

**NATIONAL ASSEMBLY  
OF VIETNAM**

-----

Law No. 31/2024/QH15

**SOCIALIST REPUBLIC OF VIETNAM  
Independence - Freedom – Happiness**

-----

*Hanoi, January 18, 2024*

**LAND LAW**

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

*The National Assembly hereby promulgates the Land Law.*

**Chapter I**

**GENERAL PROVISIONS**

**Article 1. Scope**

This Law provides for regulations on land ownership of the people, powers and responsibilities of the State to represent land ownership of the people and unify management of land, regulations on management and use of land, rights and obligations of citizens and land users in relation to land in the territory of the Socialist Republic of Vietnam.

**Article 2. Regulated entities**

1. Regulatory agencies exercising their rights of and carrying out their responsibilities for representing land ownership of the people and performing their tasks for uniform state management of land.
2. Land users.
3. Other subjects involved in management and use of land.

**Article 3. Definitions**

For the purposes of this Law, the terms below shall be construed as follows:

1. “*Cadastral map*” is a map which shows the land parcels and related geographic elements, is made by each third-level administrative division (or second-level administrative division without third-level administrative division) and is certified by a competent regulatory agency.
2. “*Land use map*” is a map showing the distribution of land types at a specified time, made for every administrative division at all levels or every socio-economic region.

3. “*future land use map*” is a map made at the beginning of a planning period, which demonstrates the distribution of land types at the end of that planning period.
4. “*Land conservation and restoration*” is the imposition of management measures, technical, mechanical and biological measures to land for treating polluted land and restoring degraded land.
5. “*land-related recompense*” means the State's payment for LUR value of the repossessed land area to the former holder of the repossessed land.
6. “*an individual directly engaged in agriculture*” is a person who has been allocated land, leased out land, or recognized to have land use rights of agricultural land by the State; or who receives land use rights of agricultural land by disposition with incomes gained from agriculture on that land according to the Government’s regulations.
7. “*residual land value*” means the reasonable investment in the land area by the user according to its intended purposes which is not fully recovered when the land area is repossessed by the State.
8. “*Land use quotas*” are the land area of each land type classified in land use planning or plans of authorities at all levels calculated by a competent regulatory agency for allocation during the land use planning or plan.
9. “*Land appropriation*” means the use of land managed by the State without permission from a competent regulatory agency or the use of land of another legal land user without permission from such user.
10. “*investor of a land-based investment project (hereinafter referred to as “investor”)*” is the investor who, based on investment laws and relevant laws, has been designated to carry out the land-based investment project, is allocated or leased out land, is permitted to repurpose land according to regulations of this Law.
11. “*land repurposing*” means that a land user is permitted to change from one purpose to another under this Law.
12. “*disposition of land-use right*” means the transfer of land use rights from one person to another through exchange, conveyance, inheritance, donation of land use rights, and capital contribution with land use rights.
13. “*Population*” is a community of Vietnamese people living in the same village or neighborhood or similar residential area with the same customs, practices or family lineage in the territory of the Socialist Republic of Vietnam.
14. “*national land database*” means a collection of land-related databases containing data which is arranged and organized to serve the access thereto, use, share, management and update thereof through electronic means.

15. *"registration of land and property affixed to land"* means the declaration made by land users, owners of property affixed to land or persons assigned to manage land on land use rights, ownership of property affixed to land with competent regulatory agencies to be recorded according to provisions of this Law.

16. *"disputed land"* is a land parcel in dispute during the resolution by a competent authority.

17. *"Adjustment in land use term"* means the change of time limit for use of land during the process of use with permission of a competent authority.

18. *"Land use extension"* means a competent authority's permission to continue using a land area upon expiration of the land use term for the intended purposes under provisions of this Law.

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

20. *"land-use right value (LUR value)"* means the monetary value of land use rights over a land area or a land type at a set time during the specified land use term.

21. *"Certificate of land use rights (LURs) and ownership of property affixed to the land (hereinafter referred to as "certificate of title")"* is a legal document in which the State certifies the lawful LURs and ownership of property affixed to the land of a holder of LURs and ownership of property affixed to the land. Property affixed to the land granted a Certificate of title includes houses and construction works affixed to the land as prescribed by law. Certificate of LURs, Certificate of LURs and ownership of housing and other property affixed to the land under relevant laws complying with provisions of this Law shall be set in the same value with the Certificate of title specified in this Law.

22. *"capital contribution with land use rights (LURs)"* is an agreement between the parties about disposition of LURs by contributing LURs as charter capital of a business organization, including capital contribution to establish a new business organization, or contribution of additional capital to an existing business organization.

23. *"national land information system (NLIS)"* is a comprehensive system of information technology (IT) infrastructure factors, software and data, which is developed into a centralized and unified system nationwide to manage, operate, update and exploit land information.

24. *"support upon land repossession by the State"* is a policy of the State providing people whose land is repossessed and owners of property affixed to land with support, in order to stabilize their livelihood, production and development, in addition to the recompense amounts prescribed in this Law.

25. *"Land-using household"* means those who share a marital, family or foster relationship as prescribed by the marriage and family law, are living together and have joint land use rights at the time of being allocated land or leased land, or having LURs recognized by the State; or receiving LURs by disposition before the date on which this Law comes into force.

26. “*production and business cooperation with LURs*” is an agreement between parties, whereby land users use their LURs to cooperate in production and business without changing their LURs.

27. “*land destruction*” means acts of deforming the terrain, degrading land quality, causing land pollution, negating or reducing the land use capability for the determined purpose.

28. “*land use plan*” means the division of land use planning according to periods of time for implementation.

29. “*land inspection*” means the investigation, summary and review conducted at the time of inspection by the State, based on the cadastral records and field findings, and the land-related changes between two inspections.

30. “*land reclamation*” means the expansion of land area within the range from the shoreline positions with the lowest mean sea level of many years towards Vietnamese waters.

31. “*Trespass to land*” means the expansion of land area for use in a way that a land user shifts boundary markers or land boundaries without permission from a competent regulatory agency or from the lawful user of the illegally encroached land area.

32. “*LUR lease by the State*” (hereinafter referred to as “land lease by the State”) means a competent regulatory agency’s issuance of a decision to lease out land to an entity in need.

33. “*LUR recognition by the State*” means a competent regulatory agency’s issuance of a certificate of title for the first time to a person who is using stably a determined land parcel as prescribed in this Law.

34. “*LUR allocation by the State*” (hereinafter referred to as “land allocation by the State”) means a competent regulatory agency’s issuance of a decision to allocate land to an entity in need.

35. “*land repossession by the State*” means a competent regulatory agency’s issuance of a decision to repossess the LURs of a land user or repossess the land of a current land user or repossess the land that is allocated by the State to manage.

36. “*land use planning*” means the allocation of land use quotas and zoning of land for purposes of socio-economic development, national defense, security, environmental protection and climate change adaptation based on the land capability and land use demands of all sectors and fields, for each administrative division in a given period of time.

37. “*rights to lease in a land lease contract*” means the land user’s rights established when the State leases out with annual land rent payments. The land user is entitled to convey his/her rights to lease in the land lease contract; the conveyee is entitled to inherit the land user’s rights and obligations according to this Law and other relevant laws.

38. "*Stable land use*" means the use of land for a certain main purpose from the time the land is first used for that purpose until the time a competent regulatory agency assesses the land use stability.

39. "*resettlement*" means the State's grant of homestead land or housing at resettlement areas or other suitable areas as a recompense for persons whose land is repossessed or the State's support by allocating settlement homestead land or housing to persons who are ineligible for homestead land-related recompense as prescribed herein but have no other place to live.

40. "*land degradation*" is a land condition in which the land's original characteristics and properties have changed in a negative direction due to the impact of natural and human conditions.

41. "*land statistics*" means the statistics produced by the State according to the cadastral record of the current use of land and the land-related changes over a specific period of time.

42. "*land parcel*" means a land delimited by boundaries determined in the field or described in a cadastral record.

43. "*standardized land parcel*" means a land parcel with characteristics of area, shape and size that are representative of land parcels in a value range, and is selected as a standard for valuation of other land parcels in the value range.

44. "*land levy*" is an amount of money payable to the State by a land user who is allocated land on which a land levy is imposed by the State or permitted the land repurposing, or in cases where the land use requires a land levy as prescribed by law.

45. "*land rent*" is an amount of money payable to the State by the tenant or the person permitted by the State to repurpose land for lease, or in cases of land use where land rents are imposed as prescribed by law.

46. "*foreign-invested business organization*" is a business organization that is qualified and has completed investment procedures for being a foreign investor in a land-based project in accordance with regulations of the Law on Investment.

47. "*land dispute*" means a dispute over rights and obligations of land users among two or more parties.

48. "*value range*" is an area where land parcels are adjacent to each other, serve the same purpose and are similar in location, profitability, infrastructure conditions and other factors affecting land prices.

49. "*Vicinity*" is the land adjacent to intersections and traffic routes with potential for development according to planning.

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

Land users who are allocated land, leased land, have LURs recognized by the State; who are using land stably and are eligible for grant of certificates of title but have not yet been granted certificates of LURs, certificates of home ownership and LURs of homestead land, certificates of LURs and ownership of housing and other property affixed to land or certificates of title; who receive LURs; or who sublease land as prescribed by this Law include:

1. Vietnamese organizations including:

a) Regulatory agencies, agencies of the Communist Party of Vietnam, people's armed units, Vietnam Fatherland Front, socio-political organizations, socio-political-professional organizations, social organizations, socio-professional organizations, public service providers and other organizations established under the laws;

b) Business organizations under the Law on Investment, except for the cases prescribed in Clause 7 of this Article (hereinafter referred to as “business organizations”);

2. Religious organizations and affiliated religious organizations;

3. Vietnamese citizens residing in Vietnam and overseas Vietnamese nationals (hereinafter referred to as “individuals”);

4. Populations;

5. Foreign diplomatic organizations including diplomatic representative missions, consuls and other representative missions of foreign countries serving the function of diplomacy, which are recognized by the Government of Vietnam; representative missions of organizations affiliated to the United Nations, inter-governmental agencies or organizations, and representative missions of inter-governmental organizations.

6. Persons of Vietnamese descent residing overseas;

7. Foreign-invested business organizations.

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

1. Use land for the intended purposes.

2. Sustainably, economically and effectively use land and resources on the surface and underground.

3. Protect land and environment, adapt to climate change, do not abuse pesticides or chemical fertilizers to pollute and degrade land.

4. Exercise land users’ rights and perform land users’ obligations within the land use terms prescribed herein and other provisions of relevant laws; do not violate legitimate rights and interests of adjacent and surrounding land users.

## **Article 6. Persons taking responsibilities before the State for the land use**

1. Legal representatives of Vietnamese organizations and foreign-invested business organizations; heads of foreign diplomatic organizations shall be responsible for the use of land of their organizations.
2. Presidents of the People's Committees of third-level administrative divisions shall be responsible for the use of agricultural land for public purposes; non-agricultural land that has been allocated to the People's Committees of third-level administrative divisions to use for the purpose of construction of the People's Committees Offices and public works used for culture, education, health, physical training and sports, entertainment, recreation, markets, cemeteries and other public works of communes, wards and towns; religious land or belief land that has not yet been allocated for management and use.
3. Representatives of populations who are heads of villages, neighborhoods or similar residential areas or who are persons appointed by their residential communities shall be responsible for the use of allocated land.
4. Representatives of religious organizations or affiliated religious organizations shall be responsible for the use of land allocated to their organizations.
5. Individuals and persons of Vietnamese descent residing overseas shall be responsible for the use of their own land.
6. Persons who share their LURs or representatives of persons who share their LURs shall be responsible for their land use.

## **Article 7. Persons taking responsibilities before the State for the management of land allocated to manage**

1. Representative of the following organizations shall be responsible for their land management:
  - a) Vietnamese organizations assigned to manage public works and their safety corridors according to provisions of law;
  - b) Vietnamese organizations assigned to manage land covered by rivers and dedicated water-covered land;
  - c) Vietnamese organizations assigned to manage repossessed land banks according to decisions of competent regulatory agencies;
  - d) Business organizations assigned to manage land area for carrying out investment projects according to regulations of law.
2. Presidents of the People's Committees of third-level administrative divisions, Presidents of the People's Committees of second-level administrative divisions where third-level administrative

divisions are not established shall be responsible for the management of allocated land used for public purposes, unallocated and unleased land in their divisions.

3. Presidents of the People's Committees of first-level administrative divisions shall be responsible for the management of vacant land on islands which has not been allocated to second-level administrative divisions or third-level administrative divisions.

4. Representatives of populations shall be responsible for the management of the allocated land.

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

1. Increase the efficiency in land use.

2. Protect, improve and increase soil fertility; Treat polluted land and water-covered land, restore degraded land.

3. Have land reclaimed, put bare land, bare hills and mountains, land of floodplains and coastal plains and uncultivated water-covered land into use according to provisions of this Law.

4. Concentrate land for large-scale agricultural and forestry production.

5. Develop infrastructure for increasing the land value and develop underground works.

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

## **Article 9. Land classification**

1. Depending on use purposes, land is classified into three main categories: agricultural land, non-agricultural land and vacant land.

2. The category of agricultural land is classified into the following sub-categories/types:

a) Land for annual production, including land for rice cultivation/ paddy cultivation and another annual crop land;

b) Perennial crop land;

c) Forestry land, including dedicated forest land, protective forest land, and production forest land;

d) Land for aquaculture;

dd) Land for intensive farming;

e) Land for salt production;



g) Other agricultural land.

3. The category of non-agricultural land includes:

a) Homestead land including rural homestead land and urban homestead land;

b) Land for construction of head offices/offices;

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

d) Land for construction of public works, including land for construction of cultural facilities, social facilities, health facilities, education and training institutes, physical training and sports centers, science and technology facilities, environmental facilities, hydro-meteorological centers, diplomacy centers and other public works or land for construction of head offices/offices of other public service providers;

dd) Land used for non-agricultural business and production purposes, including land for industrial parks and industrial clusters; land used for trading or service purposes/commercial land; non-agricultural production establishment land; land used for mineral-related activities;

e) Land used in the public interest, including land used for transport; land used for irrigation; land for water supply and drainage works; land for natural disaster prevention and management works; land with historical-cultural monuments, famous landscape, sights, natural heritage; land for waste treatment works; land for energy and public lighting projects; land for post, telecommunications and information technology infrastructure; land for residential markets and wholesale markets; land for public entertainment, recreation and community activities;

g) Land used for religious exercise/used by religious organizations (religious land); land used by belief organizations (belief land);

h) Land used for cemeteries, funeral service centers and cremation centers; land for ashes storage facilities;

i) Dedicated water-covered land;

k) Other non-agricultural land.

4. The category of vacant land includes unallocated/unleased land for which use purposes have not been determined yet.

5. The Government of Vietnam elaborates land categories in this Article.

## **Article 10. Determination of land categories**

1. The determination of land types shall be based on:

a) Certificate of LUR, certificate of home ownership and LURs of homestead land, certificate of LURs, ownership of housing and other property affixed to land; or certificate of title;

b) Documents on LURs prescribed in Article 137 of this Law in case the certificates mentioned in point a of this clause have not yet been granted;

c) Decision on land allocation, land lease or permission for land repurposing issued by a competent regulatory agency in case where the certificates mentioned in point a of this clause have not yet been granted.

2. In cases where the documents prescribed in clause 1 of this Article are not available and where the land type determined on the granted document is different from any of the land types classified in this Law or the current use of the land, the land type shall be determined according to regulations of the Government of Vietnam.

### **Article 11. Prohibited acts**

1. Trespass to land, land appropriation and land destruction.
2. Violation against regulations of law on state management of land.
3. Violation against policies on land for ethnic minorities.
4. Abuse of positions and powers to violate regulations of law on land management.
5. Failure to provide information or provide incorrect land information, failure to satisfy requirements for time limits as prescribed by law.
6. Failure to prevent or handle violations against land laws.
7. Failure to comply with the law when exercising rights of land users.
8. Use of land and performance of transactions on LURs without registering with competent authorities.
9. Failure to perform or incomplete performance of financial obligations to the State.
10. Creation of obstructions or difficulties for the land use or the exercise of land users' rights according to provisions of law.
11. Gender discrimination in land management and use.

## **Chapter II**

### **POWERS AND RESPONSIBILITIES OF THE STATE IN RELATION TO LAND, RIGHTS AND OBLIGATIONS OF CITIZENS IN RELATION TO LAND**

## **Section 1. POWERS AND RESPONSIBILITIES OF THE STATE REPRESENTING LANDOWNERS IN RELATION TO LAND**

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

Land is under ownership by the people, represented and uniformly managed by the State. The State grants LURs to land users in accordance with regulations of this Law.

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

1. Right to decide land use planning.
2. Right to decide land use purposes on the basis of land use planning, land use plans, allocate land, lease land, recognize LURs and permit land repurposing.
3. Right to set land use limits including limits on agricultural land allocation, limits on homestead land allocation, limits on recognition of homestead land and limits on receipt of LURs of agricultural land by disposition.
4. Right to decide land use terms.
5. Right to decide land repossession.
6. Right to decide land requisition.
7. Right to decide land allocation without land levy payment, or land allocation with land levy payment.
8. Right to decide to lease out land with annual land rent payments, or to lease out land under one-off arrangement.
9. Right to recognize LURs.
10. Right to lay down principles and methods of land valuation; issue a land price list and decide specific land prices.
11. Right to decide financial policies on land; regulate the added value from land that is not brought about by the land user's investment.
12. Right to establish rights and obligations of a land user in accordance with the land allocation, land lease, recognition of LURs, land use origin and financial obligations of the land user.

### **Article 14. The State exercising the right to represent land ownership**

The State shall exercise the right to represent land ownership under its jurisdiction prescribed in this Law and other relevant laws via the following agencies:

1. The National Assembly and the Standing Committee of National Assembly which promulgate laws, ordinances and resolutions on land; decide national land use planning; exercise rights to supervise the land management and use nationwide;
2. The People's Councils at all levels which exercise rights to approve land use planning of their areas before proposing the approval of competent authorities; to approve the land repossession in order to carry out socio-economic development projects in the national/public interest of their areas under their jurisdiction; to approve repurposing of rice cultivation land/paddy fields, dedicated forest land, protective forest land, and production forest land under their jurisdiction prescribed in this Law; to decide land price lists; to supervise the enforcement of land laws in their areas;
3. The Government and the People's Committees at all levels which exercise the right to represent land ownership under its jurisdiction prescribed in this Law and other relevant laws.

#### **Article 15. Responsibilities of the State to land users**

1. The State shall establish policies to enable persons directly engaged in agriculture who do not hold land used for production purpose due to the process of land-use and economic restructuring to receive vocational training, change occupations and find jobs.
2. The State shall grant certificates of title to land users if they are qualified as prescribed by land laws.
3. The State shall recompense, support and resettle, according to regulations of law, persons whose land is repossessed by the State for the national defense and security purpose or for the socio-economic development purpose in the national/public interest.
4. The State shall disseminate, provide guidance and legal assistance, according to regulations of law, to land users, in regard to the implementation of policies, laws and land-related administrative procedures, and exploitation of information in national land databases.
5. The State shall resolve land disputes; resolve land-related complaints and denunciations.

#### **Article 16. Responsibilities of the State related to land for ethnic minorities**

1. The State shall have policies aimed to ensure communal land for ethnic minorities in accordance with customs, practices, beliefs, cultural identity and actual conditions of each region.
2. The State shall provide land support for the first time to each individual who belongs to an ethnic minority and a poor household or near-poor household in an ethnic minorities and mountainous area, in accordance with customs, practices, beliefs, cultural identity and actual conditions of each region, to ensure stable life as follows:

- a) Such individual shall be allocated land within the prescribed limit and exempted or reduced from land levy;
- b) Such individual shall be granted a permission to convert the existing land to homestead land within the homestead land allocation limit and shall be exempted or reduced from land levy if the land is allocated or leased by the State, or the LURs of such land is recognized by the State, or the LURs of such land is received by inheritance, donation or conveyance in accordance with regulations of law;
- c) Such individual shall be allocated agricultural land within the prescribed limit without land levy payment;
- d) Such individual shall be leased out non-agricultural land not used for the residential purpose for production or trading and shall be exempted or reduced from land rent;
- dd) Permissible area of land to be allocated or repurposed prescribed in points a and b of this clause shall be included in the total area of land allocated or repurposed by the State during the implementation of land policies for ethnic minorities.

3. The State shall provide land support to ensure stable life of each individual belonging to an ethnic minority who has been allocated or leased land by the State as prescribed in clause 2 of this Article but has no land or lacks land now in comparison with the prescribed limits and belongs to a poor household or near-poor household in an ethnic minorities and mountainous area as follows:

- a) In case of having no longer homestead land, the State shall continue to allocate homestead land whose land levy is exempted or reduced or grant a permission to repurpose the existing land to homestead land within the prescribed limit on homestead land allocation. In case of lacking homestead land, the State shall grant a permission to convert the existing land to homestead land whose land levy is exempted or reduced within the prescribed limit on homestead land allocation.
- b) In case of having no agricultural land or lacking agricultural land, the State shall continue to allocate agricultural land on which a levy is not imposed within the prescribed limit, or lease non-agricultural land excluding homestead land for production or trading purpose whose land levy is exempted or reduced.

4. Land used for implementing the policies prescribed in clauses 1, 2 and 3 of this Article shall be allocated from the land banks managed by agencies or organizations of the State or from the repossessed land banks in accordance with regulations in clause 29 of Article 70 of this Law.

5. The People's Committees of first-level administrative divisions shall, based on the actual situations and the land banks of their provinces, decide permissible area of land to be allocated or leased for providing land support to individuals belonging to ethnic minorities according to regulations in clause 3 of this Article.

6. The People's Committees of first-level administrative divisions shall propose land-use policies for ethnic minorities living in their provinces in accordance with actual conditions of their divisions for the People's Councils at the same level to issue and organize implementation thereof.

7. Annually, the People's Committees of third-level administrative divisions shall review and report the cases in which land is not allocated or leased due to inadequacy, unavailability of land, or land has been fully allocated or leased in accordance with clause 2 and clause 3 of this Article; cases of violation against land policies for ethnic minorities, cases where land has been allocated or leased by the State according to clause 3 of this Article but is no more needed and has to be repossessed to continue to implement land policies for ethnic minorities according to this Article to the People's Committees of districts.

8. Budgets for recompense, support and resettlement upon land repossession in accordance with clause 29 Article 79 of this Article; budgets for cadastral survey and documentation and grant of certificates of title and other costs to implement land policies for ethnic minorities shall be allocated from the state budget and other legal capital sources according to provisions of law.

9. The Government of Vietnam shall elaborate this Article.

#### **Article 17. State guarantee for of land users**

1. The State shall protect legal rights to use land and property affixed to the land of land users.

2. The State shall not recognize the reclamation of land which has been allocated according to regulations of the State to others during the implementation of land policies of the State of the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam and the State of the Socialist Republic of Vietnam.

#### **Article 18. Responsibilities of the State in provision of land information**

1. The State shall ensure the right to access the national land information system of land users and other organizations and individuals according to regulations of law; give priority to the selection of forms suitable for traditional customs, practices and culture of each ethnic group and each region.

2. The State shall promptly announce or disclose information of the national land information system to land users and other individuals and organizations, except for information that is state secret according to regulations of law.

3. The State shall inform administrative decisions and administrative acts in relation to land management to land users and other organizations and individuals whose legal rights and interests are affected.

#### **Article 19. Roles and responsibilities of the Vietnamese Fatherland Front and member organizations of the Vietnamese Fatherland Front in land use and management**

1. The Central Committee of the Vietnam Fatherland Front shall participate in developing laws and making social criticism about draft legal documents on land, draft national land use planning and plans and land-based projects subject to investment guideline decision and approval by the National Assembly and the Prime Minister.

2. Committees of the Vietnam Fatherland Front at all levels shall:

a) participate in developing laws; making social criticism about draft legal documents on land, draft land use planning and plans at the same level, land-based projects subject to investment guideline decision and approval by the People's Councils and the People's Committees at the same levels;

b) participate in giving opinions on cases of land repossession, arrangements for recompense, support and resettlement, and cases of following enforcement procedures upon land repossession;

c) participate in giving opinions and supervise the compilation and application of land price list;

d) participate in mediation of land disputes according to provisions of law;

dd) supervise the implementation of policies and laws on land repossession and land requisition; recompense, support and resettlement; land allocation, land lease and land repurposing; grant of certificates of title.

3. The Vietnamese Fatherland Front and member organizations of the Vietnamese Fatherland Front shall be responsible for disseminating land policies and laws and propagandizing the people to implement and comply with such land policies and laws.

## **Section 2. STATE MANAGEMENT OF LAND**

### **Article 20. Contents of state management of land**

1. Promulgation and organization of implementation of legislative documents on land use and management.

2. Dissemination and propaganda, provision of training and education, scientific research, technology development and international cooperation in the land use and management.

3. Determination of administrative boundaries, preparation and management of administrative boundary records.

4. Measurement, adjustment, creation of cadastral maps, land use maps, future land use maps and other maps dedicated to land management and use.

5. Land survey and valuation, and land conservation and restoration.

6. Preparation, adjustment and management of land use planning and plans.
7. Land allocation, land lease, land repossession, recognition of LURs, land requisition, land repurposing.
8. Survey on land prices, compilation of land price lists, determination of specific land prices, and management of land prices.
9. Land-related financial management.
10. Recompense, support, resettlement upon land repossession or land requisition.
11. Development, management and exploitation of land banks.
12. Land registration, preparation and management of cadastral records; grant, correction, revocation and cancellation of certificates.
13. Production of land statistics and land inspection.
14. Development, management, operation and exploitation of the national land information system.
15. Management and supervision of the exercise of rights and obligations of land users
16. Settlement of land disputes; resolution of land-related complaints and denunciations.
17. Provision and management of land-related public services.
18. Inspection, examination, supervision, monitoring and assessment of the compliance with regulations of land law and handling of violations against regulations of land law.

**Article 21. Tasks, powers of the Government, Prime Minister, Ministries, Ministerial agencies and local authorities at all levels**

1. The Government shall unify state management of land throughout the country.
2. The Prime Minister shall perform tasks of state management of land according to regulations of this Law.
3. The Ministry of Natural Resources and Environment shall assist the Government and the Prime Minister in state management relating to land.
4. Ministries, Ministerial agencies, within their tasks and powers, shall be responsible for assisting the Government and the Prime Minister in state management of land.



5. Local authorities at all levels shall take responsibility for state management of land in their areas under their jurisdiction as prescribed in this Law.

Regarding second-level administrative divisions without third-level administrative divisions, the People's Councils and the People's Committees of second-level administrative divisions shall perform tasks and exercise powers of the People's Councils and the People's Committees of third-level administrative divisions as prescribed in this Law.

## **Article 22. Land authorities and cadastral officials of third-level administrative divisions**

1. The system of land authorities shall be uniformly operated from the central authority to local authorities.

2. The Central land authority shall be the Ministry of Natural Resources and Environment of Vietnam.

3. Local land authorities shall be established in first-level/second-level administrative divisions.

4. Land-related public service providers, including land registration authorities, land bank development organizations and other public service providers shall be established and operated according to regulations of the Government of Vietnam.

5. The People's Committees of third-level administrative divisions shall employ cadastral officials according to regulations of the Law on Officials. Cadastral officials shall be responsible for assisting the People's Committees of third-level administrative divisions in land management in their divisions.

## **Section 3. RIGHTS AND OBLIGATIONS OF CITIZENS IN RELATION TO LAND**

### **Article 23. Rights of citizens in relation to land**

1. Rights to participate in developing and supervising the completion and implementation of policies and laws on land.

2. Rights to participate in state management, contribution of opinions, discussion and recommendation, and report issues related to land management and use to regulatory agencies.

3. Rights to equality and gender equality in land management and use.

4. Rights to participate in auctioning LURs, bidding for selection of investors to carry out land-based projects (hereinafter referred to as "bidding for investor selection") according to provisions of law; request the State to allocate land or lease land without LUR auctions or bidding for investor selection according to provisions of law.

5. Rights to receive conveyed LURs, receive donated LURs, receive inherited LURs, receive LURs contributed as capital and lease LURs; rights to sell, purchase and receive conveyed shares and contributed capital which are LUR values according to the provisions of law.

6. Rights to exercise rights of land users according to regulations of this Law.

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

1. Citizens are granted the right to access the following land information:

a) Land use planning and plans, and planning related to land use which have been decided and approved by competent regulatory agencies;

b) Results of land statistics and land inspections;

c) Land allocation and land lease;

d) Land price lists which have been disclosed;

dd) Arrangements for recompense, support and resettlement upon land repossession, which have been approved by competent authorities;

e) Results of the inspection, examination and settlement of land disputes; results of the resolution of land-related complaints and denunciations, results of the handling of violations against land laws;

g) Land-related administrative procedures;

h) Legislative documents on land;

i) Other land information according to provisions of law.

2. The access to land information shall be provided in accordance with regulations of this Law, laws on access to information and other relevant laws.

#### **Article 25. Obligations of citizens in relation to land**

1. Comply with land laws;

2. Preserve, protect and develop land resources.

3. Respect LURs of other land users.

### **Chapter III**

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

## **Section 1. GENERAL PROVISIONS**

### **Article 26. Rights of all land users**

1. Land users shall be granted certificates of title if they are qualified as prescribed by land laws.
2. Land users shall be granted the right to obtain results of labor and investment from land which is used lawfully.
3. Land users shall be granted the right to enjoy benefits from the State's investment in agricultural land conservation, restoration and development.
4. Land users shall be provided with the State's guidance and assistance in agricultural land restoration.
5. Land users shall be protected by the State against others' infringements of their lawful rights and benefits related to land.
6. Land users shall be granted the right to land repurposing according to this Law and other relevant laws.
7. Land users shall be recompensed, supported and resettled if their land is repossessed according to this Law.
8. Land users shall have the right to complain, denounce and sue for violations against their lawful LURs and other violations against land law.

### **Article 27. Rights to exchange, convey, lease, sublease, inherit, donate LURs; mortgage LURs and contribute LURs as capital**

1. Each land user shall be granted rights to exchange, convey, lease, sublease, inherit, donate LURs; to mortgage LURs and to contribute land use rights as capital according to this Law and other relevant laws.
2. A group of land users who share their LURs to each other shall have the following rights and obligations:
  - a) A group of land users including households and individuals shall have the same rights and obligations as those of individuals according to this Law.

In case where a member of a group of land users is a business organization, the rights and obligations of the group shall be same as those of the business organization according to this Law;

- b) In case where the LURs are divided among members of a group of land users and a member wishes to exercise his/her LURs, he/she shall register land-related changes or land subdivision

according to regulations, apply for grant of a certificate of title. Afterwards, he/she can exercise rights and fulfill obligations of land users according to this Law.

In case where the LURs are not divided among members of a group of land users, members of the group shall together exercise or empower a representative to exercise rights and obligations of the group.

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

- a) Contracts on conveyance, donation, mortgage or capital contribution with LURs or rights to use land and property thereon must be notarized or certified, except for the case prescribed at point b of this clause;
- b) Contracts on lease or sublease of LURs or rights to use land and property thereon, a contracts on exchange of agricultural LURs; contracts on conveyance and capital contribution with LURs or rights to use land and property thereon and property affixed to the land in which one party or all parties involved in transactions is/are a real estate business organization(s) must be notarized or certified at the request of the parties;
- c) Documents on inheritance of LURs or rights to use land and property thereon must be notarized or certified according to civil law;
- d) The notarization and certification shall comply with laws on notarization and certification.

## **Article 28. Receiving LUR**

1. Receivers of LURs include:

- a) Individuals whose LURs are exchanged with those of other individuals according to point b clause 1 Article 37 of this Law;
- b) Business organizations and individuals whose LURs are conveyed from others;
- c) Foreign-invested business organizations and persons of Vietnamese descent residing overseas who are permitted to enter Vietnam whose rights to use land in industrial parks, industrial clusters and high-tech parks are conveyed from others;
- d) Foreign-invested business organizations whose invested capital which is LUR value is conveyed from others according to regulations of the Government;
- dd) Business organizations and foreign-invested business organizations whose LURs are transferred by contributing them as capital;
- e) Vietnamese organizations, individuals and populations whose LURs are donated according to this Law;

- g) Vietnamese organizations, individuals and populations whose LURs are inherited from others;
- h) Persons of Vietnamese descent residing overseas who are permitted to enter Vietnam who are permitted to buy, lease purchase housing affixed to LURs of homestead land; receive LURs of homestead land within housing development projects; inherit LURs of homestead land and other categories of land in the same parcel with housing under civil laws; receive housing affixed to LURs of homestead land gifted by lawful heirs under civil laws;
- i) Vietnamese organizations, individuals and populations, religious organizations, affiliated religious organizations and persons of Vietnamese descent residing overseas that are allocated land by the State; foreign-invested business organizations that are allocated land to carry out projects for investment and construction of housing for sale or for both sale and lease;
- k) Business organizations, public service providers, religious organizations, affiliated religious organizations, individuals, persons of Vietnamese descent residing overseas, foreign-invested business organizations, foreign diplomatic organizations that are leased land by the State;
- l) Vietnamese organizations, individuals, populations, religious organizations, affiliated religious organizations whose LURs of land that is being used stably are recognized by the State;
- m) Vietnamese organizations, individuals, persons of Vietnamese descent residing overseas who are permitted to enter Vietnam, and foreign-invested business organizations whose LURs are received according to the successful resolution of land disputes through mediation which is recognized by the competent People's Committees; according to debt settlement clauses in mortgage agreements; according to decisions on resolution of land disputes, land-related complaints and denunciations of competent authorities, verdicts and decisions of Courts, judgments of judgment enforcement agencies, which have been enforced; according to decisions or rulings of arbitral tribunals; according to written documents recognizing results of auctions of LURs in accordance with the law; according to documents on division and separation of LURs in accordance with the law for groups of land users who share the same LURs;
- n) Populations, religious organizations, affiliated religious organizations whose LURs are received as a result of the successful resolution of land disputes through mediation which is recognized by the competent People's Committees; according to debt settlement clauses in mortgage agreements; according to decisions on resolution of land disputes, land-related complaints and denunciations of competent authorities, judgments and decisions of Courts, judgments of judgment enforcement agencies, which have been enforced; according to decisions or rulings of arbitral tribunals;
- o) Vietnamese organizations which are new legal entities established through division, separation, merger, consolidation or conversion of organizational structures according to decisions of competent authorities or organizations or documents on the division, separation, merger, consolidation, conversion of organizational structures of business organizations in accordance with the law whose LURs are received from organizations that are legal entities being divided, separated, merged, consolidated or converted.

2. Vietnamese organizations and individuals shall receive LURs through conveyance according to the law, regardless of their place of residence or office, except for the cases specified in clause 8, Article 45 and Article 48 of this Law.

3. For areas with limited access to land, the receipt of LURs specified in clauses 1 and 2 of this Article shall comply with orders and procedures prescribed by the Government.

#### **Article 29. Rights over adjacent parcels**

1. Rights over adjacent parcels include rights of way; rights to water supply and drainage; rights to irrigation; gas supply rights; rights to install power transmission lines, communication systems and other necessary needs in accordance with laws.

2. Rights to adjacent parcels shall be established, changed or terminated according to civil laws; and rights of way; rights to water supply and drainage and rights to irrigation shall be registered according to Article 133 of this Law.

#### **Article 30. Rights to choose land rent payment methods**

1. Business organizations, public service providers, individuals, persons of Vietnamese descent residing overseas, foreign-invested business organizations that are leasing land from the State with annual land rent payments may make a lump-sum payment of land rent for the entire lease term if so eligible under this Law. However, the land price for calculation of land rent at the issuance date of the decision to permit lump-sum payment of land rent must be re-determined.

2. Business organizations, individuals, persons of Vietnamese descent residing overseas, foreign-invested business organizations that are leasing land from the State under one-off arrangement may convert to land lease with annual land rent payments. The land rents that have been paid shall be deducted from the annual land rents payable according to regulations of the Government.

3. Public service providers allocated land by the State on which land levies are not imposed who wish to use a part or whole of the allocated land area for production, business or service provision may convert to land lease with annual land rent payments for such area.

#### **Article 31. Obligations of all land users**

1. Use land for the intended purposes, within the parcel boundaries, in accordance with regulations on the use of underground depth and overhead height, protect underground public works and comply with other relevant laws.

2. Declare land registration; follow proper procedures for exchange, convey, lease, sublease, inheritance or donation of LURs, mortgage or capital contribution with LURs according to the law.

3. Fulfil land-related financial obligations according to the law.

4. Impose land conservation, treatment and restoration measures on polluted and degraded land areas caused by land users themselves.
5. Comply with regulations on environmental protection, do not damage property and legitimate interests of relevant land users.
6. Comply with laws on finding objects in the ground.
7. Hand over land upon issuance of the State's decision on land repossession according to the law.

## **Section 2. Rights and obligations of organizations in Vietnam, religious organizations and affiliated religious organizations using land**

### **Article 32. Rights and obligations of Vietnamese organizations, individuals, residential communities, religious organizations and affiliated religious organizations allocated land by the State on which land levies are not imposed**

1. Vietnamese organizations, religious organizations and affiliated religious organizations allocated land by the State on which land levies are not imposed shall have common rights and obligations as prescribed in Article 26 and Article 31 of this Law.
2. Vietnamese organizations, religious organizations and affiliated religious organizations allocated land by the State on which land levies are not imposed shall not have rights to exchange, convey, donate and lease out LURs, mortgage and contribute LURs as charter capital.

### **Article 33. Rights and obligations of Vietnamese organizations that are allocated land with land levy payment, or those that are leased land by the State under one-off arrangement**

1. Business organizations that are allocated land by the State with land levy payment or those that are leased land by the State under one-off arrangement shall have the following rights and obligations:
  - a) The common rights and obligations prescribed in Article 26 and Article 31 of this Law;
  - b) Rights/obligations to convey LURs and privately owned property affixed to the land;
  - c) Rights/obligations to lease rights to use land and privately owned property affixed to the land in case where the State allocates land on which land levies are imposed; to sublease rights to use land and privately owned property affixed to the land in case where the State leases out land under one-off arrangement;
  - d) Rights/obligations to donate LURs to the State; to donate LURs to populations for construction of works serving the common interests of populations or expansion of roads according to planning; to donate LURs for building gratitude houses, charity houses, and great solidarity houses affixed to land according to the law;

dd) Rights/obligations to mortgage rights to use land and privately owned property affixed to the land at credit institutions permitted to operate in Vietnam, other business organizations or individuals according to the law;

e) Rights/obligations to contribute rights to use land and privately owned property affixed to the land as charter capital of Vietnamese organizations, individuals, persons of Vietnamese descent residing overseas or foreign-invested business organizations according to the law.

2. Public service providers that are leased out land by the State under one-off arrangement for investment in industrial park or industrial cluster infrastructure for commercial purposes as prescribed in clause 2 Article 202 of this Law shall have the rights and obligations as prescribed in clause 1 of this Article.

3. Vietnamese organizations that are allocated land by the State with land levy payment, or leased out land by the State under one-off arrangement but are given reduction or exemption of land levies or land rents shall have the following rights and obligations:

a) In case where organizations that are allocated land for carrying out investment projects aiming to construct social housing, housing for the people's armed forces or investment projects aiming to renovate or reconstruct apartment buildings are given reduction or exemption from land levies, they have the same rights and obligations as in the case of not being entitled to reduction or exemption;

b) In case where a Vietnamese organization that is allocated land by the State with land levy payment, or leased out land by the State under one-off arrangement for carrying out an investment project for business purposes is given a reduction or exemption of land levy or land rent, it shall have the same rights and obligations as in the case of not being entitled to exemption or reduction; in case where a Vietnamese organization conveys or contributes its LURs as charter capital, it must pay the State an amount equal to the amount of land levy or land rent that has been exempted or reduced at the time of allocation, lease or repurposing of the land unless otherwise prescribed by the law.

**Article 34. Rights and obligations of business organizations, public service providers, religious organizations and affiliated religious organizations using land leased out by the State with annual land rent payments**

1. Business organizations, religious organizations and affiliated religious organizations leased out land by the State with annual land rent payments shall have the following rights and obligations:

a) The common rights and obligations prescribed in Article 26 and Article 31 of this Code;

b) Rights/obligations to mortgage privately owned property affixed to the land at credit institutions permitted to operate in Vietnam, other business organizations or individuals according to the law;



c) Rights/obligations to sell privately owned property affixed to the land, or to sell privately owned property affixed to the land and the rights to lease stated in land lease contracts when they meet the requirements prescribed in Article 46 of this Law. Purchasers of property affixed to the land and the rights to lease in land lease contracts may continue leasing land for the intended purposes within the remaining land use terms and inherit rights and obligations of land users according to this Law and other relevant laws;

d) Rights/obligations to contribute privately owned property affixed to the land as charter capital within the land lease term; recipients of the capital contributions may continue leasing the land for the intended purposes within the remaining lease terms;

dd) Rights/obligations to lease out privately owned property affixed to the land and rights to lease in land lease contracts;

e) Rights/obligations to sublease LURs with annual land rent payments of land on which industrial park or industrial cluster or high-tech park infrastructure has been constructed in case where the organizations are permitted to make investment in infrastructure for commercial purposes; sublessees of LURs must use land for the intended purposes and fulfill financial obligations according to the law.

2. Public service providers leased out land by the State with annual land rent payments which are not entitled to use land for investment in industrial park or industrial cluster infrastructure for commercial purposes as prescribed in clause 2 Article 202 of this Law shall have the rights and obligations as prescribed in clause 1 of this Article, except for rights to sale or to mortgage of property affixed to land and rights to capital contribution with property affixed to land and rights to lease in land lease contracts. Regarding the use of land in the land bank leased out by the State for both its intended purposes and another purposes:

a) A public service provider having land leased out by the State shall be permitted to use the land for multi-purposes according to the arrangement that has been approved by a governing body in accordance with this Law and relevant laws; in case where the land is leased for investment in construction works on the land, it is required to be in accordance with the construction law. The use of the mixed-use land must be recorded as prescribed by laws;

b) A public service provider having land and wishing to lease the land, to use the land for joint venture or association with a business organization must prepare a scheme to use public property for lease, for joint venture or association purposes which is approved by a competent authority according to laws on management and use of public property.

3. Business organizations or public service providers using land leased out from organizations or individuals outside industrial parks, industrial clusters, and high-tech parks shall have rights and obligations according to civil laws.

**Article 35. Rights and obligations of business organizations whose LURs are conveyed from others or those using land which is repurposed**

1. Business organizations to whom LURs are conveyed and business organizations repurposing land shall have the common rights and obligations as prescribed in Article 26 and Article 31 of this Law.
2. Business organizations to whom LURs of land which is allocated by the State with land levy payment or leased out by the State under one-off arrangement are conveyed shall have the rights and obligations as prescribed in clause 1 and clause 3 Article 33 of this Law.
3. A business organization to whom LURs of agricultural land are conveyed according to the law shall have the following rights and obligations:
  - a) In case the business organization receives the conveyed LURs and does not repurpose the land, it shall have the rights and obligations as prescribed in clause 1 and clause 3 Article 33 of this Law;
  - b) In case where the business organization receives the conveyed LURs and repurposes the land which is allocated by the State with land levy payment or leased out by the State under one-off arrangement, it shall have the rights and obligations as prescribed in clause 1 and clause 3 Article 33 of this Law;
  - c) In case where the business organization receives the conveyed LURs and repurposes the land which is leased out by the State with annual land rent payments, it shall have the rights and obligations as prescribed in clause 1 Article 34 of this Law.
4. Rights and obligations of a business organization using land that is permitted by a competent regulatory agency to change from using land without land levy payment to using land with land levy payment, or to lease out the land are as follows:
  - a) In case where the business organization is allocated land by the State with land levy payment or leased out land by the State under one-off arrangement, it shall have the rights and obligations as prescribed in clause 1 and clause 3 Article 33 of this Law;
  - b) In case where the business organization is leased out land by the State with annual land rent payments, it shall have the rights and obligations as prescribed in clause 1 Article 34 of this Law.

**Article 36. Rights and obligations of business organizations to whom capital is contributed by transferring LURs; LURs of business organizations upon dissolution or bankruptcy**

1. A business organization to whom charter capital is contributed by transferring LURs from an individual or another business organization shall have the rights and obligations as prescribed in Article 33 of this Law in the following cases:
  - a) The land of the business organization contributing LURs as charter capital is allocated by the State with land levy payment or leased out by the State under one-off arrangement, or is acquired by receiving LURs which are conveyed from another;

b) The land of the individual contributing LURs as charter capital is leased out by the State with annual land rent payments.

2. LURs of a cooperative or a cooperative union upon dissolution or bankruptcy shall be regulated as follows:

a) In case the land is allocated by the State without land levy payment; or the land is allocated by the State with land levy payment, leased out, or acquired by purchasing property affixed to the land or by receiving LURs which are lawfully conveyed from another person and the land levy, land rent, payment for the purchase of property affixed to the land and payment for the conveyance of LURs are supported by the State, the land shall be repossessed by the State according to this Law and laws on cooperatives;

b) In case the land is allocated by the State with land levy payment, leased out by the State under one-off arrangement, acquired by purchasing property affixed to the land or by receiving LURs which are lawfully conveyed from another person and the land levy, land rent, payment for the purchase of property affixed to the land and payment for the conveyance of LURs are not supported by the State; or the LURs of the cooperative or the cooperative union are contributed by a member, the land shall not be repossessed by the State, and the LURs shall belong to the cooperative or the cooperative union and be handled according to the charter of the cooperative or the cooperative union, or the resolution of the general meeting of members.

3. LURs of a business organization which is an enterprise upon dissolution or bankruptcy shall be handled according to laws on enterprise, laws on bankruptcy and other relevant laws.

