeding 100 ha, for delta communes, wards and townships;



b/ Not exceeding 300 ha, for midland and mountainous communes, wards and townships.

3. Land for planted production forests:

a/ Not exceeding 150 ha, for delta communes, wards and townships;

b/ Not exceeding 300 ha, for midland and mountainous communes, wards and townships.

4. In case a household or an individual acquires agricultural land use rights in more than one province or centrally run city, the total area eligible for acquisition within quota for each type of land (land for cultivation of annual crops, land for cultivation of perennial trees, land for planted production forests, land for aquaculture or land for salt production) equals the quota eligible for acquisition of land use rights in the province or centrally run city in which the highest quota eligible for acquisition of land use rights is applicable.

5. In case a household or an individual acquires agricultural land use rights of different types of land (land for cultivation of annual crops, land for cultivation of perennial trees, land for planted production forests, land for aquaculture and land for salt production), the quota for acquisition of agricultural land use rights for this household or individual shall be determined for each type of land as prescribed in Clauses 1,2 and 3 of this Article.

6. Households and individuals that have used agricultural land in excess of the quotas for acquisition of land use rights prescribed in Clauses 1 thru 5 of this Article and had registered to transfer land use rights before July 1, 2007, may continue using the over-quota land areas like agricultural land within the quotas eligible for acquisition.

7. Households and individuals that have used agricultural land in excess of the quotas for acquisition of land use rights prescribed in Clauses 1 thru 5 of this Article and had registered to transfer land use rights between July 1, 2007, and before July 1, 2014, may continue using such land and shall shift to lease land from the State only for the over-quota land areas.

**Article 45.** Land for rice cultivation

1. Persons who are allocated or leased land specialized in wet rice cultivation by the State for use for non-agricultural purposes shall pay a sum of money for land reclamation and rehabilitation and investment in local infrastructure.

2. The determination and use of the sums of money specified in Clause 1 of this Article must comply with the Government's regulations on management and use of land for rice cultivation.

**Article 46.** Management and use of land of agricultural and forestry companies after they are reorganized, renovated and developed to raise their operation efficiency

1. In the course of reorganization, renovation and development to raise their operation efficiency, agricultural and forestry companies that currently use land shall:

a/ Review the current land use status in terms of location and boundary for land management and use; land area used properly; land area used improperly; unused land area; land areas which are currently contracted, leased, lent, encroached upon, occupied, used for joint venture or investment cooperation and are under dispute;

b/ Propose land use plans based on the approved plans on reorganization, renovation and development of agricultural and forestry companies; local land use master plans and land use status.

A land use plan must indicate the location and boundary of land use; land area proposed to be retained for use by type of land, form of land use and land use term; and land area to be handed over to the locality.

c/ Report on land use plans to the natural resources and environment agency for appraisal before submitting them to the provincial-level People's Committee for approval;

d/ Organize the implementation of the approved land use plans.

2. Provincial-level People's Committees shall consider and approve land use plans of local agricultural and forestry companies; direct the determination of boundaries, placement of land use boundary landmarks under approved plans, making of land allocation and lease dossiers, and grant of certificates of land use rights and ownership of houses and other land- attached assets to the companies; and decide to recover the land areas handed over to localities under the approved land use plans.

3. The land areas retained by the companies for use under the approved land use plans which are illegally leased or lent; are encroached upon or occupied; or unlawfully used for joint venture or investment cooperation shall be handled as follows:

a/ For the land area which is illegally leased or lent or used by the companies for joint venture or investment cooperation, the companies shall terminate such illegal lease or lending or unlawful use and use the land area for proper purposes;

b/ The land area currently encroached upon or occupied shall be definitely handled and put to use.

4. For the land area handed over to localities, provincial-level People's Committees shall make plans on its use in the following order of priority:

a/ Building public facilities;

b/ Allocating or leasing to local households and individuals that have no land or lack production land;

c/ Allocating or leasing to current land users if they so wish, provided that such use of land complies with local land use master plans.

**Article 47.** Inland land with water surface located in different provinces and centrally run cities

1. The use of inland land with water surface located in different provinces and centrally run cities must comply with approved land use master plans and plans and water resources master plans as well as the law on water resources.
2. Provincial-level People's Committees or district-level People's Committees shall lease inland land with water surface to economic organizations, households or individuals for investment in aquaculture, agricultural production or for combined agricultural and non- agricultural purposes according to their competence defined in Article 59 of the Land Law.
3. Land lessees defined in Clause 2 of this Article shall protect the environment and landscape and ensure that their land use does not affect the main purposes of facilities using inland land with water surface.

**Article 48.** Riparian and coastal alluvial land

1. District-level People's Committees shall investigate, survey, monitor and assess the areas of riparian and coastal alluvial land that are regularly deposited or affected by landslide in order to make plans for land exploitation and use.
2. Competent state agencies shall consider and decide on lease of riparian and coastal alluvial land that are regularly deposited or affected by landslides to persons who need such land.
3. The Minister of Natural Resources and Environment shall detail the use of riparian and coastal alluvial land.

**Section 3. NON-AGRICULTURAL LAND**

**Article 49.** Use of land for construction of condominiums

1. Land for construction of condominiums or condominiums for combined residence and use as offices or trade and service establishments (below referred to as condominiums) includes land for construction of condominiums, land for use as yards and for planting flowers and trees around condominiums, and land for construction of infrastructure facilities.
2. Investors of condominium construction projects shall be allocated or leased land and granted certificates of land use rights and ownership of houses and other land-attached assets for the land area under these projects according to the following provisions:
  - a/ For the area of land for construction of condominiums and land for construction of infrastructure facilities used by investors for commercial purposes under the projects and approved detailed master plans, the investors shall be allocated or leased such land by the State and shall pay land use levy or land rental; they shall also be granted certificates of land use rights and ownership of houses and other land-attached assets;

b/ For the area of land used for roads and other infrastructure facilities serving people living in and outside the condominiums which is not used by investors for the provision of services under the investment projects, the investors shall be allocated or leased such land by the State for management and construction of facilities and do not have to pay land use levy or land rental; they shall not be granted certificates of land use rights and ownership of houses and other land-attached assets; the investors shall hand over such land to localities for management after completing the construction under the investment projects, detailed construction master plans and land allocation or lease decisions of competent agencies.

3. Land use rights and the grant of certificates of land use rights and ownership of houses and other land-attached assets under projects on construction of condominiums for sale or for combined sale and lease must comply with the following provisions:

a/ Investors shall hand over the land area under common use rights of owners of apartments, offices and trade and service establishments in the condominiums (below referred to as apartments), covering the area of land for construction of condominiums, land for use as yards and for planting flowers and trees around the condominiums and land for construction of infrastructure facilities outside the condominiums which directly serve the condominiums, to apartment owners for management and use under the investment projects. Investors shall clearly determine the locations, boundaries and land areas under common use rights under the investment projects, detailed construction master plans and layout designs for submission to competent agencies for approval; and in house purchase and sale contracts and as-built drawings for carrying out the procedures for grant of certificates of land use rights and ownership of houses and other land-attached assets to the purchasers.

b/ Land use rights mentioned at Point a of this Clause are common use rights which cannot be divided. The ratio of land use rights shall be the ratio of the area of an apartment to the total floor area of all apartments in a condominium. The use and disposition of land use rights in a condominium shall be decided by the majority of persons representing the ratio of land use rights but must serve the common interests of the community and comply with law;

c/ Apartment owners shall be granted certificates of land use rights and ownership of houses and other land-attached assets for the land area under common use as prescribed at Point a of this Clause for a long and stable term; the area of apartments shall be determined based on apartment purchase and sale contracts;

d/ Upon grant of certificates of land use rights and ownership of houses and other land- attached assets to apartment purchasers, the certificates already granted to investors prescribed in Clause 2 of this Article shall be adjusted to the form of common use for the land area specified at Point a of this Clause.

The land area under housing development projects outside the areas specified at Point b of Clause 2 and Point a of this Clause shall come under the use rights of investors, for which investors shall be granted certificates of land use rights and ownership of houses and other land-attached assets.

**Article 50.** Land for national defense or security purposes

1. Users of land for national defense or security purposes are defined as follows:

a/ Units under the Ministry of National Defense or the Ministry of Public Security shall be users of land for military barracks, except the case specified at Point c of this Clause; land for military bases; land for national defense works, battle fields and special works of national defense and security; public-duty houses of people's armed forces; and land in the areas allocated by the Government exclusively to the Ministry of National Defense or the Ministry of Public Security for management, protection and use;

b/ Units directly using land are land users for land used for military railway stations and ports; land for industrial and science and technology facilities directly serving national defense and security; land for warehouses for people's armed forces; land for shooting grounds, training grounds, and weapon testing or weapon destroying sites; land for construction of schools, hospitals and sanatoria of the people's armed forces; land for detention and re-education institutions managed by the Ministry of National Defense or the Ministry of Public Security;

c/ Military commands of provinces or centrally run cities; military commands of districts, towns or provincial cities; public security departments of provinces or centrally run cities; public security offices of districts, towns or provincial cities; public security offices of wards or townships; and border guard stations are users of land for construction of their offices.

2. Land for national defense or security purposes shall be properly used. For unused or improperly used land areas, provincial-level People's Committees shall notify land users to put the land to proper use; 12 months after receiving such notification, if land users fail to put the land to proper use, provincial-level People's Committees shall recover such land for allocation to others for use.

3. If wishing to change the land use purpose within the national defense or security land areas under approved master plans or plans on use of land for national defense or security purposes, land users shall submit written requests for permission for change of the land use purpose to provincial-level Natural Resources and Environment Departments, enclosed with written opinions of the Ministry of National Defense or the Ministry of Public Security.

4. Land currently managed and used by people's armed force units but not under approved master plans on use of land for national defense or security purposes shall be handed over to localities for management and handled as follows:

a/ For land areas already allocated for households of officers and soldiers of the people's armed force units for building houses under approved land use master plans or plans, the land users shall be granted certificates of land use rights and ownership of houses and other land- attached assets and shall fulfill all financial obligations prescribed by law;

b/ For land for non-agricultural production and business purposes which is currently used by national defense or security enterprises, these enterprises shall shift to lease such land under

production and business plans approved by the Ministry of National Defense or the Ministry of Public Security;

c/ For land areas not specified at Points a and b of this Clause, provincial-level People's Committees shall decide to recover them for allocation or lease for use in accordance with law.

4. Competent state agencies shall definitely handle disputed land areas for identifying land users.

**Article 51.** Land for industrial parks, export-processing zones and industrial clusters

1. The use term of land in industrial parks, export-processing zones and industrial clusters must correspond to the term of investment projects.

In case the term of an investment project is longer than the remaining use term of land of the industrial park, export-processing zone or industrial cluster, the enterprise that builds and commercially operates infrastructure of such industrial park, export-processing zone or industrial cluster shall seek permission from a competent state agency for adjustment of the land use term as appropriate, provided that the total land use term must not exceed 70 years, and it shall pay land use levy or land rental for the area eligible for use term extension.

2. Self-financed public non-business units that are assigned by competent agencies to build and commercially operate infrastructure of industrial parks or industrial clusters and are leased land by the State may sublease such land after having invested in infrastructure facilities therein.

3. Annually, enterprises that build and commercially operate infrastructure of industrial parks, export-processing zones or industrial clusters shall report to provincial-level People's Committees and publicize the land areas not yet leased or subleased in such industrial parks, export-processing zones or industrial clusters on the websites of the enterprises and localities.

**Article 52.** Land for hi-tech zones

1. The use term of land for implementing projects on production and trading of hi-tech products; hi-tech research, development and application and training of human resources in hi-tech zones must comply with Articles 125 and 126 of the Land Law.

2. Land management responsibilities of hi-tech zone management boards are prescribed as follows:

a/ To coordinate with organizations in charge of compensation and ground clearance in providing compensation, support and resettlement;

b/ To submit to provincial-level People's Committees for decision land use levy or land rental exemption and reduction for each project;

c/ To recover the leased land from land users that commit violations of the land law as prescribed at Points a, b, c, d, e, g and i, Clause 1, Article 64 of the Land Law; or from land users that

terminate land use under law or voluntarily return land as prescribed at Points a, b, c and d, Clause 1, Article 65 of the Land Law; to manage the recovered land areas prescribed at this Point;

d/ To decide to allocate land without land use levy to users of land in hi-tech zones in the cases prescribed in Clauses 2 and 3, Article 54 of the Land Law;

dd/ To establish the order and administrative procedures related to land in hi-tech zones;

e/ To send land allocation, land lease or land use term extension decisions and extracts of cadastral maps or extracts of cadastral measurements of land areas to the land registration office for registration in the cadastral records and updating of the land database, and submit dossiers to competent agencies for grant of certificates of land use rights and ownership of houses and other land-attached assets.

3. Inspection, and settlement of land-related complaints, denunciations and disputes in hi-tech zones must comply with the laws on complaints, denunciations and land.

4. For hi-tech zones established and allocated land under decisions of provincial-level People's Committees before July 1, 2014, the land management and use must comply with the following provisions:

a/ Hi-tech zone management boards shall comply with Points a, c, d, dd and e, Clause 2, of this Article; and may continue implementing the approved construction master plans;

b/ Hi-tech zone management boards may decide on land rental rates provided that the land price used for land rental calculation is not lower than the land price in the land price table prescribed by the provincial-level People's Committee; and decide on land rental exemption and reduction for each project according to the Government's regulations.

### **Article 53. Land for economic zones**

1. Land management responsibilities of economic zone management boards are prescribed as follows:

a/ To coordinate with organizations in charge of compensation and ground clearance in providing compensation, support and resettlement;

b/ To decide on land use levy and land rental rates provided that the land price used for land use levy or land rental calculation is not lower than the land price in the land price table prescribed by the provincial-level People's Committee; and on land use levy or land rental exemption and reduction for each project in case of land re-allocation or lease according to the Government's regulations;

c/ To recover the re-allocated or leased land from land users that commit violations of the land law as prescribed at Points a, b, c, d, e, g and i, Clause 1, Article 64 of the Land Law; or from

land users that terminate land use under law or voluntarily return land as prescribed at Points a, b, c and d, Clause 1, Article 65 of the Land Law; to manage the recovered land areas prescribed at this Point;

d/ To establish the order and administrative procedures related to land in economic zones;

e/ To send land allocation, land lease or land use term extension decisions and extracts of cadastral maps or extracts of cadastral measurements of the land area to the land registration office for registration in the cadastral records and updating of the land database, and submit dossiers to competent agencies for grant of certificates of land use rights and ownership of houses and other land-attached assets.

2. Inspection and settlement of land-related complaints, denunciations and disputes in economic zones must comply with the laws on complaints, denunciations and land.

3. The management and use of other land outside the functional areas of economic zones and other tasks related to the management of land in economic zones shall be performed by administrative agencies at all levels in accordance with the land law.

**Article 54.** Land for implementation of build-transfer (BT) and build-operate-transfer (BOT) projects

1. The State shall allocate land areas to investors for implementing BT projects; investors are not required to pay land use levy or land rental during the construction of facilities under approved projects and shall preserve the land areas allocated to them for management and use strictly according to the purposes indicated in the projects.

The transfer of facilities and land areas under these projects shall be conducted within the time limit written in approved investment projects or the extended time limit for transfer as permitted by competent state agencies. Past the time limit for transfer, if the investors fail to transfer, they shall lease land from the State, with the time of land lease starting from the end of the time of construction of facilities under the approved projects.

2. The State shall allocate or lease land to investors for implementation of BOT projects; investors are entitled to exemption from or reduction of land use levy or land rental under the Government's regulations.

3. Persons who are transferred facilities for use and operation shall be allocated or leased land by the State or assigned to manage land areas with such facilities in accordance with the land law.

**Article 55.** Land for civil airports and airfields

1. Based on approved detailed master plans on airports and airfields, the Ministry of Transport shall assume the prime responsibility for, and coordinate with the Ministry of National Defense in, directing the determination of boundaries of areas exclusively used for civil activities and areas commonly used for civil and military activities under civil management.



2. Land used for the purposes specified at Points a and b, Clause 1, Article 156 of the Land Law shall be allocated for a stable and long term; land used for the purposes specified at Points c and d, Clause 1, Article 156 of the Land Law shall be leased for a term not exceeding 50 years. Upon the expiration of the land lease term, the current users may be considered for extension of the land lease term if they wish to continue using land.

3. Provincial-level People's Committees shall decide on rent rates for land in airports and airfields in accordance with the land law.

4. For land areas allocated by provincial-level People's Committees, airport authorities shall:

a/ Manage and use land properly and effectively;

b/ Examine the use of land and the fulfillment of land-related financial obligations by organizations and individuals that are allocated or leased land by the airport authorities;

c/ Decide to recover land from those that are allocated land by the airport authorities that fall in the cases specified at Points a, b, e, g and i, Clause 1, Article 64, and Points a, b, c and d, Clause 1, Article 65, of the Land Law. Decide to terminate land lease contracts with those breaching the contracts.

5. Inspection and settlement of complaints, denunciations and disputes related to land of airports and airfields must comply with the laws on complaints, denunciations and land.

6. The Ministry of Transport shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment in, detailing this Article.

**Article 56.** Land for construction of public facilities with safety protection corridors

1. For land for safety protection corridors of public facilities under decisions of competent state agencies while such facilities do not use surface land, land shall be leased only during the construction of the facilities.

2. Pursuant to competent state agencies' regulations on the scope of safety protection corridors of facilities, organizations directly managing facilities with safety protection corridors shall assume the prime responsibility for, and coordinate with People's Committees of localities where the facilities are built in, drawing plans on placement of boundary landmarks to specifically determine safety protection corridors and submit such plans to provincial-level People's Committees of localities where the facilities are built, for approval; and at the same time, to notify People's Committees at all levels of localities where the facilities are built, for coordination in the protection of their safety corridors.

3. Within 30 working days after having plans on placement of boundary landmarks to specifically determine safety protection corridors approved by provincial-level People's Committees, organizations directly managing facilities with safety protection corridors shall assume the prime responsibility for, and coordinate with district-level People's Committees and

commune-level People's Committees of localities where the facilities are built in, publicizing boundary landmarks of facilities protection corridors and place boundary landmarks in the field, then deliver such boundary landmarks to commune-level People's Committees of localities where the facilities are built, for management.

4. Organizations directly managing facilities with safety protection corridors shall assume the prime responsibility for, and coordinate with commune-level People's Committees and district-level Natural Resources and Environment Divisions of localities where the facilities are built in, reviewing the land use status within their safety protection corridors in order to propose handling measures to competent state agencies according to the following provisions:

a/ In case the use of land affects the safety protection of facilities or in case the operation of facilities directly affects the life or health of land users, agencies in charge of state management of such facilities shall appraise the level of impacts, and, if land recovery is needed, propose competent People's Committees to decide on recovery of such land. Persons having land recovered are entitled to compensation and support for land and land-attached assets which already exist before the facilities' safety corridors are publicized, and to resettlement in accordance with law.

In case the use of land affects the safety protection of facilities, their owners and land users shall take remedies. Facility owners shall take responsibility for such remedy; if they are unable to take remedies, the State shall recover land and persons having land recovered are entitled to compensation, support and resettlement in accordance with law;

b/ In the cases of land use not specified at Point a of this Clause, current users of land within facility safety protection corridors may continue using such land according to the set purposes and shall comply with regulations on facilities safety protection;

c/ Certificates of land use rights and ownership of houses and other land-attached assets shall be granted for land within facility safety protection corridors in case the conditions for grant of such certificates are fully met in accordance with the Land Law, unless land recovery notices of decisions have been issued.

Persons who are granted certificates of land use rights and ownership of houses and other land-attached assets may only use the land under Point b of this Clause.

5. Agencies and organizations directly managing facilities with safety protection corridors shall take main responsibility for the safety protection of the facilities. In case the safety protection corridors are encroached, occupied or illegally used, they shall promptly report the case to commune-level People's Committees of localities where exist such corridors, for handling.

6. Chairpersons of People's Committees at all levels of localities where facilities with safety protection corridors are located shall:

a/ Detect and promptly handle cases of encroaching upon, occupying or illegally using land areas within the safety protection corridors; promptly stop the illegal building of facilities on the land of the safety protection corridors; and force violators to restore the original status of land;

b/ Coordinate with agencies or organizations directly managing the facilities in disseminating regulations on safety protection of facilities and in publicizing boundary landmarks of the facilities' safety protection corridors;

c/ Chairpersons of People's Committees at all levels shall take joint responsibility for the cases of encroaching upon, occupying or illegally using land areas within the safety protection corridors of facilities in their localities in accordance with law.

7. The temporary use of land for construction of public facilities with safety protection corridors shall be agreed upon by construction units and land users in accordance with the civil law.

#### **Article 57.** Use of land for construction of underground facilities

Based on land use master plans and plans, master plans on space for urban underground construction and other relevant master plans approved by competent state agencies, provincial-level People's Committees shall decide to allocate or lease land for the construction of underground facilities according to the following provisions:

1. Economic organizations, overseas Vietnamese and foreign-invested enterprises may be leased land by the State with annual land use levy or full one-off rental payment for the entire lease term if they use land to construct underground facilities for commercial purposes.

2. Economic organizations, overseas Vietnamese and foreign-invested enterprises may be allocated land by the State without land use levy if they use land to construct underground facilities not for commercial purposes.

3. The use of land for the construction of underground facilities in the form of BT or BOT projects must comply with Article 54 of this Decree.

#### **Section 4. MANAGEMENT OF UNUSED LAND AND PUTTING OF UNUSED LAND TO USE**

##### **Article 58.** Management of unused land

1. Unused land includes unused flatland, unused hilly and mountainous land and rocky mountains with no forests.

2. Annually, commune-level People's Committees shall report on the management and exploitation of unused land areas to district-level People's Committees.

##### **Article 59.** Measures to put unused land to use under approved land use plans

1. The State shall adopt policies on infrastructure investment in border, island, deep-lying, remote and highland areas, areas having much land but sparsely inhabited, and areas with difficult natural conditions in order to put unused land to use; and to exempt or reduce land use levy or land rental for cases of allocation or lease of unused land for use.

2. Provincial-level People's Committees shall use revenues collected from the change of land under wet rice cultivation into land used for other purposes and other lawful funding sources for the reclamation, rehabilitation and use of unused land.

## **Chapter VII**

### **ORDER AND ADMINISTRATIVE PROCEDURES FOR MANAGEMENT AND USE OF LAND**

#### **Section 1. GENERAL PROVISIONS**

**Article 60.** Dossier submission and notification of results of implementation of land-related administrative procedures

1. Agencies receiving dossiers and notifying results of settlement of procedures for land allocation, land lease and change of land use purpose are prescribed as follows:

a/ Provincial-level Natural Resources and Environment Departments shall receive dossiers and notify results for the cases prescribed in Clause 1, Article 59 of the Land Law;

b/ District-level Natural Resources and Environment Divisions shall receive dossiers and notify results for the cases prescribed in Clause 2, Article 59 of the Land Law.

2. Agencies receiving dossiers and notifying results of settlement of procedures for registration of land and other land-attached assets; granting, renewing and re-granting certificates are land registration offices. In localities where land registration offices have not been established, provincial-level land use rights registration offices shall receive dossiers from organizations, religious institutions and overseas Vietnamese implementing investment projects, foreign organizations and individuals and foreign-invested enterprises; district-level land use rights registration offices shall receive dossiers from households, individuals, communities and overseas Vietnamese entitled to own houses associated with residential land use rights in Vietnam.

For households, individuals or communities wishing to submit dossiers to commune-level People's Committees, commune-level People's Committees of localities where the land is located shall receive dossiers and notify results. In case of registration of changes in land and land-attached assets; and grant and re-grant of certificates, within 3 working days after receiving a complete dossier, a commune-level People's Committee shall forward that dossier to the land registration office.

3. Localities that have organized the one-stop-shop section for receiving dossiers and notifying results of implementation of administrative procedures according to the Government's regulations, the agencies specified in Clauses 1 and 2 of this Article shall receive dossiers and notify results through the one-stop-shop section under decisions of provincial-level People's Committees.

4. Hi-tech zone and economic zone management boards; and airport authorities are focal points for receiving dossiers and notifying results of implementation of land-related administrative procedures in hi-tech zones, economic zones, airports and airfields.