### **Section 3. RIGHTS AND OBLIGATIONS OF INDIVIDUALS, RESIDENTIAL COMMUNITIES USING LAND**

#### **Article 37. Rights and obligations of individuals using land**

1. An individual using agricultural land which is allocated by the State within the land allocation limit; land which is allocated by the State with land levy payment or leased by the State under one-off arrangement, or land with LURs recognized by the State; or land which is acquired by conveyance, donation, inheritance shall have the following rights and obligations:

a) The common rights and obligations prescribed in Article 26 and Article 31 of this Code;

b) Right/obligation to exchange LURs of agricultural land with another individual;

c) Right/obligation to convey LURs and privately owned property affixed to land according to the law;

d) Right/obligation to lease out LURs and privately owned property affixed to land to another organization, individual or person of Vietnamese descent residing overseas who making investment in Vietnam;

dd) Right to bequeath LURs and privately owned property affixed to land by a testament or under the law.

If an inheritor of Vietnamese descent residing overseas falls into the category defined in clause 1 Article 44 of this Law, he/she is entitled to inherit LURs; otherwise, he/she is only entitled to receive the value of the inherited LURs;

e) Rights/obligations to donate LURs to the State; to donate LURs to populations for construction of works serving the common interests of the community or expansion of roads according to planning; to donate LURs for building gratitude houses, charity houses, and great solidarity houses affixed to land according to the law; to donate LURs, privately owned property affixed to land of an individual or a person of Vietnamese descent residing overseas falling into the category defined in clause 1 Article 44 of this Law;

g) Right/obligation to mortgage LURs and privately owned property affixed to land at a credit institution permitted to operate in Vietnam, another business organization or individual according to the law;

h) Rights/obligations to contribute LURs and privately owned property affixed to the land as charter capital of an organization, to contribute LURs with an individual or a person of Vietnamese descent residing overseas for cooperation in production and business.

2. An individual who is leased out land by the State with annual land rent payments shall have the following rights and obligations:

a) The common rights and obligations prescribed in Article 26 and Article 31 of this Code;

b) Rights/obligations to sell privately owned property affixed to the leased land, or to sell privately owned property affixed to the leased land and the right to lease in the land lease contract if the lessee meets the requirements prescribed in Article 46 of this Law. A purchaser of the property affixed to the leased land and the right to lease in the land lease contract may continue leasing the land for the intended purpose within the remaining land use term; and inherit rights and obligations of the land user (lessor) according to this Law and other relevant laws;

c) Rights/obligations to bequeath or donate privately owned property affixed to the leased land and the right to lease in the land lease contract; the inheritor, donee, in this case, may continue leasing the land for the intended purpose from the State;

d) Rights/obligations to lease out privately owned property affixed to the leased land, to sublease the right to lease in the land lease contract;

dd) Right/obligation to mortgage privately owned property affixed to the leased land at credit institutions permitted to operate in Vietnam, other business organizations or individuals according to the law;

e) Right/obligation to make a capital contribution with privately owned property affixed to the leased land to an organization, individual or person of Vietnamese descent residing overseas within the land lease term; the recipient of such capital contribution may continue leasing the land from the State for the intended purpose within the remaining lease term.

3. An individual who subleases land in an industrial park, industrial cluster or high-tech park shall have the following rights and obligations:

a) In case the individual leases land or subleases land under one-off arrangement, he/she shall have the rights and obligations prescribed in clause 1 of this Article;

b) In case where the individual leases land or subleases land with annual land rent payments, he/she shall have the rights and obligations prescribed in clause 2 of this Article.

4. An individual who is allocated land or leased out land by the State is given reduction of or exemption from land levy or land rent shall have the same rights and obligations as being not entitled to reduction of or exemption from land levy or land rent.

5. An individual who uses land leased from an organization or individual that does not fall into the case specified in clause 3 of this Article shall have the rights and obligations according to civil laws.

### **Article 38. Rights and obligations of individuals who have land repurposed from land allocated by the State without land levy payment to land allocated by the State with land levy payment or to land leased out by the State**

1. Each individual who has land repurposed from land allocated by the State without land levy payment to land allocated by the State with land levy payment or to land leased out by the State shall have the rights and obligations prescribed in Article 26 and Article 31 of this Law.

2. An individual who uses land which is repurposed, with the permission of a competent regulatory agency, from land allocated by the State without land levy payment to land allocated by the State with land levy payment or to land leased out by the State shall have the following rights and obligations:

a) In case where the individual is allocated land by the State with land levy payment or leased out land by the State under one-off arrangement, he/she shall have the rights and obligations prescribed in clause 1 Article 37 of this Law;

b) In case where the individual is leased out land by the State with annual land rent payments, he/she shall have the rights and obligations prescribed in clause 2 Article 37 of this Law.

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

1. A population using land shall have the common rights and obligations prescribed in Article 26 and Article 31 of this Law.

2. A population using land shall have the same rights and obligations as those of an individual using land in the same mode, except for the right to bequeath.

In case where a population is allocated land by the State without land levy payment, or has LURs recognized by the State in the mode of land allocation without land levy payment, it shall not have rights to exchange, convey, donate or lease out LURs, mortgage or contribute LURs as charter capital.

#### **Section 4. RIGHTS AND OBLIGATIONS OF FOREIGN DIPLOMATIC ORGANIZATIONS, PERSONS OF VIETNAMESE DESCENT RESIDING OVERSEAS AND FOREIGN-INVESTED BUSINESS ORGANIZATIONS USING LAND**

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

1. A foreign diplomatic organization using land in Vietnam shall have the following rights and obligations:

- a) The common rights and obligations prescribed in Article 26 and Article 31 of this Code;
- b) Right/obligation to construct works on land under licences issued by competent regulatory agencies of Vietnam;
- c) Right/obligation to possess private works located on the leased land within the land lease term;
- d) The return of land and disposition of LURs of a foreign diplomatic organization upon no longer using the leased land for the intended purpose shall comply with international treaties, international agreements and regulations of the law.

2. In case an international treaty to which the Socialist Republic of Vietnam is a signatory contains other provisions, such international treaty shall govern rights and obligations of a foreign diplomatic organization.

##### **Article 41. Rights and obligations of persons of Vietnamese descent residing overseas and foreign-invested business organizations using land for carrying out investment projects in Vietnam**

1. A person of Vietnamese descent residing overseas who carries out an investment project in Vietnam and is allocated land by the State with land levy payment shall have the rights and obligations prescribed in clause 1 Article 33 of this Law.

2. A person of Vietnamese descent residing overseas or a foreign-invested business organization leased out land by the State with annual land rent payments shall have the following rights and obligations:

- a) The common rights and obligations prescribed in Article 26 and Article 31 of this Code;

b) Right/obligation to mortgage privately owned property affixed to the leased land at credit institutions permitted to operate in Vietnam;

c) Right/obligation to make capital contribution with privately owned property affixed to the leased land within the land lease term; the recipient of such contributed capital may continue leasing the land for the intended purpose within the remaining lease term;

d) Right/obligation to sell privately owned property affixed to the leased land, or to sell privately owned property affixed to the leased land and the right to lease in the land lease contract if the lessee meets the requirements prescribed in Article 46 of this Law. A purchaser of the property affixed to the leased land and the right to lease in the land lease contract may continue leasing the land for the intended purpose within the remaining land use term, and have the rights and obligations of the land user (lessor) according to this Law and other relevant laws;

dd) Right/obligation to lease out privately owned property affixed to the leased land and the right to lease in the land lease contract;

e) Right/obligation to sublease LURs with annual land rent payments of land on which industrial park or industrial cluster or high-tech park infrastructure has been constructed in case where the sublessor is permitted to make investment in infrastructure for commercial purposes; the sublessee (under-lessee) of LURs must use land for the intended purpose and fulfill financial obligations according to the law.

3. A person of Vietnamese descent residing overseas or a foreign-invested business organization leased land by the State under one-off arrangement; a foreign-invested business organization allocated land by the State with land levy payment for carrying out a project shall have the following rights and obligations:

a) The common rights and obligations prescribed in Article 26 and Article 31 of this Code;

b) Right/obligation to convey LURs and privately owned property affixed to the land within the land use term;

c) Right/obligation to lease out or sublease LURs and privately owned property affixed to the land within the land use term;

d) Right/obligation to mortgage LURs and privately owned property affixed to land at credit institutions permitted to operate in Vietnam;

dd) Right/obligation to make capital contribution with LURs and privately owned property affixed to the land.

4. A foreign-invested business organization using land derived from the foreign investor's purchase of shares or capital contribution shall have the rights and obligations prescribed in clause 2 and clause 3 of this Article corresponding to the mode of using land with land levy payment or land rent payment.

5. A person of Vietnamese descent residing overseas or a foreign-invested business organization leased land by the State under one-off arrangement or allocated land by the State for carrying out investment projects in Vietnam that is given a reduction of or an exemption from land levy or land rent shall have the rights and obligations prescribed in clause 3 Article 33 of this Law.

**Article 42. Rights and obligations of foreign-invested business organizations which are using LURs contributed as capital**

1. A foreign-invested business organization to whom LURs of land which is allocated by the State with land levy payment or leased out by the State under one-off arrangement are transferred shall have the rights and obligations as prescribed in clause 3 Article 41 of this Law.

2. A foreign-invested business organization which is converted from a joint venture to which LURs are contributed as capital shall have the following rights and obligations:

a) The rights and obligations prescribed in clause 2 Article 41 of this Law in case the LURs contributed as capital heretofore are not permitted to be used for carrying out housing investment projects for commercial purposes and the foreign-invested business organization is leased out land by the State with annual land rent payments according to this Law;

b) The rights and obligations prescribed in clause 3 Article 41 of this Law in case the LURs contributed as capital heretofore are not permitted to be used for carrying out housing investment projects for commercial purposes and the foreign-invested business organization is leased out land by the State under one-off arrangement according to this Law;

c) The rights and obligations prescribed in clause 3 Article 41 of this Law in case the LURs contributed as capital heretofore are permitted to be used for carrying out housing investment projects for commercial purposes and the foreign-invested business organization is allocated land by the State with land levy payment according to this Law;

3. If a state-owned enterprise is leased out land by the State before July 01, 2004, is permitted to use the LUR value as the state budget allocated to the enterprise, and does not incur debt and does not have to pay land rent when establishing a joint venture with a foreign entity according to land laws, the joint venture shall have the rights and obligations prescribed in clause 1 and clause 3 Article 33 of this Law. The LUR value is the State's capital contributed to the joint venture.

**Article 43. Rights and obligations of persons of Vietnamese descent residing overseas and foreign-invested business organizations using land in industrial parks, industrial clusters and high-tech parks**

1. A person of Vietnamese descent residing overseas to whom LURs of land in industrial parks, industrial clusters or high-tech parks are conveyed shall have the rights and obligations prescribed in clause 1 and clause 3 Article 33 of this Law.



2. A person of Vietnamese descent residing overseas or a foreign-invested business organization that leases land or subleases land in industrial parks, industrial clusters or high-tech parks shall have the following rights and obligations:

- a) The rights and obligations prescribed in clause 1 and clause 3 Article 33 of this Law in case of one-off arrangement;
- b) The rights and obligations prescribed in clause 1 Article 34 of this Law in case of annual rent payment.

**Article 44. Rights and obligations in terms of use of homestead land of persons of Vietnamese descent residing overseas entitled to possess housing in Vietnam; foreigners or persons of Vietnamese descent residing overseas not entitled to possess housing affixed to LURs in Vietnam**

1. A person of Vietnamese descent residing overseas who is permitted to enter Vietnam shall be entitled to possess housing affixed to LURs in Vietnam; have LURs of homestead land that are received by disposition within housing development projects.

2. A person of Vietnamese descent residing overseas falling into the entities defined in clause 1 of this Article shall have the following rights and obligations:

- a) The common rights and obligations prescribed in Article 26 and Article 31 of this Code;
- b) Right/obligation to dispose of LURs of homestead land upon selling, donating, bequeathing or exchanging housing with or to organizations, individuals or persons of Vietnamese descent residing overseas entitled to possess housing in Vietnam; to donate housing affixed to LURs of homestead land to the State, populations, or for building gratitude houses, charity houses or great solidarity houses. In case of donating or bequeathing housing to an entity that is not entitled to possess housing in Vietnam, this entity shall only receive the value of housing affixed to LURs and not be granted a certificate of title;
- c) Right/obligation to convey, lease out, donate, bequeath LUR of homestead land or make capital contribution with LURs of homestead land according to this Law;
- d) Right/obligation to mortgage housing affixed to LURs of homestead land at credit institutions permitted to operate in Vietnam.

3. In case all inheritors of LURs, ownership of housing and other property affixed to land are foreigners or persons of Vietnamese descent residing overseas who are not entitled to possess housing affixed to LURs in Vietnam as prescribed in clause 1 of this Article, these inheritors shall not be granted certificates of title but be granted permissions to convey or donate the inherited LURs according to the following regulations:

- a) In case of conveying LURs, the conveyer in the LUR conveyance contract shall be the inheritor;

b) In case of donating LURs, the donee shall fall into the entities prescribed in point e clause 1 Article 37 of this Law and be in accordance with housing laws, and the inheritor shall be the donor in the deed of gift;

c) In case the LURs have not been conveyed or donated, the inheritor or authorized representative shall submit documents on the inheritance to a land registration authority for being updated on the cadastral register.

4. In case one of the inheritors is a person of Vietnamese descent residing overseas who is not entitled to possess housing affixed to LURs in Vietnam and the others are entitled to inheritance of LURs according to land laws but the inherited LURs have not been divided among the inheritors, the inheritors or authorized representative shall submit documents on the inheritance at a land registration authority for being updated on the cadastral register.

After the inheritance distribution is completed, a certificate of title shall be granted to the eligible person; regarding a person of Vietnamese descent residing overseas who is not entitled to possess housing affixed to LURs in Vietnam, clause 3 of this Article shall govern the inheritance.

5. Inheritors in the cases prescribed in point c clause 3 and clause 4 of this Article may authorize other persons in writing to tend or temporarily use land and shall fulfil obligations according to land laws and other relevant laws.

## **Section 5. CONDITIONS FOR EXERCISE OF LAND USERS' RIGHTS**

### **Article 45. Conditions for exercise of rights to exchange, convey, lease, sublease, inherit, donate LURs; mortgage LURs and contribute LURs as capital; receive LURs through conveyance or donation**

1. A land user shall be granted rights to exchange, convey, lease, sublease, inherit, donate LURs; mortgage LURs and contribute land use rights as capital if all of the following conditions are met:

a) He/she has a certificate of LURs, certificate of home ownership and LURs of homestead land, certificate of LURs, ownership of housing and property affixed to land; or certificate of title, except for cases of inheritance of LURs, agricultural land repurposing upon transfer of LUR ownership or donation of LURs to the State or populations and the cases prescribed in clause 7 Article 124 and point a clause 4 Article 127 of this Law;

b) The land is not in dispute or was solved beyond dispute by a competent regulatory agency, under a judgement or decision of a Court, a decision or ruling of an arbitrator that has taken legal effect;

c) The LURs must not be subject to distraint or other coercive measures in order to ensure the judgment enforcement complies with civil judgement enforcement laws;

d) Such rights are exercised within the land use term;

dd) The LURs must not be subject to provisional emergency measures in accordance with laws.

2. In case an investor conveys LURs of land on which technical infrastructure has been involved in a real estate project, in addition to the conditions prescribed in clause 1 of this Article, other conditions under Law on Real Estate Business and Law on Housing must also be met.

3. Regarding a land user, upon exercising rights to exchange, convey, lease, sublease, inherit, donate LURs; mortgage LURs and contribute land use rights as capital, the following conditions must also be met in addition to the conditions prescribed in clause 1 of this Article:

a) In case of purchasing or selling property affixed to land and the right to lease in the land lease contract in relation to the land which is leased out by the State with annual land rent payments, the conditions prescribed in Article 46 of this Law must be met;

b) In case of exchanging LURs of agricultural land, the conditions prescribed in Article 47 of this Law must be met;

c) In case of exercising LURs of an individual who is an ethnic minority allocated land or leased out land according to clause 3 Article 16 of this Law, the conditions prescribed in Article 48 of this Law must be met.

4. In case of receiving inherited LURs, the inheritor shall be entitled to exercise the rights if he/she is granted a certificate of LURs or certificate of home ownership and LURs of homestead land or certificate of LURs, ownership of housing and other property affixed to land or certificate of title, or is eligible for a certificate of title according to this Law.

5. In case a land user is allowed to delay the discharge of his/her financial obligations or be under financial obligations, he/she is required to fulfil his/her financial obligations before exercising the rights to exchange, convey, lease, sublease, inherit, donate LURs, mortgage LURs and contribute land use rights as capital.

6. IF a business organization receives the LURs of agricultural land by conveyance, it must prepare an arrangement for using the agricultural land which is approved by the People's Committee of a second-level administrative division. The arrangement must consist of the following contents:

a) Location, area, purpose of use;

b) Agricultural production and business plan;

c) Invested capital;

d) Land use term;

dd) Land use progress.

7. If an individual who is not directly engaged in agriculture receives the LURs of rice cultivation land by conveyance or donation in excess of the limit prescribed in Article 176 of this Law, he/she must establish a business organization and prepare an arrangement for using rice cultivation land which consists of the contents prescribed in clause 6 of this Article and is approved by the People's Committee of the second-level administrative division, unless such LURs are lawfully inherited.

8. Cases where the receipt of LURs by conveyance or donation is not allowed:

a) Business organizations are not permitted to receive LURs of protective forest land, dedicated forest land of individuals by conveyance, except for cases where the land repurposing is allowed according to land use planning and plans that have been approved by competent authorities;

b) Individuals not residing in protective forests or dedicated forests are not allowed to receive LURs of homestead land and another land in the protective forests, strictly protected subdivisions or ecological restoration subdivisions within the dedicated forests by transfer or donation;

c) Organizations, individuals, populations, religious organizations, affiliated religious organizations, persons of Vietnamese descent residing overseas, foreign-invested business organizations that are not allowed by the law to receive LURs by conveyance or donation.

**Article 46. Conditions for selling property affixed to land and rights to lease in land lease contracts in relation to land which is leased out by the State with annual land rent payments**

1. A business organization, individual, person of Vietnamese descent residing overseas or foreign-invested business organization may sell property affixed to land leased out by the State with annual land rent payments if all of the following conditions are met:

a) The property affixed to the leased land is created lawfully and registered according to the law;

b) The lessee has completely constructed the property on the leased land according to the detailed construction planning and investment project that have been approved (if any), except for the case where the lessee must abide by an effective court judgement or decision, an enforcement decision of a civil judgement enforcement agency or a conclusion of a competent regulatory agency in relation to inspection and examination.

2. A business organization, individual, person of Vietnamese descent residing overseas or foreign-invested business organization that is leased out land by the State with annual land rent payments may sell property affixed to the leased land and the right to lease in the land lease contract if all of the following conditions are met:

a) The conditions specified in clause 1 of this Article;

b) The lessee has advanced an amount of compensation, support or resettlement which has not yet been fully deducted from the land rent payable.

3. A purchaser of the property affixed to the leased land or the property affixed to the leased land and the right to lease in the land lease contract may continue using the land for the intended purpose within the remaining use term, continue deducting the amount advanced but not yet deducted according to point b clause 2 of this Article, and shall follow the land registration procedures in accordance with this Law.

4. In case of selling property affixed to land which is a construction work, if conditions for land subdivision are met, the land subdivision may be undertaken for grant of a certificate of title.

5. In case where a person/organization is leased out land by the State with annual land rent payments for carrying out an infrastructure construction project for commercial purposes, the lessee may sell the property affixed to the leased land if all of the conditions prescribed in clause 1 Article 45 of this Law and other conditions under the Law on real estate business are met.

#### **Article 47. Requirements for transfer of LURs of agricultural land**

An individual using agricultural land which is allocated by the State, received by exchange, conveyance, inheritance or donation of lawful LURs from another person is only permitted to exchange LURs of agricultural land within the same first-level administrative division to another individual and not required to pay tax on income gained from the LUR exchange and registration tax.

#### **Article 48. Cases of exercising conditional LURs**

1. An individual who is an ethnic minority and is allocated land or leased out land by the State according to clause 3 Article 16 of this Law may bequeath, donate or convey LURs to a statutory heir who falls into the entities prescribed in clause 2 Article 16 of this Law.

In case where a land user dies and his/her heir by descent does not fall into the entities prescribed in clause 2 Article 16 of this Law, the State shall repossess land and provide recompense for the property affixed to the repossessed land to the statutory heir(s); if a land user leaves the province where he/she possesses land to another province or no longer needs to use the land but does not donate or convey the LURs to another heir by descent who falls into the entities prescribed in clause 2 Article 16 of this Law, the State shall repossess the land and provide recompense to the property affixed to the repossessed land according to regulations of law to the holder of the repossessed land. The repossessed land shall continue to be allocated or leased out to another individual who is an ethnic minority according to the policy prescribed in Article 16 of this Law.

2. An individual who is an ethnic minority and is allocated land or leased out land by the State according to clause 3 Article 16 of this Law may mortgage LURs at a policy bank.

3. An individual who is an ethnic minority and is allocated land or leased out land by the State according to clause 3 Article 16 of this Law is not permitted to convey, make capital

contribution, donate, inherit or mortgage LURs, except for the cases prescribed in clause 1 and clause 2 of this Article.

4. The People's Committee of the third-level administrative division shall be responsible for management of repossessed land according to clause 1 of this Article.

## **Chapter IV**

### **ADMINISTRATIVE BOUNDARIES AND BASIC LAND SURVEYS**

#### **Section 1. ADMINISTRATIVE BOUNDARIES, CADASTRAL MAPS**

##### **Article 49. Administrative boundaries**

1. An administrative boundary shall be set by each third-level administrative division, second-level administrative division or first-level administrative division. An administrative boundary record shows information on the establishment, merger, division of an administrative division, and adjustment of administrative boundary and boundary markers and boundary lines of such administrative division.

2. The Ministry of Home Affairs shall instruct the relevant People's Committee of a first-level administrative division to form an administrative boundary of the first-level administrative division; the immediate superior People's Committee shall instruct the related inferior People's Committee to form an administrative boundary in the field and compile an administrative boundary record within its division.

3. The scope of land management on the mainland is determined according to the administrative boundary lines of each administrative division according to the regulations of law.

4. In case the scope of land management of a province has not been determined due to failure to define administrative boundaries of the province, the Ministry of Home Affairs shall take charge and cooperate with the Ministry of Natural Resources and Environment and relevant authorities in compiling a record to be submitted to the Government.

5. In case the scope of land management of a second-level administrative division or a third-level administrative division has not been determined due to failure to define administrative boundary of the second-level administrative division or third-level administrative division, the immediate superior People's Committee shall direct the related inferior People's Committee to cooperate in solving; pending a decision on forming administrative boundary of the second-level administrative division or third-level administrative division, the superior People's Committee shall directly be responsible for state management of land within undefined areas. In case no agreement is made on the formation of boundary, the People's Committee of the first-level administrative division shall compile a record to be submitted to the Government.

6. The Government shall provide guidance and organize the establishment of administrative boundaries for undefined areas as prescribed in clause 4 and clause 5 of this Article.

7. The Ministry of Home Affairs shall compile and manage administrative boundary records.

### **Article 50. Measurement and making of cadastral maps**

1. Cadastral maps form the basis for state management of land and development of national land databases. Land parcels on each cadastral map shall be delineated by each third-level administrative division or second-level administrative division if third-level administrative divisions are not established.

2. Each cadastral map must be corrected if there is a change in shape, size, area of land parcels and other factors relating to the cadastral map and the corrected contents must be updated on the national land databases.

3. The People's Committees of first-level administrative divisions shall measure, correct and manage cadastral maps of their provinces and update on the national land databases.

4. The Government of Vietnam shall elaborate this Article.

## **Section 2. LAND SURVEYING, ASSESSMENT AND LAND CONSERVATION AND RESTORATION**

### **Article 51. Principles of land surveying, assessment and land conservation and restoration**

1. Ensure promptness, objectivity, and give true reflection of land resources.

2. Be performed on the national scale, in socio-economic regions, or in first-level administrative subdivisions and ensure the continuity and succession.

3. The State shall guarantee budgets for land surveying and assessment; encourage organizations and individuals to cooperate with the State in land conservation and restoration

4. Provide promptly information and data on land for the state management of land and socio-economic activities, defense, security, scientific research, education and training and other needs of the State and society.

### **Article 52. Land surveys and assessments**

1. The land surveys and assessments include:

a) Survey and assessment of land quality and land capability;

b) Survey and assessment of land degradation;

c) Survey and assessment of land pollution;

d) Monitoring of land quality, land degradation, land pollution;

dd) Topical land survey and assessment.

2. The topical land surveying and assessment shall be carried out to investigate and assess land quality, land capability, land degradation and land pollution for a specific land type according to requirements for state management of land at a specified time.

3. The land surveys and assessments prescribed in points a, b and c clause 1 of this Article shall be carried out periodically every 05 years. The topical land survey and assessment prescribed in point dd clause 1 of this Article shall be carried out according to requirements for state management of land.

### **Article 53. Contents of land surveying and assessment**

1. Contents of the survey and assessment of land quality and land capability include:

a) Establish zones, determine locations, area and classify quality of types of agricultural land and unused land according to soil characteristics, topography, physical properties, chemical properties, biological properties and other conditions;

b) Establish zones, determine locations, area and classify capability of types of agricultural land, non-agricultural land and unused land on the basis of classifying land quality and land use efficiency according to economic, social and environmental goals;

c) Establish zones of land that need protection, treatment and restoration;

d) Make maps of land quality, maps of land capability; develop and update data on land quality and land capability on the national land databases.

2. Contents of the survey and assessment of land degradation include:

a) Establish zones, determine locations and area of degraded agricultural land and degraded unused land according to each type of degradation including fertility loss; erosion; drought, desertification; conglomerate, laterization; salinization; alumization;

b) Identify trends, causes and forecast risks of land degradation;

c) Establish zones of degraded land that need protection, treatment and restoration;

d) Make maps of land degradation; develop and update land degradation data on the national land databases.

3. Contents of the survey and assessment of land pollution include:

a) Establish zones, determine locations, area of polluted agricultural land, polluted unused land or polluted land planned for construction of urban and rural residential areas according to types



of contamination including heavy metal contamination, plant protection chemical pollution, and other toxic contamination;

- b) Identify trends, sources of contamination, forecast and warn risks of land pollution;
- c) Establish zones of polluted land that need protection, treatment and restoration;
- d) Make maps of polluted land; develop and update land pollution data on the national land databases.

4. Contents of the monitoring of land quality, land degradation and land pollution include:

- a) Build up a network of fixed-site monitoring stations nationwide;
- b) Determine monitoring indicators and frequency;
- c) Monitor developments in land quality, land degradation, land pollution and forecast and early warn unusual changes;
- d) Update data on monitoring of land quality, land degradation and land pollution on the environmental resources monitoring database and the national land database.

#### **Article 54. Land conservation and restoration**

1. Contents of land conservation and restoration include:

- a) Classify land zoned according to point c clause 1, point c clause 2 and point c clause 3 Article 53 of this Law;
- b) Summarize and determine the scope and necessary levels of land conservation and restoration according to each land zone classified in point a of this clause;
- c) Prepare plans and routemaps for land conservation and restoration in relation to land zones determined in point b of this clause;
- d) Determine technical measures, socio-economic solutions with analysis to select the optimal solution and decide on the implementation arrangement;
- dd) Prepare reports on implementation results of land conservation and restoration;
- e) Supervise and control the treatment, conservation and restoration of land.

2. Make maps of land zones that have been conserved and restored; develop and update data on land conservation and restoration on the national land database.

3. Control degraded and polluted land zones that have not been conserved or restored according to clause 1 of this Article, including zoning, warning, prohibition or restriction on land-based activities in order to limit adverse effects on land.

### **Article 55. Responsibilities for organizing and carrying out land surveying, assessment, conservation and restoration**

1. The Government shall elaborate the land surveying, assessment, conservation and restoration and provide for capacity requirements of a land surveying and assessment service provider.

2. The Ministry of Natural Resources and Environment shall take charge and cooperate with relevant ministries in:

a) Providing for land surveying and assessment techniques; land conservation and restoration techniques;

b) Developing and maintaining monitoring systems;

c) Organizing implementation, approving and disclosing topical land survey and assessment results nationwide, in socio-economic regions;

d) Promulgating and organizing implementation of plans aimed at conserving and restoring inter-regional and inter-provincial heavily degraded land areas; plans aimed at conserving and restoring particularly seriously polluted land areas.

3. The People's Committees of first-level administrative divisions shall:

a) Organize implementation, approve and disclose land survey and assessment results of their provinces; develop and implement plans aimed at conserving and restoring degraded or polluted land areas in their provinces; update them on the national land database;

b) Prepare statistics and disclose polluted land areas; organize procurement of contractor selection for land treatment and restoration of polluted land areas in their provinces.

4. Land surveys and assessments; land conservation and restoration shall be carried out by using non-business capital for environmental protection and other capital sources as prescribed by law.

5. Land survey and assessment results must be approved in the year of conducting land inspection to serve as a basis for land use planning at all levels. The Ministry of Natural Resources and Environment and province-level land authorities shall disclose the land survey and assessment results within 30 days from the day on which the results are approved by competent authorities.

## **Section 3. LAND STATISTICS AND LAND INSPECTION**

### **Article 56. Principles of land statistics and land inspections**

1. Be honest, objective, accurate and prompt; fully reflect the current status and structure of land use.
2. Be open, transparent and independent in expertise and operations.
3. Be of uniform operations and methods of land inspection and statistics and be of uniform reporting regime.
4. Ensure uniform and synchronous indicators for land statistics and inspection from central to local authorities; The system of land statistics and land inspection data shall be developed from inferior authorities to the immediate superior authorities.
5. Provide promptly data for the state management of land and socio-economic activities, defense, security, scientific research, education and training and other needs of the State and society.

#### **Article 57. Scope and subjects for land inspection and production of land statistics**

1. Land inspection or production of land statistics shall be carried out within each third-level administrative division, second-level administrative division, first-level administrative division or nationwide.
2. Time for land inspection or production of land statistics:
  - a) The production of land statistics shall be carried out every year, up to the end of December 31 of the year when the statistics are produced, except for the year when the land inspection is carried out;
  - b) The land inspection shall be carried out every 5 years, up to the end of December 31 of the year ending in 4 or 9.
3. Topical land inspection shall be carried out according to requirements of state management of land in each period and decided by the Minister of Natural Resources and Environment and Presidents of the People's Committees of first-level administrative divisions.

#### **Article 58. Indicators, contents and activities of land inspection and production of land statistics**

1. Indicators for land inspection or production of land statistics for the land types prescribed in Article 9 of this Law include:
  - a) Area;
  - b) Land user;
  - c) Entity assigned to manage land.

2. Grounds for determining indicators for land inspection or production of land statistics:

a) Indicators for production of land statistics are determined according to the cadastral record compiled at the time of producing statistics;

b) Indicators for land inspection are determined according to the cadastral record and on the basis of the current use of land at the time of conducting inspection.

3. Contents of the production of land statistics or land inspection carried out by each third-level administrative division, second-level administrative division, first-level administrative division or nationwide include determination of total land area by types, structure of area by each type of land, land user, entity assigned to manage land; and area of land allocated, leased, or repurposed.

4. Activities of production of land statistics:

a) Collect records, documents, maps and data concerning land-related changes during the period of producing statistics; land inspection data of the previous period or land statistics conducted in the previous year;

b) Review, update and adjust land-related changes in the year of producing land statistics;

c) Process and gather data and prepare statistical tables of land by administrative divisions at all levels;

d) Analyze and assess the current use of land and land-related changes during the period of producing land statistics, propose solutions to strengthen management and improve land use efficiency;

dd) Prepare land statistics reports.

5. Activities of land inspection:

a) Collect records, documents, maps and data related to land-related changes during the period of land inspection; records of results of land inspection of the previous period and results of annual production of land statistics in the period of land inspection;

b) Survey, review, update and adjust land-related changes in the period of land inspection;

c) Process and gather data and prepare land inspection tables by administrative divisions at all levels; prepare reports illustrating the current use of land;

d) Prepare land use maps; prepare reports demonstrating the land use maps;

dd) Prepare reports on results of the land inspection.

**Article 59. Responsibilities for organizing production of land statistics and land inspection**

1. The People's Committees at all levels shall organize and approve the production of land statistics and land inspection of their areas.
2. The People's Committees of second-level/third-level administrative divisions shall submit reports on results of production of land statistics and land inspection to the immediate superior People's Committees.
3. The People's Committees of first-level administrative divisions shall disclose results of production of land statistics and report them to the Ministry of Natural Resources and Environment before March 31 of the following year, except for the year of land inspection.
4. The People's Committees of first-level administrative divisions shall submit reports on results of land inspection before June 30 of the following year of the year of land inspection.
5. The Ministry of National Defense and the Ministry of Public Security shall take charge and cooperate with the People's Committees of first-level administrative divisions in statistical production and inspection of national defense and security land.
6. The Ministry of Natural Resources and Environment shall synthesize results of annual production of land statistics of the whole country and disclose them before June 30 every year; synthesize and report results of 5-year land inspection of the whole country to the Prime Minister and disclose them before September 30 of the following year of the year of land inspection.
7. The Minister of Natural Resources and Environment, Presidents of the People's Committees of first-level administrative divisions shall decide contents and activities of topical land inspection.
8. The Minister of Natural Resources and Environment shall elaborate the production of land statistics and land inspection and the making of land use maps.
9. Budgets for production of land statistics and land inspection shall be guaranteed by the state budget and allocated according to regulations of law.

## **Chapter V**

### **LAND USE PLANS AND PLANNING**

#### **Article 60. Rules for formulating land use planning and land use plans**

1. Land use planning at all levels must be formulated under rules and relationships between types of planning according to the Planning Law.

The land use planning at all levels requires synthesizing and balancing land use needs of land-based industries.

2. National land use planning requires ensuring the specific characteristics and connectedness of regions; ensuring the balance between land use needs of industries and areas and compatibility with the country's land capability of the country to use land in an economical and effective manner.
3. National/provincial/district-level land use plans and planning must meet requirements of implementing strategies for rapid and sustainable socio-economic development; ensure national defense and security.
4. The uniformity must be ensured; higher-level land use planning must make sure the land use needs of the lower-level land use planning; the lower-level land use planning must be consistent with the higher-level land use planning ; district-level land use planning must cover the land use by third-level administrative divisions; each land use plan must be consistent with land use planning at the same level that has been decided and approved by competent authorities.
5. Contents of land use planning must combine land use quotas and land use zoning and ecosystem services.
6. Using land in an economical and effective manner; exploiting natural resources rationally in a manner that protects the environment; adapting to climate change; ensuring national food security and forest coverage; preserving, embellishing and promoting the value of historical-cultural monuments and famous landscape, sights.
7. Ensuring continuity, inheritance, stability, specific characteristics and connectedness of socio-economic regions; Harmonious balance between industries, fields, areas, and generations; compatibility with for land conditions and capability.
8. Land use planning and plans must be made in such a manner that ensures the participation of socio-political organizations, communities and individuals; and ensures the openness and transparency.
9. Land use planning at all levels must be prepared simultaneously; higher-level land use planning must be decided and approved before lower-level land use planning. At the end of a land use planning period, if the land use planning for the next period has not been decided or approved by a competent authority, the land use quotas that have not been fully developed will continue to be developed until the land use planning for the next period is decided or approved by a competent regulatory agency.
10. The time for preparing a land use plan shall be same as the time for preparing or adjusting the land use planning at the same level. The land use plan for the first year of district-level land use planning shall be prepared at the same time with the district-level land use planning.

## **Article 61. Land use planning and plan system**

1. A land use planning and plan system includes:

- a) National land use planning and plans;
  - b) Provincial land use planning and plans;
  - c) District-level land use planning, district-level annual land use plans;
  - d) Planning for use of national defense land;
  - dd) Planning for use of security land.
2. National land use planning, planning for use of national defense land and planning for use of land for security purpose belonging to the national planning system shall be developed according to this Law and planning laws.
3. Provincial land use planning and district-level land use planning are detailed planning that concretizes national planning, regional planning, and provincial planning.

#### **Article 62. Land use planning and plan periods**

- 1. Periods and vision of national land use planning, planning for use of national defense land and planning for use of land for security purpose shall comply with the Planning Law.
- 2. Periods and vision of provincial land use planning must be consistent with those of provincial planning.
- 3. District-level land use planning covers a period of 10 years. District-level land use planning covers a vision of 20 years
- 4. A national land use plan or a provincial land use plan covers a 5-year period; District-level land use plans shall be prepared annually.

#### **Article 63. Budgets for planning**

Budgets for development, revision, appraisal, decision, approval, announcement of land use plans and planning shall be provided by state budget.

#### **Article 64. National land use planning and plans**

- 1. Grounds for development of the national land use planning:
  - a) Socio-economic development, national defense and security strategies; national master plans; industry and field development strategies;
  - b) Natural conditions and socio - economic conditions;

c) Current use of land, land-related changes, land quality, land capability and result of the national land use planning of the previous period;

d) Land use demands and land use capabilities of industries, fields and areas;

dd) Science and technology developments relating to the land use.

2. Contents of the national land use planning shall comply with planning laws.

3. Grounds for development of a national land use plan:

a) National land use planning;

b) Socio-economic development plan, medium-term public investment plan of the whole country;

c) Land use demands and capabilities of industries, fields and areas;

d) Results of the 5-year land use plan of the previous period;

dd) Investment and resource mobilization capacity.

4. Concerning contents of the national land use plan, the land area by types is determined by the land use quotas in the national land use planning for each 5-year period of land use plan.

5. Develop and update data on the national land use planning and plans to the national land database.

## **Article 65. Provincial land use planning**

1. Grounds for development of the provincial land use planning:

a) National land use planning and plans;

b) National planning and regional planning; national and inter-provincial land-based detailed planning;

c) Provincial planning;

d) Natural conditions and socio - economic conditions of first-level administrative divisions;

dd) Current use of land, land-related changes, land quality, land capability and result of the provincial land use planning of the previous period;

e) Land use demands and capabilities of industries, fields and areas; public investment resources and other resources;



g) Science and technology developments relating to the land use.

2. Contents of the provincial land use planning:

a) The land use orientation determined in the provincial planning with a vision meeting the requirements for socio-economic development; ensuring national defense, security; protecting environment and adapting climate change;

b) Determining land use quotas which have been allocated in the national land use planning and land use quotas meeting provincial land use demands;

c) Determining the land use quotas prescribed in point b of this clause by each second-level administrative division;

d) Defining boundaries, location and area of reclaimed land area to be used for agricultural and non-agricultural purposes;

dd) Zoning areas where the land use needs to be strictly managed, including: rice cultivation land, dedicated forest land, protective forest land, and natural production forest land;

e) Dividing the land use planning into 5-year periods according to the contents specified in points b, c, d and dd of this clause;

g) Solutions and resources for development of the land use planning.

3. Making maps of provincial land use planning; developing and updating data on provincial land use planning to the national land database.

4. Provinces which are not central-affiliated cities are not required to develop provincial land use plans but divide land use planning into 5-year periods according to point e clause 2 of this Article.

5. Central-affiliated cities which have general planning approved according to urban planning laws are not required to develop provincial land use planning but, based on the general planning, prepare provincial land use plans.

In case the general planning is approved after the provincial land use planning, thereby changing the land use quotas in the provincial land use planning, adjustments to the provincial land use planning are not required but, based on the general planning, prepare provincial land use plans.

6. The Government of Vietnam shall elaborate this Article.

**Article 66. District-level land use planning**

1. Grounds for development of the district-level land use planning:

- a) Provincial planning, provincial land use planning; urban planning of central-affiliated cities in case of no provincial land use planning;
- b) Detailed planning;
- c) District-level socio-economic development plans;
- d) Natural conditions and socio - economic conditions of second-level administrative divisions;
- dd) Current use of land, land-related changes, land capability and results of the district-level land use planning of the previous period;
- e) Land use demands and capabilities of industries, fields, the People's Committees of third-level administrative divisions; demands for using homestead land, urban area land, and rural residential area land shall be determined on the basis of population forecasts, infrastructure conditions, landscape, and environment according to construction laws;
- g) Land use norms, science and technology developments relating to the land use.

## 2. Contents of the district-level land use planning:

- a) The land use orientation with a vision meeting the requirements for socio-economic development; ensuring national defense, security; protecting environment and adapting climate change; ensuring compatibility and synchronization between land use planning and traffic planning, construction planning, urban planning, rural planning;
- b) Determining land use quotas which have been allocated in the provincial land use planning and informed to third-level administrative divisions;
- c) Determining land use quotas meeting land use demands of second-level administrative divisions and third-level administrative divisions;
- d) Determining area and zoning areas in which land use quotas have been allocated in the provincial land use planning according to regulations in point b and point dd clause 2 Article 65 of this Law. The determination of land area by types is to ensure the provision of land support policies to ethnic minorities;
- dd) Defining boundaries, location and land area of reclaimed land area to be used for agricultural and non-agricultural purposes;
- e) Dividing the district-level land use planning into 5-year periods according to points b, c, d and dd of this clause;
- g) Solutions and resources for development of the land use planning.

3. Making maps of district-level land use planning; developing and updating data on annual district-level land use planning and plans to the national land database.

4. Urban districts, cities and district-level towns affiliated to central-affiliated cities, cities and district-level towns affiliated to provinces which have general planning or zoning planning approved according to urban planning laws are not required to develop district-level land use planning but, according to the general planning or zoning planning and the land use quotas that have been allocated from the provincial land use planning and their land use quotas, have to prepare annual land use plans.

5. Areas not stated in clause 4 of this Article that already have construction planning, urban planning and rural planning approved are required to update spatial orientation of land use and technical and social infrastructure systems according to land use planning periods when developing the district-level land use planning.

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

1. Grounds for development of a district-level annual land use plan:

- a) Provincial land use plan; district-level land use planning; construction planning; urban planning in case where the development of district-level land use planning is not required;
- b) Current use of land; results of the land use plan of the previous period;
- c) Land use demands and capabilities of industries and fields of authorities and organizations; construction works and projects whose investment guidelines have been developed;
- d) Investment and resource mobilization capacity for developing the land use plan.

2. Criteria for prioritizing construction works and projects in the district-level annual land use plan:

- a) National defense and security assurance;
- b) Environmental, social and economic performance;
- c) The feasibility of the construction works or projects.

3. Contents of the district-level annual land use plan:

- a) Land area by types allocated in the district-level land use planning and land area by types meeting land use demands of the second-level administrative division and its third-level administrative divisions within the year in which the plan is developed and being determined for each third-level administrative division;

b) List of construction works and projects intended to be carried out within the year in which the plan is developed; projects aimed to allocate homestead land and production land to ethnic minorities (if any); land area for auction of LURs, projects using land subject to repossession within the year, projects using land subject to resettlement, production land intended to be provided as a recompense for the person whose land is repossessed;

c) Land area by types, list of construction works and projects that have been determined in the previous year and are continuously carried out according to clause 7 Article 76 of this Law;

d) Determination of area of land by types subject to repurposing which is only done if a permission is given, except for the cases prescribed in clause 5 Article 116 of this Law;

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

4. A project not included in the district-level annual land use plan falling into one of the following cases can be carried out without application for being added to the district-level annual land use plan:

a) The decision to invest in the project according to public investment laws subject to investment guideline decision by the National Assembly, Prime Minister, the Head of the Ministry, a central authority or the People's Council of the first-level administrative division has been issued;

b) The decision to approve the investment project according to public-private partnership investment laws subject to investment guideline decision by the National Assembly, Prime Minister, the Head of the Ministry, a central authority or the People's Council of the first-level administrative division has been issued;

c) The decision to approve the investment guidelines, decision to approve both the investment guidelines and the investor or decision to approve the investor according to investment laws subject to investment guideline decision by the National Assembly or Prime Minister has been issued.

d) The project is a land-based project serving the land repossession prescribed in clause 3 Article 82 of this Law.

5. Developing and updating data on the district-level annual land use plan to the national land database.

## **Article 68. Planning for use of national defense land and planning for use of security land**

1. Planning for use of national defense land or planning for use of security land is national sector planning.

2. Grounds for developing the planning for use of national defense land or planning for use of security land include grounds as prescribed by planning laws and the following grounds:

- a) National master plan, national marine spatial planning, national land use planning;
- b) Natural conditions and socio - economic conditions of the nation;
- c) Current use of land and results of the planning for use of national defense land or the planning for use of security land of the previous period;
- d) Demands and capabilities for use of national defense land or security land.

3. Contents of the planning for use of national defense land or the planning for use of security land shall comply with planning laws.

4. The Ministry of National Defense and the Ministry of Public Security shall take charge and cooperate with the People's Committees of first-level administrative divisions during the development of the planning for use of national defense land or the planning for use of security land in ensuring the satisfaction with requirements for socio-economic development and strengthening of national defense and security; reviewing and determining locations, area and boundaries of national defense land or security land; determining locations, area and boundaries of national defense land or security land that is no longer needed for the intended use in order to transfer it to local authorities for management and use.

#### **Article 69. Responsibilities for organization of development of land use planning and plans**

1. The Government shall organize development of national land use planning and plans.

The Ministry of Natural Resources and Environment shall take their responsibilities for assisting the Government in developing national land use planning and plans.

2. The People's Committees of first-level administrative divisions shall organize development of provincial land use planning and plans.

Land authorities of first-level administrative divisions shall take their responsibilities for assisting the People's Committees of first-level administrative divisions in developing provincial land use planning and plans.

3. The People's Committees of second-level administrative divisions shall organize development of district-level land use planning, district-level annual land use plans.