5. Results of settlement of administrative procedures shall be notified as follows:

a/ Results of settlement of administrative procedures shall be notified to land users and owners of land-attached assets within 3 working days after those results are available, except the case prescribed at Point b of this Clause;

b/ In case financial obligations related to administrative procedures shall be fulfilled, certificates of land use rights and ownership of houses and land-attached assets shall be handed over after land users and owners of land-attached assets submit documents on fulfillment of financial obligations under regulations. In case of land lease with annual rental payment, results shall be notified after land users have signed land lease contracts. In case of exemption from financial obligations related to administrative procedures, results shall be notified after receipt of a competent agency's written certification of such exemption;

c/ For a dossier ineligible for settlement, the dossier-receiving agency shall return it and clearly notify the reason for its ineligibility.

**Article 61.** Time limit for implementation of land-related administrative procedures

1. The time limits for implementation of procedures for land allocation, land lease and change of land use purpose are prescribed as follows:

a/ Land allocation or lease: 20 days excluding the time for ground clearance;

b/ Change of land use purpose: 15 days.

2. The time limits for implementation of procedures for registration of land and land- attached assets; and grant and re-grant of certificates are prescribed as follows:

a/ Registration of land and land-attached assets, grant of certificates of land use rights and ownership of houses and other land-attached assets: 30 days;

b/ Registration and grant of certificates of land use rights and ownership of houses and other land-attached assets to acquirers of land use rights and ownership of houses or construction facilities from construction investment organizations: 30 days;

c/ Registration and grant of supplemented certificates of land use rights and ownership of houses and other land-attached assets for land-attached assets: 20 days;

d/ Registration of changes in land and land-attached assets in case of winning auctions of land use rights; settlement of land-related disputes, complaints or denunciations; handling of mortgage or capital contribution contracts; distraint or auction of land use rights and land-attached assets for judgment enforcement; division, split, consolidation or merger of organizations, company transformation; agreement on consolidation or division of land use rights and ownership of land-attached assets of households, husband and wife or groups of land users: 15 days;

dd/ Split or consolidation of land parcels; registration of land allocated by the State for management: 20 days;

e/ Extension of land use term: 15 days;

g/ Certification of continued use of agricultural land by households or individuals upon expiration of land use term: 10 days;

h/ Registration of establishment, change or termination of limited use rights on the adjacent land parcel: 10 days;

i/ Registration of changes as a result of change of names of land users or owners of land-attached assets or change of shape, size, area, number or address of land parcels or change of limitations on land use rights or change in financial obligations or change in land-attached assets compared with registered contents: 15 days;

k/ Shift from land lease with annual rental payment to lease with full one-off rental payment; from allocation of land by the State without land use levy to land lease; from land lease to allocation of land with land use levy: 30 days;

l/ Exchange, transfer, inheritance, donation and registration of contribution of land use rights and ownership of land-attached assets as capital: 10 days;

m/ Deregistration of contribution of land use rights and ownership of land-attached assets as capital: 5 working days;

n/ Registration, deregistration of mortgage, lease or sub-lease of land use rights: 3 working days;

o/ Transformation of land use rights and ownership of land-attached assets of husband or wife into common ownership of both husband and wife: 10 days;

p/ Renewal of certificates, certificates of house ownership or certificates of construction facility ownership: 10 days; in case of renewal of certificates for many land users due to redrawing of maps: 50 days;

q/ Re-grant of certificates, certificates of house ownership or certificates of construction facility ownership due to loss: 30 days.

3. The time limit for implementation of procedures for conciliation and settlement of land-related disputes is prescribed as follows:

a /Conciliation of land-related disputes: 45 days;

b/ Settlement of land-related disputes within the competence of chairpersons of district- level People's Committees: 45 days;

c/ Settlement of land-related disputes under the competence of chairpersons of provincial- level People's Committees: 60 days;

d/ Settlement of land-related disputes within the competence of the Minister of Natural Resources and Environment: 90 days;

dd/ Coercive enforcement of decisions on settlement of land-related disputes or decisions on recognition of successful conciliation: 30 days.

4. The time limit prescribed in Clause 1, 2 or 3 of this Article shall be counted from the date of receipt of valid dossiers and exclude the time for fulfillment of financial obligations of land users, for consideration and handling of cases of unlawful land use and for solicitation of expert opinions.

Within 3 days after receiving an incomplete or invalid dossier, the dossier-receiving and -processing agency shall notify and guide the person submitting the dossier to supplement the dossier under regulations.

For communes in mountainous, island, deep-lying and remote areas and areas with difficult socio-economic conditions, the time limit for implementation of each procedure prescribed in this Article shall be extended for 15 days.

**Article 62.** Responsibilities for prescribing dossiers, implementation time and order and land-related administrative procedures

1. The Ministry of Natural Resources and Environment shall specify the form and components of the dossier for implementation of land-related administrative procedures prescribed in this Decree.

2. Provincial-level People's Committees shall specify agencies receiving and settling procedures; time and steps for implementation of procedures of each related agency or unit and coordinated settlement between related agencies under the one-stop-shop mechanism suitable to local practical conditions, which, however, must not exceed the total time limit prescribed for each procedure under this Decree.

**Article 63.** Determination of financial obligations of land users in implementation of administrative procedures for land management and use

1. Land use levy, land rental, land-related taxes and registration fee (below referred to as financial obligations) shall be determined by tax agencies. Provincial-level Natural Resources and Environment Departments, district-level Natural Resources and Environment Divisions or land registration offices shall provide cadastral information for tax agencies in cases of eligibility and subject to financial obligations under regulations.

Land prices for calculation of financial obligations shall be determined by provincial-level Natural Resources and Environment Departments; or by tax agencies, in case of application of the land price adjustment coefficient for determination of specific land prices.

2. Tax agencies shall notify financial obligations to land users or owners of land-attached assets as prescribed by law within 5 working days from the date of receipt of cadastral information.

Competent agencies shall sign certificates of land use rights and ownership of houses and other land-attached assets, for land users and owners of land-attached assets exempted from, or entitled to owe, financial obligations, those subject to financial obligations and having fulfilled these obligations, and those having obtained decisions on exemption from financial obligations in accordance with law.

3. Dossier-receiving agencies shall determine amounts of charges and fees related to land management and use, except the registration fee prescribed in Clause 1 of this Article, to be paid by land users upon implementation of administrative procedures for land management and use; and notify and guide land users to pay them in accordance with law.

**Article 64.** Contracts and transaction documents on land use rights and ownership of land-attached assets

1. Contracts and transaction documents on land use rights and ownership of land-attached assets of households shall be signed by the persons named in the certificates or authorized in accordance with the civil law.

2. Contracts and transaction documents on land use rights and ownership of land-attached assets of groups of land users or groups of owners of land-attached assets shall be signed by all group members or enclosed with authorization documents in accordance with the civil law, except the case of apartment owners sharing the use of a land parcel in an apartment building.

## **Section 2. ORDER OF AND PROCEDURES FOR LAND RECOVERY, REQUISITION, ALLOCATION AND LEASE AND CHANGE OF LAND USE PURPOSE**

**Article 65.** Order and procedures for land recovery due to lawful termination of land use, voluntary return of land and the risk of threatening human life



1. The order of and procedures for land recovery due to lawful termination of land use or voluntary return of land are prescribed as follows:

a/ Organizations that are allocated land by the State without land use levy, allocated land by the State with land use levy which is paid from state budget-originated sources, or leased land with annual rental payment and move to other places or have lower demand or no longer have demand for land use; and land users that voluntarily return land shall send land return notices or documents and certificates of land use rights and ownership of houses and other land-attached assets to natural resources and environment agencies;

b/ For recovery of land from dissolved or bankrupt organizations allocated land by the State without land use levy or with land use levy which is paid from state budget-originated sources, or leasing land with annual rental payment, agencies issuing dissolution or bankruptcy decisions shall send these decisions to provincial-level Natural Resources and Environment Departments of localities where land is recovered;

c/ For recovery of land of individual land users who die without heirs, commune-level People's Committees of places of residence of these individual land users shall send death certificates or decisions declaring the death of such a person in accordance with law and their written certifications of persons who die without heirs to district-level Natural Resources and Environment Divisions of localities where land is recovered;

d/ For cases of definite land use term, natural resources and environment agencies shall annually review and issue notices of those ineligible for extension of land use term;

dd/ Natural resources and environment agencies shall conduct field inspection and verification when necessary; propose People's Committees of the same level to decide on land recovery; organize land recovery in the field and handover to land fund development organizations or commune-level People's Committees for management; direct the updating and modification of the land database and cadastral records and revoke certificates or notify the cancellation of certificates in case of failure to revoke certificates.

2. The order and procedures for recovery of land in polluted areas at risk of threatening human life; land at risk of landslide or land subsidence or being affected by other natural disasters threatening human life are prescribed as follows:

a/ District- or provincial-level People's Committees shall assign competent agencies to examine and determine the level of environmental pollution, landslide, land subsidence or impacts of other natural disasters threatening human life;

b/ After competent agencies issuing documents determining the level of environmental pollution, landslide, land subsidence or impacts of other natural disasters threatening human life, due to which land shall be recovered, natural resources and environment agencies shall perform the jobs prescribed at Point dd, Clause 1 of this Article;

c/ Competent agencies shall arrange temporary residences and provide resettlement for persons subject to coerced relocation, for land recovery cases prescribed at Points dd and e, Clause 1, Article 65 of the Land Law.

3. Coercion of land recovery due to lawful termination of land use or the risk of threatening human life:

a/ Coercion of land recovery must adhere to the principles prescribed in Clause 1, Article 70 of the Land Law;

b/ After land recovery decisions are issued, natural resources and environment agencies shall coordinate with commune-level People's Committees and commune-level Vietnam Fatherland Front Committees in mobilizing and persuading persons subject to land recovery to hand over land;

c/ When persons subject to land recovery fail to implement land recovery decisions after being mobilized and persuaded, natural resources and environment agencies shall propose People's Committees that have issued land recovery decisions to issue decisions on coercive enforcement of land recovery decisions;

d/ Assigned coercion organizations shall make coercion plans and submit them to People's Committees having issued coercion decisions for approval;

dd/ Assigned coercion organizations shall mobilize and persuade coerced persons to voluntarily hand over land;

e/ People's Committees having issued coercion decisions shall organize forces to coerce coercion decisions for coerced persons or organizations failing to implement coercion decisions after being mobilized and persuaded under Point dd of this Clause.

4. Natural resources and environment agencies shall direct the updating and modification of the land database and cadastral records; revocation of certificates or notification of the invalidity of certificates for land users failing to return certificates.

5. Settlement of complaints about land recovery decisions lodged by persons subject to land recovery must comply with the law on settlement of complaints.

#### **Article 66.** Order and procedures for land recovery due to violation of law

1. For land recovery due to violation of law, when the statute of limitations for sanctioning administrative violations expires under the law on handling of administrative violations, competent sanctioning persons shall make records of administrative violations as a basis for land recovery.

When land-related violations of law are not subject to sanctioning of administrative violations under the law on sanctioning of administrative violations in the field of land, records of the

violations must be made in the witness of representatives of commune-level People's Committees as a basis for deciding on land recovery according to the following provisions:

a/ Natural resources and environment agencies shall conduct examination to determine the violations prescribed at Points c, d and g, Clause 1, Article 64 of the Land Law; and conduct inspection to determine the violations prescribed at Points h and i, Clause 1, Article 64 of the Land Law;

b/ Within 7 working days after making a record, the person assigned to conduct examination or inspection shall send this record to the competent land recovery agency for direction for land recovery.

2. Natural resources and environment agencies shall conduct field inspection and verification when necessary and propose People's Committees of the same level to decide on land recovery.

3. Competent People's Committees shall:

a/ Notify the land recovery to land users and publish it on the websites of provincial- level and district-level People's Committees;

b/ Direct the handling of the residual value of the investments on land or land-attached assets (if any) in accordance with law;

c/ Organize the coercive enforcement of land recovery decisions under Clause 3, Article 65 of this Decree;

d/ Arrange funds for the coercion of land recovery.

4. Natural resources and environment agencies shall direct the updating and modification of the land database and cadastral records; and revocation of certificates or notification of invalidity of certificates for land users failing to return certificates.

#### **Article 67.** Detailed provisions on order and procedures for land requisition

1. A decision on or written certification of land requisition must have the following major contents:

a/ Full name, position and working place of the person deciding on land requisition;

b/ Name and address and the person subject to land requisition or the person currently managing and using land to be requisitioned;

c/ Name and address of the organization or person to be allocated the requisitioned land;

d/ Purpose and term of land requisition;

dd/ Position, area, type of land and assets attached to land to be requisitioned;

e/ Time for handover of requisitioned land.