Land authorities of second-level administrative divisions shall take their responsibilities for assisting the People's Committees of second-level administrative divisions in developing district-level land use planning and district-level annual land use plans.

4. The land use planning shall be approved in the first year of the planning period.

5. Land use planning and plans of coastal areas shall be developed in a manner that including reclaimed land areas.

## **Article 70. Surveys of land use planning and plans**

1. Surveys of national land use planning, planning for use of national defense land and planning for use of security land shall comply with planning laws.

2. Surveys of provincial land use planning shall be carried out as follows:

a) Provincial land use planning authorities shall conduct surveys on feedbacks about land use planning of relevant provincial departments and authorities, Vietnam Fatherland Front Central Committees of first-level administrative divisions, the People's Committees of second-level administrative divisions, relevant agencies, organizations, populations and individuals.

Feedbacks shall be obtained by publishing information about contents of land use planning on websites of provincial land use planning authorities. The surveyed information includes descriptive reports and land use planning map systems;

b) The synthesis, reception of, comments on feedbacks and completion of land use planning arrangements shall be carried out before submitting them to Land use planning appraisal councils. Feedbacks, reception thereof and comments thereon shall be published on websites of provincial land use planning authorities;

c) Period of conducting a survey of provincial land use planning shall be 45 days from the date on which the surveyed information is published.

3. Surveys of district-level land use planning or district-level annual land use plans shall be conducted as follows:

a) Land use planning authorities of second-level administrative divisions shall conduct surveys on feedbacks about land use planning and plans of relevant departments and authorities of second-level administrative divisions, Vietnam Fatherland Front Central Committees of second-level administrative divisions, the People's Committees of third-level administrative divisions, relevant agencies, organizations, populations and individuals. Feedbacks shall be obtained by publishing information about contents of land use planning and plans on websites of land use planning authorities of second-level administrative divisions, the People's Committees of third-level administrative divisions and by publicly posting the information at offices of the People's Committees of third-level administrative divisions, residential areas, by public displaying the information at cultural houses of villages or neighbours, residential areas, by organizing conferences, conventions and by handing out questionnaires to households and individuals that present communes, wards and commune-level towns. The surveyed information includes descriptive reports and land use planning map systems;

b) The synthesis, reception of, comments on feedbacks and completion of arrangements for land use planning or plans shall be carried out before proposal to appraise or approve the land use planning or plans. Feedbacks, reception thereof and comments thereon shall be published on websites of district-level land use planning authorities or authorities preparing district-level annual land use plans;

c) A survey of district-level land use planning shall cover a period of 30 days and a survey of a district-level annual land use plan shall cover a period of 20 days from the date on which the surveyed information is published.

4. Feedbacks about land use planning or plans must be synthesized in an adequate and accurate manner and must be received and explained in an objective, transparent, serious and thorough manner.

## **Article 71. Appraisals of land use planning and plans**

1. Authority to establish Councils for appraisal of land use planning or plans shall be as follows:

a) Authority to establish Councils for appraisal of national land use planning, planning for use of national defense land and planning for use of security land shall comply with planning laws;

b) The Prime Minister shall decide to establish Councils for appraisal of national land use plans.

The Ministry of Natural Resources and Environment shall assist the Councils for appraisal during the appraisals of national land use plans;

c) The Minister of Natural Resources and Environment shall establish the Councils for appraisal of provincial land use planning and assign units affiliated to the Ministry of Natural Resource and Environment to assist the Councils for appraisal during the appraisals of provincial land use planning;

d) Presidents of the People's Committees of first-level administrative divisions shall establish Councils for appraisal of provincial land use plans for municipalities in which the development of provincial land use planning is not required; establish Councils for appraisal of district-level land use planning; assign units affiliated to the People's Committees of first-level administrative divisions to assist Councils for appraisal during the appraisals of provincial land use plans and district-level land use planning.

2. Contents of an appraisal of provincial or district-level land use planning include:

a) Legal and scientific basis for development of land use planning;

b) The degree of compatibility of the land use planning with the planning contents approved by a competent authority;

c) Environmental, socio-economic performance;

d) The feasibility of the land use planning.

3. Contents of an appraisal of a land use plan include:

a) Grounds for developing the land use plan and contents of the land use plan;

b) The degree of compatibility of the land use plan with the land use planning and urban planning;

c) The feasibility of the land use plan.

4. Councils for appraisal of provincial/district-level land use planning, national/provincial land use plans shall appraise and send notifications of land use planning or plan appraisal results to authorities organizing development of land use planning or plans prescribed in Article 69 of this Law; these authorities shall request land use planning authorities or authorities developing land use plans to receive and give comments/explanations according to contents of notifications of land use planning or plan appraisal results.

When necessary, these Councils shall organize site surveys and inspections of areas of land intended to be repurposed, especially areas of rice cultivation land, protective forest land and dedicated forest land.

5. Appraisals of national land use planning, planning for use of national defense land and planning for use of security land shall comply with planning laws.

## **Article 72. Authority to decide and approve land use planning and plans**

1. Authority to decide and approve national land use planning, planning for use of national defense land and planning for use of security land shall comply with the Planning Law.

2. The Government shall approve national land use plans.

3. The Prime Minister shall approve provincial land use planning and provincial land use plans for central-affiliated cities in which the development of provincial land use planning is not required.

4. The People's Committees of first-level administrative divisions shall approve district-level land use planning, district-level annual land use plans.

5. Before approving district-level annual land use plans, the People's Committees of first-level administrative divisions shall submit lists of construction works and projects using land subject to repossession, including projects using land subject to repossession for LUR auctions or bidding for investor selection; projects using rice cultivation land, dedicated forest land, protective forest land or production forest land subject to repurposing according to planning for approval by the People's Councils at the same level, except for the cases prescribed in clause 4 Article 67 of this Law.

## **Article 73. Reviews of and adjustments to land use planning and plans**

1. Adjustments to land use planning or plans shall comply with the following principles:



- a) Adjustments to land use planning or plans must be decided or approved by authorities competent to decide or approve land use planning or plans;
- b) Authorities competent to organize development of land use planning or plans shall organize development and adjustment to land use planning or plans;
- c) Adjustments to land use planning or plans must not change objectives of land use planning or plans;
- d) Adjustments to land use planning or plans must not change land use quotas which have been determined or allocated in superior land use planning;
- dd) Compliance with procedures as prescribed by this Law.

2. Authorities competent to organize development of land use planning shall organize reviews of land use planning periodically every 5 years to be adjusted in a manner that is suitable for the socio-economic development in each period.

3. Reviews of and adjustments to national land use planning, planning for use of national defense land and planning for use of security land shall comply with planning laws.

4. Grounds for adjusting provincial land use planning include:

- a) Adjustments to national planning and regional planning, provincial planning, inter-provincial or national land-based detailed planning which have changed provincial land use structures;
- b) The establishment, merger, division or adjustment of administrative boundaries of first-level administrative divisions and their affiliated administrative divisions;
- c) The impact of natural disasters, war, and requirements for national defense and security assurance that have changed land use purposes, structures, locations and/or area.

5. Grounds for adjusting district-level land use planning include:

- a) Adjustments to immediate superior planning that have changed land use structures of the district-level land use planning;
- b) The establishment, merger, division or adjustment of administrative boundaries of second-level administrative divisions;
- c) War and/or requirements for national defense and security assurance that have changed land use purposes, structures, locations and/or area.
- d) The impact of natural disasters and/or response to environmental incidents that have changed land use purposes; the development of planning that has the negative impact on social security, ecological environment and the community;

dd) Fluctuations in resources for developing planning and forming key projects to serve national and public interests that change the land use orientation.

6. Planning adjustments are made if there is one of the grounds specified in Clauses 4 and 5 of this Article and these adjustments are decided or approved by competent authorities.

7. Adjustments to a land use plan are made if there is an adjustment to land use planning, urban planning or there is a change in the ability to implement the land use plan.

8. Adjustments to land use planning or plans shall comply with the regulations in Articles 64, 65, 66, 67, 68, 69, 70, 71, 72 and 75 of this Law.

9. Regulatory agencies and persons with authority to decide or approve land use planning or plans at a level shall have the authority to decide or approve adjustments to the land use planning or plans at that level.

#### **Article 74. Selection of consultants in development of land use planning or plans**

1. The selection of consultants in development of national land use planning, planning for use of national defense land, planning for use of security land shall comply with planning laws.

2. The selection of consultants in development of national land use plans, provincial land use planning or plans, district-level land use planning, district-level annual land use plans shall comply with regulations of the Government.

#### **Article 75. Disclosure of land use planning and plans**

1. The disclosure of national land use planning shall comply with planning laws.

2. National land use plans; provincial land use planning or plans; district-level land use planning, district-level annual land use plans, after being decided or approved by competent regulatory agencies, shall be disclosed.

3. Responsibilities for disclosure of land use planning and plans:

a) The Ministry of Natural Resources and Environment shall disclose national land use planning and plans at the office and on the web portal of the Ministry of Natural Resources and Environment;

b) The People's Committees of first-level administrative divisions shall disclose provincial land use planning and plans at their offices and on their web portals;

c) The People's Committees of second-level administrative divisions shall disclose district-level land use planning and district-level annual land use plans at their offices and on their web portals, and disclose contents of district-level land use planning and district-level annual land use plans relating to communes, wards or commune-level towns at the offices of the level People's

Committees of third-level administrative divisions; the People's Committees of third-level administrative divisions shall disclose the contents to the people and land users in the.

4. Dates of disclosure and time limits for disclosure of land use planning or plans shall comply with the following regulations:

a) Land use planning and plans must be disclosed within 15 days from the date on which they are decided or approved by competent regulatory agencies;

b) Land use planning and plans must be public throughout the planning and plan periods.

5. Documents on public disclosure of land use planning and plans include:

a) Written approvals for land use planning and plans;

b) Explanatory statements on the approved land use planning and plans;

c) Maps showing the approved land use planning;

#### **Article 76. Organizing development of land use planning and plans**

1. The Government shall organize development of national land use planning and plans.

The Prime Minister shall allocate land use quotas to first-level administrative divisions, the Ministry of National Defense and the Ministry of Public Security on the basis of the national land use quotas decided by the National Assembly.

2. The Ministry of National Defense shall organize development of planning for use of national defense land; the Ministry of Public Security shall do planning for use of security land.

3. The People's Committees of first-level administrative divisions and the People's Committees of second-level administrative divisions shall organize development of land use planning and plans of their divisions.

4. In case the land use planning has been publicly disclosed but district-level annual land use plans have not yet been prepared, land user can continue using and exercising their rights according to regulations of this Law.

5. Regarding a project which falls under the cases prescribed in clause 4 Article 67 of this Law and uses land subject to repossession, the People's Committee of the second-level administrative division where the project is located shall publicly disclose the scope of land repossession according to the project progress to land users.

6. Regarding area of land subject to repossession or repurposing in a district-level annual land use plan or area of land subject to repossession or repurposing prescribed in clause 4 Article 67 of this Law, land users can continue exercising their rights but are not permitted to construct new

houses, works or plant new perennial trees; land users are permitted to construct under a fixed-term construction permit, renovate and repair existing houses and works according to construction laws and relevant laws.

7. If the area of land determined in a district-level annual land use plan which have been approved by a competent authority is eligible for repossession or repurposing, but no decision on land repossession or permission for land repurposing is issued within 02 consecutive years prescribed in the district-level annual land use plan, the approving authority must consider adjustments to or cancellation and publicly disclose the adjustments to or cancellation of the repossession or cancellation of the repurposing in connection with the land determined in the district-level annual land use plan.

If the approving authority fails to adjust or cancel, or has adjusted or cancelled the land repossession or repurposing but fails to publicly disclose such adjustments or cancellation, the land users shall not be limited in their LURs prescribed by law.

8. Annually, the People's Committees of first-level administrative divisions shall organize reviewing, handle and publicly disclose the land repossession or repurposing, adjustments to or cancellation of the land repossession or repurposing in connection with the land specified in the district-level annual land use plans on the websites of the People's Committees of first-level administrative divisions; send information to the Ministry of Natural Resources and Environment, the People's Committees of second-level/third-level administrative divisions.

9. The Government shall provide for rules and criteria for allocation of provincial land use quotas and district-level land use quotas.

10. The Government shall elaborate this Article and the development, appraisal, adjustment, survey, approval and disclosure of national land use plans, provincial land use planning, district-level land use planning, district-level annual land use plans.

## **Article 77. Responsibilities for reporting results of land use planning and plan processes**

1. The People's Committees of second-level administrative divisions shall submit reports on results of land use planning and plan processes to the People's Committees of first-level administrative divisions before October 15 every year.

2. The People's Committees of first-level administrative divisions shall submit reports on results of land use planning and plan processes to the Ministry of Natural Resources and Environment before October 15 of the last year of each land use planning period or land use plan period.

3. The Ministry of National Defense shall submit reports on results of the processes of planning for use of national defense land, the Ministry of Public Security shall submit reports on results of the processes of planning for use of security land to the Ministry of Natural Resources and Environment before October 15 of the last year of each 5-year land use plan period and of the last year of each land use planning period.

4. The Ministry of Natural Resources and Environment shall synthesize results of land use planning processes nationwide and submit them to the Government for informing the National Assembly in the last year of each land use planning period.

## **Chapter VI**

### **LAND REPOSSESSION OR LAND REQUISITION**

#### **Article 78. Land repossession for national defense and security purposes**

The State may repossess land for national defense and security purposes in the following cases:

1. Construction of military barracks or offices;
2. Construction of military bases;
3. Construction of national defense works, battle fields and special works of national defense or security;
4. Construction of military and security stations, ports and information works;
5. Construction of industrial, scientific and technological, cultural or sports facilities that directly serve national defense or security purpose;
6. Construction of warehouses for the people's armed forces;
7. Construction of shooting grounds, training grounds, and weapon testing and destroying sites;
8. Construction of training institutions and centers for professional training and development, convalescent and rehabilitation facilities, medical examination and treatment facilities of the people's armed forces;
9. Construction of public-duty houses of the people's armed forces;
10. Construction of detention facilities; compulsory educational institutions; juvenile detention centers; centers for labor, rehabilitation, career guidance and vocational training for prisoners, camp inmates and students managed by the Ministry of National Defense and the Ministry of Public Security.

#### **Article 79. Land repossession for socio-economic development purpose in the national/public interest**

The State may repossess land in cases where it is absolutely necessary to carry out socio-economic development projects in the national/public interest in order to promote land resources, improve land use efficiency, and develop socio-economic infrastructure towards modernity,

implement policies on social security, environmental protection and cultural heritage preservation in the following cases:

1. Construction of traffic works, including: highways, motorways, urban roads, rural roads including bypass roads, rescue roads and field roads to serve the general travel needs of people, bus stops, passenger pick-up and drop-off locations, traffic toll stations, warehouses, car garages; ferry terminals, bus stations, rest stops; types of railways; railway stations; types of bridges and tunnels serving traffic; inland waterway works, maritime works; aviation projects; cable car routes and cable car stations; fishing ports and dry ports; headquarters, offices, and business and service providers in stations, ports, bus stations; transport safety corridors on land that is required to be repossessed and reserved; other structures serving transportation;
2. Construction of irrigation works, including: dykes, embankments, culverts, dams, spillways, water reservoirs, water conveyance tunnels, water supply, drainage and irrigation systems, including protection corridors for irrigation works that require the use of land; key irrigation works including offices, warehouses, factories, repair and maintenance facilities within the perimeter of the irrigation works;
3. Construction of water supply and drainage works, including: water plants; water pumping stations; water tanks and towers; water supply and drainage pipes; balancing lakes; Water, sludge and sewage sludge treatment works, including offices, warehouses, facilities of production, repair and maintenance of water supply and drainage works;
4. Construction of waste treatment works, including: transfer stations; landfills; treatment complexes, treatment areas, waste treatment facilities, hazardous waste including workplaces, warehouses, facilities of production, repair and maintenance of waste treatment works;
5. Construction of energy and public lighting projects, including: power plants and auxiliary works of power plants; dams, embankments, reservoirs, water pipelines serving hydroelectric plants; systems of power transmission lines and transformer stations; business facilities providing repair and maintenance services within power plants; public lighting systems;
6. Construction of oil and gas projects, including: exploitation rigs, works serving oil and gas exploitation and processing, petrochemical refineries, gas processing plants, biofuel production plants; crude oil depots, warehouses, gasoline, oil and gas filling stations, systems of pipelines, safety corridors for ensuring technical safety; facilities providing repair and maintenance services within works serving the exploitation and processing of oil and gas, petrochemical refineries, gas processing plants, biofuel production plants;
7. Construction of postal, telecommunications and information technology infrastructures, including: houses, stations, antenna masts, cable masts, culverts, tanks, cable pipes, utility trenches and tunnels and other relevant infrastructures for installing telecommunications service equipment and equipment installed therein to serve telecommunications; data centers; including safety corridors used only for ensuring technical safety; systems of dealing with postal articles and postal service points; cultural post offices of communes; facilities providing repair and maintenance services within postal, telecommunications and information technology works;

8. Construction of local (third-class) markets and wholesale markets;
9. Construction of religious works, including: communal houses, temples, hermitages, shrines and other legal religious works;
10. Construction of religious works, including: headquarters of religious organizations and affiliated religious organizations; pagodas, churches, chapels, cathedrals, holy houses; schools for training people specializing in religious activities; monuments, steles, towers and other legal religious works;
11. Construction of areas for amusements, public entertainments and community activities, including: parks, flower gardens, beaches and other public entertainment areas; facilities serving meetings and other activities in accordance with the customs and practices of the local population;
12. Construction of headquarters of the Communist Party of Vietnam, regulatory agencies, Vietnamese Fatherland Front, socio-political organizations, socio-political-professional organizations, socio-professional organizations, social organizations and other organizations established in accordance with laws and assigned tasks and funded by the State for operating expenses;
13. Construction of headquarters or representative offices of public service providers affiliated to the Communist Party of Vietnam, regulatory agencies and socio-political organizations;
14. Construction of cultural facilities, historical-cultural monuments, and famous landscape, sights, including: conference centers, theaters, cultural houses, cultural centers, cultural palaces, clubs, theaters movies, circuses; monuments; Symbolic and artistic works, children's palaces, children's houses, children's activity centers, museums, exhibition houses, libraries, literary creation establishments, artistic creation establishments, art galleries, headquarters of art troupes; Works for expanding, renovating, repairing, restoring, and promoting the value of historical-cultural relics and scenic spots that have been ranked or included in the inventory of relics by the People's Committees of first-level administrative divisions according to laws on cultural heritage; Other cultural establishments established or permitted to operate by the State;
15. Construction of medical facilities and social service facilities established or permitted by the State to operate, including: medical examination and treatment facilities; rehabilitation facilities; preventive health care facilities; population health management facilities; testing facilities; standardization and inspection facilities; medical assessment facilities; forensic examination facilities; drug manufacturing facilities; medical equipment manufacturing facilities; centers providing social work services, social protection facilities; treatment, education, and social labor centers; nursing centers for meritorious people; children's support facilities; care consulting facilities for the elderly, people with disabilities, children in special circumstances, people with HIV/AIDS, and people with mental illness; drug rehabilitation facilities; facilities for nurturing the elderly and children with special circumstances;

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

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

18. Construction of science and technology facilities established or permitted by the State to operate, including: organizations of science and technology research, development and services; innovation and entrepreneurship support organizations; technology incubators, science and technology business incubators; science and technology parks; science museums; measurement standard systems;

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

20. Construction of public service works on environmental treatment, biodiversity conservation, meteorology, hydrology, registration and quarantine of animals and plants;

21. Carrying out projects for construction of social housing and housing for the people's armed forces, except for agreements on receiving land use rights; public-duty house construction projects; investment projects aiming to renovate and rebuild apartment buildings, except in cases where apartment owners agree to convey their land use rights to investors to carry out investment projects aiming to renovate and rebuild apartment buildings according to the Housing Law; resettlement projects;

22. Carrying out industrial park and industrial cluster projects; high-tech parks; high-tech agricultural zones; centralized information technology parks; high-tech forestry zones; non-tariff zones in economic zones;

23. Carrying out large scale and concentrated projects aiming to construct agricultural, forestry, fishery and marine product production and processing zones with a uniformity in shared infrastructure from production to processing of agricultural, forestry, fishery and marine products served on an inter-district, inter-provincial or inter-regional scale; Projects aiming to plant medicinal plants and preserve their genes to develop traditional medicinal herbs;

24. Undertaking land reclamation activities;

25. Carrying out mineral mining activities that have been licensed by competent regulatory agencies, including construction of work items serving mineral exploitation and processing associated with the mining areas and mining safety corridors on land subject to land repossession;



26. Carrying out vicinity projects;

27. Carrying out projects aiming to construct urban areas with mixed-use developments and the uniformity in technical infrastructure and social infrastructure with housing according to laws on construction synchronizing technical and social infrastructure systems with housing in order to construct or renovate and beautify urban areas; rural residential area projects;

28. Constructing cemeteries, funeral service centers and cremation centers, ashes storage facilities;

29. Carrying out projects aiming to allocate homestead land and production land to ethnic minorities to implement land policies for ethnic minorities according to regulations of this Law;

30. Construction of above-ground works serving the operation, exploitation and use of underground works;

31. Carrying out projects whose investment guidelines have been approved or decided by the National Assembly or the Prime Minister as prescribed by laws;

32. If cases of land repossession for carrying out projects and works for the national or public interests are not prescribed in clause 1 to clause 31 of this Article, the National Assembly shall amend cases of land repossession in this Article according to simplified procedures.

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

1. A project aiming to repossess land for a national defense or security purpose; or a socio-economic development purpose in the national/public interest must comply with regulations in Article 78 and Article 79 of this Law, as well as fall into one of the following cases:

a) The project must be included in a district-level annual land use plan that has been approved by a competent authority;

b) The decision to invest in the project according to public investment laws, or the decision to approve the investment project according to laws on public-private partnership investment has been issued;

c) A decision to approve investment guidelines, a decision to approve both investment guidelines and investor or a decision to approve the investor of the project has been issued according to investment laws (in case the investment project is subject to investment guideline approval by the National Assembly and the Prime Minister);

d) There is a document of a competent regulatory agency prescribed in Article 84 of this Law in a case of land repossession for a purpose relating to national defense or security.

2. In a case where the project prescribed in clause 1 of this Article has a divergent land use progress, the land will be repossessed according to the progress of the investment project as determined in the written approval for or decision on investment policies of the project.
3. Conditions for land repossession for national defense or security purpose or for socio-economic development purpose in the national/public interest include the completion of approval for recompense, support or resettlement arrangements and the resettlement implementation according to regulations of this Law.
4. The land repossession as prescribed in clause 26 and clause 27 Article 79 of this Law must meet conditions prescribed in clauses 1, 2 and 3 of this Article and serve the purpose of creation of land banks for the State to manage, use, or allocate or lease out to investors as prescribed by law.

#### **Article 81. Cases of land repossession due to violations against land law**

1. A land user uses land for a purpose other than the intended purpose for which the State allocates, leases out the land or recognizes LURs of the land and has been penalized for unintended use of the land constituting an administrative violation but continues committing such violation again.
2. A land user destroys land and has been penalized for the land destruction constituting an administrative violation but continues committing such violation again.
3. Land is allocated or leased out to ineligible subjects or ultra vires.
4. Land is received by conveyance or donation from a person who is allocated or leased out the land by the State but the person is not permitted to convey or donate the land according to regulations of this Law.
5. Land is allocated by the State to manage but is trespassed or appropriated.
6. A land user fails perform financial obligations to the State.
7. A land user has not used annual crop land or land used for aquaculture for a period of 12 consecutive months; perennial crop land for a period of 18 consecutive months; forestry land for a period of 24 consecutive months and has been penalized for the disuse constituting an administrative violation but continues failing to use the land according to the period stated in the decision to impose penalty for the administrative violation;
8. If the State allocates, leases out land, permits land repurposing, recognizes LURs, receives LURs by conveyance for execution of an investment project but the land is not used for 12 consecutive months from the date of actual land receipt (or the land use is behind schedule by 24 months if land is not put into use or put into use behind schedule), the investor shall be given a land use deferral of up to 24 months and has to pay the State an amount equal to land levy and land rent accrued over the deferral period. If the investor does not put the land into use upon

expiration of the deferral period, the State will repossess the land without land-related recompense, property affixed to the land, and the residual land value.

9. Cases prescribed in clauses 6, 7 and 8 of this Article do not apply in force majeure cases.

10. The Government of Vietnam shall elaborate this Article.

**Article 82. Land repossession due to termination of land use according to law, voluntary return of land, risks of threatening human life, inability to continue using land**

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

a) Organization which is allocated land by the State without land levy payment is dissolved, goes bankrupt or has its operation terminated as prescribed by law;

b) Individual land user dies without any heir after he/she has fulfilled his/her property obligations in accordance with civil laws;

c) Land is allocated or leased out by the State for a fixed term and such period is expired with no extension granted;

d) Land is repossessed in case of termination of investment project in accordance with investment laws;

dd) Land is repossessed in case where forest land has been repossessed in accordance with forestry laws.

2. The land user voluntarily returns part or all of the land (in writing).

3. Cases of land repossession due to risks of threatening human life or inability to continue using the land include:

a) Homestead land in an area with environmental pollution which poses a risk to human life; Other land in an area with environmental pollution which can no longer be used for the intended purpose;

b) Homestead land which is at risk of landslides, subsidence, or is affected by other natural disasters that threaten human life; Other land which is subject to landslides, subsidence, or is affected by other natural disasters and can no longer be used.

4. Land shall be repossessed in the cases subject to land repossession as specified in clause 1 Article 48, point d and point dd clause 1 Article 181 of this Law.

5. The land repossession in the cases prescribed in clauses 1, 2 and 3 of this Article must be based on the following grounds:

- a) Legal document of a competent authority for the case specified in point a, clause 1 of this Article;
- b) A death certificate or a decision to declare the death of a person as prescribed by law for the case prescribed in point b clause 1 of this Article;
- c) A decision to allocate land, decision to lease out land, certificate of LURs, certificate of home ownership and LURs of homestead land, certificate of LURs and ownership of housing and other property affixed to land or certificate of title for the case prescribed in point c clause 1 of this Article;
- d) Document on termination of an investment project for the case prescribed in point d clause 1 of this Article;
- dd) Document on repossession of a forest for the case prescribed in point dd clause 1 of this Article;
- e) Document on return of land of a land user for the case prescribed in clause 2 of this Article;
- g) Document of a competent authority determining the level of environmental pollution, landslides, subsidence or impact by other natural disasters for the case specified in Clause 3 of this Article.

6. The Government of Vietnam shall elaborate this Article.

### **Article 83. Authority to repossess land and handle cases of repossession of land and property thereon which are public property**

1. The People's Committees of first-level administrative divisions shall issue decisions to repossess land of Vietnamese organizations, religious organizations, affiliated religious organizations, persons of Vietnamese descent residing overseas, foreign diplomatic organizations, foreign-invested business organizations falling in the cases prescribed in Articles 81 and 82 of this Law.
2. The People's Committees of second-level administrative divisions shall issue decisions to repossess land in the following cases:
  - a) Land repossession falling into the cases prescribed in Article 78 and Article 79 of this Law regardless of land users, organizations or individuals managing or possessing the land;
  - b) Households'/ individuals'/ populations' land repossession falling into the cases prescribed in Article 81 Article 82 of this Law.
3. In case land and property thereon which are public property fall into cases of land repossession as prescribed by this Law, it is not required to rearrange or handle public property according to laws on management and use of public property.

## **Article 84. Cases of land repossession for purposes relating to national defense or security**

1. In case national defense land and security land included in planning for use of national defense land and planning for use of security land is repossessed to be transferred to local authorities for carrying out socio-economic development projects for national and public interests as prescribed in Article 79 of this Law, it is required to have an agreement of the Minister of National Defense with respect to national defense land or the Minister of Public Security with respect to security land. In case no agreement is made, the People's Committees of first-level administrative divisions shall submit reports to the Prime Minister for consideration and decision.

2. In case land is subject to repossession for national defense or security purpose but it is not included in the national defense land use planning or the security land use planning, the Minister of National Defense or the Minister of Public Security shall consult with the Ministry of Natural Resources and Environment, the People's Committee of the first-level administrative division to which the land belongs and submit a report on it to the Prime Minister for his/her consideration and approval for the land repossession and update the planning after reviewing or adjustment in accordance with laws.

3. In case national defense land or security land and/or property thereon has to be repossessed and transferred to a local authority for carrying out a socio-economic development project for national or public interests but the land is not reserved for transfer to the local authority in the planning for use of national defense land or the planning for use of security land, the following regulations shall apply:

a) If the project is subject to investment guideline decision or approval by the National Assembly as prescribed by public investment laws, PPP investment laws and investment laws, after the National Assembly grants a decision on or approval for the investment guidelines, the Prime Minister shall consider deciding or approving the repossession of the national defense or security land and property thereon for carrying out the project;

b) If the project is subject to investment guideline decision or approval by the Prime Minister as prescribed by public investment laws, PPP investment laws and investment laws, the Prime Minister shall consider deciding or approving the repossession of the national defense or security land and property thereon for carrying out the project as well as consider deciding and approving the investment guidelines;

c) For a public investment project or PPP investment project not falling into the cases prescribed in point a and point b of this clause, the People's Committee of the first-level administrative division shall cooperate with the Ministry of National Defense (in case of land for national defense purpose) or with the Ministry of Public Security (in case of land for security purpose) in submitting a report to the Prime Minister for his/her consideration and approval for the repossession of the national defense or security land and property thereon for carrying out the project before deciding to invest in the project according to public investment laws and PPP investment laws;

d) The area of land belonging to the projects prescribed in points a, b and c of this clause, after repossession, must be updated upon reviewing or adjusting the planning as prescribed by law.

4. The Government of Vietnam shall elaborate this Article.

**Article 85. Notifying land repossession and abiding by decisions to repossess land for national defense or security purpose; socio-economic development purpose in the national/public interest**

1. Before issuing a decision on to repossess land, a competent regulatory agency shall send a written notification of land repossession to the holder of the repossessed land, owner of the property affixed to the repossessed land, relevant holder of rights and obligations (if any) within 90 days applicable to agricultural land and 180 days applicable to non-agricultural land.

Contents of the notification of land repossession include reasons for the land repossession, area, location of the land zone repossessed; land repossession progress; inspection, surveying and measurement plan; plan to relocate people from the area of land repossessed; recompense, support or resettlement plan.

2. In case the land user, owner of property affixed to land, relevant holder of rights and obligations in respect to the land repossessed agrees to the land repossession by the competent regulatory agency before the deadline specified in clause 1 of this Article, the competent People's Committee shall issue decision on land repossession regardless of whether the deadline for notification prescribed in clause 1 of this Article expires or not.

3. The holder of the repossessed land, owner of the property affixed to the repossessed land shall cooperate with the unit or organization in charge of recompense, support or resettlement provision during the inspection, surveying, measurement or development of a recompense, support or resettlement arrangement.

4. When the decision on land repossession which becomes effective and the recompense, support or resettlement arrangement which has been approved by a competent authority are publicly disclosed, the holder of the repossessed land, owner of the property affixed to the repossessed land, relevant holder of rights and obligations shall abide by the decision on land repossession.

5. The period of validity of the notification of land repossession is 12 months as from the day on which it is issued.

**Article 86. Agencies, units, organizations in charge of recompense, support and resettlement provision; management, exploitation or use of repossessed land banks**

1. The People's Committees of second-level administrative divisions shall direct and organize provision of recompense, support and resettlement according to regulations of this Law.

2. Units and organizations in charge of recompense, support and resettlement provision include one or all of the units and organizations belows:

- a) Land bank development organizations;
- b) Other units, organizations in charge of recompense, support and resettlement provision;
- c) Recompense, support and resettlement councils.

A recompense, support and resettlement council decided to be established by the President of the People's Committee of a second-level administrative division for each project includes a President or Deputy President(s) of the People's Committee acting as the Council's President; representatives of financial agencies, land authorities, the People's Committee of a third-level administrative division to which the repossessed land belongs; representative of the land user holding the repossessed land; other members decided by the President of the People's Committee of the second-level administrative division in a manner that is consistent with the actual conditions of the second-level administrative division. Representatives of the People's Council, Vietnam Fatherland Front Central Committee of the second-level administrative division and representatives of other socio-political organizations will be invited to attend meetings of the Recompense, support and resettlement council for supervision.

3. Units and organizations in charge of recompense, support and resettlement provision shall cooperate with the People's Committees of second-level administrative divisions in providing recompense, support and resettlement according to their assigned responsibilities and tasks.

4. Presidents of the People's Committees of first-level administrative divisions shall direct and monitor the organization of provision of recompense, support and resettlement of the People's Committees of second-level administrative divisions; promptly resolve difficulties that do not fall under the authority of the People's Committees of second-level administrative divisions.

5. If the land repossessed as prescribed in Article 78 and Article 79 of this Law is not allocated or leased out in an urban area, it will be allocated to a land bank development organization for management, exploitation or use; in a rural area, it will be allocated to the People's Committee of a third-level administrative division for management.

**Article 87. Procedures for provision of recompense, support, resettlement or land repossession for national defense or security purpose; socio-economic development purpose in the national/public interest**

1. Before a notification of land repossession is issued, the People's Committee of a third-level administrative division to which the repossessed land belongs shall take charge and cooperate with the Vietnam Fatherland Front Central Committee at the same level, a unit or organization in charge of recompense, support and resettlement provision and relevant agencies in organizing a meeting with the holder of land in the repossession area to disseminate and receive comments on the following contents:

- a) Purposes, significances, importance of projects and works implemented on the land intended to be repossessed;

b) Regulations of the State on recompense, support and resettlement policies upon land repossession;

c) Scheduled contents of recompense, support and resettlement plan;

d) Resettlement area planned in case the holder of the repossessed land is resettled.

2. A land repossession plan or an inspection, surveying and measurement plan shall be prescribed as follows:

a) The People's Committee having authority to repossess land shall issue a notification of land repossession;

b) The People's Committee of a third-level administrative division to which repossessed land belongs shall send a notification of land repossession to each holder of repossessed land, owner of property affixed to the repossessed land, relevant holder of rights and obligations (if any), and post the notification on land repossession and the list of holders of repossessed land in the area managed by the People's Committee at the office of the People's Committee and common living area of the residential area to which the repossessed land belongs during the recompense, support and resettlement process.

In case it is impossible to contact with the holder of the repossessed land, owner of property affixed to the repossessed land, relevant holder of rights and obligations (if any) to send the notification of land repossession, the notification shall be posted on one of the daily newspapers of central authorities and provincial authorities for 03 consecutive issues and broadcasted on radios or televisions of central authorities and provincial authorities for 03 times in 03 consecutive days; posted at the office of the People's Committee of the third-level administrative division and common living area of the residential area to which the repossessed land belongs, updated on the Web portal of the People's Committee of the second-level administrative division during the recompense, support and resettlement process;

c) The People's Committee of the third-level administrative division to which the repossessed land belongs shall cooperate with a unit or organization in charge of recompense, support and resettlement provision in conducting the inspection, survey and recording the current status, measuring, making statistics, and classifying area of the repossessed land and property affixed to the repossessed land; determining origins of the repossessed land and property affixed to the repossessed land;

d) The People's Committee of the third-level administrative division to which the repossessed land belongs shall cooperate with the unit or organization in charge of recompense, support and resettlement provision in investigating, determining and fully listing actual damages to rights to use the repossessed land and property thereon; identifying relevant holder of rights and obligations; incomes earned from use of the repossessed land and property thereon, desires to resettle or change profession;



dd) In case the holder of repossessed land does not cooperate in inspecting, surveying, and measuring, the People's Committee of the third-level administrative division to which the repossessed land belongs shall take charge and cooperate with the Vietnam Fatherland Front Central Committee at the same level and the unit or organization in charge of recompense, support and resettlement provision in mobilizing and persuading to create consensus in implementation.

The mobilization and persuasion shall be organized within 15 days and recorded in writing. After 10 days from the end of mobilization and persuasion, if the holder of repossessed land still does not cooperate in inspecting, surveying, and measuring, the President of the People's Committee of the second-level administrative division shall issue a mandatory land inspection decision. The holder of repossessed land shall implement the mandatory land inspection decision. Otherwise, the President of the People's Committee of the second-level administrative division shall issue a decision to enforce the mandatory land inspection decision and organize enforcement as prescribed in Article 88 of this Law.

3. The development, appraisal of and approval for a recompense, support and resettlement arrangement shall be prescribed as follows:

a) Unit or organization in charge of recompense, support and resettlement provision shall make a recompense, support and resettlement arrangement and cooperate with the People's Committee of a third-level administrative division to which the repossessed land belongs in publicly posting the recompense, support and resettlement arrangement at the office of the People's Committee of the third-level administrative division, common living area of the residential area to which the repossessed land belongs within 30 days. Immediately after the expiration of the publicly posting period, the unit or organization shall conduct a survey on the recompense, support and resettlement arrangement in the form of holding a face-to-face meeting with people in the area to which the repossessed land belongs. In case the holder of repossessed land, owner of property affixed to the repossessed land does not attend the face-to-face meeting with a legitimate reason, he/she must send his/her comments in writing.

The survey must be recorded in writing, clearly stating the numbers of positive and negative feedbacks, number of other opinions on the recompense, support and resettlement arrangement; receiving or commenting on the feedbacks; certified by the representative of the People's Committee of the third-level administrative division, and representative of holders of repossessed land.

Within 60 days from the day on which the survey is conducted, the unit or organization in charge of recompense, support and resettlement provision shall cooperate with the People's Committee of the third-level administrative division to which the repossessed land belongs in organizing a dialogue in case there are disagreements about the recompense, support and resettlement arrangement; the unit or organization in charge of recompense, support and resettlement provision in receiving and commenting on the draft recompense, support and resettlement arrangement; complete the arrangement and submit it to a competent authority;

b) The recompense, support and resettlement arrangement must be appraised before submitting to the People's Committee having authority to repossess land for decision;

c) The People's Committee having authority to repossess land shall issue a decision to approve the recompense, support and resettlement arrangement.

4. The unit or organization in charge of recompense, support and resettlement provision shall:

a) cooperate with the People's Committee of the third-level administrative division in disseminating and publicly posting the decision to approve the recompense, support and resettlement arrangement at the office of the People's Committee of the third-level administrative division and common living area of the residential area to which the repossessed land belongs;

b) send the recompense, support and resettlement arrangement that has been approved by the competent authority to each holder of repossessed land, owner of property affixed to the repossessed land, relevant holder of rights and obligations, which specifies the amount of recompense or support, arrange resettlement house or land (if any), time and place of payment of recompense or support; time for arranging resettlement house or land (if any) and time for handing over the repossessed land to the unit or organizations in charge of recompense, support and resettlement provision;

c) provide recompense, support or implement resettlement according to the recompense, support and resettlement arrangement which has been approved by the competent authority.

5. The People's Committee having authority to repossess land shall issue a decision to repossess land within 10 days from the day on which:

a) the recompense, support and resettlement arrangement was approved in case where the resettlement is not required;

b) the former holder of the repossessed land was provided with in-situ resettlement and agrees to receive the recompense for temporary residence costs.

c) the former holder of the repossessed land received land through an allocation or on-site handover of land for self-build resettlement housing by a competent authority ;

d) a competent regulatory agency handed over a resettlement house to the former holder of the repossessed land;

dd) a competent regulatory agency handed over homestead land affixed to the resettlement house to the former holder of the repossessed land;

e) the former holder of the repossessed land agreed and received the recompense for arrangement of his/her own accommodation;

g) the holder of the land subject to repossession voluntarily handed over his/her land to the State and has been given temporary residence or paid a temporary residence budget.

6. If a competent regulatory agency organizes making of a recompense, support and resettlement arrangement that has been approved by a competent authority, but the former holder of the repossessed land does not agree or abide by,

a) the People's Committee of the third-level administrative division to which the repossessed land belongs shall take charge and cooperate with the Vietnam Fatherland Front Central Committee at the same level and the unit or organization in charge of recompense, support and resettlement provision in mobilizing and persuading to create consensus in implementation;

b) the mobilization and persuasion shall be organized within 10 days and recorded in writing. After 10 days from the end of mobilization and persuasion, if the holder of the land subject to repossession still does not agree or abide by, the competent People's Committee shall issue a decision to repossess the land.

7. If the holder of land subject to repossession, owner of property affixed to the land, relevant holder of rights and obligations does not hand over the land to the unit or organization in charge of recompense, support and resettlement provision,

a) the People's Committee of the third-level administrative division to which the repossessed land belongs shall take charge and cooperate with the Vietnam Fatherland Front Central Committee at the same level and the unit or organization in charge of recompense, support and resettlement provision in mobilizing and persuading the holder of the land subject to repossession, owner of the property affixed to the land, relevant holder of rights and obligations to hand over the land to the unit or organization in charge of recompense, support and resettlement provision;

b) the mobilization and persuasion shall be organized within 10 days and recorded in writing. After 10 days from the end of mobilization and persuasion, if the holder of the land subject to repossession still does not abide by handover of the land to the unit or organization in charge of recompense, support and resettlement provision, the President of the People's Committee of the second-level administrative division shall issue a decision to enforce land repossession and organize enforcement as prescribed in Article 89 of this Law.

8. The land bank development organization and the People's Committee of the third-level administrative division shall manage the repossessed pending land allocation or land lease according to clause 5 Article 86 of this Law.

9. The Government of Vietnam shall elaborate this Article.

## **Article 88. Enforcement of mandatory land inspection decisions**

1. The enforcement of a mandatory land inspection decision must lay down the following principles:

a) The enforcement must be public, transparent, democratic, objective, ensuring order, safety, and in accordance with laws;

b) The period of enforcement must start from a working hour.

2. A mandatory land inspection decision shall be enforced if all the following conditions are satisfied:

a) Former holder of the repossessed land, owner of property affixed to the land, or relevant holder of rights and obligations fails to abide by the mandatory land inspection decision after the People's Committee of the third-level administrative division to which the repossessed land belongs, Vietnam Fatherland Front Central Committee at the same level and the unit or organization in charge of recompense, support and resettlement provision have completed mobilization and persuasion;

b) The Decision to enforce the mandatory land inspection decision has been posted in the People's Committee of the third-level administrative division and common living area of the residential area to which the repossessed land belongs and notified on the radio system of the third-level administrative division;

c) The Decision to enforce the mandatory land inspection decision has been effective;

d) The person against whom the enforcement is sought has received the enforcement decision.

If the person refuses to receive the enforcement decision or is absent upon grant of the enforcement decision, the People's Committee of the third-level administrative division shall make a record.

3. The President of the People's Committee of the second-level administrative division shall issue the enforcement decision and organize implementation of the enforcement decision.

4. The enforcement decision shall be implemented following the procedure belows:

a) The organization in possession of enforceable title mobilizes, persuades, and has dialogues with the person against whom the enforcement is sought;

b) If the person against whom the enforcement is sought abides by the enforcement decision, the organization in possession of enforceable title shall make a record of compliance and carry out the inspection, survey and measurement.

If the person against whom the enforcement is sought fails to abide by the enforcement decision, the organization in possession of enforceable title shall enforce the enforcement decision.

5. Police forces shall be responsible for protecting order and safety during the enforcement process.

6. The Government of Vietnam shall elaborate this Article.

### **Article 89. Enforcement of land repossession decisions**

1. The enforcement of a land repossession decision must satisfy the following principles:

- a) The enforcement must be public, transparent, democratic, objective, ensuring order, safety, and in accordance with laws;
- b) The period of enforcement must start from a working hour. The enforcement measures shall not be imposed in the period between 10:00 pm of the previous day and 06:00 am of the next day; in days off, national holidays, and ethnic holidays; within 15 days before and after the Lunar New Year holiday and other special cases that seriously affect security, politics, order, social safety, local customs and practices;
- c) The land repossession decision shall be enforced on the land user, owner of property affixed to the land and other entities relating to the reposessed land zone (if any).

2. A land repossession decision shall be enforced if all the following conditions are satisfied:

- a) The land repossession decision has been effective but the holder of the reposessed land fails to abide by the land repossession decision after the People's Committee of the third-level administrative division to which the reposessed land belongs, the Vietnam Fatherland Front Central Committee at the same level and the land authority or the unit or organization in charge of recompense, support and resettlement provision have completed mobilization and persuasion;
- b) The Decision to enforce the land repossession decision has been posted in the People's Committee of the third-level administrative division and common living area of the residential area to which the reposessed land belongs;
- c) The Decision to enforce the land repossession decision has been effective;
- d) The person against whom the enforcement is sought has received the effective enforcement decision.

If such person refuses to receive the enforcement decision or is absent upon grant of the enforcement decision, the People's Committee of the third-level administrative division shall make a record.

3. The President of the People's Committee of the second-level administrative division shall issue the enforcement decision and organize implementation of the enforcement decision.

The enforcement decision must be enforced within a period of 10 days from the day on which the person against whom the enforcement is sought received the enforcement decision or from the day on which the People's Committee of the third-level administrative division made the record showing that the person against whom the enforcement is sought is absent or refuses to

receive the enforcement decision, except for the case where the enforcement decision stipulates a longer period.

4. The enforcement decision shall be implemented following the procedure belows:

a) Before enforcement measures are imposed, the President of the People's Committee of the second-level administrative division shall decide to establish a land repossession enforcement board, including: the President or Deputy President of the People's Committee of the second-level administrative division holding the position of head of the Board; representatives of inspection, justice, resource and environment, construction authorities; unit or organization in charge of recompense, support and resettlement provision; representative of the leadership of the People's Committee of the third-level administrative division to which the repossessed land belongs being members and other members decided by the President of the People's Committee of the second-level administrative division;

b) The land repossession enforcement board mobilizes, persuades, and has dialogues with the person against whom the enforcement is sought; if such person abides by the enforcement decision, the board shall make a record showing the compliance. The land must be handed over within 30 days from the day on which the record is made.