2. The return of requisitioned land to land users after the land requisition term must comply with the following provisions:

a/ The person competent to decide on land requisition shall issue a decision on return of requisitioned land and send it to the person having the requisitioned land;

b/ If the person having the requisitioned land voluntarily donates land to the State, procedures for donation of land use rights shall be carried out in accordance with law.

3. Responsibilities for determination of level of compensation for damage caused by land requisition are prescribed as follows:

a/ The chairperson of the district-level People's Committee of the locality where the requisitioned land is located shall determine the level of compensation for damage caused by land requisition, except the case prescribed at Point b of this Clause;

b/ The chairperson of the provincial-level People's Committee of the locality where the requisitioned land is located shall determine the level of compensation for damage caused by land requisition in case the requisitioned land is within the administrative boundaries of different district-level administrative units.

4. A council for determination of level of compensation for damage caused by land requisition shall be composed of:

a/ The chairperson or a vice chairperson of the People's Committee as its head;

b/ Members from the natural resources and environment and finance agencies and other related members;

c/ Representative of the agency of the person competent to issue the land requisition decision;

d/ Representatives of the district-level People's Court and People's Procuracy of the locality where the land is located;

dd/ Members being representatives of the commune-level Vietnam Fatherland Front;

e/ Representative of the person having the requisitioned land.

**Article 68.** Order and procedures for land allocation, land lease and permission for change of use purpose of land for rice cultivation, land for protection forests and land for special-use forests to other purposes

1. The order and procedures for appraisal of land use demand and appraisal of conditions for land allocation, land lease and permission for change of land use purpose are prescribed as follows:

a/ The requester for land allocation, land lease or change of land use purpose shall submit a dossier for appraisal to the natural resources and environment agency.

Investment projects in which investment has been decided by the National Assembly or approved in principle by the Prime Minister are not required to go through appraisal procedures prescribed in this Clause;

b/ Within 30 days after receiving a complete and valid dossier, the natural resources and environment agency shall send an appraisal document to the investor for compilation of a dossier of request for land allocation, land rent or change of land use purpose.

The time limit prescribed at this Point excludes the time for implementation of procedures for permission for change of use purpose of land for rice cultivation, land for protection forest or land for special-use forests for implementation of investment projects prescribed in Clause 2 of this Article;

c/ The Ministry of Natural Resources and Environment shall specify the appraisal of land use demand and conditions for land allocation, land lease or change of land use purpose.

2. The order and procedures for permission for change of use purpose of land for rice cultivation, land for protection forests or special-use forests for implementation of investment projects are prescribed as follows:

a/ Natural resources and environment agencies shall summarize demands for change of use purpose of land for rice cultivation, land for special-use forests or land for protection forests for implementation of investment projects in localities and submit them to People's Committees of the same level for reporting to superior People's Committees or the Ministry of Natural Resources and Environment;

b/ Within 10 working days after receiving a complete and valid dossier, the provincial- level People's Committee shall assume the prime responsibility for appraising the dossier and submit it to the provincial-level People's Council for approval before a competent People's Committee decides on the change of land use purpose. The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with the Ministry of Agriculture and Rural Development in, conducting the appraisal and shall propose the Prime Minister to approve the change of land use purpose before a competent People's Committee decides on such change;

c/ After the Prime Minister issues a written approval of change of land use purpose, the provincial-level People's Council shall adopt a resolution on change of land use purpose and a competent People's Committee shall organize the land recovery, land allocation, land lease or change of land use purpose.

3. The order and procedures for land allocation and land lease not through auction of land use rights are prescribed as follows:

a/ The natural resources and environment agency shall guide the investor in compiling a dossier of request for land allocation or land lease and fulfilling financial obligations as prescribed by law; and propose a competent People's Committee to decide on the land allocation or land lease; and sign a land lease contract, in case of land lease;

b/ The person that is allocated or leased land shall pay land use levy in case of land allocation with land use levy, or pay land rental in case of land lease;

c/ The natural resources and environment agency shall propose a competent state agency to grant a certificate of land use rights and ownership of houses and other land-attached assets; organize land allocation in the field; hand over the certificate to the person that is allocated or leased land; and direct the updating and modification of the land database and cadastral records.

4. For land allocation and land lease not through auction of land use rights for project implementation prescribed in Articles 61 and 62 of the Land Law, some preparation steps for land allocation or land lease concurrently carried out together with the order and procedures for land recovery are prescribed as follows:

a/ During the implementation of the plan on land recovery, investigation, survey, measurement and inventory, the investor may conduct survey and measurement for elaboration of an investment project in accordance with the investment law and construction law. The competent agency shall carry out procedures for appraisal of the investor's land use demand and conditions for land allocation or land lease;

b/ During implementation of the approved compensation, support and resettlement plan, the investor may submit a dossier of request for land allocation or land lease without having to wait until the ground clearance is completed.

5. For land allocation and lease through auction of land use rights, the order and procedures for allocation and lease of land with cleared ground are prescribed as follows:

a/ Based on the district-level annual land use plan approved by a competent state agency, the natural resources and environment agency shall direct the elaboration of a land use right auction plan for submission to the People's Committee of the same level for approval;

b/ The organization selected under the approved land use right auction plan shall organize the auction of land use rights;

c/ The competent People's Committee shall issue a decision recognizing the auction winning result;

d/ After the auction winner fulfills financial obligations, the natural resources and environment agency shall propose a competent agency to grant a certificate and sign a land lease contract, in

case of land lease; organize the handover of land in the field and deliver the certificate; and direct the updating and modification of the land database and cadastral records.

When an auction winner fails to fully pay the required amount, the natural resources and environment agency shall propose the competent People's Committee to cancel the decision recognizing the auction winning result.

6. The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with the Ministry of Justice in, organizing auctions of land use rights upon land allocation or lease by the State.

**Article 69.** Order and procedures for permission for change of land use purpose

1. A land user shall submit a written request for change of land use purpose together with the certificate to the natural resources and environment agency.

2. The natural resources and environment agency shall appraise the dossier; conduct field verification and appraise the demand for change of land use purpose; guide the land user in fulfilling financial obligations in accordance with law; propose the competent People's Committee to permit the change of land use purpose; and direct the updating and modification of the land database and cadastral records.

An investor that acquires land use rights from a current land user for implementation of an investment project shall carry out procedures for transfer of land use rights concurrently with procedures for permission for change of land use purpose.

3. The land user shall fulfill financial obligations under regulations.

**Section 3. ORDER AND PROCEDURES FOR REGISTRATION OF LAND AND LAND-ATTACHED ASSETS AND GRANT OF CERTIFICATES OF LAND USE RIGHTS AND OWNERSHIP OF HOUSES AND LAND-ATTACHED ASSETS**

**Article 70.** Order and procedures for registration of land and land-attached assets and grant of certificates of land use rights and ownership of houses and land-attached assets for the first time and additional registration of land-attached assets

1. A land user shall submit a set of dossier under regulations for carrying out registration procedures.

2. When a household, an individual, a community or an overseas Vietnamese entitled to own houses in Vietnam requests registration of land and land-attached assets or grant of a certificate of land use rights and ownership of houses and other land-attached assets, the commune-level People's Committee shall examine the dossier and perform the following jobs:

a/ For land registration, certifying the current land use status as compared with declared registration contents. In case the papers specified in Article 100 of the Land Law and Article 18

of this Decree are not available, certifying the origin and the time of land use, state of land use-related dispute and conformity with planning.

For registration of land-attached assets, certifying the current state of land-attached assets as compared with declared registration contents. In case the papers specified in Articles 31, 32, 33 and 34 of this Decree are not available, certifying the status of dispute over the asset ownership; for houses and construction facilities, certifying the time of creation of assets, case subject or not subject to construction licensing and conformity with approved planning; certifying plans of houses or construction facilities in case of unavailability of certification by a legal entity engaged in construction or map survey operations;

b/ In case of unavailability of cadastral maps, before performing the jobs specified at Point a of this Clause, notifying the land registration office to conduct cadastral measurement of the land parcel or examine the cadastral measurement document of the land parcel submitted by the land user (if any);

c/ Publicly posting up for 15 days the results of dossier examination, certification of current land use status and state of dispute, origin and use time of land at its office and in the residential area where the land and land-attached assets are located; considering and settling feedback on the publicized contents, and sending the dossier to the land registration office.

3. The land registration office shall perform the following jobs:

a/ For households, individuals and communities submitting dossiers to the land registration office, sending the dossiers to the commune-level People's Committee for certification and publication of results under Clause 2 of this Article;

b/ Extracting cadastral maps or conducting cadastral measurement of land parcels without cadastral maps or with cadastral maps but changed land use boundaries or examining cadastral measurement documents of land parcels submitted by land users (if any);

c/ Examining and certifying plans of land-attached assets which have not been certified by legal entities engaged in construction or map survey operations, for domestic organizations, religious institutions, foreign organizations and individuals and overseas Vietnamese implementing investment projects;

d/ Examining registration dossiers; conducting field verification when necessary; certifying in the written requests the eligibility or ineligibility for grant of certificates of land use rights and ownership of houses and other land-attached assets;

dd/ In case owners of land-attached assets do not have the papers, or the current status of assets has changed as compared with the papers, specified in Articles 31, 32, 33 and 34 of this Decree, sending written requests for opinions of state management agencies about those assets, which shall issue written replies to the land registration office within 5 working days;



e/ Updating information on land parcels and land-attached assets, registering in the cadastral records and land database (if any);

g / For land users applying for certificates of land use rights and ownership of houses and other land-attached assets, sending cadastral information to the tax agency for determination and notification of financial obligations, except cases not subject to financial obligations or entitled to owe financial obligations as prescribed by law; preparing dossiers for the natural resources and environment agency to submit for signing certificates of land use rights and ownership of houses and other land-attached assets; additionally updating the grant of certificates of land use rights and ownership of houses and other land-attached assets to the cadastral records and land database; handing over certificates of land use rights and ownership of houses and other land-attached assets to the persons concerned or sending these certificates to the commune-level People's Committee for handover to the persons concerned, if dossiers are submitted at the commune level.

4. The natural resources and environment agency shall perform the following jobs:

a/ Examining dossiers and proposing a competent agency to grant certificates of land use rights and ownership of houses and other land-attached assets;

In case of land lease, proposing a competent People's Committee to sign land lease decisions; signing land lease contracts and proposing a competent agency to grant certificates of land use rights and ownership of houses and other land-attached assets after land users have fulfilled financial obligations in accordance with law.

b/ Sending processed dossiers to the land registration office.

5. A land user that has registered land in accordance with law and now wishes to obtain a certificate of land use rights and ownership of houses and other land-attached assets shall submit an application for such certificate. The land registration office and natural resources and environment agency shall perform the jobs specified at Point g, Clause 3, and Clause 4 of this Article.

**Article 71.** Order and procedures for land registration for those that are allocated land by the State for management

1. Person that are currently allocated land by the State for management under Article 8 of the Land Law and have not registered such land shall send 1 set of land registration dossier. The land registration office shall examine the current land use status and update information in the cadastral records and land database.

2. In case competent state agencies allocate land for management, based on decisions on land allocation for management, the land registration office shall update information in the cadastral records and land database.

**Article 72.** Order and procedures for registration and grant of certificates of land use rights and ownership of houses and other land-attached assets to acquirers of land use rights and buyers of houses and construction facilities under housing development projects

1. After completing a work, the housing development project investor shall send to the provincial-level Natural Resources and Environment Department the following documents:

a/ Project approval decision, investment decision, investment license or investment certificate;

b/ Decision approving the detailed construction master plan on a 1:500 scale; construction license (if any);

c/ Certificate or decision on land allocation or lease of a competent agency; documents proving the housing development project investor's fulfillment of financial obligations (except cases entitled to exemption or owing as prescribed by law);

d/ Plans of built houses and land which are as-built drawings of the ground or design drawings of the ground with sizes of edges of each sold apartment in conformity with the current construction status and signed contract; list of apartments and construction facilities for sale (with information on apartment number, land area, construction area and common use area and area of each apartment); for an apartment building, the plan must show the scope (size and area) of the land for common use of apartment owners, construction ground of the apartment building and grounds of each floor and each apartment;

dd/ Reports on project implementation results.

2. Within 30 days after receiving a dossier, the provincial-level Natural Resources and Environment Department shall examine the current land use status and built houses and construction facilities and conditions for transfer of land use rights and sale of houses of the project investor.