If the person against whom the enforcement is sought fails to abide by the enforcement decision, the land repossession enforcement board shall organize the imposition of enforcement measures;

c) The land repossession enforcement board is entitled to force the person against whom the enforcement is sought and relevant people to leave the land zone subject to enforced repossession, remove their property from the land; unless the land repossession enforcement board shall move the person against whom the enforcement is sought and relevant people as well as their property out of the land zone.

If the person against whom the enforcement is sought refuses to receive property, the land repossession enforcement board shall make a record and preserve the property according to the law and notify holders of the property to receive their property;

d) The land repossession enforcement board shall invite a representative of the Vietnam Fatherland Front Central Committee of the second-level administrative division to participate in supervising the enforcement.

5. Responsibilities of agencies, organizations and individuals in implementing the enforcement decision:

a) The People's Committee of the second-level administrative division shall impose enforcement measures, resolve complaints relating to the enforcement according to laws on complaints; ensure conditions and means necessary to the enforcement; allocate a land repossession enforcement budget;

b) The land repossession enforcement board shall be in charge of the formulation and submission of enforcement measures and estimates of land repossession enforcement budget for the approval of the People's Committee of the second-level administrative division; hand over the land to the unit or organization in charge of recompense, support and resettlement provision.

If there is property on the repossessed land, the preservation of the property shall comply with regulations of the Government; the cost of preservation shall be paid by the owner of such property;

c) Police forces shall protect order and safety during the enforcement process;

d) The People's Committee of the third-level administrative division shall cooperate with relevant units and organizations in allocating and posting the enforcement decision; participate in the enforcement; cooperate with the land repossession enforcement board in sealing and moving the property of the person against whom the enforcement is sought;

dd) Other relevant agencies, organizations and individuals shall cooperate with the land repossession enforcement board in enforcing the land repossession if required.

6. The land repossession enforcement budget shall be guaranteed by the State and constitute an element of the budget for recompense, support and resettlement.

7. The Government of Vietnam shall elaborate this Article.

## **Article 90. Land requisition**

1. The State shall requisition land where necessary to serve national defense or security purposes, or in cases of war, emergency, or natural disaster prevention and control.

2. Each decision to requisition land must be put in writing and be effective from the time of issuance.

In case of emergency where the written decision cannot be issued, a competent person may decide the land requisition orally with immediate effect; the competent person must write a written confirmation of the decision to requisition of the land at the time of requisition and send it to the holder of the requisitioned land. Within 48 hours from the time of deciding the land requisition orally, the agency of such competent person shall provide a written confirmation of the land requisition to the holder of the requisitioned land.

3. The Minister of National Defense, the Minister of Public Security, the Minister of Transport, the Minister of Agriculture and Rural Development, the Minister of Health, the Minister of Industry and Trade, the Minister of Natural Resources and Environment, the Minister of Finance, the Presidents of the People's Committees of first-level administrative divisions, the Presidents of the People's Committees of second-level administrative divisions have the authority to decide land requisition and decide land requisition extension. Persons having authority to decide land requisition and land requisition extension are not permitted to grant their authorizations.

4. A land requisition must be completed within 30 days from the date on which the land requisition decision comes into force. If case the land requisition period expires but the purpose of the land requisition has not been achieved completely, it can be extended to 30 days. Each land requisition extension decision must be put in writing and sent to the holder of the requisitioned land, the owner of property affixed on the land before the land requisition period expires.

In the state of war of emergency, the land requisition period shall begin from the issuance date of the decision and end not later than 30 days after the end of the state of war or emergency is declared.

5. The holder of the requisitioned land and owner of property affixed to the land must abide by the land requisition decision. If the land requisition decision has been abided by according to regulations of law but the holder of the requisitioned land fails to comply, the person deciding the land requisition shall issue an enforcement decision and impose enforcement measures or assign the President of the People's Committee of the first-level administrative division or the President of the People's Committee of the second-level administrative division to which the requisitioned land belongs to impose enforcement measures.

6. The person having authority to requisition the land shall assign relevant organizations and individuals to manage and use the requisitioned land for the intended purpose and in an efficient manner; return the land when the requisition period expires; compensate for the damage caused by the land requisition.

7. The compensation for the damage caused by the land requisition shall comply with the following regulations:

a) If the requisitioned land is destroyed, an amount of money equal to the market price for conveyance of LURs at the time of payment shall be provided as compensation for the destruction;

b) If the loss of earnings is directly caused by the land requisition, the amount of compensation shall be determined on the basis of the actual loss calculated from the date of handover of the requisitioned land to the date of return of the requisitioned land recorded in the decision to return the requisitioned land. The actual level of earnings lost must be consistent with the earnings brought by the requisitioned land under normal conditions before the time of land requisition;

c) In case the destruction of the property is directly caused by the land requisition, an amount of money equal to market price for conveyance of property at the time of payment shall be provided as recompense for the destruction;

d) The President of the People's Committee of the first-level administrative division and the President of the People's Committee of the second-level administrative division to which the requisitioned land belongs shall establish a Council for determining the amount of compensation for the loss of earnings caused by the land requisition on the basis of the written declaration of the land user and the cadastral record. On the basis of the amount of compensation for the loss



determined by the Council, the President of the People's Committee of the first-level administrative division and the President of the People's Committee of the second-level administrative division shall issue a decision on the amount of compensation;

dd) A lump sum from state budget shall be given directly to the holder of the requisitioned land, owner of property affixed to the land within 30 days from the date of returning the land as financial compensation for the loss caused by the land requisition.

8. The Government of Vietnam shall elaborate this Article.

## **Chapter VII**

### **RECOMPENSE, SUPPORT, RESETTLEMENT UPON LAND REPOSSESSION**

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

##### **Article 91. Rules for recompense, support and resettlement upon land repossession by the State**

1. The recompense, support and resettlement upon land repossession by the State must ensure democracy, objectivity, fairness, openness, transparency, timeliness and compliance with laws; be for the common good and for the sustainable, civilized and modern development of the communities and localities; pay attention to beneficiaries of social welfare and subjects directly engaged in agriculture.

2. The land-related recompense shall be given by allocation of land with the same purpose as that of the repossessed land. In case of no land for recompense, an amount of money equal to the specific land price of the type of repossessed land shall be provided as recompense for the repossessed land by the People's Committee competent to decide at the time of approval for the recompense, support and resettlement arrangement. If the holder of the repossessed land is given land or housing as recompense but wishes to receive recompense in money, the recompense shall be paid in money in accordance with his/her wishes when making the recompense, support and resettlement arrangement.

If there is a land bank or housing bank in the local area, the holder of the repossessed land can be provided with housing or land with a different purpose from that of the repossessed land.

3. If the owner of property under civil laws suffers a loss of his/her property, he/she shall be given recompense for the loss; the owner of the manufacturing and business facility whose land is repossessed shall be considered support if the facility's operation is stopped due to the land repossession by the State.

4. The State shall provide support to the holder of the repossessed land, owner of property affixed to the land in order to enable the holder of the repossessed land and the property owner to have jobs, income and stabilize their lives and manufacture.

5. A resettlement area must have conditions of synchronous technical and social infrastructure completed according to the detailed planning approved by a competent authority, and be consistent with the cultural traditions, customs and practices of the population where the repossessed land belongs. The resettlement area may be allocated to one or multiple projects.
6. The People's Committee of the first-level administrative division and the People's Committee of the second-level administrative division shall set up and run a resettlement project to ensure initiative in resettling the holder of the repossessed land. The approval for the recompense, support and resettlement arrangement and the resettlement implementation must be completed before the issuance date of the land repossession decision.
7. When the State repossesses land according to Article 78 and Article 79 hereof and the remaining area of the land parcel after being repossessed is smaller than the minimum area under regulations of the People's Committee of the first-level administrative division on minimum area in clause 2 Article 220 hereof, if the land user agrees the land repossession, the competent People's Committee shall issue a land repossession decision and provide recompense, support for and management of the repossessed land area according to regulations of law.

Budgets for recompense and support in case of land repossession prescribed in this clause shall be included in the cost of recompense, support and resettlement of the investment project.

#### **Article 92. Recompense, support and resettlement in special cases**

1. In case an investment project whose investment guidelines are decided or approved by the National Assembly or Prime Minister is subject to land repossession which results in displacement of the entire population and affects the entire life, economy, society and cultural traditions of the community and requires a specific policy on recompense, support and resettlement, the People's Council of the first-level administrative division shall decide a recompense, support and resettlement policy appropriate to the actual local conditions.
2. The holder of the repossessed land in the case of land repossession prescribed in clause 3 Article 82 of this Law shall be provided with recompense, support and resettlement as in the case of land repossession prescribed in Article 78 and Article 79 of this Law.
3. For an organization whose land is repossessed without land-related recompense or an organization whose property is allocated by the State to manage or use,
  - a) In case the organization is allocated land by the State with land levy payment or leased out land by the State under one-off arrangement and the land levy or land rent has been paid from the state budget and the organization is allocated land by the State without land levy payment upon land repossession by the State, the organization shall not be provided with land-related recompense but monetary support if it must relocate to a new location which is decided by a competent regulatory agency; and the maximum support level shall not exceed the land recompense level;

b) In case the land subject to repossession by the State is being used by the people's armed force unit according to regulations in Article 79 of this Law, this unit shall remove to a new site arranged by the State or land in a suitable site shall be allocated in exchange for the repossessed land;

c) In case an organization suffers a loss of property allocated by the State to manage or use due to the land repossession by the State and it must remove to a new site, such organization can use recompense for the property to make investment in the new site according to the investment project approved by a competent authority.

4. The Government of Vietnam shall elaborate this Article.

### **Article 93. Separation of recompense, support and resettlement into independent projects and land repossession, recompense, support and resettlement for investment projects**

In case a recompense, support and resettlement project is separated into an independent project according to public investment laws, the land repossession, recompense, support and resettlement shall comply with regulations of this Law.

### **Article 94. Budgets for and payment of recompense, support and resettlement**

1. Budgets for recompense, support and resettlement shall be guaranteed by the State. A budget for recompense, support and resettlement include recompense, support and resettlement upon land repossession by the State; costs of recompense, support and resettlement and other costs.

2. In case the State allocates land with land levy payment or leases out land according to land laws, if the budget for recompense, support and resettlement is voluntarily advanced by the project implementer in accordance with the recompense, support and resettlement arrangement which has been approved by a competent authority, it shall be deducted from the land levy or the land rent payable. The deductible amount shall not exceed the land levy or land rent payable; the remaining amount (if any) shall be deducted from the investment cost of the project.

In case the State allocates land without land levy payment, allocates land with land levy payment or leases out land according to land laws, if the project implementer is given exemption from land levy or land rent and he/she voluntarily advances the budget for recompense, support and resettlement in accordance with the recompense, support and resettlement arrangement which has been approved by a competent authority, such budget shall be deducted from the investment cost of the project.

3. The payment of recompense, support and resettlement shall be made as follows:

a) Within 30 days from the effective date of the decision to approve the recompense, support and resettlement arrangement, the payer (agency/unit/organization) of recompense must pay the recompense or support to the holder of the repossessed land and/or the property owner;

b) If the payer defers the payment, upon payment of recompense or support to the holder of the repossessed land and/or the property owner, the holder of the repossessed land and/or the property owner shall be paid an amount equal to the late payment interest under the Law on Tax Administration which is calculated according to the amount of late payment and period of late payment in addition the recompense or support according to the recompense, support and resettlement arrangement approved by a competent authority.

The competent authority which has approved the recompense, support and resettlement arrangement shall approve the arrangement for deferred compensation payment for the holder of the repossessed land and/or the property owner. Budget for deferred compensation payment shall be allocated from the budget of the competent authority which has approved the recompense, support and resettlement arrangement.

4. b) If the holder of the repossessed land or the property owner fails to receive the recompense or support according to the recompense, support and resettlement arrangement approved by the competent authority or if the repossessed land or property is in dispute, the recompense or support payment shall be transferred to the deposit account of the unit/organization performing recompense, support and resettlement tasks opened at a commercial bank in which controlling shares are held by the State at the demand deposit interest rate. Interests from the recompense or support shall be paid to the holder of LURs or property owner who is eligible for recompense or support.

5. If modifications or additions to the recompense, support and resettlement arrangement include modifications to the land price or property price, the land price or property price on which recompense is calculated shall be set at the issuance time of the decision to modify the recompense, support and resettlement arrangement. If the land price or property price at the issuance time of the decision to modify the recompense, support and resettlement arrangement is lower than that specified in the recompense, support and resettlement arrangement which has been approved, the land price or property price on which recompense is calculated specified in the approved arrangement shall be applied. If modifications or additions to the arrangement do not include modifications to the land price or property price, land laws applicable at the approval time of the recompense, support and resettlement arrangement shall be applied.

6. If the land user who is eligible for recompense upon land repossession by the State fails to fulfil land-related financial obligations to the State according to regulations of law, the land user's unpaid debts to state budget shall be deducted from the recompense.

7. The Government of Vietnam shall elaborate this Article.

## **Section 2. LAND-RELATED RECOMPENSE**

**Article 95. Conditions of eligibility for land-related recompense when the State repossesses land for national defense or security purpose; for socio-economic development purpose in the national/public interest**

1. Entities that are eligible for land-related recompense when the State repossesses land for national defense or security purpose; for socio-economic development purpose in the national/public interest include:

- a) Household/ individual that is using land which is not leased with annual land rent payments;
- b) Population that is using land and pagoda, communal house, temple, shrine, hermitage, family church, or another religious work thereon or agricultural land prescribed in clause 4 Article 178 of this Law which is not in dispute and is certified by the People's Committee of the third-level administrative division to which the land belongs as land for common use by the population;
- c) Person of Vietnamese descent residing overseas prescribed in clause 1 Article 44 of this Law;
- d) Religious organization or affiliated religious organization permitted by the State to operate that is using land which is not allocated or leased out by the State; conveyed or donated from July 01, 2004;
- dd) Person of Vietnamese descent residing overseas that is allocated land by the State with land levy payment, leased out land by the State under one-off arrangement; receives rights to use land in an industrial park, industrial cluster, high-tech park or economic zone by conveyance;
- e) Organization that is allocated land by the State with land levy payment, leased out land by the State under one-off arrangement; receives LURs by inheritance or conveyance, receives LURs contributed as capital;
- g) Foreign diplomatic organization that is leased out land by the State under one-off arrangement;
- h) Business organization, person of Vietnamese descent residing overseas or foreign-invested business organization that is allocated land by the State with land levy payment to carry out an investment project for construction of housing for sale or for both sale and lease; leased out land by the State under one-off arrangement.

2. The entity prescribed in clause 1 of this Article shall be given land-related recompense if:

- a) They possess a Certificate of LURs or Certificate of home ownership and homestead land use right or Certificate of LURs and ownership of housing and property affixed to land; or Certificate of title;
- b) A decision to allocate land, lease land, or permit land repurposing has been issued by a competent regulatory agency;
- c) They possess one of documents on LURs forming the basis of grant of a Certificate of title according to regulations in Article 137 of this Law;

d) They receive LURs by disposition according to regulations of law from a legal holder of LURs who has not yet completed his/her land registration; or

dd) They are permitted to use land according to debt settlement clauses in a mortgage agreement; document recognizing results of the auction of LURs in which the successful bidder has fulfilled their financial obligations according to regulations of law.

3. The Government shall regulate other cases eligible for land-related recompense and conditions of eligibility for land-related recompense.

#### **Article 96. Land-related recompense when the State repossesses agricultural land of households/individuals**

1. If a household/individual that is using agricultural land when the State repossesses the land meets conditions of eligibility for recompense in Article 95 of this Law, they shall be given other agricultural land or an amount of money or land used to a purpose different from that of the repossessed land or housing as recompense.

2. In case a household/individual is using agricultural land when the State repossesses the land, the agricultural land-related recompense shall be prescribed as follows:

a) Agricultural land area to be recompensed includes the area within the limits specified in Article 176 and Article 177 of this Law and the land area received by inheritance;

b) If the area of agricultural land of which LURs is received by disposition exceeds the limit prior to July 01, 2014, the recompense or support shall comply with the Government's regulations.

3. If a household/individual directly engaged in agriculture used the agricultural land before July 01, 2004 but they are not eligible for a Certificate of title according to regulations of this Law, the recompense shall comply with the Government's regulations.

#### **Article 97. Land-related recompense when the State repossesses agricultural land of business organizations, populations, religious organizations or affiliated religious organizations**

1. If a business organization that is using agricultural land allocated by the State with land levy payment, leased out by the State under one-off arrangement or is using agricultural land whose LURs are conveyed when the State repossesses land meets conditions of eligibility for recompense in Article 95 of this Law, land-related recompense shall be given.

2. If a population/religious organization/affiliated religious organization that is using agricultural land when the State repossesses land meets conditions of eligibility for recompense in Article 95 of this Law, land-related recompense shall be given.

#### **Article 98. Land-related recompense when the State repossesses homestead land**

1. If a household/individual/person of Vietnamese descent residing overseas/business organization that is using homestead land, or is holding housing affixed to LURs in Vietnam when the State repossesses land meets conditions of eligibility for recompense in Article 95 of this Law, they shall be given other homestead land or housing or an amount of money or land used to a purpose different from that of the repossessed land as recompense.
2. If a business organization/person of Vietnamese descent residing overseas/foreign-invested business organization that is using land to carry out an investment project for construction of housing when the State repossesses land meets conditions of eligibility for recompense in Article 95 of this Law, they shall be given an amount of money or other land as recompense.
3. The Government of Vietnam shall elaborate this Article.

**Article 99. Land-related recompense when the State repossesses non-agricultural land which is not homestead land of households/individuals**

1. If a household/individual that is using non-agricultural land which is not homestead land when the State repossesses the land meets the conditions of eligibility for recompense in Article 95 of this Law, they shall be given other land used to a purpose same as that of the repossessed land or an amount of money in accordance with the remaining land use term or land used to a purpose different from that of the repossessed land or housing as recompense.
2. If a household/individual that is using non-agricultural land which is not homestead land leased out by the State under one-off arrangement and is subject to exemption from land rent when the State repossesses land meets the conditions of eligibility for recompense in Article 95 of this Law, they shall be given land-related recompense.
3. The Government of Vietnam shall elaborate this Article.

**Article 100. Land-related recompense when the State repossesses non-agricultural land which is not homestead land of business organizations/public service providers/populations/religious organizations/affiliated religious organizations/ persons of Vietnamese descent residing overseas/foreign diplomatic organizations/foreign-invested business organizations**

1. If a business organization/person of Vietnamese descent residing overseas that is using non-agricultural land which is not homestead land or cemetery land when the State repossesses land meets conditions of eligibility for recompense in Article 95 of this Law, they shall be given land used to a purpose same as that of the repossessed land or an amount of money (in case land for recompense is not available) as recompense.
2. If a business organization that is using land allocated by the State to carry out a cemetery infrastructure investment project or ash storage facility construction project in clause 2 Article 119 of this Law, or a business organization provided for in Article 42 of this Law that uses non-agricultural land which is not homestead land of which LURs are contributed as capital when the

State repossesses land meets the conditions of eligibility for recompense in Article 95 of this Law, land-related recompense shall be given.

3. If a business organization/public service provider/person of Vietnamese descent residing overseas/foreign diplomatic organization/foreign-invested business organization that is using non-agricultural land leased out by the State under one-off arrangement, when the State repossesses such land, meets the conditions of eligibility for recompense in Article 95 of this Law, land-related recompense shall be given.

4. If a population/religious organization/affiliated religious organization that is using non-agricultural land, when the State repossesses land, meets conditions of eligibility for recompense in Article 95 of this Law, land-related recompense shall be given.

5. The Government of Vietnam shall elaborate this Article.

#### **Article 101. Cases of ineligibility for land-related recompense when the State repossesses land**

1. Cases prescribed in clause 1 Article 107 of this Law.
2. Land managed by agencies/organizations of the State provided for in Article 217 of this Law.
3. Land subject to repossession in the cases prescribed in Article 81, clause 1 and clause 2 Article 82 of this Law.
4. Cases of ineligibility for a Certificate of title according to this Law, except for the case prescribed in clause 3 Article 96 of this Law.

### **Section 3. RECOMPENSE FOR DAMAGE TO PROPERTY, LAND VALUE**

#### **Article 102. Recompense for damage to houses, housing or construction affixed to land when the State repossesses land**

1. Regarding a house/construction serving daily life affixed to land of a household/individual/person of Vietnamese descent residing overseas which is subject to dismantlement or demolition when the State repossesses land, the owner of that house/construction shall receive recompense equal to the construction value of a new house/construction with equivalent technical standards according to relevant laws.

The owner of the house/construction may use the recycled building materials of the house/construction.

2. If a house/construction affixed to land not falling under the case prescribed in clause 1 of this Article, when the State repossesses land, is dismantled or demolished in whole or in part, the recompense for the damage shall be as follows:



a) If the whole of the house/construction is dismantled or demolished or a part of the house/construction is dismantled or demolished and the remaining part fails to meet technical standards according to regulations of law, the recompense shall be equal to the construction value of a new house/construction with equivalent technical standards according to construction laws;

b) Regarding another house/construction which is dismantled or demolished and does not fall under the case prescribed in point a of this clause, recompense for actual damage shall be paid.

3. Regarding a technical or social infrastructure work affixed to currently used land that does not fall into the cases specified in Clauses 1 and 2 of this Article, the recompense shall be equal to the construction value of a new work with equivalent technical standards according to relevant laws.

4. The People's Committee of a first-level administrative division shall issue compensation rates for actual damage to houses, housing or constructions prescribed in this Article in order to form the basis for calculation of recompense upon land repossession; the compensation rates for damage prescribed in this Article must be consistent with the market price and must be considered to be adjusted when there are fluctuations to serve as a basis for calculating recompense when land is repossessed.

5. The Government of Vietnam shall elaborate this Article.

### **Article 103. Recompense for crops and livestock**

If the land repossession by the State causes damage to crops or livestock, the recompense shall be as follows:

1. For annual crops, the recompense shall be equal to the output value of the harvest of such crops. The output value of each crop shall be calculated according to the highest productivity in the last 3 consecutive years of such crop in the local area and the compensation rate; 2. The recompense for a perennial crop shall be equal to the actual damages of such perennial crop.

If the perennial crop is harvested multiple times and is at the harvest time, the recompense shall be equal to the unharvested output of the crop corresponding to the number of years remaining in the harvest cycle and compensation rate;

3. For an unharvested crop that can be moved to another location, recompense for the moving cost and actual damage to the crop caused by moving or replanting shall be paid.

For forest trees planted with state budget capital, natural forest trees assigned to organizations, households and individuals to plant, manage, take care and protect, recompense shall be based on the actual damage to such trees; the recompense shall be distributed to managers, caretakers and protectors according to forestry laws;

4. If aquatic animals or other livestock are damaged by the land repossession by the State but cannot be moved, recompense for actual damage according to the specific recompense provided for by the People's Committee of a first-level administrative division shall be paid;

5. Owners of crops and livestock specified in clauses 1, 2, 3 and 4 of this Clause may retrieve their crops and livestock before handover of their land to the State;

6. The People's Committee of a first-level administrative division shall issue compensation rates for damage to crops and livestock according to manufacturing process issued by the Ministry of Agriculture and Rural Development or local authorities in accordance with regulations of law; compensation rates for damage to crops and livestock prescribed in this Article must be consistent with the market prices and must be considered to be adjusted when there are fluctuations to serve as a basis for calculating recompense when land is repossessed.

#### **Article 104. Recompense for costs of moving property when land is repossessed by the State**

1. If the land repossession by the State requires moving of property thereon, costs of dismantling, moving and installing shall be compensated by the State; if a system of machinery or production lines must be moved, damage caused by dismantlement, moving and installation shall be compensated in addition to the costs of dismantlement, moving and installation.

2. The People's Committees of first-level administrative divisions shall prescribe compensation rates in clause 1 of this Article.

#### **Article 105. Cases of ineligibility for recompense for property affixed to land when the land is repossessed by the State**

1. Property affixed to land falling under one of the cases subject to land repossession prescribed in clauses 1, 2, 4, 5 and 8 Article 81, points b and c clause 1 Article 82 of this Law.

2. Property affixed to land which is developed illegally or developed within the effective period of a notification of land repossession issued by a competent regulatory agency according to regulations of this Law.

3. Property affixed to land which is a part of a construction under a fixed-term construction permit according to the construction law which has expired before the date of land repossession.

The property owner prescribed in this clause shall be supported to dismantle, demolish or relocate.

4. Technical or social infrastructure works and other constructions whose owners confirm that they no longer need to use such works before a decision on land repossession is issued by a competent authority.

#### **Article 106. Recompense for damage to land in construction safety corridors, protected areas and safety belts when constructing works and areas with safety corridors**

When constructing a work or area with a safety corridor without repossessing land within the safety corridor, the land user shall be given recompense for damage due to the limited land use capability or damage to property affixed to the land according to the Government's regulations.

**Article 107. Recompense for residual land value when land is repossessed by the State for national defense or security purpose; for socio-economic development purpose in the national/public interest**

1. Cases of ineligibility for land-related recompense which are given recompense for residual land value when land is repossessed by the State include:

a) Land allocated by the State without land levy payment, except for agricultural land of a household/individual that is eligible for land-related recompense prescribed in Article 96 of this Law;

b) Land allocated by the State to an organization with land levy payment which is subject to exemption from land levy;

c) Land leased out by the State with annual land rent payments; land leased out under one-off arrangement which is subject to exemption from land rent, except for the case prescribed in clause 2 Article 99 of this Law;

d) Land belonging to an agricultural land bank for public use that is leased out by the People's Committee of a third-level administrative division;

dd) Land allocated for contract execution for agricultural production, forestry production, aquaculture or salt production purpose;

e) Area of agricultural land allocated which exceeds the limit prescribed in Article 176 of this Law.

2. A residual land value includes all or part of the following costs:

a) Site preparation costs;

b) Costs of soil fertility improvement, pH and salinity control, erosion prevention for agricultural land;

c) Costs of soil strengthening, ground vibration reduction and land subsidence control for production and business premises;

d) Budgets for recompense, support and resettlement that have been advanced in accordance with the recompense, support and resettlement arrangement which has been approved by a competent authority but have not yet been deducted fully from the land levy or the land rent payable;

dd) Other relevant costs that have been paid for land appropriate to the land use purpose.

3. The Government of Vietnam shall elaborate this Article.

## **Section 4. SUPPORT**

### **Article 108. Support when the State repossesses land**

1. Support when the State repossesses land includes:

- a) Support for life stabilization;
- b) Support for production and business stabilization;
- c) Support for relocation of livestock;
- d) Support for training, career change and job search;
- dd) Resettlement support for the cases specified in clause 8 Article 111 of this Law;
- e) Support for dismantling, demolishing or relocation according to clause 3 Article 105 of this Law.

2. In addition to the support prescribed in clause 1 of this Article, on the basis of the current local conditions, the People's Committee of a first-level administrative division shall decide other measures and support in order to ensure accommodation, life stability and production stability for holders of repossessed land and property owners for each specific project.

3. The Government of Vietnam shall elaborate this Article.

### **Article 109. Support for training, career change and job search for households/individuals when their land is repossessed by the State**

1. The financial support not exceeding 05 times the price of agricultural land at the same type in the list of land prices of a local area for the entire area of the repossessed agricultural land within the limit on agricultural land allocation of the local area according to regulations in Article 176 of this Law shall be given to:

- a) Any household/individual directly engaged in agriculture using agricultural land to which LURs are allocated by the State, received by conveyance, inheritance or donation, or recognized by the State that has been given financial recompense when the State repossesses such land without providing compensatory land;
- b) Any individual entitled to social security or monthly social benefits according to the law, war invalid, sick soldier or martyr's family that has been given financial recompense when the State repossesses agricultural land without providing compensatory land;

c) Households or individuals that are contracted to use allocated land for agricultural, forestry, or aquaculture purpose from state-run farms, state-run forests or agriculture or forestry companies converted from state-run farms or state-run forests, and are earning stable incomes from direct participation in agricultural production on that land, except for individuals who used to be officials or employees of the aforementioned facilities and have retired, lost their ability to work or quit their jobs to receive benefits;

d) Any household/individual that is contracted to use allocated land from an agricultural production corporation or agricultural cooperative and is earning stable incomes from direct participation in agricultural production on that land.

2. Persons provided with support as prescribed in clause 1 of this Article shall be supported in the form of training, career change and job search according to clause 4 of this Article.

3. Any household/individual using land for both residential purposes and business purposes that earns stable incomes from commercial activities is entitled to preferential credit loans for production and business development and support in accordance with clause 4 of this Article if the land repossession by the State results in relocation.

4. The provision of support in the form of training, career change and job search for holders of repossessed land which is agricultural land or land used for both residential and commercial purposes shall be regulated as follows:

a) The Ministry of Labor, Invalids and Social Affairs shall take charge and cooperate with relevant Ministries and central authorities in submitting mechanisms and policies for employment and vocational training for holders of repossessed land prescribed in clauses 2 and 3 of this Article for the Prime Minister's decision;

b) The People's Committees of first-level administrative divisions shall, on the basis of mechanisms and policies for employment and vocational training that have been decided by the Prime Minister and actual local conditions, provide specific and appropriate support to each eligible entity prescribed in clause 2 and clause 3 of this Article; direct the People's Committees of second-level administrative divisions to comply with the regulations in point c of this clause;

c) On the basis of district-level annual land use plans, the People's Committees of second-level administrative divisions shall prepare and organize arrangements for training, career change and job search in their divisions. These arrangements for training, career change and job search shall be prepared and approved at the same time with recompense, support and resettlement arrangements.

During the preparation of such arrangements for training, career change and job search, the People's Committees of the second-level administrative divisions shall conduct surveys, receive and comment on feedbacks of the holders of repossessed land.

5. The specific support in clause 1 of this Article prescribed by the People's Committees of first-level administrative divisions shall be based on actual local conditions.

6. The Government of Vietnam shall elaborate this Article.

## **Section 5. RESETTLEMENT**

### **Article 110. Setting up and carrying out resettlement projects and resettlement areas**

1. The People's Committees of first-level administrative divisions and the People's Committees of second-level administrative divisions shall set up and carry out resettlement projects according to the law.

2. Resettlement areas must satisfy the following requirements:

a) Technical infrastructure of resettlement areas must at least meet new rural standards for rural areas, or urban standards for urban areas, including roads built to ensure connection with neighbouring areas, lighting and domestic electricity, water supply and drainage systems, communications systems, environmental treatment systems;

b) Social infrastructure of resettlement areas must ensure access to health services, education, culture, sports, markets, commerce, services, entertainment, recreation, and cemeteries;

c) Resettlement areas must be appropriate to conditions, manners and customs of each region or area.

3. Locations of resettlement areas shall be selected in the following order of priority:

a) in third-level administrative divisions to which repossessed land belongs;

b) in second-level administrative divisions to which repossessed land belongs in case resettlement land in third-level administrative divisions to which repossessed land belongs is not available;

c) in other sites with equivalent conditions in case resettlement land in second-level administrative divisions to which repossessed land belongs is not available;

d) in locations favourable for formation of resettlement areas.

4. The remaining land bank of a resettlement area, after resettlement land allocation, shall be allocated to individuals eligible for homestead land allocation without auction of LURs according to this Law in order of priority; and individuals eligible for homestead land allocation through auction of LURs according to this Law.

### **Article 111. Resettlement implementation**

1. The unit or organization in charge of recompense, support and resettlement provision assigned to implement resettlement by the People's Committee of a first-level administrative division or the People's Committee of a second-level administrative division shall send a notification of the

scheduled arrangement for resettlement implementation to the holder of repossessed land, house owner subject to relocation and post publicly at least 15 days at the office of the People's Committee of a third-level administrative division, common living area of the residential area to which the repossessed land belongs and at the resettlement site where the people have lived before a competent authority approves the arrangement for resettlement implementation.

The notification shall include location, size of the land bank, resettlement housing bank, design, area of each land parcel, apartment, land price, resettlement housing price; scheduled resettlement implementation for the holder of repossessed land.

2. The arrangement for resettlement implementation which has been approved by the competent authority must be posted publicly at the office of the People's Committee of the third-level administrative division, common living area of the residential area to which the repossessed land belongs and the resettlement site.

3. The land price used as a basis for land levy calculation at a resettlement site for a person entitled to homestead land-related recompense, person eligible for resettlement homestead land allocation in case of ineligibility for homestead land-related recompense shall be the land price determined according to the list of land prices at the time of approval for the recompense, support and resettlement arrangement. The land price list must be supplemented in case of no land price to be used as the basis for land levy calculation for the resettled person. The resettled person can owe financial obligations related to land if he/she meets the requirements prescribed by the Government.

Sales price of a resettlement house in a second-level administrative division shall be decided by the People's Committee of such division. If the resettlement house is situated in another second-level administrative division, the sales price of such resettlement house shall be decided by the People's Committee of the first-level administrative division.

4. If a household/individual/person of Vietnamese descent residing overseas/business organization that is using homestead land, or is holding a house affixed to LURs in Vietnam when the State repossesses land meets conditions of eligibility for homestead land recompense according to Article 95 of this Law, they shall be given other homestead land or another house in the resettlement area or at another suitable location as recompense.

Any household with multiple generations or couples living together on an repossessed homestead land parcel that is eligible for separation into separate households in accordance with residence laws or with multiple separate households that have the same LURs of an repossessed homestead land parcel but the compensatory homestead land area is not enough for allocation to each separate household will be considered support for allocation of homestead land with land levy payment or sale, lease or lease-purchase of housing.

5. Any household/individual to be relocated when the State repossesses land affixed to housing that is not eligible for homestead land-related recompense and does not have any other accommodation in a commune/commune-level town in a rural area or in a district-level town/city affiliated to a province or in an urban district/district-level town/city affiliated to a municipality

to which the repossessed land belongs shall be allocated land by the State with land levy payment or sold, leased out housing, permitted by the State to enter into a housing lease purchase contract.

6. If any household/individual whose land that is agricultural land or non-agricultural land not be used for residential purpose is repossessed that is eligible for land-related recompense according to Article 95 of this Law wishes to receive homestead land or housing as recompense and homestead land/housing bank in their area is available, they will be given resettlement homestead land or housing as recompense.

7. Any holder of land which is repossessed to carry out an investment project for urban development will be given in-situ homestead land or housing as recompense; pending resettlement, he/she will be provided with a temporary house or rent assistance; the specific period and amount of support shall be determined by the People's Committee of the first-level administrative division under current local conditions. If the land is repossessed for another purpose and resettlement land/housing bank in the repossession area is available, the holder will be given in-situ homestead land or housing as recompense. Land in convenient location will be given to households/individuals using land for both residential purpose and commercial purpose or people who contributed to the revolution first. There is a regular mechanism for holders of land subject to repossession who hand over their land before the deadline according to regulations of the People's Committees of first-level administrative divisions.

8. If any holder of repossessed homestead land has to relocate and is given resettlement homestead land or housing as recompense but financial recompense for the homestead land is not sufficient for a minimum resettlement rate, the holder will be provided with financial support to be eligible for a minimum resettlement rate by the State.

9. In case of carrying out an investment project for improvement or reconstruction of apartment buildings, the holders of such buildings shall be recompensed, supported or resettled as prescribed by housing laws.

10. The People's Committee of the first-level administrative divisions shall, based on the resettlement homestead land/housing bank and current local condition of such division, elaborate the minimum resettlement rate prescribed in clause 8 of this Article; decide provision of support for allocation of homestead land with land levy payment or sale, lease or lease-purchase of housing to households in need according to clause 4 of this Article.

11. Users of state-owned houses situated within the scope of land repossession that have to demolish their houses shall be provided with support as prescribed by the Government.

12. The Government of Vietnam shall elaborate this Article.

## **Chapter VIII**

### **DEVELOPMENT, MANAGEMENT AND EXPLOITATION OF LAND BANKS**



## **Article 112. Principles for development, management and exploitation of land banks**

Land banks must be developed, managed and exploited in accordance with land use planning, land use plans, used for intended purposes, used in a public, transparent, appropriate and efficient manner and in accordance with laws; in a manner that satisfies requirements for socio-economic development, resettlement support, social security, and arrangement of land for residential and production purposes for ethnic minorities to implement policies according to regulations of this Law.

## **Article 113. Land developed, managed and exploited by land bank development organizations**

1. The People's Committees of first-level administrative divisions shall assign land bank development organizations to manage and exploit land banks formed from the following sources:

- a) Land stated in clause 5 Article 86 of this Law;
- b) Land subject to repossession in the cases prescribed in clauses 26 and 27 of Article 79 of this Law for auction of LURs;
- c) Land subject to repossession in the cases prescribed in Article 81, points a, b, c and d clause 1 and clause 2 Article 82 of this Law in urban areas.
- d) Land transferred to local authorities for management, handling and repossession due to rearrangement and handling of houses and land in accordance with laws on management and use of public property, except for the case where such houses and land are handled in the form of transfer or arrangement for use for the State's purpose according to laws on management and use of public property;
- dd) Land originating from equitization of state-owned enterprises that is leased out by the State with annual land rent payments but is repossessed by the State for allocation of management;
- e) Land used for mineral-related activities that is returned as stipulated in land lease contracts;
- g) Land formed from the land reclamation financed by state budget;
- h) Land subject to repossession in the cases prescribed in clause 29 Article 79 of this Law.

2. The People's Committees of competent authorities shall direct land bank development organizations to perform the tasks prescribed in Article 115 of this Law for land banks developed, managed and exploited by such land bank development organizations; the People's Committees of third-level administrative divisions to which land belongs shall cooperate with land bank development organizations in managing, protecting and preventing trespass to land and land appropriation.

3. The Government of Vietnam shall elaborate this Article.

#### **Article 114. Land development funds**

1. A local land development fund is a state extra-budgetary financial trust established by the People's Committee of a first-level administrative division to advance capital to serve tasks within the functions of the land fund development organization and to implement land support policies for ethnic minorities and other tasks according to the law.
2. The land development fund must be made available to ensure the preservation and development of capital, and not be used for profit purposes. Financial source of the land development fund shall be allocated from the state budget and raised from other sources according to the law. The capital advance to carry out the tasks specified in Clause 1 of this Article shall be returned to the land development fund in accordance with laws.
3. The People's Committee of the first-level administrative division shall request a decision of the People's Council at the same level to allocate the local government budget to provide charter capital and reimbursement to the land development fund for tasks falling under the responsibility of local government budget.
4. The Government of Vietnam shall elaborate this Article.

#### **Article 115. Land bank development organizations**

1. A land bank development organization shall be established to create, develop, manage and exploit local land banks.
2. Financial source of the land bank development organization shall be allocated from the state budget and advanced from the land development fund.
3. The Government prescribes the establishment, functions, tasks, organizational structure, management and operation mechanisms of the land bank development organization.

### **Chapter IX**

#### **LAND ALLOCATION, LAND LEASE, LAND REPURPOSING**

#### **Article 116. Bases for land allocation, land lease, permission for land repurposing**

1. The basis for land allocation or land lease through LUR auction is the written approval for the successful LUR auction result of a competent regulatory agency.
2. The basis for land allocation or land lease through bidding for investor selection is a written approval for the investor selection result for the project in accordance with bidding laws.
3. Bases for land allocation or land lease without LUR auction or bidding for investor selection; permission for land repurposing, except for the case prescribed in clause 5 of this Article. To be specific:

a) For a project falling under the list prescribed in point b clause 3 Article 67 of this Law, the basis shall be the district-level annual land use plan approved by a competent authority and decision to invest in the project according to public investment laws or decision to approve both the investment guidelines and the investor or decision to approve the investor according to investment laws, housing laws or written approval for the investor selection result for the PPP investment project.

b) For a project prescribed in clause 4 Article 67 of this Law, the basis shall be the decision to invest in the project according to laws on public investment or decision to approve both the investment guidelines and the investor or decision to approve the investor according to investment laws, housing laws or written approval for the investor selection result for the PPP investment project.

4. In case of deciding or approving the investment guidelines of the project which is divided into multiple stages or the land repossession, recompense, support, resettlement according to schedule, the regulatory agency having authority to allocate land or lease out land shall make a decision to allocate land or lease out land according to schedule of the investment project or schedule of the land repossession, recompense, support or resettlement.

5. The basis for permission for converting from agricultural land in a residential area or in the same land parcel of homestead land into homestead land or converting from non-agricultural land not be used for residential purpose into homestead land for a household/individual is the district-level land use planning or general planning/zoning planning developed in accordance with urban planning laws that has been approved by a competent authority.

6. The basis for land allocation, land lease or permission for land repurposing for cases of ineligibility for investment guideline approval and/or investor approval according to investment laws is in accordance with the Government's regulations.

7. The Government elaborates the land allocation, land lease, land repurposing.

#### **Article 117. Allocating or leasing land which is currently in use to other people**

Any decision to allocate and lease land which is currently used or managed by someone to another person is only made if a land repossession decision has been issued by a competent regulatory agency and the recompense, support or resettlement provision has been completed in accordance with regulations of law, except for cases of eligibility for conveyance of real estate projects according to real estate business laws.

#### **Article 118. Land allocation without land levy payment**

Land will be allocated without land levy payment in the following cases:

1. Agricultural land will be allocated without land levy payment within the limit prescribed in Article 176 of this Law to individuals directly engaged in agriculture.

2. Land for construction of headquarters of the Communist Party of Vietnam, regulatory agencies, Vietnamese Fatherland Front, socio-political organizations, socio-political-professional organizations, socio-professional organizations, social organizations or other organizations established in accordance with laws and assigned tasks and funded by the State for operating expenses; national defense or security land; land used for public purposes not for business purposes; land for cemeteries, funeral service centers and cremation centers, land for ashes storage facilities not falling under the case specified in clause 2 Article 119 of this Law; land to be used by belief organizations provided to recompense cases subject to repossession of land used by belief organizations by the State will be allocated without land levy payment.

3. Dedicated forest land, protective forest land, and production forest land will be allocated to users without land levy payment.

4. Land for construction of public works will be allocated to public service providers without land levy payment.

5. Agricultural land will be allocated to populations without land levy payment; land prescribed in clause 2 Article 213 of this Law will be allocated to religious organizations/affiliated religious organizations without land levy payment.

6. Land will be allocated to agencies and organizations using land for carrying out investment projects on construction of public-duty houses according to housing laws without land levy payment.

7. Ethnic minorities that are not individuals directly engaged in agriculture but are subject to land allocation without land levy payment according to the policy specified in Article 16 of this Law will be allocated land without land levy payment.

8. Land will be allocated to organizations using land for construction of resettlement housing according to the State's projects without land levy payment.

9. The land allocation prescribed in this Article shall comply with regulations in Article 124 of this Law.

#### **Article 119. Land allocation with land levy payment**

Land will be allocated with land levy payment in the following cases:

1. Individuals are allocated homestead land.

2. Business organizations are allocated land to carry out investment projects on construction of commercial housing, social housing and housing for the people's armed forces; investment projects on renovation and reconstruction of apartment buildings according to housing laws; to carry out cemetery infrastructure investment projects in order to convey rights to use land affixed to infrastructure; to construct ashes storage facilities.

3. People of Vietnamese descent residing overseas, foreign-invested business organizations are allocated land for carrying out investment projects on construction of commercial housing in accordance with housing laws or use land received by conveyance of real estate projects in accordance with real estate business laws that is eligible to be allocated by the State with land levy payment.

4. Households, individuals, people of Vietnamese descent residing overseas, business organizations or foreign-invested business organizations are allocated land that is received as recompense when the State repossesses land according to regulations of this Law.

5. The land allocation prescribed in this Article shall comply with Articles 124, 125 and 126 of this Law.

#### **Article 120. Land lease**

1. The State will lease out land under one-off arrangement or with annual land rent payments for cases not included in Article 118 and Article 119 of this Law.

2. The State will lease out land under one-off arrangement in the following cases:

a) Land is used for carrying out investment projects on agricultural production, forestry production, aquaculture and salt production;

b) Land in industrial parks, industrial clusters, high-tech parks, and worker accommodation in industrial parks is used; land is used for both public and business purposes; commercial land is used for tourism and office business activities;

c) Land is used to construct social rented housing according to housing laws.

3. The State will lease out land with annual land rent payments in the following cases:

a) Cases not prescribed in clause 2 of this Article;

b) The cases prescribed in clause 2 of this Article where a demand for annual land rent payments is issued;

c) The case where public service providers select land rent payment methods in accordance with the regulations in clause 3 Article 30 of this Law;

4. The land lease prescribed in this Article shall comply with Articles 124, 125 and 126 of this Law.

#### **Article 121. Land repurposing**

1. Cases of land repurposing requiring permission of competent regulatory agencies include:

- a) Rice cultivation land, dedicated forest land, protective forest land or production forest land is converted into land of another type included in the category of agricultural land;
- b) Agricultural land is converted into non-agricultural land;
- c) Land of other types is converted into land for intensive farming when carrying out large-scale intensive farming projects;
- d) Non-agricultural land allocated by the State without land levy payment is converted into non-agricultural land of another type allocated by the State with land levy payment or leased out by the State;
- dd) Non-agricultural land not used for the residential purpose is converted into homestead land;
- e) Land for construction of public works or land used for both public and business purposes is converted into land used for non-agricultural business and production purposes;
- g) Land used for non-agricultural business and production purposes not used for the commercial purpose is converted into commercial land.

2. When repurposing land according to the regulations in clause 1 of this Article, the land user must fulfil financial obligations according to regulations of law; land use regulations, rights and obligations of land users applied according to the type of land after being repurposed.

3. The land repurposing not falling into the cases prescribed in clause 1 of this Article does not require permission of a competent regulatory agency.

In case a land user holding homestead land or non-agricultural land with a long-term stable land use term in accordance with regulations of law that was repurposed wishes to reconvert it to homestead land in accordance with land use planning, he/she is not required to pay land levy.

4. The land repurposing prescribed in this Article shall comply with Article 124 of this Law.

## **Article 122. Requirements for land allocation, land lease, permission for land repurposing**

1. Competent regulatory agencies shall only issue decisions to allocate land, lease out land or permit repurposing of rice cultivation land, dedicated forest land, protective forest land or production forest land after Resolutions of the People's Councils of first-level administrative divisions are promulgated and bases prescribed in Article 116 of this Law are satisfied, except for the case where land is used for carrying out projects subject to investment guideline decision or approval by the National Assembly and Prime Minister according to regulations of the Law on Investment, Law on Public Investment and Law on PPP Investment, Law on Petroleum; or subject to investment guideline decision or approval by the People's Councils of first-level administrative divisions according to regulations of the Law on Public Investment and Law on PPP Investment.

The repurposing of rice cultivation land, dedicated forest land, protective forest land and production forest land must comply with criteria and conditions/requirements prescribed by the Government.

2. A person eligible to be allocated land, leased out land or permitted to repurpose land by the State for carrying out investment projects must satisfy the following requirements:

- a) He/she must pay a deposit or other securities according to investment laws;
- b) He/she must have financial capacity to ensure the land use according to the schedule of the investment project and other requirements in accordance with relevant laws;
- c) He/she must not violate land laws. If violating land laws, he/she must have completely abided by the effective decision or judgment of a competent authority at the time of applying for land allocation, land lease or land repurposing. The scope of determination of the land user violating land laws shall be all land parcels that he/she is using nationwide.

3. In order to be permitted to repurpose land for carrying out investment projects on construction of commercial housing, the following requirements must be satisfied:

- a) The requirements specified in clause 2 of this Article;
- b) Person eligible to be permitted to repurpose land must have LURs of homestead land or homestead land and other land;
- c) The land repurposing must be in accordance with the land use planning, land use plans, construction planning, urban planning, programs or plans for development of local housing, and the land must not be subject to land repossession for the national defense or security purpose, land repossession for social-economic development in the national or public interest prescribed in Article 78 and Article 79 of this Law;
- d) There is a written approval for both the investment guidelines and investor of a competent authority according to investment laws.

### **Article 123. Authority to allocate land, lease out land or grant permission for land repurposing**

1. The People's Committees of first-level administrative divisions shall issue decisions to allocate land, lease out land or grant permission for land repurposing in the following cases:

- a) Allocating land, leasing out land or granting permission for land repurposing to Vietnamese organizations;
- b) Allocating land or leasing out land to religious organizations or affiliated religious organizations;

c) Allocating land or leasing out land to persons of Vietnamese descent residing overseas or foreign-invested business organizations;

d) Leasing out land to foreign diplomatic organizations.

2. The People's Committees of second-level administrative divisions shall issue decisions to allocate land, lease out land or grant permission for land repurposing in the following cases:

a) Allocating land, leasing out land or granting permission for land repurposing to individuals. The People's Committees of second-level administrative divisions need to get written approvals granted by the People's Committees of first-level administrative divisions before deciding to lease out land or grant permission to convert agricultural land into commercial land with the area of 0.5 ha or more to individuals;

b) Allocating land to populations.

3. The People's Committees of third-level administrative divisions shall lease out land belonging to agricultural land banks for public uses of such divisions.

4. Regulatory agencies having authority to allocate land, lease out land, grant permission for land repurposing prescribed in clause 1 and clause 2 of this Article shall be agencies having authority to decide adjustment to or extension of land use terms in case where decisions to allocate land, lease out land or grant permission for land repurposing have been granted to land users before the effective date of this Law and in cases of issuing decisions to allocate land, lease land, or grant permission for land repurposing according to regulations of this Law.

5. Competent regulatory agencies prescribed in clauses 1, 2 and 4 of this Article are not allowed to divide their responsibilities or grant their authorization.

#### **Article 124. Cases of eligibility for land allocation or land lease without LUR auction or bidding for investor selection**

1. Cases where land is allocated without land levy payment as prescribed in Article 118 of this Law, cases where land is allocated with land levy payment as prescribed in Article 119 to land users entitled to exemption from land levy or cases where land is leased out as prescribed in Article 120 to land users entitled to exemption from land rent, except if laws on specific sectors and fields require determining the number of interested investors.

2. Cases where land is allocated or leased out to carry out projects that are subject to land repossession by the State as prescribed in Article 79 of this Law and belong to one of the following cases:

a) Projects using public investment capital carried out in accordance with public investment laws;

b) PPP projects carried out in accordance with PPP investment laws.



3. Land is allocated with land levy payment or leased out in the following cases:

- a) Homestead land is allocated to officials, public employees, active duty officers, professional soldiers, defense officials, defense workers and employees, officers, non-commissioned officers, public security workers, ciphering officers and other people working in cipher organizations that receive salaries from the state budget but have not been allocated homestead land or housing;
- b) Homestead land is allocated to teachers or health workers who are working in border communes and islands belonging to areas with difficult socio-economic conditions, areas with extremely difficult socio-economic conditions but do not have homestead land or housing at their places of work or have not yet been granted housing support policies in accordance with housing laws;
- c) Homestead land is allocated to individuals who reside in communes but do not have homestead land and have not yet been allocated homestead land by the State or have not yet been granted housing support policies in accordance with housing laws;
- d) Homestead land is allocated to individuals who reside in commune-level towns belonging to areas with difficult socio-economic conditions, areas with extremely difficult socio-economic conditions but do not have homestead land and have not yet been allocated homestead land by the State;
- dd) Land is leased out for setting up production and business premises to people who were leased land by the State with annual land rent payments but had to relocate from the old location due to environmental pollution according to regulations of law; land lease support is provided for ensuring continuity of production and business in case non-agricultural production establishment land is repossessed from current users;
- e) Land is leased out to individuals who wish to use agricultural land area that exceeds the land allocation limit prescribed in Article 176 of this Law; land is leased out to individuals who are ethnic minorities in accordance with the regulations in point d clause 2 and point b clause 3 Article 16 of this Law;
- g) Land is leased out to public service providers that select land rent payment methods;
- h) Land is leased out to foreign diplomatic organizations that use land to construct their offices;
- i) Land is leased out to units affiliated to the people's armed forces that use land for agricultural production, forestry production, aquaculture, salt production or for both agricultural production, forestry production, aquaculture, salt production and national defense or security purpose;
- k) Land is leased out for mineral-related activities in cases where it has been licensed by a competent regulatory agencies;

l) Land is allocated, leased out to organizations, households, individuals, persons of Vietnamese descent residing overseas due to land-related recompense according to regulations of this Law and other relevant laws, due to resettlement support under regulations of this Law;

m) Land is allocated or leased out to any land user whose land used for production and business purposes is repossessed according to Article 78 and 79 of this Law, provided that, at the time of land repossession, the land use term is still valid and the land user needs to use land in another location to continue production and business;

n) Land is allocated or leased out in case land parcels are small and narrow or are located side by side in accordance with regulations of the Government;

o) Land is allocated or leased out according to effective decisions to settle land disputes and land-related complaints issued by competent authorities;

p) Other cases decided by the Prime Minister.

4. Land is repurposed by land users for the cases prescribed in Article 121 of this Law.

5. Land is allocated or leased out to carry out a project that is subject to land repossession by the State as prescribed in Article 79 of this Law without using the capital prescribed in clause 2 of this Article in case there are interested investors but only one investor satisfies conditions for requesting expression of interest in the project, the number of investors must be interested investors must be determined according to bidding laws and laws on specific sectors and fields.

6. A LUR auction fails twice due to the case prescribed in point b clause 6 Article 125 of this Law or no participants. The land allocation or lease in this case must be completed within 12 months from the date of the second failed auction.

7. Land is allocated or leased out to foreign-invested business organizations that receive real estate projects by conveyance in accordance with real estate business laws.

8. The Government of Vietnam elaborates the land allocation and land lease for the cases prescribed in this Article.

### **Article 125. Land allocation or land lease by LUR auctions**

1. The State will allocate land with land levy payment or lease land under one-off arrangement through LUR auctions in the following cases:

a) Investment projects use land from land banks prescribed in clause 1 Article 127 of this Law, except for the cases prescribed in Article 124 and Article 126 of this Law;

b) Homestead land is allocated to individuals, except for the cases prescribed in Article 124 of this Law.

2. Conditions for conducting LUR auctions include:

a) Land must have been repossessed and the recompense, support or resettlement provision has been completed or the recompense, support or resettlement provision is not required; there must be connected transport infrastructure within the project areas;

a) Land must be included in the approved district-level annual land use plans and be used for auctioning LURs, except for LUR auction of the land prescribed in point e clause 1 Article 217 of this Law;

c) There must be detailed planning at the scale of 1/500 that has been developed and approved by competent regulatory agencies for investment projects on construction of housing;

d) There must be LUR auction arrangements that have been approved by competent authorities.

3. Organizations participating in LUR auctions in the cases prescribed in clause 1 of this Article must meet all the following requirements:

a) Such organizations must be eligible for land allocated or leased out by the State in accordance with Article 119 and Article 120 of this Law;

b) Such organizations must meet the conditions prescribed in Article 122 of this Law in case of land allocation or lease for carrying out investment projects; they must have qualifications in the project development;

c) Other requirements in accordance with laws on property auctions.

4. Individuals participating in LUR auctions must meet the following requirements:

a) Such individuals must be eligible for land allocated or leased out by the State in accordance with Article 119 and Article 120 of this Law;

b) Requirements in accordance with laws on property auctions.

5. The People's Committees of first-level administrative divisions and second-level administrative divisions shall:

a) annually disclose plans and lists of land zones whose LURs are auctioned on the National LUR Auction Portal, web portals of the People's Committees of first-level administrative divisions and second-level administrative divisions;

b) organize making and development of arrangements for repossession, recompense, support and resettlement according to regulations of this Law in order to auction LURs;

b) organize making and development of arrangements for LUR auction;

d) direct on-site handover of land, grant of certificates of title to LUR successful bidders.

6. Cases of failed LUR auction include:

a) Cases of failed auction in accordance with the Law on Property Auction;

b) The deadline for application for an auction has expired but there was only 01 participant in the auction;

c) There were many applicants for an auction but only 01 participant in the auction or there were many participants in the auction but only 01 bidder or there were many bidders but only 01 valid bidder.

7. Procedures for LUR auctions shall comply with laws on property auctions.

8. The Government of Vietnam shall elaborate this Article.

#### **Article 126. Allocating land or lease out land through bidding for investor selection**

1. The State will allocate land with land levy payment or lease land through bidding for investor selection in the following cases:

a) The projects specified in clause 27 Article 79 of this Law for which the People's Councils of first-level administrative divisions decide on land allocation or lease through bidding for investor selection.

The People's Councils of first-level administrative divisions shall provide for criteria for deciding on bidding for investor selection in accordance with the actual situation of the divisions;

b) Land-based investment projects that fall into the case where the State repossesses land in Article 79 of this Law and do not fall into the case prescribed in point a of this Clause but are subject to bidding for investor selection in accordance with laws on specific sectors and fields.

2. Land banks used for bidding for investor selection shall include the land area subject to repossession by the State prescribed in Article 79 of this Law. In case the land zone where the project is to be carried out includes land specified in clause 1 Article 217 of this Law, the State shall repossess the entire land zone to allocate or lease out through bidding for investor selection.

3. Requirements for bidding for investor selection specified in point a clause 1 of this Article include:

a) The land zone must be included in the list of land zones having land-based investment projects put up for bidding that are decided by the People's Councils of first-level administrative divisions;

b) There must be detailed planning or 1/2000-scale zoning planning that is approved by a competent authority;

c) Requirements in accordance with laws on bidding.

4. Land-based investment projects specified in point b clause 1 of this Article shall meet conditions for bidding for investor selection prescribed in clause 3 of this Article and other conditions in accordance with laws on specific sectors and fields.

5. Organizations participating in bidding for investor selection must meet the following requirements:

a) Such organizations must be eligible for land allocated or leased out by the State in accordance with Article 119 and Article 120 of this Law;

b) Such organizations must meet the requirements prescribed in Article 122 of this Law in case of land allocation or lease for carrying out investment projects;

c) Requirements in accordance with laws on bidding.

6. Foreign investors participating in bidding for investor selection must satisfy the requirements in point b and point c clause 5 of this Article; successful bidders in this case must establish business organizations to be eligible for land that is allocated or leased for carrying out the projects according to the Government's regulations in accordance with investment laws, bidding laws and other relevant laws.

7. The People's Committees of first-level administrative divisions shall:

a) disclose plans and lists of land zones having land-based investment projects put up for bidding according to regulations of this Law;

b) organize making of detailed planning or 1/2000-scale zoning planning;

c) organize making and development of recompense, support and resettlement arrangements, land repossession arrangements according to regulations of this Law;

d) allocate land or lease out land to the successful bidders (the selected investors) or business organizations established by the successful bidders according to the Government's regulations to carry out the projects in accordance with the commitments in the contracts signed between the successful bidders and competent authorities and meet requirements prescribed by investment laws, bidding laws and other relevant laws; determine land prices to calculate land levy or land rent in order that the investors fulfil their financial obligations to the State.

8. Within 36 months from the issue date of a decision to recognize successful bid results or another term according to the contract signed with a competent regulatory agency, the People's

Committee of a division having authority must complete the recompense, support or resettlement provision to allocate or lease out land.

Any organization eligible for land allocation or lease prescribed in clause 6 and point d clause 7 of this Article shall advance capital to provide recompense, support or resettlement at the request of a competent regulatory agency on the basis of their approved recompense, support and resettlement arrangement; within 6 months from the date of receipt of the request of the competent regulatory agency, if the advanced capital is not enough for providing recompense, support or resettlement, the competent regulatory agency shall issue a decision to cancel the successful bid results.

9. Procedures for bidding for investor selection shall comply with bidding laws.

10. The Government of Vietnam shall elaborate this Article.

**Article 127. Use of land for carrying out socio-economic development projects via agreements on receipt of LURs or while having LUR**

1. The use of land for carrying out a socio-economic development project via an agreement on receipt of LURs shall be made in the following cases:

- a) The project execution does not require land repossession specified in Article 79 of this Law;
- b) In case of using land to carry out an investment project on construction of commercial housing, only agreement on receipt of LURs of homestead land is allowed;
- c) State budget is not used and land has to be reposessed according to Article 79 of this Law but the investor chooses to receive LUR instead of land repossession.

2. The land is transferred under an agreement to carry out a socio-economic development project and has been assigned, leased out by the State, or has the LURs recognized by the State. In case part of the land area specified in Clause 1 of this Article is under management of a state agency or state organization but cannot be split into an independent project, such part of land shall be aggregated with the total land area for project development, reposessed by the State to be allocated or leased out to an investor for carrying out the project without LUR auction or bidding for investor selection.

3. The following requirements must be met in case of use of land for carrying out the socio-economic development project via the agreement on receipt of LURs prescribed in clause 1 of this Article:

- a) The use must be in accordance with the district-level land use planning that has been approved and disclosed;

b) The investor must meet the requirements specified in Article 122 of this Law; in case of using land to carry out an investment project on construction of commercial housing, agreement on receipt of LURs of homestead land is allowed;

c) There must be a written approval for the agreement on receipt of LURs to carry out the project from the People's Committee of a first-level administrative division.

4. The State shall formulate policies on encouraging agreements on receiving LURs to carry out socio-economic development projects in the cases specified in Clause 1 of this Article as follows:

a) Any household or individual using land that is not granted a certificate of LURs, certificate of home ownership and homestead land use right, certificate of LUR, ownership of housing and property affixed to land or certificate of title but is eligible for a certificate of title may convey LURs, lease out, sublease LURs, contribute LURs as capital to carry out a project;

b) In case an investor received LURs to carry out a project but still not completed land-related procedures for carrying the project at the end of the land use term of the land whose LURs have been received, they can continue following procedures for carrying the project without applying for extension.

5. In case of agreement on receiving LURs to continue production and business without repurposing of land, regulations of this Law shall be applied in terms of disposition of LURs.

6. If a person with LURs proposes an investment project which is subject to any of the cases prescribed in Article 79 of this Law but in accordance with land use planning and requests land repurposing, and both his/her investment guidelines and investor are approved by a competent regulatory agency in accordance with investment laws, he/she can use land to carry out the investment project without land repossession by the State according to regulations of this Law.

If a person with LURs of homestead land or homestead land and other land proposes an investment project on commercial housing which is in accordance with land use planning and requests land repurposing, and both his/her investment guidelines and investor are approved by a competent regulatory agency in accordance with investment laws, he/she can use land to carry out the project.

7. The Government of Vietnam shall elaborate this Article.

## **Chapter X**

### **LAND REGISTRATION, ISSUANCE OF CERTIFICATES OF TITLE**

#### **Section 1. CADASTRAL RECORDS**

##### **Article 128. Rules of making, revising and updating cadastral records**

1. Land parcels shall be delineated on each cadastral record in a manner that ensures scientificity and consistency of information in the record with the current status of land management and use; the each record shall be collected according to third-level administrative divisions or according to second-level administrative divisions without third-level administrative divisions.
2. Cadastral records must be revised and updated fully and promptly when land users follow land-related administrative procedures or at the request of competent regulatory agencies, ensuring full reflection of the land management and use situation in their areas.

## **Article 129. Cadastral records**

1. A cadastral record includes documents showing detailed information about each parcel of land, the person assigned to manage the land, the land user, the owner of property affixed to the land and the legal status of the land parcel and the property affixed to the land, and fully reflecting the land management and use situation in an area.
2. A cadastral record shall be made in digital format, including the following documents:
  - a) Cadastral map;
  - b) Land parcel registration form;
  - c) Cadastral register;
  - d) Copy of certificate of LURs, certificate of home ownership and LURs of homestead land, certificate of home ownership, certificate of ownership of construction works, certificate of LURs, ownership of housing and other property affixed to land or certificate of title.
3. Cadastral records shall be used for:
  - a) managing land;
  - b) protecting rights and determining obligations of land users, persons assigned to manage land, owners of property affixed to land, relevant organizations/individuals according to land laws;
  - c) determining land-related revenues;
  - d) monitoring changes in the LUR market;
  - dd) supporting land users in accessing credit capital;
  - e) supporting departments and authorities in directing, operating, building and supervising the planning and infrastructure development;
  - g) providing information to authorities competent to solve disputes concerning rights to use land and property affixed to the land;



h) providing information to organizations/individuals wishing to access land.

### **Article 130. Responsibilities for making, revising, updating, managing and using cadastral records**

1. The People's Committees of first-level administrative divisions shall direct making of cadastral records in their divisions and allocate funding for implementation.
2. Land authorities shall organize making of cadastral records; regularly inspect, monitor revision and update of cadastral records in their areas.
3. Land registration authorities shall make, revise cadastral records and update changes into cadastral records.

For areas where land-related databases have not yet been created, land registration authorities shall provide copies of cadastral records to the People's Committees of third-level administrative divisions to use.

4. Commune-level cadastral officials shall manage and use information from cadastral records for requirements of state management of land in their areas and requirements of citizens; update land-related changes under their jurisdiction and reflect violations against regulations on land management and use in the cadastral records.
5. The Minister of Natural Resources and Environment shall regulate cadastral records, provide guidance on the making, revision, updating and management of cadastral records, the use, inspection and monitoring of cadastral records.

## **Section 2. REGISTRATIONS OF LAND AND PROPERTY AFFIXED TO THE LAND**

### **Article 131. Rules of registrations of land and property affixed to the land**

1. Land registrations are compulsory for land users and persons allocated land to manage.
2. Property affixed to land including housing and constructions is registered at the request of the owner.
3. A registration of land or property affixed to land including first registration and registration of changes shall be applied for in either paper or electronic format with the equal legal effect.
4. Land users or owners of property affixed to land or persons allocated land to manage who have declared registrations shall be recorded in cadastral records and considered granting certificates of title if they are eligible in accordance with this Law.
5. The Government shall elaborate registrations of land and property affixed to land.

### **Article 132. First registrations**

1. A first registration of land or property affixed to land is required for:

- a) land parcel that is in use but has not been registered yet;
- b) land parcel that is allocated or leased out by the State for use;
- c) land parcel that is allocated to manage but has not been registered yet;
- d) property affixed to land whose owner wishes to apply for registration at the same time with land registration in the cases prescribed in points a, b and c of this Clause.

2. The People's Committees of first-level administrative divisions shall direct dissemination and organize first registrations in cases where registrations have not yet been applied for.

### **Article 133. Registrations of changes**

1. A registration of change(s) is required in the case where a certificate of LURs, certificate of home ownership and LURs of homestead land, certificate of home ownership, certificate of ownership of construction works, certificate of LURs, ownership of housing and other property affixed to land or certificate of title has been granted but there is a change as follows:

- a) The land user or owner of property affixed to land exercises rights to exchange, convey, inherit or donate rights to use land or property affixed to land; contribute rights to use land or property affixed to land as capital; lease out, sublease rights to use land in an infrastructure construction and business project; convey a land-based project;
- b) The land user or owner of property affixed to land is permitted to rename;
- c) Changes in information about the land user or owner of property affixed to land on the granted certificate do not fall under the cases prescribed in point b of this Clause;
- d) Boundaries, landmarks, side dimensions, area, number and address of the land parcel are changed;
- dd) Land user applies for registration of ownership of property affixed to the land parcel in case a certificate of home ownership and LURs of homestead land, certificate of LURs, ownership of housing and other property affixed to land or certificate of title has been granted; applies for registration of change(s) of property affixed to land in comparison with the registered contents;
- e) Land user repurposes land as prescribed in clause 1 Article 121 of this Law; in the case prescribed in clause 3 Article 121 of this Law, the land user wishes to apply for registration of change;
- g) Land use term is changed;

h) Method of land allocation, land lease, land levy payment or land rent payment is changed according to this Law;

i) There is a change of LURs or ownership of property affixed to land due to full division, partial division, consolidation, merger or conversion of organizational model or agreement of household members or of the wife and husband or of the group of common land users or the group of owners of common property affixed to land;

k) There is a change of LURs or ownership of property affixed to land according to the successful mediation result of a land dispute that is recognized by the competent People's Committee; the debt settlement clause in a mortgage agreement; a decision of a regulatory agency competent to solve land disputes or land-related complaints or denunciations; a Court's judgment or decision, or a judgement enforcement decision of a judgment enforcement agency that has been enforced; a decision or ruling of an arbitral tribunal on resolving disputes between parties arising from commercial activities relating to land; a written approval for the LUR auction result in accordance with the law;

l) Rights over an adjacent parcel are established, changed or abolished;

m) Limitations on rights of the land user are changed;

n) There is a change of rights to use land for construction of above-ground works serving the operation, exploitation and use of underground works, rights to ownership of underground works;

o) The land user or owner of property affixed to land applies for renewal or reissuance of a certificate of LURs, certificate of home ownership and LURs of homestead land, certificate of home ownership, certificate of ownership of construction works, certificate of LURs, ownership of housing and other property affixed to land or certificate of title;

p) The land user or owner of property affixed to land exercises rights to mortgage rights to use land or property affixed to land;

q) The land user sells property or conveys LURs of land that is a public property according to laws on management and use of public property.

2. For registration of any of the changes prescribed in clause 1 of this Article, a competent authority shall certify the change on the granted certificate, or grant a new certificate of title when the land user or owner of property affixed to land has a need. For registration of the change specified in point p clause 1 of this Article, a competent authority shall certify the change on the granted certificate.

3. For registration of any of the changes specified in points a, b, i, k, l, m and q clause 1 of this Article, within 30 days from the date of change, the land user must apply for a registration of the change at a competent authority; in case of judgment enforcement, the land-related change registration time limit shall be calculated from the date of handover of property serving judgment

enforcement or put up for auction; In case of inheritance of LURs, the land-related change registration time limit shall be calculated from the date of completion of division of LURs as inheritance according to civil laws or from the effective date of the court's judgment or decision.

### **Section 3. GRANT OF CERTIFICATES OF TITLE**

#### **Article 134. Certificates of title**

1. Certificates of title shall be granted to holders of LURs, home ownership, ownership of construction works affixed to land using the uniform form throughout the entire country.
2. The Minister of Natural Resources and Environment shall issue regulations on certificates of title.

#### **Article 135. Rules of grant of Certificates of title**

1. Only one certificate of title shall be granted in respect of each land parcel. Certificates of title shall be granted to holders of LURs, owners of property affixed to land who apply for certificates and satisfy all conditions according to regulations of this Law. In case a land user who is using multiple agricultural land parcels in the same commune, ward or commune-level town applies for certification, only 01 certificate of title shall be granted in respect of all the land parcels.
2. If the LUR of a land parcel or ownership of property affixed to land is held by multiple person, each holder shall be granted 01 separate certificate of title; if required, 01 certificate of title shall be granted to all the holders and given to the representative of such holders.
3. No certificate of title shall be granted before the land user or owner of property affixed to land complete their financial obligations in accordance with regulations of law.

If the land user or owner of property affixed to land is under no financial obligation or is owed or exempted from financial obligations, a certificate of title shall be granted after a competent authority certifies that their financial obligations are not required or are exempted or owned; in case of leasing land with annual land rent payments, a certificate of title shall be granted after a competent authority issues a decision to lease out land and sign a land lease contract.

If the land user donates his/her LURs to the State or a population to construct works serving the common interests of the population or expand roads according to planning or donate LURs to build gratitude houses, charity houses or great solidarity houses affixed to land according to the law, the State shall provide funding for measuring, adjusting and updating the cadastral record and issue a certificate of title to the land user according to regulations of this Law; the land user is not required to pay any cost in this case.

4. In case LURs or ownership of property affixed to land or both are common property of both husband and wife, the full names of both husband and wife shall be written in the certificate of title, except if the wife or husband agrees to name only one of them to present the both of them.

In case LURs or ownership of property affixed to land or both are common property of both husband and wife, and only the husband or wife is named in the certificate of LURs, certificate of home ownership and LURs of homestead land, certificate of home ownership, certificate of ownership of construction works, certificate of LURs, ownership of housing and other property affixed to land or the granted certificate of title, a new/replaced certificate of title with the full names of both the husband and wife can be granted if they apply for it.

5. A household holding LURs of a land parcel shall be granted a certificate of title with names of all members of the household. The certificate shall be given to the representative of the household. A certificate of title with the name of the household's representative can be granted and given to the representative if the household's members apply for it.

The household's members themselves will decide names of members to be written on the certificate of title and shall be responsible before the law.

6. In case there is a difference between the actually measured area and the area recorded on any of the documents specified in Article 137 of this Law or on the certificate of LURs or certificate of home ownership and LURs of homestead land or certificate of LURs, ownership of housing and other property affixed to land or the granted certificate of title, and the boundaries of the used land parcel do not change in comparison with those at the time of obtaining the document on LURs, certificate of LURs, certificate of home ownership and LURs of homestead land, certificate of LURs, ownership of housing and other property affixed to land or the granted certificate of title, and no dispute is arisen with adjacent land users, the actually measured data shall be applied to determine the land area when granting or replacing the granted certificate of title.

In case there is a difference in the boundary of the land parcel between the time of re-measurement and the time of obtaining the document on LURs, certificate of LURs, certificate of home ownership and LURs of homestead land, certificate of LURs, ownership of housing and other property affixed to land or the granted certificate of title, and the actually measured area is larger than the area recorded on the aforementioned document or certificate, the increase in area may be considered for grant of a certificate of title.

In case the location stated in the certificate of LURs, certificate of home ownership and LURs of homestead land, certificate of LURs, ownership of housing and other property affixed to land or the granted certificate of title is inaccurate, a new/replaced certificate of title shall be granted to the land user after a reviewing takes place.

7. The Government shall elaborate the grant of certificates of title, the re-determination of homestead land area and the correction, revocation and cancellation of granted certificates.

### **Article 136. Authority to issue certificates of title**

1. The authority to issue certificates of title for the first time in cases where applicants apply for certificates of title for the first time and cases prescribed in point b clause 7 Article 219 of this Law shall be provided for as follows:

a) The People's Committees of first-level administrative divisions shall issue certificates of title to land users or owners of property affixed to land prescribed in clauses 1, 2, 5, 6 and 7 Article 4 of this Law.

The People's Committees of first-level administrative divisions may authorize land authorities at the same level to issue certificates of title in the cases prescribed in this clause;

b) The People's Committees of second-level administrative divisions shall issue certificates of title to land users or owners of property affixed to land prescribed in clauses 3 and 4 Article 4 of this Law.

2. The authority to issue certificates of title and confirm changes in cases of registration of changes shall be provided for as follows:

a) Land registration authorities shall issue certificates of title and confirm changes to land users or owners of property affixed to land that are Vietnamese organizations, religious organizations, affiliated religious organizations, foreign diplomatic organizations, foreign-invested business organizations; issue certificates of title to owners of property affixed to land that are foreign organizations or individuals;

b) Land registration authorities or their branches shall issue certificates of title or confirm changes to land users or owners of property affixed to land that are individuals, populations or persons of Vietnamese descent residing overseas;

c) Land registration authorities or their branches may use their seals in the issuance of certificates of title or the confirmation of changes.

### **Article 137. Issuance of certificates of title for households, individuals, populations that are using land and obtaining documents on LURs**

1. Any household or individual that is using land stably and obtaining any of the following documents made before October 15, 1993 shall be issued a certificate of title and not be required to pay land levy:

a) Documents on LURs issued by competent authorities during the implementation of land policies of the State of the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam and the State of the Socialist Republic of Vietnam;

b) One of the documents on LURs issued by a competent authority under the Republic of Vietnam (RVN) government to the land user, including: cadastral documents, real estate transfer agreements certified by authorities under the RVN government; contracts of sales, donation, exchange, inheritance of housing affixed to homestead land certified by authorities under the RVN government; wills or contracts for division of inheritance of housing certified by authorities under the RVN government; housing construction permits; permits for legalizing

structures issued by authorities under the RVN government; effective judgements of courts under the RVN government;

c) Certificate of temporary LURs issued by a competent regulatory agency or listed in agrarian registers or cadastral registers;

d) Instrument of conveyance of rights to use land or sell/purchase housing affixed to homestead land, certified by the People's Committees of third-level administrative divisions that the land was used before October 15, 1993;

dd) Land parcel registration forms, manuals of land surveying prepared before December 18, 1980 with the land user's name thereon;

e) One of the instruments made during the agrarian registration according to Directive No. 299/TTg dated November 10, 1980 of the Prime Minister on measurement, classification and registration of land throughout the country that is under management of regulatory agencies with the name of the land user, including: Approval report made by the land registration council of the third-level administrative division certifying that the current land user is legal; Summary of legal land use cases prepared by the People's Committee of the third-level administrative division or the land registration council at the same level or a land authority of the second-level/first-level administrative division; Application for registration of LURs; Documents certifying the registration of LURs issued by the People's Committee the third-level/second-level/first-level administrative division to the land user;

g) Instrument of housing declaration or registration certified by the People's Committee of the third-level/second-level/first-level administrative division with the area of land with houses thereon written therein;

h) Instrument of a national defense unit concerning the allocation of land to officers and soldiers for housing construction according to Directive No. 282/CT-QP dated July 11, 1991 of the Minister of National Defense in accordance with land use planning for housing of officers and soldiers in the national defense land planning approved at the time of land allocation;

i) Project or list or document on immigration to build a new economic zone, immigration and resettlement approved by the People's Committee of the second-level/first-level administrative division or a competent authority with the land user's name thereon;

k) Instrument concerning ownership of housing, works; instrument concerning construction, repair of housing and works certified or permitted by the People's Committee of the second-level/first-level administrative division or an agency in charge of state management of housing and construction;

l) Temporary land allocation instrument of the People's Committee of second-level/first-level administrative division; Application for land use approved by the People's Committee of the third-level administrative division or agricultural cooperative before July 1, 1980 or by the People's Committee of second-level/first-level administrative division;

m) Instrument of a competent regulatory agency concerning allocation of land to agencies and organizations for re-allocation thereof to officials and employees to build their own houses or for construction of houses for officials and employees with capital that does not belong to the state budget or is contributed by officials and employees themselves;

n) Other instruments concerning LURs issued before October 15, 1993 by the People's Committee of the first-level administrative division in accordance with the actual local conditions.

2. Any household or individual that is using land and obtains an instrument of a state-run farm or state-run forest concerning the allocation of land for housing construction or both housing construction and agriculture and forestry production prepared before July 01, 2004 shall be issued a certificate of title and not be required to pay land levy.

3. Any household or individual that is using land stably and obtains any of the following instruments shall be issued a certificate of title and not be required to pay land levy:

a) Legal instrument concerning inheritance, donation of LURs or property affixed to land; instrument concerning allocation of gratitude houses, charity houses or great solidarity houses affixed to land;

b) Instrument concerning liquidation or sale of housing affixed to homestead land; instrument concerning purchase of state-owned housing according to the law.

4. Any household or individual that is using land and obtains an instrument concerning the land allocation or land lease by the State in accordance with laws from October 15, 1993 to the day before the effective date of this Law but not yet been issued a certificate of LURs or certificate of home ownership and LURs of homestead land or certificate of LURs, ownership of housing and other property affixed to land or certificate of title shall be issued a certificate of title and pay the land levy according to the law in case the land levy has not been paid.

5. Any household or individual that is using land which is not in dispute and obtains any of the instruments prescribed in clauses 1, 2, 3 and 4 of this Article with name of another person thereon, enclosed with an instrument concerning the disposition of LURs, but, up to the day before the effective date of this Law, has not carried out procedures for disposition of LURs according to the law shall be issued a certificate of title and fulfil financial obligations according to the law.

6. Any household, individual or population that is permitted to use land according to a court's judgment or decision, decision or ruling of an arbitral tribunal, judgment of a judgment enforcement agency, decision to resolve land disputes, land-related complaints or denunciations of a competent regulatory agency which has been enforced or written document recognizing the successful mediation result shall be issued a certificate of title and fulfil financial obligations according to the law.



7. If a household or individual obtains a copy of any of the instruments prescribed in clauses 1, 2, 3, 4, 5 and 6 of this Article but loses the original of such instrument, the regulatory agency no longer keeps the record showing the issuance of such instrument, and the land is certified by the People's Committee of the third-level administrative division to which the land belongs to be used stably and to be not in dispute, a certificate of title shall be issued to them; financial obligations shall be fulfilled according to the law.

8. Any current land user that obtains one of the instruments prescribed in clauses 1, 2, 3, 4, 5, 6 and 7 of this Article with various points of time thereon can choose one of the point to serve as a basis for issuance of a certificate of title.

9. Any population that is using land with a communal house, temple, shrine, hermitage, family church or another religious work thereon; land with a pagoda thereon which does not fall under the regulations in clause 1 Article 213 of this Law; or agricultural land prescribed in clause 4 agricultural land prescribed in clause 4 Article 178 of this Law which is not in dispute, and obtains document(s) certifying that the land is generally used for the population issued by the People's Committee of the third-level administrative division to which the land belongs shall be issued a certificate of title.

**Article 138. Issuance of certificates of title for households and individuals that are using land and obtain no instrument concerning LURs but do not violate land laws and do not fall under the case that land is allocated ultra vires**

The issuance of a certificate of title for a household or individual that is using land stably but obtains no instrument concerning LURs specified in Article 137 of this Law and does not fall under any of the cases specified in Article 139 and Article 140 of this Law shall comply with the following regulations:

1. The household or individual that used land before December 18, 1980 which has been certified as being not in dispute in recent times by the People's Committee of the third-level administrative division to which the land belongs shall be issued a certificate of title according to the following regulations:

a) For a land parcel with housing or housing and works serving daily life thereon, if the parcel area is equal to or larger than the limit on recognition of homestead land according to clause 5 Article 141 of this Law, the homestead land area to be recognized shall be equal to the limit on recognition of homestead land and any land levy on such land parcel is not required.

If the land area for construction of housing or housing and works serving the daily life is larger than the limit on recognition of homestead land prescribed in this point, the homestead land area to be recognized shall be determined according to the actual area that has been used for construction of housing or housing and works serving the daily life; the land user shall pay a land levy on the land area that exceeds the limit on land recognition specified in this point;

b) For a land parcel with housing or housing and works serving daily life thereon, if the parcel area is smaller than the limit on recognition of homestead land according to clause 5 Article 141

of this Law, the homestead land area to be recognized shall be determined to be the total area of such land parcel and any land levy on such land parcel is not required;

c) For a land parcel used for non-agricultural production and business purpose or trading and service purpose, the land area to be recognized as non-agricultural production establishment land or commercial land shall be determined according to the actual area of the land parcel that has been used for such purpose; land use mode shall be recognized as "land allocation with land levy payment", and land use duration shall be recognized as "long-term and stable";

d) For the remaining land after imposing the regulations in point a and point c of this clause, the recognition of such land shall be given according to the current use of such land.

If the land is currently used for a non-agricultural purpose apart from the residential purpose, the recognition shall be given according to point c of this clause.

In case the land is currently used for an agricultural purpose, the land user shall be recognized to be allocated such land by the State without land levy payment; if the land user wishes to be recognized to have LURs of such land for a non-agricultural purpose which is conformable with the district-level land use planning or general planning or zoning planning or construction planning or rural planning, such recognition will be granted if land levy is paid in accordance with laws;

2. Any household or individual that used land from December 18, 1980 to the day before October 15, 1993 which has been certified as being not in dispute in recent times by the People's Committee of the third-level administrative division to which the land belongs shall be issued a certificate of title according to the following regulations:

a) For a land parcel with housing or housing and works serving daily life thereon, if the parcel area is equal to or larger than the limit on recognition of homestead land according to clause 5 Article 141 of this Law, the homestead land area to be recognized shall be equal to the limit on recognition of homestead land and any land levy on such land parcel is not required.

If the land area for construction of housing or housing and works serving the daily life is larger than the limit on recognition of homestead land prescribed in this point, the homestead land area to be recognized shall be determined according to the actual area that has been used for construction of housing or housing and works serving the daily life; the land user shall pay a land levy on the land area that exceeds the limit on land recognition specified in this point;

b) For a land parcel with housing or housing and works serving daily life thereon, if the parcel area is smaller than the limit on recognition of homestead land according to clause 5 Article 141 of this Law, the homestead land area to be recognized shall be determined to be the total area of such land parcel and any land levy on such land parcel is not required;

c) For a land parcel used for non-agricultural production and business purpose or trading and service purpose, the land area to be recognized as non-agricultural production establishment land

or commercial land shall be determined according to the regulation in point c clause 1 of this Article;

d) For the remaining land after imposing the regulations in point a and point c of this clause, the recognition of such land shall be given according to the current use of such land.

If the land is currently used for a non-agricultural purpose apart from residential purpose, the recognition shall be given according to point c of this clause.

In case the land is currently used for an agricultural purpose, the land user shall be recognized to be allocated such land by the State without land levy payment; if the land user wishes to be recognized to have LURs of such land for a non-agricultural purpose which is conformable with the district-level land use planning or general planning or zoning planning or construction planning or rural planning, such recognition will be granted if land levy is paid in accordance with laws;

3. Any household or individual that used land from December 18, 1980 to the day before July 01, 2014 which has been certified as being not in dispute in recent times by the People's Committee of the third-level administrative division to which the land belongs shall be issued a certificate of title according to the following regulations:

a) For a land parcel with housing or housing and works serving daily life thereon, if the parcel area is equal to or larger than the limit on allocation of homestead land specified in clause 2 Article 195 or clause 2 Article 196 of this Law, the homestead land area to be recognized shall be equal to the limit on allocation of homestead land; in case the land area for construction of housing or housing and works serving the daily life is larger than the limit on allocation of homestead land, the homestead land area to be recognized shall be determined according to the actual area that has been used for construction of such housing or housing and works serving the daily life;

b) For a land parcel with housing or housing and works serving daily life thereon, if the parcel area is smaller than the limit on allocation of homestead land specified in clause 2 Article 195 or clause 2 Article 196 of this Law, the entire land parcel shall be recognized as the homestead land;

c) For a land parcel used for non-agricultural production and business purpose or trading and service purpose, the land area to be recognized as non-agricultural production establishment land or commercial land shall be determined according to the regulation in point c clause 1 of this Article;

d) For the remaining land after imposing the regulations in point a and point c of this clause, the recognition of such land shall be given according to the current use of such land.

If the land is currently used for a non-agricultural purpose apart from residential purpose, the recognition shall be given according to point c of this clause.

In case the land is currently used for an agricultural purpose, the land user shall be recognized to be allocated such land by the State without land levy payment; if the land user wishes to be recognized to have LURs of such land for a non-agricultural purpose which is conformable with the district-level land use planning or general planning or zoning planning or construction planning or rural planning, such recognition will be granted if land levy is paid in accordance with laws;

dd) The land user that is issued a certificate of title prescribed in this clause shall fulfill their financial obligations according to the law;

4. In case a land parcel is used by multiple households or individuals, the homestead land limit specified in clauses 1, 2 and 3 of this Article shall be equal to the total homestead land limit of such households or individuals.

If a household or individual uses multiple land parcels with housing or housing and works serving life thereon which are certified to be used stably from before October 15, 1993 by the People's Committee of the third-level administrative division to which the land belongs, the homestead land limit for each land parcel shall be determined according to the regulations in clauses 1, 2 and 3 of this Article.

5. If any household or individual that is eligible for agricultural land allocation according to the regulations in clause 1 Article 118 of this Law used homestead land or non-agricultural land before July 01, 2014 but obtains no instrument specified in Article 137 of this Law and has permanent residence in an area with difficult socio-economic conditions or an area with extremely difficult socio-economic conditions, and his/her used land has been certified as being not in dispute in recent times by the People's Committee of the third-level administrative division to which the land belongs, they shall be issued a certificate of title and not be required to pay any land levy. The land area which is determined when issuing the certificate of title shall comply with the regulations in clauses 1, 2, 3 and 4 of this Article;

6. Any household or individual that is using land stably for a purpose falling into the category of agricultural land which has been certified as being not in dispute in recent times shall be issued a certificate of title as if the land is allocated by the State without land levy payment, provided the land area in use does not exceed the limit on allocation of agricultural land to individuals specified in Article 176 of this Law; the land use term begins on the issuance date of the certificate of title; the remaining agricultural land area (if any) shall be leased out by the State;

7. The imposition of regulations on homestead land limit of a local authority to determine the homestead land area in any of the cases specified in clauses 1, 2, 3, 4 and 5 of this Article shall comply with laws at the time when the land user submits his/her application for a certificate of title;

8. Any household or individual that is using land in any of the cases specified in clauses 1, 2, 3, 4, 5 and 6 of this Article and is not eligible for a certificate of title will be permitted to temporarily hold the land for the current use until the State repossesses land if the land registration is declared as prescribed;

9. The State shall issue a certificate of title if a land registration is completed and conditions specified in this Article are met;

10. The Government of Vietnam shall elaborate this Article.

**Article 139. Resolution in case households or individuals using land violate land laws before July 01, 2014**

1. In case a land user uses land trespassed or appropriated from a safety corridor of a public work after the State has announced and marked the safety corridor or trespassed or appropriated from roadbeds, sidewalks or sidewalks after the State has announced a construction boundary or trespassed or appropriated for construction of the headquarters, a public work or another public work, the State shall repossess the trespassed or appropriated land and not issue any certificate of title to such land.

In case where the adjusted land use planning or construction planning has been approved by a competent authority but the trespassed or appropriated land area is no longer part of the safety corridor of the public work; is not within the construction boundary; is not used for construction of the headquarters, the public work or the other public work, the current land user may consider issuing a certificate of title, provided financial obligations are fulfilled according to the laws.

2. If the trespassed or appropriated land is agriculture land or forestry land which was allocated by the State without land levy payment, it shall be handled as follows:

a) If the trespassed or appropriated land is under forestry planning of a dedicated forest or protective forest, the People's Committee of the first-level administrative division shall direct repossession of the trespassed or appropriated land to assign it to the forest management board for management or use. The forest management board may consider entering into a contract for forest protection or development with the current land user of the trespassed or appropriated land in accordance with forestry laws. In case of no forest management board, the State shall allocate land to be used for protection or development of the protective forest and consider issuing a certificate of title to the current land user of the trespassed or appropriated land;

b) If the trespassed or appropriated land is under land use planning for construction of a public infrastructure work, the People's Committee of the first-level administrative division shall direct repossession of the trespassed or appropriated land to assign it to the investor when constructing that work.

The land user is permitted to temporarily use the land until the State repossesses the land, provided that he/she maintains the current use of the land and declares land registration according to regulations;

c) If the trespassed or appropriated land is currently used as agricultural land or was used for construction of housing from before July 01, 2014, and is not under forestry planning of a dedicated forest or protective forest, or land use planning for construction of a public

infrastructure work, the current land user is considered for a certificate of title, provided the financial obligations are fulfilled.

3. In case a household or individual is using trespassed or appropriated land that is not falling under any of the cases specified in clause 1 and clause 2 of this Article and is not used for the intended purpose for which the State allocated or leased out the land or recognized LURs, it shall be handled as follows:

a) If the land user is using land stably in accordance with the district-level land use planning or general planning or zoning planning or construction planning or rural planning, he/she may be considered for a certificate of title, provided that the financial obligations are fulfilled in accordance with laws;

b) In the case not falling under point a of this clause, the current land user is permitted to temporarily use the land until the State repossesses the land, provided that the current use of land is maintained and land registration is declared.

4. Any household or individual that is using self-reclaimed agricultural land which is not in any dispute will be issued a certificate of title according to the agricultural land allocation limit prescribed by the People's Committee of the first-level administrative division; if the land area in use exceeds the limit, the land surplus shall be leased out by the State.