After completing the examination, the provincial-level Natural Resources and Environment Department shall send to the project investor a notice of examination results; send the notice together with the plan of examined houses and land to the land registration office for implementing procedures for registration of houses and land for buyers, for cases eligible as prescribed by law.

3. The housing project investor shall submit 1 set of dossier for registration and grant of a certificate of land use rights and ownership of houses and other land-attached assets on behalf of the acquirer of land use rights and buyers of houses and construction facilities or provide dossiers for buyers to make registration themselves. A dossier must comprise:

a/ Written request for registration of land and land-attached assets and grant of a certificate of land use rights and ownership of houses and other land-attached assets;

b/ Contract on transfer of land use rights, house and construction facility purchase and sale as prescribed by law;

c/ Record of handover of houses, land and construction facilities.

4. The land registration office shall perform the following jobs:

a/ Examining legal documents in the dossier; certifying the eligibility or ineligibility for grant of a certificate of land use rights and ownership of houses and other land-attached assets in the written request for registration;

b/ Sending cadastral information to the tax agency for determination of financial obligations (if any);

c/ Updating information in the cadastral records and land database (if any);

d/ Preparing a dossier for submission to a competent agency for grant of a certificate of land use rights and ownership of houses and other land-attached assets under Article 37 of this Decree;

dd/ Requesting the project investor to submit the granted certificate of land use rights and ownership of houses and other land-attached assets for modification of the cadastral records and land database;

e/ Handing over the certificate of land use rights and ownership of houses and other land-attached assets to the person concerned.

5. The provincial-level Natural Resources and Environment Department shall report on project investors violating the laws on land, construction and housing to the provincial-level People's Committee for handling in accordance with law.

**Article 73.** Order and procedures for registration of establishment, change or termination of limited use rights on adjacent land parcels

1. When arise, change or terminate the limited use rights on the adjacent land parcel, one of the parties shall submit a written request, the certificate (if any), the contract or the judgment or decision of the people's court to the land registration office.

2. The land registration office shall check and update in the cadastral records and land database and write on the certificate if requested.

**Article 74.** Order and procedures for extension of land use term; certification of continued use of agricultural land of households and individuals upon expiration of the land use term

1. Organizations, overseas Vietnamese, foreign-invested enterprises, households or individuals that use land outside hi-tech zones or economic zones and do not fall into the cases prescribed in

Clauses 2 and 3 of this Article, if wishing to extend their land use term, shall comply with the following provisions:

a/ At least 6 months before the expiration of the land use term, a land user that wishes to extend the land use term shall submit 1 set of dossier of request for extension of land use term.

In case the operation term of an investment project is changed due to the adjustment of such project, the dossier of request for extension of land use term shall be submitted after obtaining a document of a competent agency on the adjustment of the investment project;

b/ The natural resources and environment agency shall appraise the land use demand; if the conditions for extension are fully met, it shall assign the land registration office to send cadastral information to the tax agency for determining financial obligations; submit the dossier to the People's Committee of the same level for decision on the extension of land use rights; sign a land lease contract, in case of land lease; and transfer the dossier to the land registration office for registration.

In case the land use term extension requires registration of the adjustment of the investment project, the appraisal of the land use demand and the registration of the adjustment of the investment project shall be conducted concurrently.

In case the operation term of an investment project is changed due to the adjustment of its size, the land use term may be adjusted according to the operation term of the project;

c/ If the land use term extension is permitted, the land user shall submit the granted certificate and documents on fulfillment of financial obligations to the natural resources and environment agency;

d/ The land registration office shall certify the extension of the land use term in the granted certificate; adjust and update the change in the cadastral records and land database; hand over the certificate to the requester or send it to the commune-level People's Committee for handover, in case of submission of dossiers at commune level;

dd/ If the conditions for extension of land use term are not fully met, the natural resources and environment agency shall notify it to the land user concerned and carry out land recovery procedures according to regulations.

2. Households and individuals directly engaged in agricultural production that are using agricultural land allocated, or with land use rights recognized, by the State, or acquired through transfer, may continue to use such land according to the term prescribed in Clause 1, Article 126 and Clause 3, Article 210 of the Land Law upon the expiration of the land use term without having to register the adjustment of the land use term.

3. A household or an individual specified in Clause 2 of this Article that wishes to have the land use term re-certified in the certificate shall comply with the following order and procedures:

- a/ The land user shall submit a dossier of request for re-certification of land use term;
- b/ The commune-level People's Committee of the place where the land is located shall check the dossier and give certification that the household or individual is directly using land for agricultural production and there is no land recovery decision of a competent state agency, and send the dossier to the land registration office;
- c/ The land registration office shall check the dossier; certify the duration for continued land use according to the term prescribed in Clause 1, Article 126 and Clause 3, Article 210 of the Land Law in the granted certificate; adjust and update the change in the cadastral records and land database, and hand over the certificate to the land user or send it to the commune-level People's Committee for handover, in case of submission of dossiers at commune level.

**Article 75. Order and procedures for land parcel division or consolidation**

1. A land user shall submit a set of dossier of request for land parcel division or consolidation.
2. The land registration office shall:
  - a/ Conduct cadastral surveys for land parcel division;
  - b/ Make dossiers and submit them to a competent agency for granting certificates of land use rights and ownership of houses and other land-attached assets to the land users with regard to newly divided or consolidated land parcels;
  - c/ Adjust and update the change in the cadastral records and land database; hand over the certificates of land use rights and ownership of houses and other land-attached assets to the land users concerned or send them to the commune-level People's Committees for handover, in case of submission of dossiers at commune level.
3. In case a land parcel is divided due to the transfer of the use rights on part of the land parcel or due to the settlement of a dispute, complaint, denunciation or land auction, or due to the division of the land-using household or group of land users; due to the handling of a mortgage or capital contribution contract, distraint and auction of land use rights for enforcement of a judgment (below referred to as transfer of rights), the land registration office shall:
  - a/ Conduct cadastral surveys for land parcel division;
  - b/ Carry out the change registration procedures as prescribed by this Decree for the part of land area on which rights are transferred; at the same time certify the change in the granted certificate or submit the case to an agency competent to grant the certificate of land use rights and ownership of houses and other land-attached assets for the remaining area of the land parcel on which rights are not transferred; adjust and update the change in the cadastral records and land database; hand over the certificate to the land user concerned or send it to the commune-level People's Committee for handover, in case of submission of dossiers at commune level.

4. In case a land parcel is divided due to the recovery by the State of part of the land parcel, the natural resources and environment agency shall direct the land registration office to perform the following pursuant to the recovery decision of a competent state agency:

a/ Surveying and adjusting the cadastral map, cadastral records and land database;

b/ Certifying the change in the granted certificate and handing it over to the land user concerned or sending it to the commune-level People's Committee for handover, in case of submission of dossiers at commune level.

**Article 76. Renewal of certificates or certificates of house ownership or certificates of ownership of construction works**

1. The renewal of granted certificates, certificates of house ownership or certificates of ownership of construction works shall be made in the following cases:

a/ Land users that wish to change certificates of house ownership or certificates of ownership of construction works or certificates granted before December 10, 2009, into certificates of land use rights and ownership of houses and other land-attached assets;

b/ Granted certificates or certificates of house ownership or certificates of ownership of construction works are smeared, blurry, ragged or damaged;

c/ Consolidation and swap of land parcels, re-survey and re-measurement of areas and sizes of land parcels;

d/ Request for writing of full names of both husband and wife in the certificates, in case land use rights are or ownership of land-attached assets is common assets of husband and wife but the certificates only indicate the full name of either of them.

2. A land user shall submit 1 set of dossier of request for certificate renewal.

3. The land registration office shall:

a/ Check the dossier and certify the reason for certificate renewal in the written request;

b/ Make a dossier and submit it to a competent agency for granting a certificate of land use rights and ownership of houses and other land-attached assets;

c/ Adjust and update the change in the cadastral records and land database; hand over the certificate of land use rights and ownership of houses and other land-attached assets to the land user concerned or send it to the commune-level People's Committees for handover, in case of submission of dossiers at commune level.

4. In case the certificate is renewed after consolidation and swap of land parcels or survey and making of cadastral maps but the granted certificate is currently mortgaged at a credit institution,

the land user shall submit a copy of the contract on mortgage of land use rights and land-attached assets in replacement of the granted certificate in carrying out the renewal procedures.

The land registration office shall notify the list of cases of request for renewal of the certificate to the credit institution at which land use rights and land-attached assets are mortgaged; and certify the mortgage registration in the certificate of land use rights and ownership of houses and other land-attached assets after it is signed and granted by a competent agency.

5. The handover of certificates of land use rights and ownership of houses and other land-attached assets in the cases of renewal specified in Clause 4 of this Article shall be carried out by triple parties including the land registration office, land user and credit institution under the following provisions:

a/ The land user shall sign and receive the new certificate from the land registration office and hand it over to the credit institution being the mortgagee;

b/ The credit institution shall hand over the mortgaged old certificate to the land registration office for management.

**Article 77.** Re-grant of certificates, certificates of house ownership or certificates of ownership of construction works due to loss

1. Households, individuals or communities shall declare to the commune-level People's Committee of the locality where the land is located the loss of their certificates, certificates of house ownership or certificates of ownership of construction works. The commune-level People's Committee shall post up the loss at its office, except the loss due to a natural disaster or fire.

Domestic organizations, religious institutions, foreign organizations, foreigners or overseas Vietnamese shall announce the loss of their certificates, certificates of house ownership or certificates of ownership of construction works in the local mass media.

2. After 30 days from the date of posting up the loss of the certificate at the office of the commune-level People's Committee, for households, individuals or communities, or from the date of the first announcement in the local mass media, for domestic organizations, religious institutions, foreign organizations, foreigners or overseas Vietnamese, the person whose certificate is lost shall submit a dossier of request for re-grant of the certificate.

3. The land registration office shall check the dossier; the extract of the cadastral map or the extract of the cadastral survey of the land parcel, in case the cadastral map is unavailable and a cadastral survey of the land parcel has not yet been conducted; make a dossier and submit it to a competent state agency defined in Article 37 of this Decree for signing a decision to cancel the lost certificate and sign and re-grant the certificate of land use rights and ownership of houses and other land-attached assets; and adjust and update the change in the cadastral records and land database; hand over the certificate to the land user concerned or send it to the commune-level People's Committees for handover, in case of submission of dossiers at commune level.

**Article 78.** Order and procedures for exchanging agricultural land use rights of households and individuals for consolidation and swap of land parcels

1. Households or individuals using agricultural land themselves shall reach agreement on the documents on exchanging agricultural land use rights.
2. Commune-level People's Committees shall make plans on exchanging agricultural land use rights for the whole communes, wards or townships (including the exchange schedule), and send them to district-level Natural Resources and Environment Divisions.
3. District-level Natural Resources and Environment Divisions shall verify the plans and submit them to district-level People's Committees for approval, which shall then direct commune-level People's Committees to organize the swap of agricultural land among households and individuals according to the approved plans.
4. Provincial-level Natural Resources and Environment Departments shall direct the survey, making and adjustment of cadastral maps.
5. Households and individuals using land shall submit dossiers for renewal of certificates.
6. The land registration office shall:
  - a/ Check the dossiers and certify the change in the written requests for renewal of certificate;
  - b/ Make dossiers and submit them to competent agencies for granting certificates of land use rights and ownership of houses and other land-attached assets to land users;
  - c/ Make or update and adjust the cadastral records and land database; hand over certificates of land use rights and ownership of houses and other land-attached assets to land users in communes, wards or townships where the land is located.

For land users who mortgage land use rights at credit institutions, the land registration office shall hand over the certificates under Clause 5, Article 76 of this Decree.

**Article 79.** Order and procedures for exchange, transfer, lease, sub-lease, inheritance, donation, contribution as capital of land use rights and ownership of land-attached assets; conversion of land use rights and ownership of land-attached assets of husband or wife into common rights and ownership of husband and wife

1. A land user shall submit 1 dossier set for exercise of rights of land users and owners of land-attached assets.

For exercising the rights of land users on part of a land parcel, before submitting dossiers for exercise of rights of land users, land users shall request the land registration office to measure and divide the land area on which land users need to exercise their rights.



2. The land registration office shall check dossiers. If seeing that all conditions for exercise of rights are fully met under regulations, it shall:

a/ Send cadastral information to the tax agency for determination and notification of financial obligations, in case financial obligations must be fulfilled under regulations;

b/ Certify the change in the granted certificates under regulations of the Ministry of Natural Resources and Environment.