5. If any household or individual was using land that is held due to violations against land laws specified in clause 1 and clause 2 of this Article as from July 01, 2014 onwards, the State shall not issue any certificate of title and the handling shall comply with laws.

6. The Government of Vietnam shall elaborate this Article.

#### **Article 140. Issuance of certificates of title for households and individuals that are using land that is allocated ultra vires**

In case of using land allocated ultra vires to a household or individual according to land laws at the time when the land is allocated or using land acquired due to purchase, receipt through liquidation, sale, distribution of housing or constructions affixed to the land that does not comply with laws, the issuance of a certificate of title shall be prescribed as follows:

1. If the land had been used stably before October 15, 1993 and has been certified as being not in dispute in recent times by the People's Committee of the third-level administrative division to which the land belongs, the current land user shall be issued a certificate of title with respect to the land area that was allocated according to clause 2 and clause 6 Article 138 of this Law;

2. If the land had been used stably from October 15, 1993 to the day before July 01, 2004 and has been certified as being not in dispute in recent times by the People's Committee of the third-level administrative division to which the land belongs, in accordance with the district-level land use planning or general planning or zoning planning or construction planning or rural planning, a certificate of title shall be issued according to clause 3 and clause 6 Article 138 of this Law;

3. If the land had been used stably from July 01, 2004 to the day before July 01, 2014 and has been certified as being not in dispute in recent times by the People's Committee of the third-level administrative division to which the land belongs, in accordance with the district-level land use planning or general planning or zoning planning or construction planning or rural planning, a certificate of title shall be issued as follows:

a) For a land parcel with housing or housing and works serving daily life thereon, if the parcel area is equal to or larger than the limits on allocation of homestead land specified in clause 2 Article 195 or clause 2 Article 196 of this Law, the homestead land area for which the certificate of title is issued shall be equal to the limits on allocation of homestead land;

b) For a land parcel with housing or housing and works serving daily life thereon, if the parcel area is smaller than the limit on allocation of homestead land specified in clause 2 Article 195 or clause 2 Article 196 of this Law, the entire land parcel shall be determined as the homestead land;

c) For the remaining land area (if any) after deducting the homestead land area determined according to point a of this clause, the recognition shall be granted according to the current use of such land;

4. In case the land has been being allocated from July 01, 2014 to the day before the effective date of this Law and has been certified as being not in dispute in recent times by the People's Committee of the third-level administrative division to which the land belongs, in accordance with the land use planning, and the land user obtains document(s) proving the completion of land levy payment, the land limit at which the certificate of title is issued shall be determined according to clause 3 Article 138 of this Law;

5. The State shall not issue any certificate of title for the land that has been being allocated or leased out ultra vires from July 01, 2014 onwards, except for the case specified in clause 4 of this Article;

6. The land user that is issued the certificate of title prescribed in clauses 1, 2, 3 and 4 of this Article shall fulfill their financial obligations according to the law;

7. The Government of Vietnam shall elaborate this Article.

#### **Article 141. Determination of homestead land area upon recognition of LURs**

In case a household or individual that is using land obtains one of the instruments concerning LURs specified in clauses 1, 2, 3, 4, 5, 6 and 7 of Article 137 of this Law which shows the purpose of use of the land (housing or homestead land), the homestead land area shall be determined as follows when issuing a certificate of title:

1. If the land parcel was formed before December 18, 1980, the land user is not required to pay land levy on the land area that is determined as follows:

a) If the land parcel area is equal to or larger than the limit on recognition of homestead land and the instrument concerning LURs specifies the homestead land area, the homestead land area shall be determined according to such instrument; If the homestead land area showed on the instrument is smaller than the limit or is not specified, the homestead land area shall be equal to the limit on recognition of homestead land;

b) If the land parcel area is smaller than the limit on recognition of homestead land, the entire area shall be determined as homestead land;

2. If the land parcel was formed from December 18, 1980 to the day before October 15, 1993, the land user is not required to pay land levy on the land area that is determined as follows:

a) If the land parcel area is equal to or larger than the limit on recognition of homestead land and the instrument concerning LURs specifies the homestead land area, the homestead land area shall be determined according to such instrument; If the homestead land area showed on the instrument is smaller than the limit or is not specified, the homestead land area shall be equal to the limit on recognition of homestead land;

b) If the land parcel area is smaller than the limit on recognition of homestead land, the entire area shall be determined as homestead land;

3. If the land parcel was formed from October 15, 1993 to the day before the effective date of this Law, the homestead land area shall be determined according to the instrument concerning LURs;

4. For the remaining land of the land parcel after deducting the homestead land area determined according to the regulations in point a clause 1, point a clause 2 and clause 3 of this Article, the following regulations shall be applied:

a) If housing or housing and works serving daily life have been constructed on the land, the land shall be determined as the homestead land, provided that the land levy is paid according to the law.

b) If the work used for non-agricultural production and business purpose or trading and service purpose has been constructed on the land, the land area to be recognized as non-agricultural production establishment land or commercial land shall be determined according to the actual area of the land with the work thereon; land use mode shall be recognized as "land allocation with land levy payment", and land use duration shall be recognized as "long-term and stable";

c) The land which is currently used for an agricultural purpose shall be recognized as agricultural land; if the land user wishes to be recognized to have LURs of such land for a non-agricultural purpose which is conformable with the district-level land use planning or general planning or zoning planning or construction planning or rural planning, such recognition will be granted, provided land levy is paid in accordance with laws;



5. The People's Committee of the first-level administrative division shall, based on the local conditions and practices, stipulate the limits on recognition of homestead land specified in clause 1 and clause 2 of this Article in respect of the land that was used before December 18, 1980 and from December 18, 1980 to the day before October 15, 1993;

6. For the homestead land parcel of the household or individual with a garden or pond thereon for which a certificate of title has been issued before July 01, 2004, if the land user wishes or the State repossesses the land, the homestead land area shall be re-determined as follows:

a) The homestead land area shall be re-determined according to clause 1 and clause 2 of this Article, if there was one of the instruments specified in clauses 1, 2, 3, 5, 6 and 7, Article 137 of this Law at the issuance date of the certificate of title; the land user is not required to pay land levy in respect of the land area that is re-determined as homestead land.

In case the land user disposed LURs of part of the homestead land of the land parcel or the State repossessed part of the homestead land of the land parcel, the part of homestead land whose LURs was disposed or the repossessed part must be deducted from the area of homestead land that is re-determined;

b) The land area that was received through disposition of LURs according to the law or the land area that was repossessed by the State shall not be re-determined according to point a of this clause;

7. The agency having authority to issue certificates of title specified in point b clause 1 Article 136 of this Law shall re-determine the homestead land area and issue the certificate of title in the cases specified in point a clause 6 of this Article.

#### **Article 142. Issuance of certificates of title for organizations that are using land**

1. Any organization that is using land but is not granted a certificate of LURs or Certificate of home ownership and LURs of homestead land or Certificate of LURs and ownership of housing and property affixed to land or Certificate of title shall declare the current use of land by themselves and submit a report to the People's Committee of the first-level administrative division to which the land belongs.

2. On the basis of the report on the current use of land of the organization, the People's Committee of the first-level administrative division to which the land belongs shall conduct a site inspection and handle according to the following regulations:

a) For the land area of the organization obtaining any of the instruments specified in Article 137 of this Law that is being used for the intended purpose, the competent regulatory agency shall determine the land use mode in accordance with laws and issue a certificate of title; in case of using land without any of the instruments specified in Article 137 of this Law, the land use modes specified in Articles 118, 119 and 120 of this Law shall be applied.

If the organization is using land leased out by the State in any of the case specified in Article 120 of this Law, the province-level land authority shall have the land lease contract signed before issuing a certificate of title;

b) The land use term for which the certificate of title specified in point a of this clause is issued shall be determined according to the instrument concerning LURs if such instrument is included in Article 137 of this Law; if the instrument does not state any land use term or state a land use term which is not conformable to land laws at the time of obtaining such instrument, the land use term shall be determined according to Article 172 of this Law and begin on October 15, 1993, provided the land was used before October 15, 1993, or begin at the issuance date of the decision to allocate land or lease out land, provided the land was used before October 15, 1993 onwards;

c) For land area used for unintended purpose, trespassed or appropriated land area; land area leased or borrowed by another organization/household/individual; land area under illegal association; or land area that was left unused for over 12 months or is used more than 24 months behind schedule, the People's Committee of the first-level administrative division shall issue a decision to repossess such land area according to the law;

d) The land area of an organization that was allocated to a household/individual that is an official or employee of the organization to build houses before the effective date of this Law shall be handed over to the People's Committee of the second-level administrative division to which the land belongs which will issue a certificate of title to a homestead land user, provided the homestead land user fulfils the financial obligations as prescribed by laws.

In case a state-owned enterprise involved in agricultural production, forestry production, aquaculture or salt production allows part of the land allocated by the State to be used as homestead land by a household or individual before July 01, 2004, it is mandatory to submit arrangements for conversion of the homestead land into residential area to the People's Committee of the first-level administrative division to which the land belongs for approval before the land is handed over to the local authority for management;

dd) The certificate of title to the land area under dispute will be issued if the settlement of the dispute is complete.

3. In case an organization receives a real estate project by conveyance according to laws on real estate business, and both the conveyor and conveyee have fulfilled their financial obligations according to the law, a certificate of title may be issued after consideration according to the Government's regulations.

### **Article 143. Issuance of certificates of title to land for construction of urban areas, rural residential areas, production and business projects with various purposes of use**

1. If land area allocated to the investor for carrying out a project to build an urban area or rural residential area with many construction items or many lands with different purposes of use according to Article 9 of this Law, it is necessary to clearly determine the land location and area

according to each purpose of use and issue a Certificate of title according to the following regulations:

a) A certificate of title shall be solely issued to a land parcel used for a purpose in conformity with the detailed construction planning that has been approved by a competent authority;

b) For the land used for construction of public works serving the common interest of the communities inside and outside the urban area or the rural residential area according to the investment project and detailed construction planning that has been approved by the competent authority, it will be handed over to the local authority for management without issuing any certificate of title;

c) For an apartment combined with an office or trading and service establishment, if the investor applies for and is eligible for a certificate of title to one or many apartments, offices, trading and service establishments owned by the investor.

2. If land area allocated to the investor for carrying out a production and business project includes many lands with different purposes of use, a certificate of title shall be issued to the investor for the entire land area, in which the land location and area must be clearly determined according to each purpose of use as prescribed in Article 9 of this Law. In case the investor applies for a certificate of title, the certificate of title shall be issued for each land parcel according to each purpose of use in conformity with the approved detailed construction planning.

#### **Article 144. Issuance of certificates of title to land with historical-cultural monuments, famous landscape, sights**

A certificate of title to land with a historical-cultural monument or famous landscape, sight that has been ranked or included in the inventory list of relics by the People's Committee of a first-level administrative division according to laws on cultural heritage shall be issued in the following cases:

1. Where the land is currently used by only one office, organization, population, household or individual, the certificate of title shall be issued to the office, organization, population, household or individual;

2. Where there are various land users or types of land, the certificate of title shall be issued to each land user, provided the land user comply with laws on protection of historical-cultural monuments and famous landscape, sights.

#### **Article 145. Issuance of certificates of title for religious organizations or affiliated religious organizations that are using land**

1. Any religious organization or affiliated religious organization that was permitted to operate by the State, is using land for a religious activity but has not yet been issued any certificate of LURs or Certificate of home ownership and LURs of homestead land or Certificate of LURs and ownership of housing and property affixed to land or Certificate of title shall review and declare

the use of land by themselves and submit a report to the People's Committee of a first-level administrative division according to the following contents:

- a) Total land area in use;
- b) The land area that was allocated by a competent regulatory agency; received by conveyance; received by donation; borrowed from an organization, household or individual; formed by the organization themselves; or held by another mode;
- c) Land area that was being used by an organization, household or individual under a borrowing, temporary stay or lease agreement;
- d) Land area that was trespassed or appropriated by another person.

2. The People's Committee of the first-level administrative division to which the land belongs shall conduct a site inspection, determine specific boundaries of the land parcel and issue a decision on handling according to the following regulations:

- a) As for the land area that an organization, household or individual used stably before October 15, 1993, the decision shall be based on land use demands of the religious organization or the affiliated religious organization and such organization, household or individual in order to ensure land use rights and interests of the parties in accordance with the current practice;
- b) As for land area that an organization, household or individual used from October 15, 1993 to the day before July 01, 2004, it will be handled as in the case where the organization or individual borrows or leases out land of another household or individual according to land laws;
- c) As for the land area of the religious organization or affiliated religious organization that is expanded without permission from a competent regulatory agency; land area of the religious organization or affiliated religious organization that is trespassed or appropriated; land area of the religious organization or affiliated religious organization that is in dispute, the People's Committee of the first-level administrative division shall handle according to the law.

3. After the land area of the religious organization or affiliated religious organization has been handled according to clause 2 of this Article and the following conditions are fully satisfied, the certificate of title shall be issued with long-term and stable use and without land levy payment according to clause 2 Article 213 of this Law:

- a) The religious organization or the affiliated religious organization must be permitted to operate by the State;
- b) The land must not be in dispute or has been solved beyond dispute by a competent regulatory agency, under a judgement or decision of a Court, a decision or ruling of an arbitrator that has taken legal effect;

c) The land of the religious organization or the affiliated religious organization must not be the land received from July 01, 2004 onwards by conveyance or donation.

4. In case the land is currently used for the agriculture production, forestry production or non-agricultural production and business purpose by the religious organization or the affiliated religious organization and the conditions specified in clause 3 of this Article are fully satisfied, the certificate of title shall be issued according to the land use mode and term corresponding to that purpose as for households or individuals.

#### **Article 146. Issuance of certificates of title in case land parcel area is smaller than the minimum area**

1. A land parcel in use formed before the effective date of the document specifying the minimum parcel area to be created by subdivision of the People's Committee of a first-level administrative division and the land parcel area is smaller than the prescribed minimum parcel area, the current land user shall be issued a certificate of title, provided all requirements for eligibility for the certificate are satisfied.

2. The certificate of title shall not be issued if the land user themselves splits or subdivides the land parcel that has been registered or issued the certificate of LURs or certificate of home ownership and LURs of homestead land or certificate of LURs, ownership of housing and other property affixed to land or certificate of title into 02 or more pieces in which at least one piece is smaller than the minimum parcel area to be created by subdivision according to Article 220 of this Law.

3. If the certificate of LURs or certificate of home ownership and LURs of homestead land or certificate of LURs, ownership of housing and other property affixed to land or certificate of title has been issued for a land parcel and the land user wishes to subdivide the land parcel into land pieces or combine it with other land parcels into a new land parcel, the certificate of title shall be issued for each land piece after being subdivided or for the new land parcel after being consolidated, provided all the conditions specified in Article 220 of this Law are satisfied.

#### **Article 147. Issuance of certificates of title in case a land parcel belongs to many third-level administrative divisions**

1. If a land parcel belongs to many communes, wards or commune-level towns, but only one authority is competent to issue certificate of title for the land parcel, the land user shall be issued a certificate of title on which the area of each piece of the land parcel belonging to each third-level administrative division must be determined.

2. If a land parcel belongs to many communes, wards or commune-level towns, and various authorities are competent to issue certificate of title for the land parcel, a certificate of title shall be issued for a land piece belonging to a competent authority.

#### **Article 148. Issuance of certificates of title in case property is housing**

1. A household or individual who owns a house shall be issued a Certificate of title if they obtain one of the following instruments:

- a) Housing construction permit or limited-term housing construction permit in cases where a construction permit must be applied for according to construction laws;
- b) State-owned housing purchase and sale contract according to Decree No. 61-CP dated July 5, 1994 of the Government on housing purchase, sale and business or documents on liquidation and sales of State-owned housing from before July 5, 1994;
- c) Documents on allocating or donating gratitude houses, charity houses, or great solidarity houses;
- d) Documents on ownership of the house issued by competent authorities over time when that real estate is not subject to recognition of ownership by the people according to Resolution No. 23/2003/QH11 dated November 26, 2003 of the National Assembly on real estate managed and arranged for use by the State during the implementation of real estate management policies and socialist reform policies before July 1, 1991, Resolution No. 755/2005/NQ-UBTVQH11 dated April 2, 2005 of the Standing Committee of National Assembly regulating the resolution of a number of specific cases related to real estate during the implementation of real estate management policies and socialist reform policies before July 1, 1991;
- dd) Documents on buying, selling or receiving the house by donation, exchange or inheritance that has been notarized or certified by a competent People's Committee according to the law in case where the transaction is carried out before July 1, 2006.

If the house is purchased, received by donation, exchange or inheritance from July 01, 2006 onwards, it is required to have a written document on the transaction according to housing laws.

If the house is purchased from a real estate business which made investment and construction for sale, it is required to have a housing purchase and sale contract signed by the both parties;

- e) Judgment or decision of a Court or documents of a competent regulatory agency that has come into force and determines ownership of the house;
- g) One of the instruments specified in points a, b, c, d, dd and e of this clause which shows another person's name and no dispute over the house.

2. A household or individual that held a house before July 01, 2006 without any of the instruments specified in clause 1 of this Article and is not embroiled in any dispute over the house shall be issued a certificate of title.

3. In case household or individual that holds a house is not fall under clause 1 and clause 2 of this Article, they shall be issued a certificate of title if a construction permit is not required; or they must have a written document from a district-level construction authority certifying that

requirements for the existence of the house are satisfied if the construction permit is required according to construction laws.

4. A Vietnamese organization, foreign-invested business organization or person of Vietnamese descent residing overseas that invests and constructs a house for commercial purposes shall be issued a certificate of title, provided that they have appropriate instruments under housing laws.

If the house is purchased, or received by donation or inheritance or owned by another mode, it is required to have an instrument concerning the transaction according to the law.

5. If the owner of a house does not have LURs of the homestead land parcel, the certificate of title shall be issued as follows:

a) For foreign organizations or individuals that own houses in Vietnam, there must be instruments concerning housing transactions according to housing laws;

b) For owners of houses under housing laws that do not fall under point a of this clause, there must be documents proving the house ownership according to this Article and land lease contracts or capital contribution contracts or business cooperation contracts or written consents of the land users for housing construction that have been notarized or certified according to the law;

6. If a work is used for various purposes according to the law and is constructed on homestead land, the certificate of title shall be issued to each construction item or the entire work; the land use duration is stable and long-term.

#### **Article 149. Issuance of certificates of title for construction works other than houses**

1. A household, individual or population who owns a construction work shall be issued a Certificate of title if they obtain one of the following instruments:

a) Work construction permit or limited-term work construction permit in cases where a construction permit must be applied for according to construction laws;

b) Documents on the ownership of the construction work issued by competent authorities over time, except in cases where the State has managed and arranged for use;

c) Documents on sale, purchase, donation or inheritance of the construction work according to the law;

d) Judgment or decision of a Court or documents of a competent regulatory agency that has come into force and determines ownership of the construction work;

dd) One of the instruments specified in points a, b, c and d of this clause which shows another person's name and no dispute over the construction work.

2. A household, individual or population that owned a construction work before July 01, 2004 without any of the instruments specified in clause 1 of this Article and is not embroiled in any dispute over the construction work shall be issued a certificate of title.

3. In case a household, individual or population that holds a construction work is not fall under clause 1 and clause 2 of this Article, they shall be issued a certificate of title if a construction permit is not required; or they must have a written document from a district-level construction authority certifying that requirements for the existence of the construction work are satisfied if the construction permit is required according to construction laws.

4. A Vietnamese organization, foreign-invested business organization, foreign diplomatic organization, religious organization, affiliated religious organization or person of Vietnamese descent residing overseas that build a construction work shall be issued a certificate of title, provided that they have appropriate instruments under construction laws.

If the construction work is purchased, or received by donation or inheritance or owned by another mode, it is required to have an instrument concerning the transaction according to the law.

5. If the owner of a construction work does not have LURs of the land parcel, a certificate of title shall be issued, provided that they obtain documents proving ownership of the construction work according to this Article and a land lease contract or capital contribution contract or business cooperation contract or written consent of the land user for work construction that has been notarized or certified according to the law.

6. If a project includes many construction items, a certificate of title shall be issued to a construction item or a part of the area of such construction item.

#### **Article 150. Issuance of certificates of title in case the State has issued a decision to manage land and property affixed to land but it has not been executed**

If a decision to manage land or property affixed to land that is currently used by a household or individual has been issued by a regulatory agency during the implementation of the State's policies but is not executed by the State in reality, the current user of the land or property affixed to land may continue using it and is considered to be issued a certificate of title.

#### **Article 151. Cases where Certificates of title are not issued**

1. Land users shall not be issued a certificate of title in the following cases:

a) Agricultural land is for public uses according to Article 179 of this Law;

b) Land allocated for management falls under Article 7 of this Law, except in cases where land is allocated for both use and management, the certificate of title shall be issued for the land used under the decision to allocate or lease out land of a competent regulatory agency;



- c) Land is leased or subleased from the land user, except when the land is leased or subleased from the investor who constructed infrastructure for commercial purposes, in accordance with the investment project approved by a competent authority;
- d) Land is allocated for contract execution, except if the LURs are recognized as specified in point a clause 2 Article 181 of this Law;
- dd) Land is subject to repossession under a decision to repossess the land which has been issued by a competent regulatory agency, except when the decision has been issued for over 3 years but has not been executed yet;
- e) Land is in a dispute, is being distrained, or is subject to other coercive measures in order to ensure the judgment enforcement under the law on civil judgment enforcement; LURs are subject to temporary emergency measures according to the law;
- g) Organization is allocated land by the State without land levy payment to use for a public purpose, not a business purpose.

2. The certificate of title is not issued for property affixed to land in the following cases:

- a) Property affixed to land of the land parcel that falls under clause 1 of this Article or is not qualified for a certificate of title;
- b) House or construction work that is temporarily built during the construction of the main work or temporarily built with materials such as thatch, bamboo, leaves, or soil; auxiliary work that is outside the scope of the main work and serves the management, use and operation of the main work;
- c) The notice of or decision on release of property affixed to land or the decision to repossess land has been issued by a competent regulatory agency, except if it has been not executed yet for over 03 years from the date of issuance of such document;
- d) House, construction work that is constructed after the announcement of construction ban; trespassed or appropriated from boundary markers of technical infrastructure works and historical-cultural monuments that have been ranked; property affixed to land that has been created after the time when the planning has been approved by a competent authority but is not conformable to the planning that was approved at the issuance date of the certificate of title, except if the owner of the house or construction work that is not a house as specified in Article 148 and Article 149 of this Law has a limited-term construction permit in accordance with construction laws;
- dd) Property that is under the ownership of the State, except if the property has been determined as capital contributed by the State to an enterprise under the instruction of the Ministry of Finance;
- e) Property affixed to land that does not fall under Article 148 and Article 149 of this Law.

## **Article 152. Correction, revocation and cancellation of certificates that have been issued**

1. The agency having authority to issue certificate of title specified in Article 136 hereof shall correct errors in the issued certificate in the following cases:

- a) False information on the certificate holder in comparison with the information at the time of correction;
- b) False information on the land parcel, property affixed to land compared to the information in the declaration dossier on registration of land or property affixed to land that has been checked and confirmed by a land registration authority or shown in an effective document of a regulatory agency having authority to settle land disputes.

2. The State shall revoke the issued certificate in the following cases:

- a) The State repossesses the entire land area specified in the certificate of LUR, certificate of home ownership and LURs of homestead land, certificate of home ownership, certificate of ownership of construction works, certificate of LURs, ownership of housing and other property affixed to land or certificate of title that has been issued;
- b) The State renews the certificate of LUR, certificate of home ownership and LURs of homestead land, certificate of home ownership, certificate of ownership of construction works, certificate of LURs, ownership of housing and other property affixed to land or certificate of title that has been issued;
- c) The land user or owner of property affixed to land applies for registration of land-related changes or changes to the property affixed to land but it is required to issue a new certificate of title;
- d) The certificate has been issued ultra vires, to the ineligible land user, for the wrong land area, for unqualified land, for the land that is used for unintended purposes or used for the inaccurate land use term, or with the incorrect origin of land use in accordance with land laws at the time of issuing the certificate;
- dd) The issued certificate is cancelled by a competent Court;
- e) The rights to use land or property affixed to land are auctioned or transferred according to the request of a Court or a judgment enforcement agency but the judgment debtor does not submit the issued certificate.

3. The revocation of the issued certificate prescribed in point d clause 2 of this Article and not falling under clause 4 of this Article shall be prescribed as follows:

- a) In case a Court having authority to settle land disputes has an effective judgment or decision, including a conclusion on the revocation of the issued certificate, the revocation of the issued certificate shall be implemented according to that judgment or decision;

b) In case an inspection agency has a written conclusion that the certificate was issued in contravention of land laws, the competent regulatory agency shall consider deciding revocation of the issued certificate if such conclusion is correct; If the issued certificate is determined to be in accordance with the law, the inspection agency must be notified;

c) If the authority competent to issue certificates of title specified in Article 136 of this Law discovers that the certificate was issued in contravention of land laws, it must organize re-inspection, notify the land user of the reason for revocation and issue a decision to revoke the issued certificate;

d) If the land user or owner of property affixed to land discovers that the certificate was issued in contravention of land laws, he/she shall send a written petition to an agency having authority to issue certificates of title. The agency having authority to issue certificates of title shall inspect and consider for issuing a decision to revoke the certificate that was issued in contravention to land laws;

dd) The agency having authority to revoke the issued certificate specified in points a, b, c and d of this clause is the agency having authority to issue the certificate of title specified in Article 136 of this Law.

4. The agency having authority to issue the certificate of title specified in Article 136 of this Law shall not revoke the issued certificate in the cases specified in point d clause 2 of this Article, provided that the certificate holder has disposed the LURs or ownership of property affixed to land in accordance with land laws. Damage caused by the issuance of the certificate in this clause shall be handled according to the judgment or decision of the Court. Violators shall be handled according to Article 239 and Article 240 of this Law and other relevant laws.

5. The revocation of the issued certificate of LUR, certificate of home ownership and LURs of homestead land, certificate of home ownership, certificate of ownership of construction works, certificate of LURs, ownership of housing and other property affixed to land or certificate of title not falling under clause 2 of this Article shall be carried out, provided that there is a judgment or decision of the Court that has been executed or the written petition of the judgment enforcement agency for enforcement of the judgment or decision according to the law, including a request to revoke the issued certificate.

6. In cases where the revocation of the issued certificate of title complies with clause 2 and clause 5 of this Article but the land user or owner of property affixed to land does not hand over the issued certificate, the agency having authority to issue the certificate of title specified in Article 136 of this Law shall issue a decision to cancel the issued certificate.

7. The agency having authority to issue the certificate of title specified in Article 136 of this Law shall organize issuance of certificate of title in accordance with the law after the issued certificate has been revoked.

## **Chapter XI**

## **LAND-BASED FINANCING, LAND PRICES**

### **Section 1. LAND-BASED FINANCING**

#### **Article 153. State budget revenues from land**

1. State budget revenues from land include:

- a) Land levies;
- b) Land rents;
- c) Proceeds from penalties for land-related administrative violations;
- d) Recompense for the State when causing damage in land management and use;
- dd) Additional land levies, additional land rents for projects in which land is not put into use or is used behind the schedule;
- e) Land use taxes;
- g) Income taxes from disposition of LURs;
- h) Fees and charges in land management and use;
- i) Other incomes as prescribed by law.

2. Annual land rent is applied stably for every period of 05 years from the date on which the State issues a decision to lease out land or grant permission for repurposing land associated with changing land use mode into land lease by the State with annual land rent payments.

Land rent for the next period shall be based on the land price list of the year in which such land rent is determined. If the current land rent is higher than that of the previous period, the land rent payable must be adjusted within the rate prescribed by the Government for each period.

The adjustable rate prescribed by the Government for each period shall not exceed the total annual national consumer price index (CPI) of the previous 5-year period.

3. The Government shall elaborate points a, b, c, d and dd clause 2 and clause 2 of this Article.

#### **Article 154. Revenues from land-related public services**

1. Provision of information, data on land.

2. Cadastral surveying.

3. Land registration, issuance of certificates of title.
4. Consultation of land price determination.
5. Other services according to the law.

**Article 155. Basis for calculating land levy, land rent; time of land valuation, time of calculating land levy, land rent**

1. Basis for calculating a land levy:

- a) Area of the allocated land, repurposed land, or the land whose LURs are recognized;
- b) Land prices under Article 159 and Article 160 of this Law; in case of LUR auction, land price will be the hammer price;
- c) Policies on land levy exemption or reduction of the State.

2. Basis for calculating a land rent:

- a) Land area for rent;
- b) Land lease term, land use extension term;
- c) Land rental unit price; In case of auction of land lease rights, the land lease price is the hammer price;
- d) The land use mode: land lease by the State with annual land rent payments or land lease by the State under one-off arrangement;
- dd) Policies on land rent exemption or reduction of the State.

3. Time of land valuation, time of calculating land levy, land rent:

- a) In case the State allocates land, leases out land, allows land repurposing, land use extension, adjustment in land use term, change of land use mode, it is the time when the State issues a decision to allocate land, lease land, allow land repurposing, land use extension, adjustment of land use term, change of land use mode, except for the cases specified in Clause 7, Article 124 of this Law;
- b) In case of recognition of LURs, it is the time when the land user, owner of property affixed to land or his/her representative submits the valid application as prescribed by law;
- c) In case a competent regulatory agency adjusts the decision to allocate land or lease land, thereby changing the area, land use purpose or land use term, it is the time when the competent regulatory agency adjusts the decision to allocate land or lease land;

d) In case a competent regulatory agency issues a decision to adjust the detailed planning according to construction laws, thereby re-determining land price, it is the time when the competent regulatory agency issue the decision to adjust the detailed planning.

4. In case the land price in a land price list is applied to calculate a land levy or land rent, the competent People's Committee must write the land price in the decision to allocate land, lease land, allow land repurposing, land use extension, adjustment in land use term, change of land use mode.

In case of determining a specific land price to calculate a land levy or land rent, the competent People's Committee must issue a land price decision within 180 days from the time of land valuation specified in points a, c and d clause 3 of this Article.

5. The Government of Vietnam shall elaborate this Article.

#### **Article 156. Payment of land levy or land rent upon land repurposing, land use extension, adjustment in land use term**

1. In case of land repurposing under points b, c, d, dd, e and g clause 1 Article 121 of this Law, the land user must pay a land levy or land rent according to the following regulations:

a) The land levy or land rent is paid under one-off arrangement with an amount equal to the difference between the land levy or land rent of the land type after repurposing and the land levy or land rent of the land type before repurposing for the remaining land use period;

b) The land rent is paid annually according to the land type after repurposing.

2. When being allowed to extend land use, adjust land use term, the land user who is subject to land levy or land rent payment must pay a land levy or land rent for the extension period or adjustment period.

3. The Government of Vietnam shall elaborate this Article.

#### **Article 157. Exemption or reduction of land levy, land rent**

1. The exemption or reduction of land levy or land rent shall be applied in the following cases:

a) Land is used for production and business purposes in investment incentive fields or in investment incentive areas according to investment laws and relevant laws, except land for commercial housing construction, commercial land;

b) Land is used to implement policies on housing and homestead land for people with meritorious services to the revolution, war invalids or sick soldiers who are unable to work, families of martyrs who no longer have main workers, and the poor; land is used to implement investment projects to build social housing, worker accommodation in industrial parks, housing for the people's armed forces, renovate and rebuild apartment buildings according to housing

laws; homestead land is allocated to displaced people when the State repossesses land due to a threat to human life; homestead land is allocated to the entities specified in points a and b, Clause 3 Article 124 of this Law who are working in border communes, islands or island districts without third-level administrative divisions belonging to areas with difficult socio-economic conditions, areas with particularly difficult socio-economic conditions.

c) Ethnic minorities using land are exempted or reduced from land levies and land rents according to the Government's regulations;

d) Land of public service providers is used according to point c clause 3 Article 120 of this Law;

dd) Land is used to build airport and aerodrome infrastructure; land is used to construct facilities and works providing aviation services; land is used for parking lots and maintenance workshops serving public passenger transportation activities; land is used for construction of above ground works serving the operation, exploitation and use of underground works;

e) Land is used to build dedicated railway infrastructure; land is used for construction of railway industrial projects; Land is used for construction of other auxiliary works directly serving train operations, passenger pick-up and drop-off, and cargo loading and unloading of the railway;

g) Land is used to implement PPP projects;

h) Land is used as premises to build headquarters, drying yards, warehouses, production workshops; build service facilities directly serving agriculture production, forestry production, aquaculture, salt production of cooperatives and unions of cooperatives;

i) Land is used for construction of clean water supply, drainage, and wastewater treatment projects in urban and rural areas;

k) Land is used for national defense or security purposes of military or police enterprises though it is not national defense or security land;

l) Homestead land is allocated to households or individuals who have to relocate when the State repossesses land affixed to housing but are not eligible for homestead land-related recompense and have no other accommodation in the third-level administrative division to which the repossessed land belongs;

2. The Government stipulates other cases of exemption or reduction of land levies and land rents that are not specified in Clause 1 of this Article after receiving the consent of the Standing Committee of National Assembly.

3. It is not required to follow procedures for determining land prices, calculating land levies or land rents that are exempted in cases where land levies or land rents are exempted. Land users who are exempt from land levies or land rents are not required to follow procedures for applying for exemption from land levies or land rents in cases where land levies and/or land rents are exempted.

4. The Government of Vietnam shall elaborate this Article.

## **Section 2. LAND PRICES**

### **Article 158. Principles, bases and methods of land valuation**

1. The land valuation must ensure the following principles:

- a) Land is valued according to market principles
- b) Comply with land valuation methods, order and procedures;
- c) Ensure honesty, objectivity, publicity and transparency;
- d) Ensure independence between consulting firms of land price determination, land price list appraisal councils, specific land price appraisal councils and agencies or persons competent to decide land prices;
- dd) Ensure harmony of interests between the State, land users and investors.

2. Bases for land valuation include:

- a) The purpose of use of the land to be valued;
- b) Land use term. For agricultural land that has been allocated by the State to households or individuals according to the limit on allocation of agricultural land or agricultural land within the limit on receipt of LURs of agricultural land by disposition, it is not based on the land use term;
- c) Input information for land valuation according to land valuation methods;
- d/ Other factors affecting land prices;
- dd) Relevant laws which are available upon land valuation

3. Input information for land valuation according to land valuation methods specified at Point c, Clause 2 of this Article includes:

- a) Land prices that are recorded in the national database on land and the national database on prices;
- b) Land prices stated in contracts for conveyance of LURs; hammer prices of LURs after fulfilling financial obligations;
- c) Land prices collected through surveys in case there is no land price information specified at points a and b of this Clause;



d) Information on revenue, expenses and income from land use.

4. Input land price information specified at points a, b and c, clause 3 of this Article is information formed within 24 months from the time of land valuation specified in Clause 2, Article 91 and Clause 3, Article 155 of this Law or earlier.

Priority must be given to using information closest to the time of land valuation.

5. Methods of land valuation include:

a) The comparison method is applied by adjusting prices of land parcels with the same purpose, certain similarities in factors affecting the price of land that has been conveyed in the market, hammer price of land use rights of the land whose holder (successful bidder) has fulfilled the financial obligations according to the decision to recognize the successful bidder through the analysis and comparison of factors affecting the land price after excluding the value of property affixed to the land (if any) to determine the price of the land parcel to be valued;

b) The income-based method is implemented by dividing the average annual net income per land area by the average annual interest rate of 12-month term deposits in Vietnamese currency at commercial banks in which the State holds more than 50% of the charter capital or the total number of voting shares in the province for 03 consecutive years up to the end of the latest quarter with data before the valuation;

c) The surplus-based method is implemented by subtracting the total estimated development cost from the total estimated development revenue of the land parcel or land zone on the basis of the highest efficiency of land use (land use coefficient, construction density, maximum number of floors of a building) according to the land use planning, detailed construction planning approved by competent authorities;

d) The land price adjustment coefficient method is applied by multiplying the land price in the land price list by the land price adjustment coefficient. The land price adjustment coefficient is determined by comparing the land price in the land price list with the land price on the market;

dd) The Government shall prescribe other land valuation methods not specified at points a, b, c and d of this Clause after obtaining the consent of the Standing Committee of National Assembly.

6. Cases and conditions for application of land valuation method are prescribed as follows:

a) The comparison method is applied for valuation in case there are at least 03 land parcels with the same land use purpose, certain similarities in factors affecting the price of the land that has been conveyed in the market, hammer price of land use rights of the land whose holder (successful bidder) has fulfilled financial obligations according to the decision to recognize the successful bidder;

b) The income-based method is applied for valuation in case the land parcel, agricultural land zone or non-agricultural land zone (except for homestead land) to be valued that is not eligible for the comparison method but the incomes and costs from the use of land can be determined according to the purpose of use of the land to be valued;

c) The surplus-based method is applied for valuation in case the land parcel or land zone used for an investment project is not eligible for the comparison method and income-based method but the total development revenue and total development cost of the project can be estimated;

d) The land price adjustment coefficient method is applied for specific valuation to calculate recompense when the State repossesses land in cases where many adjacent land parcels with the same land use purpose are repossessed and land prices have been specified in the land price list but conditions for applying the comparison method are not satisfied.

7. The land valuation methods specified in Clause 5 of this Article shall be used to determine specific land prices and formulate land price lists.

8. In case the land valuation methods at points a, b and d, Clause 5 of this Article are applied to determine specific land prices, land prices in land price lists shall be applied if the specific land prices to be determined through these methods are lower than the land prices in the land price lists.

9. Land valuation methods shall be selected and proposed by land valuation organizations and decided by specific land price appraisal councils.

10. The Government of Vietnam shall elaborate this Article.

### **Article 159. Land price list**

1. Land price lists are applied to the following cases:

a) Calculating land levies when the State recognizes the LURs of homestead land of households or individuals; land repurposing of households or individuals;

b) Calculating land rents when the State leases land with annual land rent payments;

c) Calculating land use taxes;

d) Calculating income taxes from disposition of LURs for households or individuals;

dd) Calculating charges for land management and use;

e) Calculating fines for administrative violations against regulations on land;

g) Calculating recompense for the State when causing damage in land management and use;

h) Calculating land levies, land rents when the State recognizes LURs in the mode of land allocation with land levy collection or land lease under one-off arrangement for households or individuals;

i) Calculating starting prices for auction of LURs of land parcels or land zones that has been invested in technical infrastructure according to the detailed construction planning when the State allocates or leases land;

k) Calculating land levies in cases where land is not allocated by LUR auction to households or individuals;

l) Calculating land levies in cases where state-owned housing is sold to the current tenants.

2. Each land price list is formulated according to areas and locations. Regarding a zone with a digital cadastral map and land price database, price of each land parcel shall be detailed in the land price list on the basis of the standard land parcel and value range.

3. The People's Committees of a first-level administrative division shall make and submit a request to the People's Council at the same level to issue a decision on the first land price list for announcement and application from January 1, 2026. Every year, the People's Committee of the first-level administrative division shall submit a request to the People's Council at the same level to issue a decision to adjust, amend or supplement the land price list for announcement and application from January 1 of the following year.

In case it is necessary to adjust, amend or supplement the land price list during the year, the People's Committee of the first-level administrative division shall submit a request to the People's Council at the same level to issue a decision.

The land authority of the first-level administrative division shall assist the People's Committee at the same level in organizing formulation, adjustment, amendment or supplementation of the land price list. During the implementation, the land authority of the first-level administrative division may hire a consulting firm of land price determination to formulate, adjust, amend or supplement the land price list.

4. The Government of Vietnam shall elaborate this Article.

## **Article 160. Specific land prices**

1. Specific land prices are applied in the following cases:

a) Calculating land levies for organizations when the State allocates land with land levy collection without LUR auction, without bidding for selection of investors implementing land-based projects; or allocates land with land levy collection to successful bidders or business organizations established by successful bidders for implementing land-based projects; or recognizes LURs or allows land repurposing with land levy payment;

- b) Calculating land rents when the State leases out land under one-off arrangement, except for cases where land is received by LUR auction;
- c) Calculating LUR value when equitizing state-owned enterprises according to equitization laws;
- d) Determining starting prices for LUR auction when the State allocates or leases land, except for the case specified in point i, clause 1, Article 159 of this Law;
- dd) Calculating land levies and land rents when extending land use, adjusting land use term, adjusting detailed construction planning; allowing change of land use mode;
- e) Calculating recompense when the State repossesses land.

2. Authority to decide specific land prices shall be as follows:

- a) The President of the People's Committee of a first-level administrative division shall issue a decision on specific land prices in cases of land allocation, land lease, permission for land repurposing, recognition of LURs, land use extension, adjustment in land use term, adjustment to detailed construction planning, land repossession, determination of starting prices for LUR auction, determination of LUR value when equitizing enterprises under the authority of the People's Committee according to regulations of this Law;
- b) The President of the People's Committee of a second-level administrative division shall issue a decision on specific land prices in cases of land allocation, land lease, permission for land repurposing, recognition of LURs, land use extension, adjustment in land use term, adjustment to detailed construction planning, land repossession, determination of starting prices for LUR auction under the authority of the People's Committee according to regulations of this Law;

3. A land authority shall assist the President of the People's Committee at the same level in organizing determination of specific land prices. During the implementation, the land authority may hire a consulting firm of land price determination to determine specific land prices.

4. If there is a parcel-specific land price list for a zone on the basis of the standard land parcel and value range, specific land prices shall be determined according to the land price list which is available upon land valuation.

5. The Government of Vietnam shall elaborate this Article.

### **Article 161. Councils for appraisal of land price lists, Councils for appraisal of specific land prices**

1. The People's Committee of a first-level administrative division shall issue a decision to establish a Land price list appraisal council including the President of the People's Committee or 01 Deputy President of the People's Committee acting as the President of the Council; Heads of financial authorities at the same level acting as the Deputy Presidents of the Council; members of

the People's Committee acting as heads of relevant authorities at the same level; Presidents of the People's Committees of second-level administrative divisions; representatives of relevant agencies and organizations, consulting firms of land price determination and experts.

2. The People's Committee of the first-level administrative division shall issue a decision to establish a Province-level specific land price appraisal council including the President of the People's Committee or 01 Deputy President of the People's Committee acting as the President of the Council; Heads of financial authorities at the same level acting as the Deputy Presidents of the Council; the President of the People's Committee of the second-level administrative division or third-level administrative division to which land belongs and representatives of relevant agencies and organizations. The People's Committee of the first-level administrative division may invite representatives of consulting firms of land price determination or experts in land prices to participate as members of the Council.

3. The People's Committee of a second-level administrative division shall issue a decision to establish a District-level specific land price appraisal council including the President of the People's Committee or 01 Deputy President of the People's Committee acting as the President of the Council; Heads of financial authorities at the same level acting as Deputy Presidents of the Council; leaders of relevant departments and organizations; the President of the People's Committee of the third-level administrative division to which land belongs. The People's Committee of the second-level administrative division may invite representatives of consulting firms of land price determination or experts in land prices to participate as members of the Council.

4. The Land price list appraisal council, Province-level specific land price appraisal council and District-level specific land price appraisal council shall issue a decision to establish an assistance team of the council and may hire a consulting firm of land price determination to provide advice for appraisal of land price list and specific land price.

5. The appraisal contents of the Land price list appraisal council and specific land price appraisal councils include the compliance with principles and methods of land valuation, order and procedures for land valuation, and results of information collection.

6. The Land price list appraisal council, Province-level specific land price appraisal council and District-level specific land price appraisal council shall be responsible for the appraisal contents specified in clause 5 of this Article.

The Councils work independently, objectively, according to a collective regime, and make decisions using majority rule; The Presidents and members of the Councils are personally responsible for their opinions. Discussion opinions and voting results of the Councils' meetings must be recorded in detail and stored together with meeting documents and written opinions of Councils' members.

The Land price list appraisal council and specific land price appraisal councils may invite representatives of Vietnam Fatherland Front Central Committees at the same levels and other socio-political organizations to attend the land price appraisal meetings.

## **Article 162. Rights and obligations of land price determination consulting firms**

### **1. Rights of a land price determination consulting firm:**

- a) Provide land price determination consulting services;
- b) Request the consulting hirer, relevant agencies, organizations and individuals to provide information and documents to serve the determination of land prices according to the law;
- c) Other rights according to the law.

### **2. Obligations of a land price determination consulting firm:**

- a) Comply with the principles, bases, methods, and procedures for land valuation according to this Law and other relevant laws;
- b) Be independent, objective, and honest in providing land price determination consulting activities;
- c) Ensure compliance with professional ethics of valuers of the consulting firm;
- d) Be responsible for expertise in land price determination consulting and land price appraisal consulting performed by themselves;
- dd) Provide land price determination consulting services according to this Law and other relevant laws;
- e) Submit to inspection and examination by competent regulatory agencies; send a report on land price determination consulting results upon request to the province-level land authority where the head office is registered or where the land price determination consulting is performed;
- g) Register the list of valuers and changes and additions to the list of valuers with the province-level land authority where the head office is registered;
- h) Be responsible for consulting on determining and appraising land price lists and specific land prices; appoint representatives to participate in the Land price list appraisal council and the Specific land price appraisal council when requested by a competent regulatory agency;
- i) Store records and documents on land price determination consulting results;
- k) Other obligations according to the law.

### **3. A land price determination consulting firm is permitted to operate if the following requirements are fully satisfied:**

- a) The firm must have been registered to conduct business in land price determination services or business in price appraisal services; public service providers provide land price determination services or price appraisal services;
- b) There must be at least 03 valuers qualified to practice as land price determination consultants or 03 price appraisers according to Government's regulations.

## **Chapter XII**

### **NATIONAL LAND INFORMATION SYSTEM (NLIS) AND NATIONAL LAND DATABASE (NLD)**

#### **Article 163. National land information system (NLIS)**

1. The NLIS is developed centrally and uniformly from central to local authorities in a synchronous manner for multiple purposes and interconnected nationwide.
2. The NLIS is developed to serve state management of land, administrative reform and digital transformation in the land field; to connect and share data with national databases and databases of ministries, central and local authorities to create a foundation for developing e-Government, towards digital government, digital economy and digital society.
3. The NLIS includes the following:
  - a) IT infrastructure;
  - b) Software of the NLIS;
  - c) National land database (NLD).

#### **Article 164. IT infrastructure and software of the NLIS**

1. The IT infrastructure shall be developed for both central and local authorities, including a set of server equipment, workstations, network connection equipment, transmission systems, safety and security assurance equipment, storage devices, peripherals and other equipment.
2. The software of the NLIS includes system software, utility software and application software serving the management, operation, updating and exploitation of the national land database.
3. The Minister of Natural Resources and Environment shall regulate technical requirements for application software serving the management, operation, updating and exploitation of the national land database.

#### **Article 165. The national land database (NLD)**

1. The NLD includes the following:

- a) Database of legislative documents on land;
- b) Cadastral database;
- c) Database of land survey, land assessment, land conservation and restoration;
- d) Database of land use planning and plans;
- dd) Database of land prices;
- e) Database of land statistics and land inspections;
- g) Database of inspection, examination, citizen reception, resolution of disputes, complaints or denunciations regarding land;
- h) Other databases relating to land.

2. The NLD shall be developed uniformly and synchronously according to national standards and regulations throughout the country.

3. The Minister of National Resources and Environment shall stipulate contents, structures and types of information of the NLD.

#### **Article 166. Management, operation, exploitation and interconnection with the NLD**

1. The NLD must be secured and safe according to the law.

2. The NLD shall be managed in a concentrated manner and the authority to manage it shall be decentralized from central to local government.

3. The NLD must be updated fully, accurately and promptly to ensure compliance with the current status of land management and use.

4. National databases and databases of ministries, central and local authorities shall be connected with the NLD to update, share, exploit and use information. The interconnection must be established to ensure efficiency, safety and compliance with functions, tasks and powers as prescribed by this Law and other relevant laws.

5. The exploitation of information in the NLD shall be as follows:

a) Data in the NLD shall be officially used with the legal validity equivalent to that of printed documents provided by competent authorities;

b) Authorities managing national databases, authorities managing databases of ministries, central and local authorities, state agencies, political organizations, and socio-political organizations can exploit information in the NLD within the scope of their functions, tasks and powers;



- c) Land users can exploit their information in the NLD;
- d) Organizations and individuals that do not fall under point b and point c of this clause must obtain the consent of authorities managing national land databases according to the law if they wish to exploit information in the NLD;
- dd) The State shall facilitate the access and exploitation of information and data on land of organizations and individuals according to the law. The State encourages organizations and individuals to give feedbacks, provide and supplement information to the NLD;
- e) Fees for exploitation and use of land documents and costs of providing land information and data must be paid as prescribed.
- g) The Minister of Finance shall provide guidance on fees for exploitation and use of land documents from the NLIS, collection, transfer, management and use thereof; the Minister of National Resources and Environment shall decide prices of added products and services using information from the land databases and land information systems in accordance with laws on prices.

#### **Article 167. Online public services and electronic transactions related to land**

1. Online public services related to land include public administrative services related to land and other land-related services that are provided to organizations and individuals in the network environment according to the law. The provision of online public services related to land shall be as follows:

- a) Agencies having authority to provide online public services related to land must ensure interconnection, convenience, simplicity and safety for agencies, organizations and individuals and serve state management of land;
- b) Forms of confirmation by the State of rights and obligations of organizations and individuals using land include digital documents and electronic authentication.

2. Electronic transactions related to land include land-related transactions that are conducted by electronic communications. Electronic transactions related to land shall be conducted according to electronic transaction laws.

3. The Ministry of National Resources and Environment, the People's Committees of first-level administrative divisions shall provide guidance on the provision of online public services and electronic transactions related to land.

#### **Article 168. Ensuring funding for development, management, operation, maintenance and upgrading of the NLIS**

1. Funding for development, management, operation, maintenance and upgrading of the NLIS shall be allocated from the state budget and other sources according to the law.

2. The central government budget must be allocated to ensure development, management, operation, maintenance and upgrading of IT infrastructure and software of the NLIS; development and updating of land-related databases set up by the central government.
3. Local government budgets must be allocated to ensure management, operation, maintenance and upgrading of IT infrastructure and software, development and updating of land-related databases set up by the local government.
4. The State encourages qualified organizations and individuals to participate in investing, constructing and providing IT infrastructure system services; providing utility software and application software in developing the NLD and exploiting national information and data on land; developing the NLD and providing value-added services from the NLD.

#### **Article 169. Ensuring safety and confidentiality of land-related information and data**

1. The NLIS must be secured according to the law on network information security by level and other relevant laws.
2. Printing, copying, transportation, delivery, data transmission, storage, preservation, provision of information, data and other activities related to data within the scope of state secrets must comply with the law on protection of state secrets.
3. The list of state secrets about land must comply with the law on protection of state secrets.

#### **Article 170. Responsibilities for development, management, operation and exploitation of the NLIS**

1. The Ministry of Natural Resources and Environment shall:
  - a) Organize the construction of IT infrastructure at the central level and development of software for the NLIS to ensure that the NLIS will be put into operation by 2025;
  - b) Manage, operate, maintain and upgrade software of the NLIS and IT infrastructure at the central level;
  - c) Develop and update regional land data and national land data and other central land-related databases.
  - d) Integrate, manage and exploit the NLD nationwide;
  - dd) Connect and share information from the NLD with the national public service portal, information systems and databases of ministries, central and local authorities and provide land-related information for organizations and individuals according to the law;
  - e) Run online public services in the field of land.

2. Relevant ministries, central authorities and agencies shall connect and share basic survey results and land-related information with the Ministry of Natural Resources and Environment for updating the NLD.

3. The People's Committees of first-level administrative divisions shall:

a) Organize the development, updating, management and exploitation of land-related databases within their divisions, ensuring connection and integration with the NLD by 2025;

b) Organize the management, operation, maintenance, upgrading and assurance of IT infrastructure and software in their divisions, connection lines from local to central authorities for development and operation and updating of local land databases;

c) Share and provide land-related information and data within their divisions for organizations and individuals as prescribed by law;

d) Run online public services in the field of land in their divisions.

4. The Government shall elaborate the development, management, operation and exploitation of the NLIS.

## **Chapter XIII**

### **LAND-USE REGULATIONS**

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

##### **Article 171. Long-term and stable use of land**

1. Homestead land.

2. Agricultural land used by populations specified in clause 4 Article 178 of this Law.

3. Dedicated forest land; protective forest land; production forest land managed by organizations.

4. Commercial land and non-agricultural production establishment land of individuals that are being used stably with recognition by the State but were not allocated by the State for a term or leased out by the State.

5. Land for construction of head offices/offices specified in clause 1 Article 199 of this Law; land for construction of public works of public service providers specified in clause 2 Article 199 of this Law.

6. National defense and security land.

7. Belief land.

8. Religious land specified in clause 2 Article 213 of this Law.
9. Land used for public purposes, not for business purposes.
10. Land used for cemeteries, funeral service centers and cremation centers; land for ashes storage facilities.
11. Land specified in clause 3 Article 173 and clause 2 Article 174 of this Law.

#### **Article 172. Limited use of land**

1. Except for the cases specified in Article 171 of this Law, the land use term when the State allocates, leases out land or recognizes LURs shall be provided for as follows:

- a) The term of land allocation or recognition of LURs to agricultural land for an individual who is directly engaged in agriculture and use land for annual production, land used for aquaculture, land for salt production, perennial crop land or planted production forest land within the limit specified in Article 176 of this Law shall be 50 years. When the land use term expires, the individual may use their land continuously according to the term specified in this point and is not required to follow extension procedures;
- b) The term of agricultural land lease for an individual shall be 50 years. When the land use term expires, the individual may be considered by the State to renew the land lease for no more than 50 years if they have a wish;
- c) The land allocation or land lease for carrying out land-based investment projects may be considered and decided according to the operating terms of the investment projects or applications for land allocation or land lease but must not exceed 50 years.

For a project with an operating term of over 50 years according to the Investment Law, the land allocation and land lease term shall be according to the term of the project but not exceed 70 years.

At the end of the land use term, if the land user wishes to continue using the land, the State will consider extending the land use term which must not be beyond the term specified in this clause.

In cases where an investment project is not required, the land use is considered based on the application for land allocation or land lease but must not exceed 50 years;

- d) The lease of land for construction of head offices/offices of foreign diplomatic organizations must not exceed 99 years. At the end of the land lease term, if the foreign diplomatic organizations wish to continue using the land, the State will consider renewing the land lease or leasing out other land for a term which must not be beyond the term specified in this clause.

2. The term of land allocation or land lease specified in this Article begins from the issuance date of the land allocation/land lease decision of a competent regulatory agency;

3. The land use extension shall be given in the last year of the land use term, except for the case specified in point a clause 1 of this Article. The land use wishing to extend the land use term must submit an application for extension within 06 months before the land use term expires. If the land user fails to submit their application for extension within the prescribed time limit, the land use extension shall not be granted, except in cases of force majeure. Cases of ineligibility for land use extension, competent regulatory agencies shall repossess land according to this Law.

4. For cases of ineligibility for land use extension, land users shall handle property affixed to land in order to return premises to the State. If a land user fails to handle property within 24 months from the end of the land use term, the State shall repossess land without recompense related to land and property affixed to land; in case demolition is required, the property owner must bear the demolition costs.

5. The Government of Vietnam shall elaborate this Article.

### **Article 173. Land use term upon land repurposing**

1. The land use term upon land repurposing of an individual shall be prescribed as follows:

a) In case of converting dedicated forest land or protective forest land into land of another type, the land use term shall be determined according to the term of the land type after being repurposed. The land use term shall be calculated from the issuance date of the decision to allow land repurposing;

b) In case of converting land for annual production, perennial crop land, production forest land, land used for aquaculture or land for salt production into dedicated forest land or protective forest land, the repurposed land shall be used stably for a long-term;

c) In case of repurposing agricultural land of types that do not fall under point a and point b of this clause, the individual using land may continue using the land according to the land allocation or lease term;

d) In case of converting agricultural land into non-agricultural land, the land use term shall be determined according to the term of the land type after being repurposed. The land use term shall be calculated from the issuance date of the decision to allow land repurposing.

2. The land use term upon repurposing land for carrying out investment projects shall be determined according to point c clause 1 Article 172 of this Law, except for the case specified in clause 3 of this Article.

3. The land shall be used stably for a long term in case of converting non-agricultural land that is used stably for a long term into non-agricultural land that is used for a limited term or vice versa.

### **Article 174. Land use term upon receiving LURs by disposition**

1. The land use term upon receiving LURs to the land for which the term is limited by disposition shall be the remaining term of the land use term prescribed before receiving LURs by disposition. The land use extension shall comply with clause 3 Article 172 of this Law.

In case of receiving LURs to agricultural land within the land allocation limit of an individual directly engaged in agriculture by disposition or receiving LURs according to the debt settlement clause in a mortgage agreement, judgment or decision of a Court, or judgment of a judgment enforcement agency which has been enforced, the land user may continue using the land according to the term specified in Article 172 of this Law and is not required to follow extension procedures when the land use term expires.

2. The receiver of LURs to the land for which the term is long and stable through disposition is permitted to use such land stably for a long term.

### **Article 175. Adjusting land use terms of investment projects**

1. The adjustment to land use term of a land-based investment project before the land use term has expired must meet the following conditions:

- a) Be in accordance with the district-level land use planning;
- b) Have a written request to adjust the land use term of the investment project;
- c) Fulfil land-related financial obligations to the State according to the law.
- d) Do not fall under the cases of land repossession specified in Article 81 of this Law;
- dd) Have a written document on adjustment of the investment project according to the law issued by a competent authority in which the operating term of the investment project is changed;
- e) Meet environmental conditions according to environmental protection laws.

2. The land use term of the project after being adjusted must not exceed the term specified in point c clause 1 Article 172 of this Law.

## **Section 2. LAND USE REGULATIONS**

### **Article 176. Agricultural land allocation limits**

1. The limit on allocation of land for annual production, land used for aquaculture or land for salt production to an individual directly engaged in agriculture shall be as follows:

- a) No more than 03 hectares of land of each type in provinces and central-affiliated cities belonging to the Southeast region and the Mekong Delta region;
- b) No more than 02 hectares of land of each type in other provinces and central-affiliated cities.

2. The limit on allocation of perennial crop land to an individual shall be 10 hectares of land in communes, wards or commune-level towns in delta regions; 30 hectares of land in communes, wards or commune-level towns in midland and mountainous areas.

3. The limit on land allocation of each following type to an individual shall be 30 hectares:

a) Protective forest land;

b) Planted production forest land.

4. In case an individual is allocated many types of land including land for annual production, land used for aquaculture and/or land for salt production, the total land allocation limit shall be 05 hectares; in case they are allocated additional land for growing perennial crops, the perennial crop land allocation limit shall be 05 hectares of land in communes, wards or commune-level towns in delta regions, and shall be 25 hectares of land in communes, wards or commune-level towns in midland and mountainous areas; in case they are allocated additional planted production forest land, the production forest land allocation limit shall be 25 hectares.

5. The allocation of unused land to an individual for being come into use according to planning for agricultural production, forestry production, aquaculture or salt production must not exceed the land allocation limit specified in clauses 1, 2 and 3 of Article, and the unused land will not be included in the agricultural land allocation limit of an individual specified in clauses 1, 2 and 3 of this Article.

The People's Committee of the first-level administrative division shall stipulate the limit on allocation of unused land to the individual for being come into use according to the land use planning or plan that has been approved by a competent authority.

6. The individual may continue using the area of agricultural land outside the commune, ward or commune-level town where his/her permanent residence is registered. If the land is allocated without land levy collection, it will be included in the agricultural land allocation limit of the individual.

The land authority that has allocated agricultural land without land levy collection to the individual shall send a notification to the People's Committee of the third-level administrative division where his/her permanent residence is registered for calculation of agricultural land allocation limit.

7. The area of agricultural land of an individual that is received though conveyance, lease, sublease, LUR inheritance, LUR donation, contribution of LURs as capital from another person, received through contract execution, or leased by the State will not be included in agricultural land allocation limit specified in this Article.

#### **Article 177. Limits on receipt of LURs to agricultural land by disposition of individuals**

1. The limit on receipt of LURs to agricultural land by disposition of an individual shall be 15 times of the agricultural land allocation limit of an individual in respect of each land type specified in clauses 1, 2, and 3 Article 176 of this Law.
2. The determination of limit on receipt of LURs to agricultural land by disposition specified in clause 1 of this Article shall be based on the following factors:
  - a) Conditions related to land and production technology;
  - b) Shifting of labor forces and economic structure; the process of urbanization.
3. The People's Committees of first-level administrative divisions, based on the regulations in clause 1 and clause 2 of this Article, stipulate limits on receipt of LURs to agricultural land by disposition of individuals in accordance with specific conditions of their divisions.

#### **Article 178. Agricultural land used by individuals or populations**

1. Individuals can use agricultural land that is received through allocation, lease or LUR recognition by the State; through LUR lease from other land users; through LUR exchange, conveyance, inheritance or donation as prescribed by law.
2. The use of agricultural land allocated by the State to individuals shall be as follows:
  - a) Individuals who have been allocated land by the State before the effective date of this Law may continue using it according to this Law;
  - b) For areas where the allocation of land to individuals according to land laws has not been made yet, the People's Committees of third-level administrative divisions to which land belongs shall prepare land allocation arrangements and request the People's Committees of second-level administrative divisions to issue land allocation decisions;
  - c) For areas where the People's Committees at all levels have guided households and individuals that are using land stably to negotiate land adjustments for each other during the implementation of land policies and laws before October 15, 1993, such households and individuals can continue using their land.
3. Users of agricultural land are allowed to change the structure of crops and livestock to use the land for multiple purposes according to Article 218 of this Law; are allowed to use an area of land according to regulations of the People's Committees of first-level administrative divisions to build works that directly serve agricultural production. In case of using land for rice cultivation, Article 182 of this Law shall be applied.
4. Agricultural land used by populations shall be as follows:
  - a) Populations use land that is received through allocation or LUR recognition by the State for preserving national identity associated with customs, practices and beliefs of ethnic groups;



b) Populations using land that is received through allocation or LUR recognition by the State shall protect the allocated land and not be allowed to convert into other land use purposes.

### **Article 179. Agricultural land banks for public uses**

1. Agricultural land banks for public uses that have been set up according to land laws over time will continue to be used to meet demands for public services of local authorities.

2. Agricultural land banks for public uses of communes, wards or commune-level towns shall be used in the following purposes:

a) Construction of cultural works, works of physical training and sports, public entertainment, healthcare, education, markets, cemeteries and other public works that are invested, managed or used by the People's Committees of third-level administrative divisions; construction of gratitude houses, charity houses, and great solidarity houses;

b) Recompense for former holders of repossessed land when constructing the works specified in point a of this clause.

3. The land area that has not yet used for the purposes specified in clause 2 of this Article shall be leased out by the People's Committees of third-level administrative divisions to local persons for agricultural production or aquaculture through auction. The land use term for each lease shall be 10 years.

4. Agricultural land banks for public uses of communes, wards or commune-level towns shall be managed or used by the People's Committees of third-level administrative divisions to which land belongs according to the land use planning or plans that have been approved by competent authorities.

### **Article 180. Agricultural land used by organizations, persons of Vietnamese descent residing overseas or foreign-invested business organizations**

1. Business organizations, persons of Vietnamese descent residing overseas or foreign-invested business organizations that wish to use land for agricultural production, forestry production, aquaculture or salt production shall be considered by the State to be leased out land for carrying out investment projects.

2. Business organizations or public service providers that have been allocated or leased out land by the State before the effective date of this Law for agricultural production, forestry production, aquaculture or salt production, except for the case specified in Article 181 of this Law shall review the current use of land and prepare land use arrangements. Each land use arrangement must clearly define the area, boundaries of use, the area of each type of land to be retained for use, the land use term and the area of land handed over to local authorities.

The People's Committees of first-level administrative divisions shall direct review and approval of land use arrangements; land allocation and land lease according to approved land use

arrangements; repossession of land area that is unused, used for unintended purposes, allocated for contract execution, leased, lent illegally, trespassed upon, or appropriated for allocation or lease to organizations and individuals. Priority must be given to individuals who are ethnic minorities and do not have land or lack production land in their areas upon land allocation or lease.

### **Article 181. Land managed or used by agriculture and forestry companies**

1. The People's Committees of first-level administrative divisions shall:

a) organize review of current use of land of agriculture and forestry companies which are managing or using land originated from farms or forests in their divisions in terms of locations, boundaries of land management or use; land area being used for intended purposes; land area being used for unintended purposes; unused land area; land area that are being allocated, allocated for contract execution, outright contracted, leased, lent, used under a joint venture agreement, association agreement, investment cooperation agreement, trespassed, appropriated or in dispute;

b) organize preparation, appraisal and approval of land use arrangements of local agriculture and forestry companies, including determination of land area that such agriculture and forestry companies can continue using; land area that is handed over to them for land allocation, land lease, recognition of LURs for the entities specified in clause 2 of this Article and for socio-economic development according to the law;

c) issue certificates of title to the land that agriculture and forestry companies can continue using according to approved arrangements;

d) organize repossession of land to be allocated to the People's Committees of second-level administrative divisions to which land belongs which will manage the land that has been handed over by agriculture and forestry companies and does not fall under point c of this clause;

dd) Based on land use needs of their divisions and the land use situation of agriculture and forestry companies, continue reviewing and repossessing the land that is retained by agriculture and forestry companies according to approved land use arrangements for being leased, lent, allocated for contract execution or outright contracted to others who illegally use such land area for management under the law or implementation of land-related support policies for ethnic minorities according to Article 16 of this Law and for socio-economic development.

2. The People's Committees of second-level administrative divisions shall organize management and use of land banks that have been handed over by agriculture and forestry companies to their divisions for purposes according to land use planning and plans; prepare land use arrangements for the land area specified in points d and dd, clause 1 of this Article as follows:

a) Recognize LURs for current users of agricultural land or forestry land that was originated from land allocated, allocated for contract execution, outright contracted, leased, or borrowed from farms or forests before February 1, 2015 in the mode of land allocation by the State without

collection of land levy on the land area in use, provided the land allocation does not exceed the limits on allocation of agricultural land to individuals specified in Article 176 of this Law. The land use term in this case begins on the issuance date of the certificate of title. The area exceeding the aforementioned limit (if any) will be put up for lease, unless they can be allocated to the entities specified in points c, d, and dd of this clause;

b) Recognize LURs for current land users who obtained instruments of state-run farms or state-run forests concerning the allocation of land for housing construction or both housing construction and agriculture and forestry production before July 01, 2004. They shall be issued a certificate of title according to clause 2 Article 137 of this Law;

c) Allocate or lease out land to implement land policies for ethnic minorities, people with meritorious services to the revolution, and people from poor households in their divisions who do not have land or lack production land;

d) Allocate or lease out land in individuals in their divisions who do not have land or lack production land;

dd) Allocate or lease out land to be used for public purposes and other purposes according to the law;

e) Allocate the land area that has not yet been handled according to points a, b, c, d and dd of this clause to the People's Committees of third-level administrative divisions for management.

3. The Government of Vietnam shall elaborate this Article.

### **Article 182. Land for rice cultivation/paddy cultivation**

1. Rice cultivation land includes dedicated rice cultivation land and other rice cultivation land; Dedicated rice cultivation land is the land on which at least 2 rice crops have been harvested.

2. The State introduces policies on support and investment in building infrastructure and applying modern science and technology to areas planned to grow high-yield and high-quality rice; protection of rice cultivation land, restraint of converting rice cultivation land to land used for non-agricultural purposes.

3. Users of rice cultivation land shall improve to increase the soil fertility; not be allowed to repurpose land without permission from competent regulatory agencies.

4. People who are allocated or leased out dedicated rice cultivation land by the State to be used for non-agricultural purposes shall comply with the following regulations:

a) Have topsoil projects in accordance with crop cultivation laws;

b) Pay an amount prescribed by law for the State to provide compensatory rice cultivation land area or increase productivity of rice cultivation land, unless the project is funded by state capital

for public investment or state capital other than public investment capital according to public investment and construction laws;

c) Comply with regulations on environmental protection; do not affect the cultivation of adjacent rice land.

5. Users of rice cultivation land are allowed to transform the structure of crops and livestock on rice cultivation land, provided that necessary conditions for growing rice again are still met according to crop cultivation laws; to use part of the land to construct works that directly serve agricultural production.

6. The Government of Vietnam shall elaborate this Article.

### **Article 183. Land for intensive farming**

1. Land for intensive farming is land for construction of livestock farms in separate areas according to animal husbandry laws.

2. The use of land for intensive farming shall comply with the following regulations:

a) Implement measures for environmental protection, waste management and other measures to not affect users of land in the area and surrounding area;

b) In case of using land for intensive farming with works affixed to land thereon, the provisions of investment laws and construction laws must be complied with.

3. Business organizations or individuals may hold land through allocation or lease by the State, or receive LURs through conveyance, lease or capital contribution to carry out intensive farming investment projects.

4. Persons of Vietnamese descent residing overseas or foreign-invested business organizations may lease land from the State or receive LURs through capital contribution from business organizations according to the law to carry out intensive farming projects.

### **Article 184. Production forest land**

1. The State shall allocate production forest land without land levy collection to the following subjects:

a) Individuals directly engaged in agriculture who permanently reside in third-level administrative divisions to which planted production forest land belongs, provided the area of land to be allocated is within the land allocation limit specified in point b, clause 3, Article 176 of this Law; the part of planted production forest land that exceeds the land allocation limit will be put up for lease;

b) Populations in third-level administrative divisions to which production forest land belongs that have the need and ability to protect and develop forests;

c) Units of the people's armed forces located in third-level administrative divisions to which production forest land belongs that have the need and ability to protect and develop forests;

d) Dedicated forest management boards and protection forest management boards in terms of the area of production forest land interspersed with dedicated forest land or protection forest land.

2. Business organizations and enterprises affiliated to the people's armed forces and individuals may lease production forest land from the State according to regulations of this Law.

3. People who are leased out natural production forest land are not permitted to convey, sublease, mortgage LURs and rights to lease land in land lease contracts with annual land rent payments or contribute LURs/rights to lease as capital.

4. The entities specified in clause 1 and clause 2 of this Article are allowed to build infrastructure works serving forest protection and development in accordance with forestry laws.

5. Foreign-invested business organizations may lease production forest land from the State for carrying out production forest planting projects.

#### **Article 185. Protective forest land**

1. The State shall allocate protective forest land to manage, use, protect and develop forests in accordance with forestry laws to the following subjects:

a) Protection forest management boards, dedicated forest management boards, units of the people's armed forces;

b) Business organizations (protective forest land shall be allocated among their production forest land);

c) Individuals legally residing in third-level administrative divisions where protective forests are located;

d) Populations in third-level administrative divisions where protective forests are located;

2. The subjects allocated productive forest land by the State specified in clause 1 of this Article are allowed to build infrastructure works serving forest management, protection and development in accordance with forestry laws.

3. The people who are allocated land by the State as specified in clause 1 of this Article shall be issued a certificate of title. However, property is not recorded as public property on the certificate of title.

4. The people who is issued the certificate of title specified in clause 3 of this Article shall, except for protection forest management boards, dedicated forest management boards, execute rights of land users and ensure conformity with the regulations in clause 8 Article 45 of this Law.

#### **Article 186. Dedicated forest land**

1. The State shall allocate dedicated forest land to manage, use, protect and develop forests in accordance with forestry laws to the following subjects:

- a) Dedicated forest management boards;
- b) Organizations providing science and technology, training and vocational education in forestry;
- c) Protection forest management boards, business organizations, units of the people's armed forces;
- d) Populations in third-level administrative divisions where dedicated forests are located.

2. Based on specific conditions, dedicated forest management boards shall cooperate with local authorities in establishing immigration and resettlement projects and submitting them to the competent authorities for approval to move people out of the strictly protected zones of the dedicated forests.

3. The subjects allocated dedicated forest land by the State specified in clause 1 of this Article are allowed to build infrastructure works serving forest management, protection and development in accordance with forestry laws.

4. The persons who are allocated land by the State as specified in clause 1 of this Article shall be issued a certificate of title. However, property is not recorded as public property on the certificate of title.

#### **Article 187. Land for salt production**

1. Land for salt production shall be allocated by the State to individuals who are local citizens for salt production within the land allocation limits specified in Article 176 of this Law. The land that is currently used in excess of the land allocation limit will be put up for lease.

Land for salt production shall be leased by the State to business organizations, persons of Vietnamese descent residing overseas and foreign-invested business organizations for the implementation of salt production investment projects.

2. High-yield and high-quality land for salt production must be protected and prioritized for the salt production purpose.

3. The State encourages the use of land capable of salt production for producing salt serving industrial and life needs.

## **Article 188. Land covered by ponds, lakes, lagoons**

1. Land covered by ponds, lakes and lagoons is allocated by the State according to the limit to individuals to be used for aquaculture and agricultural production purposes.

Land covered by ponds, lakes and lagoons is leased out by the State to business organizations, individuals, persons of Vietnamese descent residing overseas and foreign-invested business organizations for carrying out investment projects aimed at aquaculture, agricultural production or both agriculture and non-agricultural production.

The use of land must ensure landscape, protection of environment and water resources.

2. The use of land covered by lakes and lagoons belonging to many communes, wards and commune-level towns shall be decided by the People's Committees of second-level administrative divisions. The use of lakes and lagoons belonging to many districts, urban districts, district-level towns, cities affiliated to provinces and cities affiliated to central-affiliated cities shall be decided by the People's Committees of first-level administrative divisions.

3. Business organizations, individuals, persons of Vietnamese descent residing overseas, and foreign-invested business organizations that are allocated or leased out land by the State for levelling or digging lakes or lagoons to create space for water collection and storage or landscape must obtain permission from competent regulatory agencies and must have environmental impact assessments in accordance with environmental protection laws.

## **Article 189. Land covered by coastal waters**

1. Land covered by coastal waters is allocated or leased out by the State to business organizations, individuals, people of Vietnamese descent residing overseas and foreign-invested business organizations to be used for purposes in accordance with this Law.

2. The use of land covered by coastal waters is prescribed as follows:

a) be in conformity with the land use and land use plans planning that has been approved by a competent authority;

b) Protect the land, increase the accretion of coastal land;

c) Protect ecosystems, environment and landscape;

d) Do not obstruct the protection of national security and maritime traffic;

dd) Protect the quality of coastal waters; do not cause salinity of groundwater aquifers.

3. The allocation or lease of land covered by coastal waters for agricultural and non-agricultural purposes without land reclamation must comply with the land use regulations under this Law,

Law on the Sea of Vietnam, Law on Natural Resources and Environment of the Sea and Islands and other relevant laws.

#### **Article 190. Land reclamation**

1. The State encourages organizations and individuals using capital, techniques and technologies to carry out land reclamation activities; adopt policies to support and give incentives to investors to carry out land reclamation activities in accordance with law.

2. The land reclamation must comply with the following principles:

a) Ensure national defense, security, sovereignty, sovereign rights, jurisdiction and national interests at sea; be in accordance with other relevant laws and international treaties to which the Socialist Republic of Vietnam is a contracting party;

b) On the basis of adequate assessment of the economy, society and environment, ensure sustainable development, biodiversity, natural factors, impacts of natural disasters, climate change and sea level rise;

c) Conform with provincial planning or district-level land use planning or construction planning or urban planning;

d) Exploit and effectively use marine resources; ensure harmony of interests of organizations and individuals carrying out land reclamation activities and other related organizations and individuals; ensure people and communities' right to access the sea;

d) The land reclamation must be established as an investment project or item of an investment project according to the law.

3. If the land to be reclaimed includes the area belonging to one of the following zones, land reclamation activities are solely carried out when policies on investment have been approved or decided by the National Assembly or the Prime Minister:

a) Protected areas of historical-cultural monuments and famous landscape, sights that are recognized according to cultural heritage laws;

b) Natural heritage according to environmental protection laws;

c) National parks, nature reserves, species and habitat conservation areas, landscape protection areas, and important wetlands that have been announced in accordance with biodiversity laws and forestry laws;

d) Marine conservation areas, aquatic resource protection areas, fishing ports, storm shelter anchorages for fishing vessels according to fishery laws;



d) Seaport areas, water areas in front of wharfs, ship turning areas, anchorages, transshipment areas, storm shelters, pilot reception areas, quarantine areas, navigable channels, water areas for construction of other auxiliary works according to maritime laws;

e) Estuaries and areas that have been planned and used for national defense and security purposes.

4. For the marine waters identified to carry out land reclamation activities in the approved land use planning and the investment project whose investment guidelines have been approved or decided by a competent regulatory agency, the management or use of the marine waters to carry out land reclamation activities is the same as for land on the mainland.

5. Responsibilities for state management of land reclamation activities are prescribed as follows:

a) The Ministry of Natural Resources and Environment shall assist the Government in unifying state management of land reclamation activities; inspect and examine land reclamation activities and manage land reclamation areas according to the law;

b) Ministries and ministerial agencies, within the scope of their duties and powers, shall manage and inspect land reclamation activities; promulgate, guide and inspect the implementation of regulations, technical regulations, standards and economic-technical norms related to land reclamation activities;

c) The People's Committees of first-level administrative divisions shall manage, allocate land, lease out land for land reclamation, inspect and examine land reclamation activities, and manage and use land reclamation areas in their divisions according to the law.

6. The allocation of marine waters for the land reclamation purpose shall be carried out simultaneously with the allocation or lease of land for carrying out investment projects.

7. The Government of Vietnam shall elaborate this Article.

### **Article 191. Land of floodplains and coastal plains**

1. Land of floodplains and coastal plains include river banks, floating islands, islets on rivers, coastal floodplains and floating islands, islets on the sea.

2. The management and use of land of floodplains and coastal plains shall comply with the following regulations:

a) Land of floodplains and coastal plains shall be managed by the People's Committees of second-level administrative divisions (urban districts, rural districts (districts), district-level towns, cities affiliated to provinces, cities affiliated to central-affiliated cities) to which they belong;

b) Land of floodplains and coastal plains are allocated or leased out by the State to business organizations, individuals, persons of Vietnamese descent residing overseas and foreign-invested business organizations;

3. The State shall prepare land use planning and plans to put land of floodplains and coastal plains into use.

4. The People's Committees of second-level administrative divisions shall investigate, survey and evaluate banks of land of floodplains and coastal plains that are regularly deposited or often eroded in order to have plans for exploitation and use. Competent regulatory agencies shall consider and decide the allocation or lease of land of floodplains and coastal plains that are regularly deposited or often eroded to people in need.

5. The use of land of floodplains and coastal plains must be in accordance with the principles of conservation of nature and biodiversity, environmental protection, prevention of erosion of river banks and beds, and natural disasters.

#### **Article 192. Concentration of agricultural land**

1. Agricultural land concentration is the increase of agricultural land area to organize production through the following methods:

a) Exchange of LURs to agricultural land through land consolidation or parcel exchange;

b) Lease of LURs;

c) Cooperation in production and business using LURs.

2. The land agricultural concentration must ensure the following principles:

a) Ensure openness, transparency, voluntariness, democracy, and fairness;

b) Ensure legal rights and benefits of the State, land users and relevant organizations and individuals; do not affect national defense and security;

c) Comply with land laws, civil laws and other relevant laws; conform to land use planning and plans that have been approved by competent authorities;

d) Be consistent with the characteristics of land, topography, climate, culture, labor transition process, job transition, rural employment of each zone, each area, each administrative division and market needs.

3. The State has policies to encourage organizations and individuals to concentrate land for agricultural production; apply science and technology to economically and effectively use the concentrated land banks.

Budgets for cadastral survey, adjustment of cadastral records and issuance of certificates of title for land consolidation and parcel exchange with the aim of land concentration for agricultural production shall be guaranteed by the state budget.

4. Business organizations and individuals concentrating agricultural land must prepare land use arrangements and submit them to the People's Committees of third-level administrative divisions for monitoring. In case the land which is repurposed within the agricultural land category is stated in the land use arrangement, an agreement must be reached with the land user on the return of agricultural land after participating in land concentration. In case the agricultural land concentration requires the LUR adjustment, Article 219 of this Law shall be applied.

5. The People's Committees at all levels shall disseminate policies and laws, guide and support parties in agricultural land concentration and ensure stable planning for the concentrated agricultural land.

6. The Government of Vietnam shall elaborate this Article.

### **Article 193. Accumulation of agricultural land**

1. Agricultural land accumulation is the increase of agricultural land area of land users to organize production through the following methods:

- a) Receive LURs to agricultural land through conveyance;
- b) Receive LURs to agricultural land through capital contribution;

2. The land agricultural accumulation must ensure the following principles:

- a) Ensure legal rights and benefits of the State, land users and relevant organizations and individuals; do not affect national defense and security;
- b) Comply with land laws, civil laws and other relevant laws; use for the right purposes, conform to land use planning and plans that have been approved by competent authorities;
- c) Be consistent with the characteristics of land, topography, climate, culture, labor transition process, job transition, rural employment of each zone, each area, each administrative division and market needs.

3. The State has policies to encourage organizations and individuals to apply science and technology to economically and effectively use the accumulated land banks.

4. The People's Committees at all levels shall disseminate policies and laws, guide and support parties in agricultural land accumulation and ensure stable planning for the accumulated agricultural land.

5. The Government of Vietnam shall elaborate this Article.

## **Article 194. Areas for concentrated production and processing of agriculture, forestry, aquaculture and aquatic products**

1. Area for concentrated production and processing of agriculture, forestry, aquaculture and aquatic products is the area where one or more tasks of research, experimentation, farming, growing, production, preservation, processing and warehousing services for agriculture, forestry, aquaculture and aquatic products are carried out.
2. The use of land for construction of areas for concentrated production and processing of agriculture, forestry, aquaculture and aquatic products must be conformable with land use planning and land use plans approved by competent authorities.
3. The State shall lease out land for construction of areas for concentrated production and processing of agriculture, forestry, aquaculture and aquatic products according to the following regulations:
  - a) Implement investment projects to construct and trade infrastructure of areas for concentrated production and processing of agriculture, forestry, aquaculture and aquatic products to be subleased;
  - b) Implement projects for area for concentrated production and processing of agriculture, forestry, aquaculture and aquatic products.
4. Investors that are leased out land by the State to invest in constructing and trading infrastructure of areas for concentrated production and processing of agriculture, forestry, aquaculture and aquatic products with annual land rent payments may sublease the land with annual land rent payments; investors that are leased out land by the State under one-off arrangement may sublease the land under one-off arrangement or sublease the land with annual land rent payments.
5. Sublessees of land in areas for concentrated production and processing of agriculture, forestry, aquaculture and aquatic products shall have the following rights and obligations:
  - a) In case of land sublease under one-off arrangement, they shall have the rights and obligations specified in Article 33 of this Law;
  - b) In case of land sublease with annual land rent payments, they shall have the rights and obligations specified in Article 34 of this Law.
6. Users of land in areas for concentrated production and processing of agriculture, forestry, aquaculture and aquatic products must use the land for determined purposes and are granted certificates of title according to the provisions of this Law.
7. The Government of Vietnam shall elaborate this Article.

## **Article 195. Rural homestead land**

1. Rural homestead land is the land for housing and other purposes serving life in the same parcel of land belonging to a rural area.
2. The People's Committee of a first-level administrative division shall, based on the land bank and actual situation in the division, stipulate homestead land allocation limit for individuals in rural areas.
3. Rural homestead land must be arranged synchronously with land used for construction of public works and public service works in a manner that ensures facilitation of production, people's lives, environmental sanitation towards rural modernization.
4. The State has policies on enabling people living in rural areas to have accommodation on the basis of utilizing available land in residential areas, limiting the expansion of residential areas on agricultural land.

#### **Article 196. Urban homestead land**

1. Urban homestead land is the land for housing and other purposes serving life in the same parcel of land belonging to an urban area.
2. The People's Committee of a first-level administrative division shall, based on the land bank and actual situation in the division, stipulate homestead land allocation limit for individuals in urban areas.
3. Urban homestead land must be arranged synchronously with land used for construction of public works and public service works in a manner that ensures environmental sanitation and urban landscape.
4. The conversion of homestead land to land for construction of production and business establishments must be in accordance with land use planning, land use plans and construction planning that have been approved by competent authorities, and comply with order and safety laws, environmental protection laws and other relevant laws.

#### **Article 197. Land for construction of apartment complexes**

1. Land for construction of an apartment complex includes homestead land for construction of apartment buildings, construction of works directly serving the lives of people in the apartment complex and land for construction of works serving the community according to the construction planning that has been approved by a competent authority.
2. Land for construction of apartment complexes must be arranged synchronously with land used for construction of public works and public service works in a manner that ensures environmental sanitation and urban landscape.
3. The Government of Vietnam shall elaborate this Article.

## **Article 198. Use of land to beautify urban areas and rural residential areas**

1. Land used for beautification of an urban area includes available land for beautifying inner city areas, and land planned for expansion of the urban area.

Land used for beautification of a rural residential area includes available land for beautifying inner residential areas, land belonging to agricultural land banks used for public purposes, land planned for expansion of the rural residential area.

2. The use of land for beautification of urban areas and rural residential areas must be in accordance with land use planning, land use plans and construction planning that have been approved by competent authorities, and construction standards and regulations issued by competent regulatory agencies.

3. The State shall repossess, allocate or lease out land for carrying out projects to beautify urban areas or rural residential areas in the cases specified in Article 79 of this Law.

4. Organizations and individuals may contribute their LURs to construction or beautification of works serving public interests, which are funded by the State or contributed by the people. The voluntary contribution of LURs, recompense or support is agreed upon by the organization or individual themselves. The LUR contribution and land readjustment shall comply with Article 219 of the Law.

## **Article 199. Land for construction of head offices/offices, public works**

1. Land for construction of head offices/offices includes land of the Communist Party of Vietnam, regulatory agencies, Vietnamese Fatherland Front, socio-political organizations, socio-political-professional organizations, socio-professional organizations, social organizations and other organizations established in accordance with laws and assigned tasks and funded by the State for operating expenses.

2. Land for construction of public works includes land types specified in point d clause 3 Article 9 of this Law.

3. The use of the land specified in clause 1 and clause 2 of this Article must conform to land use planning, land use plans and construction planning that have been approved by competent authorities.

4. The representative of the agency or organization that is allocated or leased out land shall preserve the allocated or leased land and must use the land for the intended purpose.

5. The management, use and exploitation of the land banks specified in clause 1 and clause 2 of this Article falling within the scope of the law on management and use of public property shall comply with the law on management and use of public property; contents that are not regulated by the law on management and use of public property shall comply with the this Law.

## **Article 200. National defense and security land**

1. National defense and security land includes land used for the purposes specified in Article 78 of this Law.
2. The People's Committees of first-level administrative divisions shall take charge and cooperate with the Ministry of National Defense and the Ministry of Public Security in state management of national defense and security land under their administrative management.
3. For areas included in the national defense or security land use planning but not yet in need of use for national defense or security purposes, the current land user may continue using the land until the issuance date of a land repossession decision of a competent regulatory agency, provided that they do not deform the natural terrain of the land.
4. In case of repossession of national defense or security land for the implementation of socio-economic development projects for national or public purposes, it is not required to rearrange or handle public property according to the law on management and use of public property.
5. If the management or use of property affixed to land being public property of public service providers affiliated to the Ministry of National Defense or the Ministry of Public Security does not fall under the case of using land for national defense or security purpose in combination with productive labour and economic development specified in Article 201 of this Law, the law on management and use of public property shall be complied with.
6. The Government of Vietnam shall elaborate this Article.

## **Article 201. Use of national defense or security land for both its main purpose production or economic development**

1. The use of national defense or security land for both its main purposes and production and economic development shall be applied to the following entities:
  - a) Military units, police units, public service providers of the Vietnam People's Public Security and the People's Army of Vietnam;
  - b) State-owned enterprises under the management of the Ministry of National Defense and the Ministry of Public Security.
2. If the national defense or security land currently managed or used by the entities specified in Clause 1 of this Article is used for both military, national defense or security tasks and production or economic development, land use arrangements must be formulated and submitted to the Minister of National Defense or the Minister of Public Security for consideration and approval, and the annual land levy must be paid.

In case the national defense or security land is used for both its main purpose and production or economic development to organize education; labor, rehabilitation, career guidance and

vocational training for prisoners; training, production increase for improving life; logistics and technical support services, land levy is not required.

3. Rights and obligations of the subjects specified in clause 1 of this Article when using national defense or security land for both its main purpose and production or economic development:

a) Organize production or business according to the arrangement that has been approved by the Minister of National Defense or the Minister of Public Security;

b) Enjoy the fruits of labor, investment in land and other benefits according to the law;

c) Receive no recompense related to land and property affixed to land when terminating the arrangement for use of defense or security land for both its main purpose and production or economic development;

d) Do not convey, donate, lease out LURs;

dd) Do not mortgage, contribute LURs as capital;

e) Do not repurpose land without permission;

g) The subjects specified in point a clause 1 of this Article are not allowed to convey, lease out, donate, mortgage or contribute LURs as capital;

h) The subject specified in point b clause 1 of this Article is allowed to lease out, mortgage or contribute property affixed to land as capital according to the arrangement that has been approved by the Minister of National Defense or the Minister of Public Security; acts of buying and selling property affixed to land, or handling property mortgaged or contributed as capital can only be carried out internally between the subjects specified in Clause 1 of this Article according to arrangements approved by the Minister of National Defense or the Minister of Public Security;

i) Fulfill all financial obligations according to regulations.

4. The Government of Vietnam shall elaborate this Article.

## **Article 202. Land for industrial zones or industrial clusters**

1. The management and use of land for industrial zones or industrial clusters, including concentrated information technology parks, must be consistent with land use planning, land use plans, construction planning approved by competent authorities.

2. The State leases out land for carrying out investment projects to construct and trade infrastructure of industrial zones and industrial clusters.

In cases where investment projects to construct and trade infrastructure of industrial zones and industrial clusters in areas with investment incentives under investment laws, border districts, or



island districts do not attract investors, the State shall allocate land or lease out land to public service providers for investing in construction and trading of infrastructure of industrial zones and industrial clusters.

3. Investors who have been leased land by the State to invest in constructing and trading infrastructure of industrial zones and industrial clusters with annual land rent payments are entitled to switch to the mode of land lease under one-off arrangement for all or part of the business land area.

For the land leased with annual land rent payments, the investor has the right to sublease the land with annual land rent payments; For the land leased under one-off arrangement, the investor has the right to sublease the land under one-off arrangement or annual land rent payments; For the land for construction of infrastructure for common use in an industrial zone or industrial cluster according to the construction planning approved by a competent authority, the investor is not required to pay land rent.

4. The land use term of an investment project in an industrial zone or industrial cluster depends on the operating term of the investment project.

If the operating term of the investment project is longer than the remaining land use term of the industrial zone or industrial cluster, the investor must request permission from a competent regulatory agency to adjust the land use term accordingly, provided the total land use term does not exceed 70 years, and land levy or land rent for the land whose land use term is adjusted is paid.

5. People who sublease land affixed to infrastructure in industrial zones and industrial clusters shall have the following rights and obligations:

a) In case the people sublease land under one-off arrangement, they shall have the rights and obligations specified in Article 33 of this Law;

b) In case the people sublease land with annual land rent payments, they shall have the rights and obligations specified in Article 34 of this Law.