In case a certificate of land use rights and ownership of houses and other land-attached assets must be granted, it shall make a dossier and submit it to a competent agency for granting such certificate to the land user concerned;

c/ Adjust and update changes in the cadastral records and land database; hand over the certificates to land users or to commune-level People's Committees for handover, in case of submission of dossiers at commune level.

3. In case a land user donates land use rights for the construction of public facilities, a document on donation of land use rights must be made under regulations.

After the construction of public facilities on the donated land is completed, the land registration office shall base itself on the donation document already certified by the commune-level People's Committee and on the current land use status to survey and update the change in the cadastral records and land database, and notify the land user to submit the granted certificate for change certification. In case the land user donates the whole land area under the granted certificate, the land registration office shall withdraw the certificate for management.

4. In case the applicant for a certificate dies before being handed over the certificate, the person who inherits land use rights in accordance with the inheritance law shall additionally submit a paper on inheritance as prescribed.

The land registration office shall certify the inheritance in the granted certificate or make a dossier and submit it to a competent agency for granting the certificate of land use rights and ownership of houses and other land-attached assets to the heir under regulations of the Ministry of Natural Resources and Environment. The heir shall perform financial obligations for land use rights and land-attached assets in case the deceased has such financial obligations as prescribed by law.

5. In case the users of land leased from the State with annual rental payment sell or contribute as capital leased land-attached assets, they shall comply with the following order and procedures:

a/ Selling or contributing as capital leased land-attached assets in accordance with the civil law;

b/ After receiving the dossier of the sale or contribution as capital of leased land- attached assets, the land registration office shall make a dossier for the purchaser or recipient of contributed capital being land-attached assets to lease the land;

c/ The natural resources and environment agency shall verify the dossier and submit it to the People's Committee of a competent level to decide on the recovery of the land from the seller or contributor of land-attached assets as capital to the purchaser or recipient for lease; sign a land lease contract with the purchaser or recipient; and notify the tax agency of the invalidity of the land lease contract signed with the asset seller or contributor;

d/ The land registration office shall send the land lease contract to the purchaser or recipient of assets contributed as capital; adjust and update the change in the cadastral records and land database; and hand over the certificate to the grantee;

dd/ In case of purchase and sale or contribution as capital of assets attached to part of a leased land parcel, the land users shall carry out the procedures for division of the land parcel before carrying out land lease procedures prescribed in this Clause.

**Article 80.** Order and procedures for deregistration of lease, sub-lease or contribution as capital of land use rights and ownership of land-attached assets

1. One or all of the parties to the contract on lease, sublease or contribution as capital of land use rights and ownership of land-attached assets shall submit a dossier set for deregistration of lease, sub-lease or contribution as capital of land use rights and ownership land-attached assets.

2. The land registration office shall check the dossier; if seeing that the dossier is valid, it shall:

a/ Certify the deregistration of the lease, sub-lease or contribution as capital of land use rights and ownership of land-attached assets in the certificate under regulations and handing over it to the lessor, sub-lessor or contributor. In case of leasing or subleasing land in an industrial park or of contributing as capital land use rights in which the certificates have been granted to the lessees, sub-lessees or recipients, it shall recover the granted certificates; the recipients shall be re-granted the certificates of land use rights and ownership of houses and other land-attached assets.

If the land use term expires at the same time with the deregistration of the lease, sublease or contribution as capital of land use rights and ownership of land-attached assets and the land user does not wish to continue using the land or a competent state agency refuses to extend the land use term, the granted certificate shall be withdrawn;

b/ Deregister the lease, sub-lease or contribution as capital of land use rights and ownership of land-attached assets in the cadastral records and land database.

3. The contribution of land use rights as capital shall terminate in the following cases:

a/ Upon expiration of the duration of contribution of land use rights as capital;

b/ At the request of one or all of the parties as agreed upon in the capital contribution contract;

c/ Upon land recovery in accordance with the Land Law;

d/ The party contributing land use rights as capital to the business cooperation contract or joint venture enterprise is declared bankrupt or dissolved;

dd/ The individual participating in the capital contribution contract dies; is declared dead; loses the civil act capacity or has it restricted; is banned from operation in the field of business cooperation while such contract must be performed by such individual;

e/ The legal entity participating in the capital contribution contract terminates operation while such contract must be performed by such legal entity.

4. Upon termination of the capital contribution, land use rights shall be handled as follows:

a/ If the capital contribution duration expires or the parties reach agreement on the termination of the capital contribution, the capital contributor is entitled to further use the land for the remaining duration.

If the land use term expires or the contributor of land use rights as capital no longer needs to use the land, the State may allow the capital recipient to continue leasing the land if the latter so needs;

b/ If the capital contribution terminates under a decision of a competent state agency due to a violation of the land law, the State shall recover such land;

c/ If the recipient or the contributor of land use rights as capital is an organization which falls bankrupt, the contributed land use rights shall be handled under the bankruptcy declaration decision of the court.

The person who receives land use rights and land-attached assets under decisions of people's courts may continue using the land for the determined purpose for the remaining land use term and shall be granted certificates of land use rights and ownership of houses and other land-attached assets.

If there is no person to receive land use rights and land-attached assets, the State shall recover such land and assets;

d/ If the individual entering into the capital contribution contract dies, his/her land use rights already contributed as capital may be bequeathed in accordance with the civil law;

dd/ In case the individual entering into the capital contribution is declared dead or has his/her civil act capacity restricted, his/her contributed land use rights shall be handled in accordance with the civil law;

e/ If the joint-venture enterprise or the institutional party contributing land use rights as capital is dissolved, the contributed land use rights shall be handled as agreed upon between the parties in accordance with the Land Law and other relevant laws.

**Article 81.** Order and procedures for registration or deregistration of the mortgage of land use rights and handling of mortgaged land use rights, for debt recovery

1. The Ministry of Justice shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment in, guiding the registration of the mortgage of land use rights and land-attached assets.

2. The handling of land use rights already guaranteed under the 2003 Land Law or already mortgaged for debt recovery is prescribed as follows:

a/ The mortgaged or guaranteed land use rights shall be handled as agreed in the mortgage or guaranty contracts. If they cannot be handled as agreed, the mortgagee or guarantee may transfer the mortgaged or guaranteed land use rights to another person for debt recovery, or request a competent state agency to auction such land use rights without having to obtain the consent of the mortgagor or guarantor, or file a lawsuit at a people's court in accordance with law;

b/ The person receiving land use rights under Point a of this Clause shall be granted a certificate of land use rights and ownership of houses and other land-attached assets; may use the land for the determined purpose and has the rights and obligations as prescribed in the land, law within the remaining land use term; for residential land, the land user may use it in a stable and permanent manner.

**Article 82.** Procedures for registration and grant of certificates of land use rights and ownership of houses and other land-attached assets in case land use rights have been transferred but the procedures for transfer of such rights have not yet been carried out

1. In case the current user of land acquired from transfer or inheritance or donation of land use rights before January 1, 2008, which has not yet been granted a certificate but does not fall into the case specified in Clause 2 of this Article, such person shall carry out the procedures for land registration and grant of a certificate of land use rights and ownership of houses and other land-attached assets as prescribed in the Land Law and this Decree without having to carry out the land use rights transfer procedures; the dossier-receiving agency may not ask him/her to submit the contract or document on land use rights transfer as prescribed by law.

2. In case the current user of land acquired from transfer or inheritance or donation of land use rights before July 1, 2014, and such person has only a certificate of the land use rights transferor or a contract or paper on land use rights transfer as prescribed, the following provisions shall be complied with:

a/ Such person shall submit an application for a certificate of land use rights and ownership of houses and other land-attached assets and available land use rights papers;

b/ The land registration office shall notify writing the rights transferor and post up at the office of the commune-level People's Committee of the place where the land is located of the carrying out of the procedures to grant a certificate of land use rights and ownership of houses and other land-attached assets to the rights recipient. If the rights transferor's address is unknown, an

announcement must be published in the local mass media for three consecutive issues (announcement expenses shall be paid by the applicant for the certificate);

c/ After 30 days from the date of notification or first announcement in the local mass media, if there is no written claim for dispute settlement, the land registration office shall make a dossier and submit it to a competent agency for the latter to decide to cancel the granted certificate, in case the certificate is not submitted, and concurrently grant a new certificate of land use rights and ownership of houses and other land-attached assets to the rights recipient.

If receiving a written claim for dispute settlement, the land registration office shall instruct the parties to file such claim with a state agency competent to settle disputes according to regulations.

**Article 83.** Order and procedures for change registration in the case of establishment of private enterprises, transfer of investment projects or transformation of companies; division, splitting, consolidation or merger of enterprises

1. In case a household or an individual sets up a private enterprise and uses land for such enterprise's production and business activities without changing the land use purpose, the private enterprise may continue using the land and shall carry out the procedures for registration of the change of the name of land user under Point b, Clause 4, Article 95 of the Land Law and Article 85 of this Decree. In case of using land leased by the State, the private enterprise shall re-sign the land lease contract with the provincial-level Natural Resources and Environment Department prior to receipt of a certificate.

In case a household or an individual sets up a private enterprise and uses land for such enterprise's production and business activities for a new purpose for which permission must be obtained, the private enterprise shall carry out the procedures for land use purpose change. It shall submit a dossier of request for permission to change the land use purpose together with a dossier of registration of the change of the name of land user; competent agencies shall consider and decide to permit the change of the land use purpose and consider and certify the change of the name of land user at the same time.

When the private enterprise terminates operation and its land use rights are not dealt with in accordance with law, registration of the change of the name of land user may be made for the household or individual concerned under Point b, Clause 4, Article 95 of the Land Law and Article 85 of this Decree.

2. In case of transfer of investment projects using land in accordance with law, the following provisions shall be complied with:

a/ In case of transfer of an investment project in which the transferor is allocated land by the State with land use levy, is leased land with full one-off land rental payment for the entire lease term or acquires land use rights in accordance with law and the paid land use levy, land rental or amount for the transfer of land use rights does not originate from the state budget, the related parties shall carry out the procedures for transfer of land use rights under Article 79 of this

Decree. The project transfer contract must clearly indicate the value of land use rights in the total value of the transferred project and is valid for substituting the land use rights transfer contract when carrying out the land use rights transfer procedures;

b/ In case of transfer of a project in which the transferor is allocated land by the State without land use levy, is leased land with annual land rental payment or is allocated land with land use levy or is leased land with full one-off land rental payment for the entire lease term or acquires land use rights and the paid land use levy, land rental or amount for the transfer of land use rights originates from the state budget, the related parties shall submit the project transfer contract and the granted certificate for carrying out the procedures as in the case of sale of land-attached assets.

The provincial-level Natural Resources and Environment Department shall submit the dossier to the provincial-level People's Committee for the latter to decide to recover land from the project transferor and to allocate or lease land to the project transferee; grant a certificate of land use rights and ownership of houses and other land-attached assets to the project transferee in accordance with the land law.

3. The Ministry of Natural Resources and Environment shall detail the registration of land-related changes in the case of transformation of companies or division, splitting, consolidation and merger of enterprises.

**Article 84.** Order and procedures for registration of change of land and land-attached assets in the cases of winning auctions of land use rights; settlement of land-related disputes, complaints or denunciations; handling of mortgage and capital contribution contracts; distraint and auction of land use rights and land-attached assets for judgment enforcement; division, splitting, consolidation and merger of organizations or transformation of companies; agreement on consolidation or division of land use rights and ownership of land-attached assets of households, husband and wife or group of land users

1. Persons responsible for submitting dossiers are prescribed as follows:

a/ Recipients of land use rights and land-attached assets shall submit dossiers for the cases of receiving land use rights according to results of settlement of land-related disputes, complaints or denunciations; handling of contracts on mortgage of land use rights and land-attached assets under agreement; decisions or judgments of people's courts, judgment enforcement decisions of judgment enforcement agencies already enforced; results of auctions of land use rights and land-attached assets; and division or splitting of households or group of land users;

b/ Organizations that have dealt with land use rights and land-attached assets shall submit dossiers on behalf of recipients of land use rights in the cases of handling contracts on mortgage or contribution as capital of land use rights and land-attached assets not under agreement; distraint and auction of land use rights and land-attached assets for judgment enforcement in accordance with law.

2. The submission of dossiers for registration of land use rights and land-attached assets must comply with Articles 60 and 79 of this Decree.

3. The land registration office shall check the dossier. If the dossier is valid, the land registration office shall:

a/ Measure the land parcel, if it has no cadastral map or is not measured yet, or land use rights on part of the land parcel which has a certificate are transferred;

b/ Send cadastral information to the tax agency for determining financial obligations, in case the financial obligations must be fulfilled under regulations, and for notifying such financial obligations;

c/ Give certification in the granted certificate. If a certificate of land use rights and ownership of houses and other land-attached assets is to be granted according to regulations, make a dossier and submit it to an agency competent to grant such certificate, when so requested;

d/ Update the change in the cadastral records and land database; hand over the certificate of land use rights and ownership of houses and other land-attached assets to the applicant or send it to the commune-level People's Committee for handing, in case of submission of dossiers at commune level.

**Article 85.** Order and procedures for registration of change of land and land-attached assets due to change of information on certificate holders; decrease of land parcel area due to natural erosion; change of limitations on land use rights; change of financial obligations; change of land-attached assets compared to registered contents or granted certificates; change from land lease with annual land rental payment to land lease with full one-off land rental payment for the entire lease term or from land allocation without land use levy to land lease or from land lease to land allocation with land use levy

1. A land user shall submit a dossier of change registration.

2. The land registration office shall check the dossier. If the dossier is valid, the land registration office shall:

a/ Measure the land parcel, if there is a change in the land parcel area and land-attached assets or the certificate has been granted but the land parcel has no cadastral map or is not measured yet;

b/ In case of registration of change of construction area, use area, number of stories, structure, grade (class) of house or construction work not in compliance with the construction license or without construction license in case permission is required, send a written request to the construction management and licensing agency for opinion in accordance with the construction law;

c/ Send cadastral information to the tax agency for determining financial obligations, in case land use levy or land rental must be paid according to regulations;

d/ Give certification in the granted certificate. If a certificate is to be re-granted according to regulations of the Ministry of Natural Resources and Environment, make a dossier and submit it to a competent agency for granting a certificate of land use rights and ownership of houses and other land-attached assets; notify the land user to sign or re-sign the land lease contract with the natural resources and environment agency, in case land shall be leased;

dd/ Update the change and adjust the cadastral records and land database; hand over the certificate of land use rights and ownership of houses and other land-attached assets to the applicant or send it to the commune-level People's Committee for handing, in case of submission of dossiers at commune level.

3. For land users that wish to change the land use purpose and concurrently register the change of a content specified in this Article, the procedures prescribed in Clauses 1 and 2 of this Article and the procedures for land use purpose change shall be carried out at the same time.

**Article 86.** Procedures for correction of granted certificates, certificates of house ownership and certificates of ownership of construction works

1. Land users or owners of land-attached assets shall submit the granted certificates, certificates of house ownership or certificates of ownership of construction works containing errors to the land registration office for correction. For errors due to the fault of land users or owners of land-attached assets, they shall make a written request for correction.

If the land registration office detect errors in a granted certificate, certificate of house ownership or certificate of ownership of construction works, it shall notify them to the land user or owner of land-attached assets and request the latter to hand over the certificate for correction.

2. The land registration office shall check and make a written record of conclusions on the contents and causes of errors; make a dossier and submit it to a competent agency to make correction in the granted certificate, certificate of house ownership or certificate of ownership of construction works containing errors; and concurrently correct the erroneous contents in the cadastral records and land database.

3. If the holder of the certificate, certificate of house ownership or certificate of ownership of construction works that needs to be corrected requests to change it into a certificate of land use rights and ownership of houses and other land-attached assets, the land registration office shall submit such request to a competent agency for granting such certificate.

**Article 87.** Procedures for withdrawal of granted certificates, certificates of house ownership and certificates of ownership of construction works

1. In case the State recovers land under Articles 61 and 62 of the Land Law, land users shall return the granted certificates prior to receipt of compensation and support money in accordance with the land law. Organizations in charge of compensation and ground clearance shall withdraw the granted certificates and transfer them to the land registration office for management.



2. In case the State recovers land under Articles 64 and 65 of the Land Law, land users shall return the granted certificates prior to handover of land to the State, except the case prescribed at Point b, Clause 1, Article 65 of the Land Law. Organizations in charge of land recovery shall withdraw the granted certificates and transfer them to the land registration office for management.

3. In case of renewal of granted certificates, certificates of house ownership or certificates of ownership of construction works or registration of changes of land and land-attached assets, land users shall return the previously granted certificate when submitting the dossiers of request for renewal of certificate or dossiers of change registration.

The land registration office shall manage the returned certificates after completing the procedures for renewal of certificates or registration of change of land and land-attached assets.

4. In case of withdrawing certificates granted in violation of the land law under Point d, Clause 2, Article 106 of the Land Law, the following provisions shall be complied with:

a/ In case the investigation or inspection agency makes a written conclusion that the certificate has been granted in violation of the land law, a competent state agency shall consider and decide to withdraw the granted certificate, if such conclusion is correct, or notify the investigation or inspection agency, if determining that the certificate has been granted lawfully;

b/ In case a state agency competent to grant certificates of land use rights and ownership of houses and other land-attached assets detects a certificate that has been granted in violation of the land law, it shall notify it in writing to the inspection agency of the same level for verification; if it is concluded that the certificate has been granted in violation of law, it shall notify the land user concerned of the reason. If there is no written complaint after 30 days since the date of sending a notice to the land user, it shall issue a decision to withdraw the granted certificate;

c/ In case the land user detects a certificate that has been granted in violation of the land law, he/she shall send a report on his/her detection to a state agency competent to grant certificates of land use rights and ownership of houses and other land-attached assets, which shall consider and settle the case under Point b of this Clause;

d/ The land registration office shall withdraw and manage certificates under competent agencies' decisions on withdrawal of certificates;

dd/ A land user or owner of land-attached assets that disagrees with the settlement of a competent state agency as prescribed at Points a, b and c of this Clause may lodge a complaint in accordance with the law on complaints.

5. The State shall not withdraw certificates which have been granted in violation of law in the cases prescribed at Point d, Clause 2, Article 106 of the Land Law if the holders of such certificates have carried out the procedures for exchange or transfer of land use rights and

ownership of land-attached assets or for change of land use purpose and their cases have been settled in accordance with law.

The handling of damage caused by the grant of certificates in violation of law must comply with decisions or judgments of people's courts. Those who commit violations leading to the unlawful grant of certificates shall be handled under Articles 206 and 207 of the Land Law.

6. The granted certificates not falling into the case prescribed in Clause 2, Article 106 of the Land Law shall be withdrawn only after the judgments or decisions of the people's court have been enforced.

7. In case of withdrawing certificates under Clauses 1, 2, 3, 4 and 6 of this Article, if the land user or owner of land-attached assets fails to return the certificate, the land registration office shall report the case to the agency competent to grant certificates of land use rights and ownership of houses and other land-attached assets, to decide to invalidate such certificate; adjust the cadastral records under regulations; and make a list of invalidated certificates and send it to the provincial-level Natural Resources and Environment Department and the General Department of Land Administration for publicly posting on their websites.

8. The land registration office shall submit dossiers to competent agencies for re-grant of certificates to land users in accordance with law; for certificates that have been granted in violation of law at the fault of land users or that have been granted to wrong subjects, the land registration office shall instruct the land users to carry out the procedures for re-grant of certificates according to regulations.

#### **Section 4. ORDER .OF AND PROCEDURES FOR CONCILIATION AND SETTLEMENT OF LAND DISPUTES**

##### **Article 88.** Procedures for conciliation of land disputes

1. Upon receiving a written request for settlement of a land dispute, a provincial-level People's Committee shall:

a/ Verify and learn about the cause of the dispute, collect relevant documents about the land origin, land use process and current land use status from the parties;

b/ Form a council for conciliation of land disputes. This council shall be composed of the chairperson or a deputy chairperson of the People's Committee as its head; a representative of the Fatherland Front Committee of the commune, ward or township; the head of the street quarter, for urban areas; the head of the village, for rural areas; a representative of households that have lived for a long time in the commune, ward or township and know well about the origin and use process of the disputed land parcel; and the cadastral and justice officers of the commune, ward or township. On a case-by-case basis, representatives of the Farmers' Association, Women's Union, Veterans' Association and Ho Chi Minh Communist Youth Union may be invited;

c/ Organize a conciliation meeting with the participation of the disputing parties, members of the council for conciliation of land disputes and persons with related interests and obligations.

The conciliation may take place only when all the disputing parties are present. If any of the disputing parties is absent for the second time, the conciliation shall be regarded as unsuccessful.

2. The result of conciliation of a land dispute must be recorded in a minutes which specifies the time and place of the conciliation; participants in the conciliation; summary of the dispute clearly stating the origin and time of use of the disputed land, cause of the dispute (already verified), opinion of the conciliation council; and contents agreed and disagreed between the disputing parties.

The conciliation minutes must be signed by the head of the conciliation council, the disputing parties present at the conciliation session and participants in the conciliation, and sealed by the commune-level People's Committee. It must be immediately sent to the disputing parties and preserved at the commune-level People's Committee.

3. Within 10 days after the date of making a minutes of successful conciliation, if the parties express in writing opinions different from the contents agreed in this minutes, the chairperson of the commune-level People's Committee shall organize another meeting of the conciliation council to consider and handle supplementary opinions and make a minutes of successful or unsuccessful conciliation.

4. In case of successful conciliation resulting in a change in the current land use boundaries or land user, the commune-level People's Committee shall send the minutes of successful conciliation to a competent agency for settlement under Clause 5, Article 202 of the Land Law.

In case of unsuccessful conciliation or of successful conciliation but at least one party changes its opinion on the conciliation result, the commune-level People's Committee shall make a minutes of unsuccessful conciliation and guide the disputing parties to file a petition with a competent agency to further settle the dispute.

**Article 89.** Procedures for settlement of land disputes falling under the competence of chairpersons of district- or provincial-level People's Committees

1. A petition for settlement of land disputes shall be filed with the competent-level People's Committee.

2. The chairperson of the competent-level People's Committee shall assign its advisory agency to settle.

3. The advisory agency shall verify the case, organize conciliation among the disputing parties, hold a meeting among related departments and sectors to advise on the settlement of the land dispute (if necessary), and complete the dossier of the case and submit it to the People's Committee of the same level for the latter to issue a decision on settlement of the land dispute. A dossier of settlement of a land dispute must comprise:

a/ The petition for settlement of land dispute;

b/ The minutes of conciliation at the commune-level People's Committee; minutes of working with the disputing parties and related persons; minutes of the field inspection of the disputed land; minutes of the meeting with related departments and sectors to advise on the settlement of the land dispute, in case of unsuccessful conciliation; and minutes of conciliation during the settlement of the dispute;

c/ Extracts from the cadastral maps and records made in different periods related to the area of the disputed land and documents as evidence and proof in the process of dispute settlement;

d/ The proposal report and draft decision on settlement of the dispute or draft decision on recognition of successful conciliation.

4. The chairperson of the competent-level People's Committee shall issue the decision on settlement of the dispute or recognition of successful conciliation, and send it to the disputing parties and organizations and individuals with related rights and obligations.

**Article 90.** Procedures for settlement of land disputes falling under the competence of the Minister of Natural Resources and Environment

1. A petition for settlement of a land dispute shall be filed with the Minister of Natural Resources and Environment.

2. After receiving a petition for settlement of a land dispute, the Minister of Natural Resources and Environment shall assign a relevant unit to advise on the settlement. The assigned unit shall collect and study documents, organize conciliation among the disputing parties. In case of necessity, it may propose the Minister of Natural Resources and Environment to decide to form a working team to verify the case in the locality; and shall complete the dossier and submit it to the Minister of Natural Resources and Environment for issuance of a decision on settlement of the land dispute.

3. A dossier of settlement of a land dispute must comprise:

a/ The petition for settlement of land dispute;

b/ The minutes of working with the disputing parties and related organizations and individuals; minutes of the field inspection of the disputed land; and minutes of conciliation during the settlement of the dispute;

c/ Extracts from the cadastral maps and records made in different periods related to the area of the disputed land and documents as evidence and proof in the process of settlement of the dispute in the locality;

d /The proposal report and draft decision on settlement of the dispute or draft decision on recognition of successful conciliation.

4. The decision on settlement of the land dispute or recognition of successful conciliation shall be sent to the disputing parties and organizations and individuals with related rights and obligations.

**Article 91.** Grounds for settlement of land disputes in case the disputing parties have no papers on land use rights and decisions on settlement of land disputes or decisions on recognition of successful conciliation are enforced

1. The settlement of land disputes in which the disputing parties have no certificate or any of the papers prescribed in Article 100 of the Land Law and Article 18 of this Decree shall be based on the following grounds:

a/ Evidences on the origin and use process of the land presented by the disputing parties;

b/ Actual land areas currently used by the parties in addition to the disputed land area and the average land area per household member in the locality;

c/ Conformity of the current use status of the disputed land parcel with land use master plans and plans already approved by competent state agencies;

d/ Preferential treatment policies toward persons with meritorious services to the State;

dd/ Regulations on land allocation, land lease and land use rights recognition.

2. Pursuant to regulations on enforcement of administrative decisions, provincial-level People's Committees shall detail the enforcement of decisions on settlement of land disputes and decisions on recognition of successful conciliation.

## **Chapter VIII**

### **MONITORING AND EVALUATION OF LAND MANAGEMENT AND USE**

**Article 92.** Functions of monitoring and evaluation systems

1. To monitor and review the implementation of the land law; to analyze and evaluate the effectiveness of land management and use and impacts of land policies and law on the economy, society and environment.

2. To receive opinions of organizations and citizens on land management and use and forward them to competent agencies for settlement.

3. To make public information collected from the process of land management and use, and results of settlement prescribed in Clause 2 of this Article on the websites of the monitoring and evaluation systems.

4. To propose amendments and supplements to land policies and law; to devise measures to organize the implementation of land policies and law.

**Article 93.** Principles of designing and operation of monitoring and evaluation systems

1. Monitoring and evaluation systems for land management and use are components of the land information system; are established uniformly from the central to local level and publicized on the national information network in accordance with law.

2. Monitoring and evaluation systems for land management and use must reflect the scale, quality and effectiveness of land management and use; impacts of land policies and law; level of transparency and involvement of the people in the process of land management and use through qualitative and quantitative indicators.

**Article 94.** Provision and reflection of information on land management and use

The provision and reflection of information on land management and use must comply with the following provisions:

1. Natural resources and environment agencies shall report and provide fully, accurately, timely and objectively information on land management and use; results of implementation of land management projects to the People's Committees of the same level and higher-level natural resources and environment agencies for updating in the monitoring and evaluation systems.

2. Other related ministries and sectors and provincial-level People's Committees shall make reports and provide fully, accurately, timely and objectively information relating to land management and use within the scope of their respective management tasks to the Ministry of Natural Resources and Environment.

3. Organizations and individuals shall reflect fully, accurately, timely and objectively information on land management and use to land administration agencies and People's Committees of all levels for updating in the monitoring and management systems.

**Article 95.** Responsibility for building and operating monitoring and evaluation systems

1. The Ministry of Natural Resources and Environment shall:

a/ Design and build the monitoring and evaluation systems for land management and use; manage and operate the monitoring and evaluation system for land management and use at the central level; and guide the management and operation of the monitoring and evaluation systems for land management and use in localities;

b/ Direct and guide the annual evaluation of the land management and use and impacts of land policies and law;

c/ Make periodical reports and specialized reports on the land management and use and impacts of land policies and law;

d/ Promulgate evaluation criteria and processes for the land management and use and impacts of land policies and law; report forms and reporting responsibility of natural resources and environment agencies.

2. Provincial-level People's Committees shall direct the building and operation of the monitoring and evaluation systems for land management and use in their localities.

3. Local natural resources and environment agencies shall manage and operate the monitoring and evaluation systems for land management and use in their localities; report on the land management and use and impacts of land policies and law to the People's Committees of the same level and higher-level natural resources and environment agencies upon request.

## **Chapter IX**

### **HANDLING OF VIOLATIONS OF THE LAND LAW COMMITTED BY PERSONS ON OFFICIAL DUTY IN THE FIELD OF LAND**

**Article 96.** Subjects to be handled

1. Heads of organizations, heads of agencies competent to decide on land management who commit violations of the land law.
2. Cadres and civil servants of land administration agencies of all levels and cadastral officers of communes, wards and townships who commit violations of regulations on the order and procedures in land administration.
3. Heads of organizations, cadres, civil servants, public employees and staff members of organizations that are allocated land by the State for management falling in the cases prescribed in Clause 1, Article 8 of the Land Law who commit violations of the land law related to their allocated land.

**Article 97.** Acts in violation of the land law committed by persons on duty in the field of land

1. Violations of regulations on administrative boundary dossiers and markers include the following acts:

a/ Distorting the position plans, coordinates table and written records of handover of administrative boundary markers;

b/ Planting administrative boundary markers at wrong positions in the field.

2. Violations of regulations on land use master plans and plans include the following acts:

a/ Failing to organize the formulation and adjustment of land use master plans and plans in time under regulations;

b/ Failing to strictly comply with regulations on public consultation in the process of land use planning;

c/ Failing to publicize land use master plans and plans; failing to publicize the adjustment or cancellation of the recovery or change of purpose of land areas indicated in land use plans for which no land recovery decision is issued or no permission is obtained for land use purpose change after three years; failing to report on the implementation of land use master plans and plans.

3. Violations of regulations on land allocation, land lease or change of land use purpose include the following acts:

a/ Allocating, re-allocating or leasing land at incorrect positions and with incorrect areas in the field;

b/ Allocating, re-allocating or leasing land or permitting change of land use purpose *ultra vires*, to or for improper subjects, or not in conformity with annual district-level land use plans approved by competent state agencies;

c/ Re-allocating or leasing land in hi-tech zones, economic zones or civil airports or airfields not in conformity with construction master plans approved by competent state agencies.

4. Violations of regulations on land recovery, compensation, support and resettlement include the following acts:

a/ Failing to give prior notice to persons whose land is recovered under Article 67 of the Land Law; failing to publicize compensation, support and resettlement plans;

b/ Failing to strictly comply with regulations on consultation on compensation, support and resettlement;

c/ Paying compensations to, providing support and organizing resettlement for, improper subjects or for incorrect areas and with incorrect compensation, support and resettlement levels; distorting land recovery dossiers; identifying incorrect positions and areas of recovered land in the field;

d/ Recovering land *ultra vires*, from improper subjects; not in conformity with land use master plans or plans already approved by competent state agencies;

5. Violations of regulations on land requisition include the following acts:

a/ Paying compensations to improper subjects, for incorrect areas, at incorrect levels, or not according to compensation time limits, to persons whose land is requisitioned;



b/ Requisitioning land not in the cases prescribed in Clause 1, Article 72 of the Land Law.

6. Violations of regulations on management of land allocated by the State for management include the following acts:

a/ Letting persons, who are allowed by law to temporarily use land, use land for improper purposes;

b/ Using land for improper purposes;

c/ Letting land be encroached upon, occupied or appropriated.

7. Violations of regulations on the order and administrative procedures in land management and use include the following acts:

a/ Failing to receive complete and valid dossiers, failing to give specific instructions when receiving dossiers, causing troubles to dossier submitters, receiving dossiers without recording in the monitoring register;

b/ Imposing additional administrative procedures against general regulations, causing troubles to persons requesting performance of administrative procedures;

c/ Settling administrative procedures not according to the prescribed order, delaying the handing of papers already signed by competent agencies to persons requesting performance of administrative procedures;

d/ Settling administrative procedures beyond prescribed time limits;

dd/ Refusing or failing to perform administrative procedures which, under the land law, have all conditions to perform;

e/ Performing administrative procedures *ultra vires*;

g/ Issuing decisions, writing opinions in or certifying dossiers against regulations, causing, or creating conditions for persons requesting performance of administrative procedures to cause, damage to the State; organizations or citizens;

h/ Causing loss of or damage to, or distorting, dossiers.

**Article 98.** Application of legal provisions on cadres, civil servants and public employees to handling violations of the land law committed by persons on official duty in the field of law

The principles of disciplining, statutes of limitations and time limits for disciplining, application of disciplinary forms, competence to discipline, order and procedures for consideration of disciplining and other issues related to the disciplining of cadres, civil servants and public employees must comply with the laws on cadres, civil servants and public employees.

## Chapter X

### IMPLEMENTATION PROVISIONS

**Article 99.** Handling of cases in which land recovery procedures are being carried out before July 1, 2014

Provincial-level People's Committees shall scrutinize cases in which land recovery procedures are being carried out before July 1, 2014, and handle as follows:

1. In case there is already a document on on-principle approval of investment, introduction of location or notice of land recovery sent to every person whose land is to be recovered, or a document permitting the investor to reach agreement with land users within the project's scope before July 7, 2014, but there is not yet a land recovery decision, then:

a/ The provincial-level People's Committee shall permit the continued implementation of the project and apply the form of land recovery, or the investor shall acquire or lease land use rights, or receive land use rights as contributed capital under the Land Law, if such is conformable with the annual district-level land use plan already approved by a competent state agency;

b/ The provincial-level People's Committee shall issue a document directing related organizations and individuals to stop the implementation of the project if it is not conformable with the approved annual district-level land use plan;

c/ In case of implementing a production or business project subject to land recovery by the State under which the investor is permitted to reach agreement with land users within the project's scope, if there remain land areas on which agreement cannot be reached by July 1, 2014, the provincial-level People's Committee shall decide to recover the remaining land area on which the investor and land users fail to reach agreement, for implementing the investment project.

2. In case there is a decision to enforce the land recovery decision before July 1, 2014, but the enforcement is not organized yet, the land recovery shall be enforced in accordance with the Land Law.

**Article 100.** Handling of cases in which land allocated or leased by the State before July 1, 2014, is not put to use or is used late

Provincial-level People's Committees shall scrutinize cases in which the land allocated or leased by the State for implementation of investment projects before July 1, 2014, is not used or is used late under Point i, Clause 1, Article 64 of the Land Law, and handle as follows:

1. If there is already a document of a competent agency on this violation before July 1, 2014, but there is not yet a land recovery decision, the People's Committee of a competent level shall handle under Point i, Clause 1, Article 64 of the Land Law; the extended duration shall be counted from July 1, 2014.

2. If there is already a land recovery decision before July 1, 2014, the land shall be recovered under this decision and the land use levy, land rental and assets invested on the recovered land shall be handled under the 2003 Land Law and guiding documents.

**Article 101.** Competence to adjust land allocation or lease decisions with regard to land allocated or leased before the effective date of the Land Law

State agencies competent to allocate or lease land defined in Article 59 of the Land Law are competent to decide on adjustments for cases in which land users obtain land allocation or lease decisions before July 1, 2014.

**Article 102.** Effect

1. This Decree takes effect on July 1, 2014.

2. This Decree replaces the following decrees:

a/ The Government's Decree No. 181/2004/ND-CP of October 29, 2004, on the implementation of the Land Law;

b/ The Government's Decree No. 17/2006/ND-CP of January 27, 2006, amending and supplementing a number of articles of the Decrees guiding the implementation of the Land Law, and Decree No. 187/2004/ND-CP on transformation of state companies into joint-stock companies;

c/ The Government's Decree No. 84/2007/ND-CP of May 25, 2007, additionally providing the grant of land use right certificates, land recovery, exercise of land use rights, order and procedures for compensation, support and resettlement upon land recovery by the State and settlement of land-related complaints;

d/ The Government's Decree No. 69/2009/ND-CP of August 13, 2009, additionally providing the land use planning, land price, land recovery, and compensation, support and resettlement;

dd/ The Government's Decree No. 88/2009/ND-CP of October 19, 2009, on certificates of land use rights and ownership of houses and other land-attached assets.

3. Ministries, ministerial-level agencies, government-attached agencies and provincial-level People's Committees shall scrutinize legal documents they have promulgated which are contrary to the provision of the Land Law and this Decree, for revision, supplementation or cancellation.

**Article 103.** Responsibilities of ministries, ministerial-level agencies, government- attached agencies, People's Committees at all levels, and land users

1. The Ministry of Natural Resources and Environment, the Ministry of Justice, the Ministry of Construction, the Ministry of Finance, the Ministry of Transport, the Ministry of Home Affairs

and other related ministries and sectors, and provincial-level People's Committees shall guide the articles and clauses assigned in this Decree.

2. Ministers, heads of ministerial-level agencies, heads of government-attached agencies, chairpersons of People's Committees at all levels, and other related organizations and individuals shall implement this Decree.-

**ON BEHALF OF THE GOVERNMENT  
PRIME MINISTER**

**Nguyen Tan Dung**

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