6. The investor shall sublease the land on which infrastructure has been invested included in a land bank to small and medium-sized enterprises and establishments relocated due to environmental pollution.

The State has a policy on reducing the rent for sub-leased land in industrial zone or industrial cluster for the cases specified in this clause. The reduced rent for sub-leased land will be returned to the investor through a reduction from the land rent that the investor must pay in accordance with the law on land rent collection.

The People's Committee of the first-level administrative division shall, based on the actual situation in the division, determine the land bank for small and medium-sized enterprises and establishments relocated due to environmental pollution.

7. The land for construction of worker accommodation in an industrial zone according to planning shall be managed as commercial land and given incentives according to the law.

8. The People's Committee of a first-level administrative division shall determine the need to build housing areas and public works outside an industrial zone serving the lives of workers working in the industrial zone to integrate into land use planning, land use plans, urban planning, rural planning; arrange a land bank, allocate land to the People's Public Security Forces to ensure security and order in the industrial zone.

9. The Government of Vietnam shall elaborate this Article.

### **Article 203. Land used for economic zones**

1. Land used for an economic zone is the land area used for functional zones including:

a) Land used for free trade zones, export processing zones, and industrial parks;

b) Land used for entertainment areas and tourist areas;

c) Land used for urban areas and residential areas;

d) Land used for administrative areas and other functional areas in accordance with the characteristics of each economic zone to create a particularly favourable investment and business environment for investors.

2. The establishment and expansion of the economic zone must be consistent with approved provincial planning to ensure economical and effective land use.

3. Land repossession, land allocation and land lease in the economic zone shall comply with the provisions of this Law.

4. The management board of the economic zone shall cooperate with units and organizations in charge of recompense provision and site clearance to recompense for, support and resettle the repossessed land area in the economic zone.

5. The land use term of land for production and trading in the economic zone shall comply with Article 172 of this Law.

6. Users of land in the economic zone may invest in construction and trading of housing and infrastructure, product, trade, provide services and have rights and obligations according to the provisions of this Law.

7. The State encourages investment in construction and trading of infrastructure of the economic zone.

8. Land use regulations, rights and obligations of users of land in the economic zone shall be applied to each land type according to the provisions of this Law.

9. The Government of Vietnam shall elaborate this Article.

#### **Article 204. Land used for high-tech zones**

1. Land used for a high-tech zone is the land serving high-tech activities according to the law on high technology and relevant laws, including land for high-tech agricultural zones and high-tech forestry zones. The use of land for the high-tech zone must be consistent with land use planning, land use plans, construction planning approved by competent authorities.

When planning and establishing the high-tech zone, it is necessary to simultaneously plan and build housing areas and public works outside the high-tech zone to serve the lives of experts and workers working in the high-tech zone.

2. The State leases out land with annual land rent collection or under one-off arrangement to invest in construction and trading of infrastructure of the high-tech zone. The land use term of land in the high-tech zone depends on the operating term of the investment project but must not exceed 70 years.

3. Any user of land in the high-tech zone must use their land for the intended purpose stated in the land allocation decision, land lease contract, shall be issued a certificate of title and have the following rights and obligations:

a) In case the land user subleases land under one-off arrangement, they shall have the rights and obligations specified in Article 33 of this Law;

b) In case the land user subleases land with annual land rent payments, they shall have the rights and obligations specified in Article 34 of this Law.

4. The State encourages individuals, business organizations, persons of Vietnamese descent residing overseas, foreign-invested business organizations to invest in construction and trading of infrastructure in the high-tech zone and use land for scientific and technological development purposes.

5. The People's Committee of the first-level administrative division shall arrange a land bank, allocate land to the People's Public Security Forces to ensure security and order in the high-tech zone.

6. The Government of Vietnam shall elaborate this Article.

#### **Article 205. Land used for mineral-related activities**

1. Land used for mineral-related activities includes land for mineral exploration and exploitation and areas of auxiliary works for mineral-related activities.

2. The use of land for mineral-related activities shall comply with the following regulations:

- a) Have a mineral exploration and exploitation permit in accordance with mineral laws;
- b) Obtain a decision to lease land from a competent regulatory agency for mineral exploitation or use for auxiliary works serving mineral exploitation and processing. In case of mineral exploitation without using topsoil and affecting the use of the ground, the land is not required to be leased;
- c) Apply appropriate technological measures to exploit and use land reasonably and economically during the process of using land for mineral exploration and exploitation. Implement environmental protection measures, waste treatment and other measures to avoid causing damage to users of land in the area and surrounding areas;
- d) Use land in accordance with the progress of the mineral exploitation project and the mineral exploitation permit approved by a competent authority. The land user is responsible for returning the land in accordance with the mineral exploitation progress and topsoil condition specified in the land lease contract.

3. The People's Committee of the first-level administrative division shall consider, arrange a land bank and allocate land to the People's Public Security Forces to ensure security and order in the area of mineral-related activities upon request.

#### **Article 206. Commercial land, non-agricultural production establishment land**

1. Commercial land includes land for construction of commerce and service establishments and other works serving the business, trading and services.

Non-agricultural production establishment land includes land for construction of non-agricultural production establishments outside an industrial park or industrial cluster.

2. The use of commercial land or non-agricultural production establishment land must be in accordance with land use planning, land use plans, urban construction planning, planning for construction of rural residential areas that have been approved by competent authorities, and regulations on environmental protection.

3. A business organization or individual can use commercial land or non-agricultural production establishment land through lease of the land from the State; receipt of LURs or rights to lease/sublease land that are disposed, receipt of LURs that are contributed as capital from another business organization or individual, person of Vietnamese descent residing overseas; sublease of the land affixed to infrastructure of a foreign-invested business organization.

A person of Vietnamese descent residing overseas can use commercial land or non-agricultural production establishment land through lease of the land from the State; lease or sublease of the land from a business organization, individual or person of Vietnamese descent residing overseas; sublease of the land affixed to infrastructure of a foreign-invested business organization. A

person of Vietnamese descent residing overseas falling under the subjects specified in clause 1 Article 44 of this Law may receive LURs through inheritance or donation to use as premises to build a commerce and service establishment or non-agricultural production establishment.

A foreign-invested business organization can use commercial land or non-agricultural production establishment land through lease of the land from the State; lease or sublease of the land from a business organization or person of Vietnamese descent residing overseas; sublease of the land affixed to infrastructure of a foreign-invested business organization; receipt of LURs that are contributed as capital from a business organization, another foreign-invested business organization, or a person of Vietnamese descent residing overseas.

#### **Article 207. Land used for public purposes; land for carrying out PPP projects**

1. The use of land for public purposes must be consistent with land use planning, land use plans, land-based specialized planning approved by competent authorities.

2. For land used for public purposes, the area of land used for non-business purposes and land used for business purposes must be clearly delineated.

For the area of land used for non-business purposes, the State shall allocate land without land levy collection according to Article 118 of this Law; For the area of land used for commercial purposes, the State shall lease out land according to Article 120 of this Law.

3. The State allocates land or leases out land to investors for carrying out land-based PPP projects according to the provisions of this Law.

4. Land management and use regulations and financial obligations for carrying out PPP projects shall comply with the provisions of this Law and the Law on PPP Investment.

5. The People's Committees of first-level administrative divisions shall arrange land banks, allocate land to the People's Public Security Forces upon request to ensure security and order in the zones of land used for public purposes, land for carrying out PPP projects.

#### **Article 208. Land used for civil airports and aerodromes**

1. Land used for a civil airport or aerodrome includes:

a) Land for construction of headquarters of regulatory agencies, units of the people's armed forces at the airport or aerodrome, land for construction of aerodrome infrastructure works and other auxiliary works and areas of the aerodrome owned by the State;

b) Land for construction of items belonging to airport infrastructure and works related to aviation services, non-aviation services not included in point a of this clause.

2. Based on the land use planning, land use plans and civil airport and aerodrome planning approved by competent authorities, the People's Committee of the first-level administrative division shall allocate or lease out land according to the following regulations:

- a) Land allocation without land levy collection in terms of the land specified in point a clause 1 of this Article;
- b) Land lease with annual land rent collection in terms of the land specified in point b clause 1 of this Article;
- c) The remaining land area after the land allocation or land lease specified in point a and point b of this clause shall be allocated to the Airports Authority of such aerodrome for management.

3. The People's Committee of the first-level administrative division shall arrange a land bank, allocate land to the People's Public Security Forces to ensure security and order in the airport or aerodrome.

4. In case a land-based PPP project is applied to the airport or aerodrome, regulations in Article 207 of this Law shall be applied.

5. The Government of Vietnam shall elaborate this Article.

#### **Article 209. Land reserved for railways**

1. Land reserved for a railway includes:

- a) Land for construction of national and urban railway infrastructure; Land for construction of headquarters of regulatory agencies for regular operations in the railway station;
- b) Land for construction of dedicated railway infrastructure, railway industrial projects;
- c) Land for construction of service works related to passenger transport, freight transport and other commercial service business works within the land for construction of railway infrastructure.

2. The allocation or lease of land reserved for the railway shall be carried out as follows:

- a) Land allocation without land levy collection in terms of the land specified in point a clause 1 of this Article;
- b) Land lease with annual land rent collection and exemption from land rents in terms of the land specified in point b clause 1 of this Article;
- c) Land lease with annual land rent collection in terms of the land specified in point c clause 1 of this Article.

3. The State considers issuing a certificate of title to the land reserved for the railway that has been allocated or leased out before the effective date of this Law according to mode specified in clause 2 of this Article.

4. The People's Committee of the first-level administrative division shall arrange a land bank, allocate land to the People's Public Security Forces to ensure security and order in the area of the railway station.

#### **Article 210. Land for construction of works and areas with safety corridors**

1. Land for construction of a work or area with a safety corridor includes:

a) Land for construction of works and areas requiring protection corridors according to relevant laws and protection corridors of those works and areas;

b) Land for construction of a national defense work or military zone and land within the protection corridor, protection area and safety belt of the work or military zone according to the law on public management and protection of national defense works and military zones.

2. The land for construction of the work with the safety corridor must be used in a manner that ensures the combination of exploitation of both the aerial and underground parts of the land; types of works on the same land zone must be arranged in combination to save land; and provisions of relevant laws must be complied with.

3. If land belongs to the safety corridor of the work, protection area or safety belt, the land user may continue using the land according to the determined purpose and according to the law; must not obstruct the safety protection of the work or area with the safety corridor, except in cases where relocation is required according to relevant laws.

If the use of land belonging to the safety corridor, protection area or safety belt affects the safety protection of the work or area with the safety corridor, the owner of the work or land user must take remedial measures. If the problem cannot be remedied, the State will repossess the land and give recompense in accordance with the law.

4. The agency or organization directly managing the work or area with the safety corridor shall publicly announce the boundary marker of the safety corridor, protection area or safety belt and be primarily responsible for the safety protection of the work or area with the safety corridor; In cases where the land belonging to the safety corridor, protection area or safety belt is trespassed, appropriated or illegally used, it must be promptly reported to the People's Committee of the third-level administrative division to which the safety corridor that is trespassed, appropriated or illegally used belongs for handling.

The use of land within the protection area or safety belt of the national defense work and military zone shall comply with the Law on management and protection of national defense works and military zones.

5. The People's Committees of administrative divisions at all levels to which the work or area with the safety corridor belongs shall cooperate with the agency or organization directly managing the work or area in disseminating laws on safety protection of works and areas; publicly announce the land use boundary marker within the safety corridor; promptly handle cases of trespass, appropriation or illegal use of the safety corridor of the work or area.

6. The Government of Vietnam shall elaborate this Article.

#### **Article 211. Land with historical-cultural monuments, famous landscape, sights, natural heritage**

1. Land with a historical-cultural monument, famous landscape, sight or natural heritage that has been ranked or included in the inventory list of relics by the People's Committee of the first-level administrative division according to the law on cultural heritage shall be managed according to the following regulations:

a) The organization, individual or population directly managing the land with the historical-cultural monument, famous landscape, sight or natural heritage shall be primarily responsible for the use of such land;

b) The People's Committee of the third-level administrative division to which the historical-cultural monument, famous landscape, sight or natural heritage that does not fall under point a of this clause belongs shall be responsible for the management of such land;

c) The People's Committee of the third-level administrative division to which the land with the historical-cultural monument, famous landscape, sight or natural heritage that is trespassed, appropriated, used for unintended purposes or used illegally belongs shall be responsible for detecting, preventing and handling according to its authority or recommending to competent agencies or people for handling according to the law.

2. The use of the land with the historical-cultural monument, famous landscape, sight or natural heritage for both its main purpose and another purpose shall comply with the requirements specified in Article 218 of this Law, the Law on Cultural Heritage and other relevant laws.

3. Any user of the land in the protected area of the historical-cultural monument, famous landscape or sight under the Law on Cultural Heritage may exercise the rights of land users according to this Law, provided that it does not affect the original elements constituting the historical-cultural monument, famous landscape, sight, natural landscape and environment - ecology of the monument; if the State repossesses land for management or use for the purpose of restoring, protecting and promoting value of the historical-cultural monument, famous landscape or sight, recompense, support or resettlement shall be provided according to this Law.

#### **Article 212. Belief land**



1. Belief land is land with belief works including communal houses, temples, shrines, hermitages, or family churches and other belief works thereon; Pagodas do not fall under Clause 1, Article 213 of this Law.
2. The belief land must be used for the intended purpose and in accordance with the land use planning, land use plans and construction planning approved by competent authorities.
3. The use of the belief land for both its main purpose and commercial purposes must ensure the requirements specified in clause 2 Article 218 of this Law.

### **Article 213. Religious land**

1. Religious land includes land for construction of religious facilities, headquarters of religious organizations or affiliated religious organizations and other legal religious works.
2. The State allocates land without land levy collection if the land is used for construction of religious facilities, headquarters of religious organizations or affiliated religious organizations.
3. The State leases out land with annual land rent collection if the land used by religious organizations or affiliated religious organizations does not falling under clause 2 of this Article.
4. The People's Committees of first-level administrative divisions shall, based on the actual needs for religious activities and the availability of land banks of the divisions, set limits and decide land area allocated to religious organizations and affiliated religious organizations in the divisions.
5. The use of religious land for both its main purpose and commercial purposes must ensure the requirements specified in clause 2 Article 218 of this Law.
6. If the State repossesses the religious land specified in clause 2 of this Article, land in a new location suitable to the local land bank and religious activities of believers will be arranged.

### **Article 214. Land used for cemeteries, funeral service centers, cremation centers; land for ashes storage facilities**

1. Land used for cemeteries, funeral service centers, cremation centers; land for ashes storage facilities must be centrally planned in accordance with land use planning, construction planning and in a manner that is hygienic and ensures environmental protection and land-saving.
2. The establishment of cemeteries, funeral service centers, cremation centers and ashes storage facilities that is contrary to land use planning, land use plans and construction planning approved by competent authorities shall be strictly prohibited.
3. Land used for cemeteries, funeral service centers, cremation centers or land for ashes storage facilities is allocated or leased out by the State to business organizations according to the following regulations:

a) Land allocation with land levy collection for construction of ashes storage facilities, for carrying out cemetery infrastructure investment project in order to convey LURs of land affixed to ash storage infrastructure;

b) Land lease for construction of funeral service centers, cremation centers.

4. Land used for cemeteries, funeral service centers, cremation centers or land for ashes storage facilities not falling under clause 3 of this Article shall be allocated to the People's Committees of third-level administrative divisions or public service providers for management.

#### **Article 215. Dedicated water-covered land and land covered by rivers, streams, canals, creeks and streams**

1. Dedicated water-covered land is water-covered land of hydrological objects such as ponds, lakes and lagoons used for determined purposes other than aquaculture purpose.

2. Based on the determined main purposes, dedicated water-covered land and land covered by rivers, streams, canals, creeks or streams shall be managed and used as follows:

a) The State allocates land to organizations for management in combination with use and exploitation of dedicated water-covered land for non-agricultural purpose or for both non-agricultural purpose and aquaculture and fishery purpose;

b) The State leases out land covered by rivers, streams, canals, creeks or streams with annual land rent payments to business organizations, individuals, persons of Vietnamese descent residing overseas or foreign-invested business organizations for aquaculture purpose or for non-agricultural purpose or for both non-agricultural purpose and aquaculture purpose, provided that water resources laws are complied with;

c) The State leases out land covered by a hydroelectric lake or irrigation lake for use for both its main purpose and non-agricultural purpose or aquaculture and fishery purpose according to its authority;

d) The State allocates or leases out land inside the safety perimeter and the vicinity of a dam or reservoir belonging to a hydroelectric or irrigation work to an organization or individual for both management and use or exploitation of water-covered land for both its main purpose and other land use purposes in accordance with relevant laws, provided that a permission is granted by a competent regulatory agency as prescribed.

3. The exploitation and use of dedicated water-covered land and land covered by rivers, streams, canals, creeks and streams must not affect the determined main purposes; must comply with technical regulations of relevant industries and fields and regulations on landscape and environment protection; does not obstruct the natural flow; does not obstruct waterway traffic.

#### **Article 216. Land for construction of underground works**

1. Land for construction of an underground work includes land for construction of an above-ground work serving the operation, exploitation and use of the underground work and the underground space for construction of the underground work which is not the underground part of the above-ground work.

2. The land user is entitled to convey, lease or sublease the underground space after being determined by the State according to the law on construction, law on urban planning, and law on architecture.

3. The State encourages organizations and individuals to use capital, techniques and technology to implement underground construction projects and has support and incentive policies for investors according to the law.

4. The use of the land for construction of the underground work must ensure the following requirements:

a) Ensure national defense, security, environmental protection, sustainable development, protection of historical-cultural monuments, famous landscape and sights;

b) Be consistent with the construction planning, urban planning;

c) Recompense according to the law in cases where the underground work causes damage to the user of the land on the surface of the underground work;

d) The underground work must be constructed according to an investment project or an item of the investment project according to the law;

dd) Comply with construction laws.

5. The allocation or lease of the land for construction of the above-ground work serving the operation, exploitation and use of the underground work shall be carried out as follows:

a) Allocate the land without land levy collection in cases where the land for construction of the above-ground work serving the operation, exploitation and use of the underground work is used for a non-business purpose;

b) Lease out the land with annual land rent payments in cases where the land for construction of the above-ground work serving the operation, exploitation and use of the underground work is used for a business purpose.

6. The issuance of a certificate of title to the land for construction of the underground work shall comply with the following regulations:

a) The investor of the underground construction project is granted a certificate of title to the area of land for construction of the above-ground work serving the operation, exploitation and use of

the underground work and exercise the rights of land users according to the provisions of this Law;

b) The investor of the underground construction project is certified to own the underground work and exercise the rights of owners according to the law.

7. The Government of Vietnam shall elaborate this Article.

### **Article 217. Land managed by agencies/organizations of the State**

1. Land managed by an agency or organization of the State includes land that has not yet been allocated, leased or has been allocated for management, including:

a) Land used for public purposes;

b) Land covered by rivers, streams, canals, creeks, streams, ponds, lakes, lagoons;

c) Land used for cemeteries, funeral service centers and cremation centers; land for ashes storage facilities;

d) Dedicated water-covered land;

dd) Dedicated forest land, protective forest land, production forest land;

e) Land repossessed and allocated by the State to land bank development organizations for management;

g) Land repossessed and allocated by the State to the People's Committees of third-level administrative divisions for management in the cases mentioned in Point dd, Clause 1 and Clause 3, Article 82; Clause 2, Article 82 in rural areas; Clause 5, Article 86; Point e, Clause 2, Article 181 of this Law;

h) Land reallocated or received through LUR disposition from foreign diplomatic organizations when there is no need to use the land on the basis of international treaties, international agreements and regulations of relevant laws;

i) Agricultural land used for public purposes of communes, wards or commune-level towns;

k) Unused land.

2. The agency or organization of the State allocated to manage the land bank specified in clause 1 of this Article are responsible for managing and preserving the land area allocated for management; the use of the above-mentioned land bank shall comply with the corresponding land use regulations according to the provisions of this Law.

### **Article 218. Use of mixed-use land**

1. The following land types can be used for multiple purposes:

- a) Agricultural land used for both its main purposes and commercial, animal husbandry and medicinal plant growing purposes;
- b) Land used for both public purposes and commercial purposes;
- c) Land for construction of public works used for its main purposes and commercial purposes;
- d) Homestead land used for both its main purposes and agricultural purposes or commercial purposes, public works used for business purposes;
- dd) Water-covered land used for multiple purposes according to Articles 188, 189 and 215 of this Law;
- e) Religious land or belief land used for both its main purposes and commercial purposes;
- g) Land specified in Clauses 2 and 3, Article 9 of this Law used for both its main purposes and agricultural purposes or purposes of construction of postal, telecommunications, technology, information, outdoor advertising or solar power infrastructure.

2. The use of mixed-use land must satisfy the following requirements:

- a) Do not change the type of land according to the land classification specified in Clauses 2 and 3, Article 9 and determined in the instruments specified in Article 10 of this Law;
- b) Do not lose the necessary conditions to return to use the land for the main purpose;
- c) Do not affect national defense and security;
- d) Limit impacts on conservation of natural ecosystems, biodiversity, and environmental landscape;
- dd) Do not affect the use of land of adjacent parcels;
- e) Fulfill all financial obligations according to regulations;
- g) Comply with relevant laws.

3. In case a public service provider uses land for construction of public works for both its main purpose and commercial purposes, the land will be put up for lease with annual land rent payments.

4. In the cases where land is used for both its main purposes and commercial purposes specified in points a, b, c, d, dd and e, Clause 1 of this Article, a land use arrangement must be prepared

and submitted to a competent authority for approval. Contents of the mixed-use land use arrangement include:

- a) Information about the land parcel or land zone in use: location, area, land use mode; land use term;
- b) Area, purpose of use of the mixed-use land, land use term of the mixed-use land;
- c) Contents that meet the requirements according to the law on environmental protection and other relevant laws.

5. The Government of Vietnam shall elaborate this Article.

### **Article 219. LUR contribution and land readjustment**

1. LUR contribution or land readjustment is a method of rearranging land in a certain land zone on the basis of the consent of the land user to readjust the whole or part of the land area under their LURs in that zone according to an arrangement approved by a competent authority.

2. The LUR contribution or land readjustment shall be carried out in the following cases:

- a) Concentration of agricultural land for production;
- b) Implementation of projects to beautify and develop rural residential areas, expand and upgrade rural roads;
- c) Implementation of projects to beautify and develop urban areas; renovate, upgrade or rebuild apartment buildings; expand and upgrade roads in urban areas.

3. Conditions for contributing LURs or readjusting land are prescribed as follows:

- a) Be in conformity with the land use planning and land use plans, construction planning and urban planning that have been approved by competent authorities;
- b) Have an arrangement for LUR contribution or land readjustment which is agreed upon by the land user in the land zone where the LUR contribution or land readjustment is expected to be agreed with and approved by the People's Committee of a first-level administrative division for the case specified at Point c, Clause 2 of this Article, and approved by the People's Committee of a second-level administrative division for the case specified at Point b, Clause 2 of this Article.

4. The arrangement for LUR contribution or land readjustment must contain the following contents:

- a) The current use of land in the zone to be readjusted and the parties contributing LURs;

b) The land rearrangement plan, which must show the plan on design of technical infrastructure, social infrastructure, environmental infrastructure, and proportion of land area that the land user has contributed to construct technical infrastructure works and provides public services;

c) The location and area of land that the land user receives back after the implementation of the land adjustment arrangement.

5. The area of land managed by an agency or organization of the State in a zone where the LUR contribution or land readjustment is carried out shall be used as follows:

a) Use the land for construction or upgrading of the infrastructure system and public services in a residential area;

b) Auction LURs to the remaining land area after the land use according to point a of this Clause. Proceeds from the LUR auction shall be used for project implementation.

6. The LUR contribution or land readjustment requires to have an investment project implemented by the land user community itself or a consortium or an association with investors in accordance with the law.

7. The People's Committees of first-level administrative divisions and second-level administrative divisions shall:

a) Provide information on the current use of land, land use planning and plans; construction planning; urban planning approved by competent authorities related to areas of LUR contribution or land readjustment;

b) Issue certificates of title according to the approved arrangements for LUR contribution or land readjustment

8. The Government of Vietnam shall elaborate this Article.

## **Article 220. Parcel subdivision and parcel consolidation**

1. The parcel subdivision or parcel consolidation must ensure the following principles and requirements:

a) One of the following certificates has been issued for the land parcel to be subdivided or consolidated: Certificate of LUR, certificate of home ownership and LURs to homestead land, certificate of LUR, ownership of housing and property affixed to land, or certificate of title;

b) The land use term of the land parcel does not expire;

c) The land is not in a dispute, not subject to distraint to ensure judgment enforcement or imposition of temporary emergency measures of competent regulatory agencies;

In case the land is in dispute but the disputed area or boundary can be determined, the remaining area or boundary that is not in dispute of that land parcel may be subdivided or consolidated;

d) The parcel subdivision or consolidation requires pathways to be made; connections to existing public roads; water supply, drainage and other necessary needs to be provided in a reasonable manner. In case a land user reserves a part of the area of a homestead land parcel or a land parcel with homestead land and other land in the same land parcel for use as a pathway, the repurposing of the area of land used as the pathway is not required upon the parcel subdivision or consolidation.

2. In addition to the principles and requirements specified in Clause 1 of this Article, the following requirements must also be met upon land subdivision:

a) For the land type that is being used according to regulations of the People's Committee of a first-level administrative division, requirements for the minimum area of land parcels after subdivision must be met;

In case the area of the land parcel being subdivided is smaller than the minimum area required to be able to subdivide, the land parcel must be consolidated with the adjacent land parcel at the same time;

b) In case of repurposing a part of the land parcel, the parcel must be subdivided. The minimum area of the parcel after subdivision must be equal to or greater than the minimum area of the land type after repurposing. If the land parcel includes homestead land and other land, it is not required to subdivide the land parcel when repurposing a part of the land parcel, except for the cases where the land user wishes to subdivide the parcel;

c) If LURs are divided according to a judgment or decision of a Court but requirements, area, and size of the parcel being subdivided are not met upon LUR division, the parcel shall not be subdivided.

3. In addition to the principles and requirements specified in Clause 1 of this Article, the following requirements must also be met upon parcel consolidation:

a) The parcels being consolidated must be used for the same purpose, within the same land use term and with the same land rent payment method, except for cases where all or part of a land parcel with homestead land and other land in the same land parcel are consolidated together and cases where a land parcel with homestead land and other land in the same land parcel is consolidated with the homestead land parcel;

b) In case land parcels are different in terms of land use purpose, land use term, or land rent payment method, the procedures for land repurposing and adjustment of land use term or change of land rent payment method must be carried out at the same time of parcel consolidation to unify the land use purpose, land use term, and land rent payment method according to the law.



4. The People's Committees of first-level administrative divisions, based on the regulations in clauses 1, 2 and 3 of this Article, other relevant laws and local customs and practices, specifically stipulate parcel subdivision or consolidation requirements and minimum area of parcels after subdivision or consolidation applicable to each type of land.

#### **Article 221. Management of unused land**

1. The People's Committees of third-level administrative divisions are responsible for managing and protecting unused land in their divisions, registering them in cadastral records and submitting reports to the immediate superior People's Committees on the situation of unused land bank management and exploitation.

2. The People's Committees of first-level administrative divisions are responsible for managing unused land on islands which has not been allocated to second-level/third-level administrative divisions for management.

#### **Article 222. Putting unused land into use**

1. On the basis of the land use planning or plan that has been approved by a competent authority, the People's Committees at all levels shall prepare a plan to put unused land into use.

2. The State encourages investment from organizations and individuals to put unused land into use according to the land use planning or plan approved by the competent authority.

3. For the area of land planned for agricultural purposes, priority will be given to local residents (individuals) who have not been allocated or lack land for production.

4. The State has an infrastructure investment policy for border areas, islands, areas with difficult socio-economic conditions, areas with extremely difficult socio-economic conditions, or areas with low population density and large amounts of land to implement the plan to put unused land into use; has a policy of exemption or reduction of land levies or land rents in cases of allocation or lease of unused land for use.

5. The People's Committees of first-level administrative divisions use funding sources collected from revenues when allowing the conversion of land for rice cultivation to land used for other purposes and other legal funding sources to serve the renovation and put unused land into use.

### **Chapter XIV**

#### **LAND-RELATED ADMINISTRATIVE PROCEDURES**

#### **Article 223. Land-related administrative procedures**

1. Land-related administrative procedures include:

- a) Procedures for land repossession, land allocation, land lease, land repurposing, land use extension, land use term adjustment;
- b) Procedures for registration of land and property affixed to land;
- c) Procedures for issuance of certificates of title, procedures for correction, revocation or cancellation of granted certificates;
- d) Procedures for exercise of land users' rights;
- dd) Procedures for parcel subdivision or consolidation;
- e) Procedures for enforcement of mandatory land inspection decisions and land repossession decisions;
- g) Procedures for mediation of land disputes or resolution of land disputes at administrative agencies;
- h) Procedures for penalties for administrative violations against regulations on land;
- i) Procedures for provision of land-related information or data;
- k) Other land-related administrative procedures.

2. The Government of Vietnam shall elaborate this Article.

#### **Article 224. Principles of following land-related administrative procedures**

1. Ensuring equality, objectivity, openness, transparency and close, prompt and accurate coordination between competent authorities during the resolution of administrative procedures.
2. Make sure the land-related administrative procedures are simple, easy to understand, easy to implement, integrated into other land-related administrative procedures in order to save time, cost and effort of organizations, individuals and competent authorities, thereby contributing to administrative reform.
3. Organizations and individuals applying for land-related administrative procedures are responsible before the law for the accuracy and truthfulness of the declared contents and documents in their submitted applications.
4. Land-related administrative procedures are carried out in person, through the postal system or by electronic means with the same legal effect.
5. The authority processing land-related administrative procedures is responsible for implementing within its authority and within the period prescribed by law, and is not responsible

for the contents of the documents and instruments contained in the application that have been previously accepted, appraised, approved or resolved by other competent agencies or persons.

#### **Article 225. Announcement and publicity of land-related administrative procedures**

1. After being approved by a competent authority, land-related administrative procedures must be published according to the Government's regulations on administrative procedure control.

2. Publicized contents of land-related administrative procedures include:

a) The competent authority receiving the applications and returning results; the authority processing land-related administrative procedures; subject following administrative procedures;

b) Processing time for each administrative procedure;

c) Composition and quantity of applications for each administrative procedure;

d) Process and responsibility for processing each administrative procedure;

dd) Financial obligations, fees and charges payable for each administrative procedure;

e) Other contents of the set of administrative procedures (if any).

3. The publicity of the contents specified in Clause 2 of this Article is carried out in the form of regular posting at the headquarters of the authority receiving the applications and returning results; posting on the National Public Service Portal and ministerial/provincial public service portals, and the websites of the People's Committees of second-level/third-level administrative divisions.

#### **Article 226. Responsibilities for implementing land-related administrative procedures**

1. Ministries and central authorities shall, according to their functions, tasks and powers, cooperate in directing, guiding and inspecting the implementation of land-related administrative procedures, ensure consistency between land-based administrative procedures and other related administrative procedures.

2. The People's Committees at all levels shall direct, guide, inspect and organize the implementation of administrative procedures in their areas; regulate cooperation between relevant local authorities to process land-related administrative procedures and other related administrative procedures; organize the implementation of administrative procedures by electronic means.

3. The competent authority processing land-related administrative procedures must comply with the prescribed order and procedures and publicize administrative procedure processing results.

#### **Article 227. Order and procedures for permitting land repurposing**

Cases of land repurposing must be permitted by a competent regulatory agency according to the provisions of this Law and carried out according to the following order and procedures:

1. The land user shall submit an application for land repurposing according to regulations.
2. The land authority shall check requirements for land repurposing. In case the application does not meet regulations, the land user shall supplement the application under the land authority's instructions and submit it to the land authority again.
3. The land authority shall:
  - a) In case of applying land prices in the land price list for calculation of land levy or land rent, the land authority shall prepare and submit an application to the competent People's Committee for issuance of a decision to permit land repurposing, land allocation or land lease;
  - b) In case of determining specific land prices for calculation of land levy or land rent, the land authority shall prepare and submit an application to the competent People's Committee for issuance of a decision to permit land repurposing, land allocation or land lease; organize the land price determination, submit land prices for calculation of land levy or land rent to the competent authority for approval.
4. The land user shall submit their land levy or land rent according to the law; in cases where the land levy or land rent is reduced, the collector shall give a reduction in land levy or land rent to the land user.
5. The land authority shall conclude a land lease contract in case the State leases out land; transfer the application to a land registration authority or a branch of a land registration authority which will register, issue a certificate of title, update and adjust land-related databases, cadastral records and award the certificate of title to the land user.
6. In case of receipt of LURs through disposition and land repurposing, procedures for registering LUR disposition can be carried out simultaneously with procedures for land repurposing according to this Article.

**Article 228. Procedures for land allocation or land lease in cases of land allocation or land lease without LUR auction or bidding for selection of investors carrying out the land-based projects and in cases of land allocation or land lease through bidding for selection of investors carrying out the land-based projects**

In cases where the State allocates or leases land according to Article 124 and Article 126 of this Law, procedures are as follows:

1. The organizations or individual shall submit an application for land allocation or land lease;
2. The land authority shall:

- a) Review and check the application, complete the cadastral map extraction or cadastral measurement extraction; in cases where the applicant submits an insufficient application, the authority shall provide instructions on submitting additional documents;
  - b) In case of applying land prices in the land price list for calculation of land levy or land rent, the land authority shall prepare and submit an application to the competent People's Committee for issuance of a decision to allocate or lease out land and submit the certificate of title for its signature;
  - c) In case of determining specific land prices for calculation of land levy or land rent, the land authority shall prepare and submit an application to the competent People's Committee for issuance of a decision to allocate or lease out land; organize the land price determination, submit land prices for calculation of land levy or land rent to the competent authority for approval and submit the certificate of title for its signature;
3. The land user shall submit their land levy or land rent according to the law; in cases where the land levy or land rent is reduced, the collector shall give a reduction in land levy or land rent to the land user;
4. The land authority shall transfer the application to a land registration authority or a branch of a land registration authority which will update and adjust land-related databases, cadastral records; sign a land lease contract in cases where the State leases out land; organize the on-site handover of land and award the certificate of title to the land user.

#### **Article 229. Procedures for land allocation or land lease through LUR auctions**

1. A LUR auction is prepared and organized as follows:
- a) The unit being assigned to manage the land bank shall prepare an LUR auction arrangement and submit it to the competent authority for approval;
  - b) The unit assigned to organize the LUR auction shall prepare documents of the land zone, land parcel being auctioned and send them to the land authority for submission to the competent People's Committee which will issue a LUR auction decision;
  - c) The land authority shall organize the determination of starting price of the land zone or land parcel being auctioned, submit it to the competent People's Committee for approval;
  - d) At the request of the land authority, the competent People's Committee shall issue a LUR auction decision;
  - dd) The unit assigned to organize the LUR auction shall select and sign a land lease contract with the unit or organization conducting the LUR auction.
2. The unit or organization conducting the LUR auction shall conduct the LUR auction according to the law on property auctions.

3. The recognition of LUR auction result is carried out as follows:

- a) The unit assigned to organize the LUR auction shall prepare an application and send it to a land authority, which will submit it to the competent People's Committee for promulgation of a decision to recognize the successful LUR auction result;
- b) The competent People's Committee shall sign the decision to recognize the successful LUR auction result for promulgation and send it the land authority, unit assigned to organize the LUR auction, tax authority and successful bidder.

4. The successful bidder shall pay the land levy or land rent according to the law.

5. After the land levy or land rent is paid in full by the successful bidder, the land authority shall:

- a) Request the competent People's Committee to issue a decision to allocate or lease out land and sign the certificate of title;
- b) Transfer the application to a land registration authority or a branch of a land registration authority which will update or adjust land-related databases and cadastral records according to regulations;
- c) Sign a land lease contract in cases of land lease.

6. The land authority shall take charge and cooperate with the unit conducting the LUR auction and the People's Committee of the third-level administrative division to which the land belongs in organizing an on-site handover of land and award the certificate of title to the successful bidder.

## **Chapter XV**

### **SUPERVISION, MONITORING AND ASSESSMENT OF LAND MANAGEMENT AND USE; INSPECTION AND AUDIT; RESOLUTION OF LAND DISPUTES, LAND-RELATED COMPLAINTS, DENUNCIATIONS AND HANDLING OF VIOLATIONS AGAINST LAND LAWS**

#### **Section 1. SUPERVISION, MONITORING AND ASSESSMENT OF LAND MANAGEMENT AND USE**

##### **Article 230. Supervision by the National Assembly, the Vietnamese Fatherland Front, and the People's Councils at all levels of land management and use**

The National Assembly, the Vietnamese Fatherland Front and member organizations of the Front, People's Councils at all levels exercise the right to supervise the land management and use in accordance with the provisions of the Constitution and the Law on supervisory activities of the National Assembly and People's Councils, the Law on Vietnamese Fatherland Front and the Law on local government organization.

## **Article 231. Supervision by citizens of land management and use**

1. Citizens, on their own or through representative organizations, exercise rights to supervise, report and request or propose competent authorities to handle violations in land management and use.

2. The supervision, report and request or proposal must be objective, honest and lawful; do not take advantage of the right to supervise to make complaints or denunciations that do not comply with the law and to disrupt social order; take responsibility before the law for the accuracy of the reported information.

3. Contents of the supervision by citizens of land management and use include:

a) Preparation, adjustment, public announcement and development of land use planning and plans;

b) Land allocation, land lease, land repurposing;

c) Land repossession, recompense, support, resettlement;

d) Registration of land and property affixed to land, issuance of certificates of LURs, certificates of home ownership and LURs of homestead land, certificates of home ownership, certificates of ownership of construction works, certificates of LURs, ownership of housing and other property affixed to land or certificates of title;

dd) Collection, exemption or reduction of land levy, land rent or land tax; land valuation;

e) Implementation of administrative procedures related to rights and obligations of land users.

4. Forms of the supervision by citizens of land management and use include:

a) Directly exercise the right to supervise through reporting and petitioning competent authorities to resolve;

b) Send petitions to representative organizations recognized by law so that these organizations can carry out supervision.

5. Competent regulatory agencies, upon receiving reports and petitions from citizens or organizations representing the people, shall:

a) Organize reception and classification; Check, handle and respond in writing according to their authority;

b) Transfer petitions to another competent regulatory agencies to handle if such petitions fall outside their jurisdiction;

c) Notify the results to reporters or petitioners.

### **Article 232. Monitoring and assessment of land management and use**

1. Monitoring and assessment of land management and use is the use of information in land management and use activities and supervision activities to assess the enforcement of land laws; efficiency of land management and use; impact of land policies and laws on the economy, society and environment across the country and local areas.

2. Contents of the monitoring and assessment include:

a) The organization and effectuation of land law enforcement for land-related state management agencies;

b) The compliance with land laws of land users;

c) The efficiency of land management and use; impact of land policies and laws on the economy, society and environment;

d) The site inspection and supervision of land management and use.

3. The monitoring and assessment are carried out annually.

4. Responsibilities for monitoring and assessment of the land management and use:

a) The Ministry of Natural Resources and Environment shall assist the Government in monitoring and assessing the land management and use of provinces and central-affiliated cities; the use of land for projects of national significance subject to investment guideline decision by the National Assembly and subject to investment decision and approval by the Prime Minister and large-scale projects using large areas of land;

b) The People's Committees of first-level administrative divisions shall monitor and assess the land management and use of affiliated authorities of second-level administrative divisions; assess the land management and use in the first-level administrative divisions;

c) The People's Committees of second-level administrative divisions shall monitor and assess the land management and use of affiliated authorities of third-level administrative divisions; assess the land management and use in the second-level administrative divisions;

d) The People's Committees of third-level administrative divisions shall organize monitoring and assessment of the land management and use in the third-level administrative divisions.

5. The Government of Vietnam shall elaborate this Article.

### **Article 233. System of monitoring and assessment of land management and use**



1. System of monitoring and assessment of land management and use is part of the NLIS and other information collected from the land law enforcement nationwide, including:

a) Information on land use planning and plans; land statistics and inspection; land prices and land taxes; land allocation, land lease, land repossession, permission for land repurposing, issuance of certificates of LURs, certificates of home ownership and LURs of homestead land, certificates of home ownership, certificates of ownership of construction works, certificates of LURs, ownership of housing and other property affixed to land and certificates of title; implementation of land-based investment projects; compliance with land laws; inspection and handling of violations against regulations on land by state administrative agencies;

b) Information on settlement of land disputes, land-related complaints and denunciations;

c) Information on the supervision of the land law enforcement by citizens; National Assembly and People's Councils at all levels; Vietnamese Fatherland Front and its member organizations; other relevant organizations;

d) Necessary information that must be obtained by using technological solutions including ground photography from satellites, airplanes and other flying vehicles; obtained by conducting field investigation and using other technical means;

dd) Necessary information from sociological survey data on land management and use.

2. Land authorities shall update information in the system of monitoring and assessment of land management and use into the NLIS; manage the monitoring and assessment system; assist the Government and the People's Committees at all levels in organizing monitoring and assessment of the land management and use.

3. The system of monitoring and assessment of land management and use is made public for organizations and individuals to find information according to the law.

## **Section 2. INSPECTION, AUDIT, RESOLUTION OF LAND DISPUTES, LAND-RELATED COMPLAINTS OR DENUNCIATIONS**

### **Article 234. Specialized land inspection and examination, land audit**

1. Specialized land inspection is the inspection by competent regulatory agencies of compliance with land laws, professional and technical regulations and management rules in the land field of agencies, organizations and individuals.

2. Specialized land examination is an activity carried out regularly and continuously by agencies, organizations, units and individuals assigned to manage land to urge the implementation of land guidelines, policies and laws; tasks of agencies, organizations and individuals to contribute to the effectiveness and efficiency of state management; to timely detect, prevent and handle violations in land management and use.

3. Responsibilities for directing and organizing specialized land inspection and examination are as follows:

- a) The Ministry of Natural Resources and Environment is responsible for directing and organizing specialized land inspection and examination nationwide;
- b) Provincial land authorities are responsible for organizing specialized land inspection and examination;
- c) District-level land authorities are responsible for organizing specialized land examination.

4. Contents of land inspection and examination include:

- a) Inspect and examine compliance with land laws by the People's Committees at all levels;
- b) Inspect and examine compliance with land laws by land users and other relevant organizations and individuals;
- c) Inspect and examine compliance with professional, technical, technical regulations and management rules in the land field.

5. Tasks of specialized land inspection and examination:

- a) Inspect and examine compliance with laws by regulatory agencies and land users in land management and use;
- b) Urge the implementation of land guidelines, policies and laws; detect, prevent and handle according to authority or propose competent regulatory agencies to handle violations of land laws.

6. Duties and powers of Heads of the inspection teams, inspectors, and officials conducting land-related inspections, process and procedures for conducting land-related inspection shall comply with inspection laws.

7. The State Audit audits the land management and use in accordance with the provisions of the Law on State Audit and other relevant laws.

8. The Government of Vietnam elaborates specialized land examination.

### **Article 235. Mediation of land disputes**

1. The State encourages parties to land disputes to mediate themselves, mediate at the grassroots in accordance with the law on grassroots mediation, mediate according to the law on commercial mediation or other mediation mechanism as prescribed by law.

2. Before a competent regulatory agency resolves a land dispute as specified in Article 236 of this Law, the disputing parties must mediate at the People's Committee of the third-level administrative division to which the disputed land belongs. The mediation of land dispute at the People's Committee of the third-level administrative division to which the disputed land belongs shall be carried out as follows:

a) After receiving a petition for land dispute mediation, the Chairperson of the People's Committee shall establish a Land dispute mediation council to mediate the land dispute;

b) The composition of the Land dispute mediation council includes: Chairperson or Vice Chairperson of the People's Committee who is the Chairperson of the Council, representative of the Vietnam Fatherland Front Central Committee at the same level, cadastral officials and permanent residents who know clearly about the origin and use process of the disputed land parcel (if any). Depending on each specific case, representatives of other organizations or individuals may be invited to participate in the Land dispute mediation council;

c) The land dispute mediation at the People's Committee must be carried out within 30 days from the date of receipt of the petition for land dispute mediation;

d) The mediation must be recorded in the minutes with signatures of all parties to the mediation and certified by the People's Committee as successful or unsuccessful. The mediation minutes shall then be sent to the involved parties and archived at the People's Committee concerned.

dd) In case of the mediation is unsuccessful and one or more disputing parties do not sign the minutes, the Chairperson of the Council and members participating in the mediation must sign the minutes, affix the seal of the People's Committee and send it to the disputing parties.

3. Mediation of land disputes at Court shall be carried out in accordance with the law on mediation and dialogue at Court and the law on civil procedures. The mediation of disputes between parties arising from commercial activities related to land by commercial mediation shall comply with the law on commercial mediation.

4. In the case of land dispute mediation specified in Clauses 1, 2 and 3 of this Article, if the successful mediation which results in a change in the current boundaries, area, or land users, within 30 working days from the date of receiving the document recognizing the successful mediation result, the parties to the mediation must send the document recognizing the successful mediation result to a competent regulatory agency to register and issue a certificate of title according to regulations.

5. For an administrative division where the third-level tier affiliated to the People's Committee of the second-level administrative division is not established, the provisions in Clause 2 of this Article shall not be applied. The authority to resolve land disputes is prescribed in Article 236 of this Law.

#### **Article 236. Authority to resolve land disputes**

1. Land disputes in which the disputing parties or one of the disputing parties has a certificate of LURs, certificate of home ownership and LURs of homestead land, certificate of home ownership, certificate of ownership of construction works, certificate of LURs, ownership of housing and other property affixed to land, certificate of title or one of the instruments specified in Article 137 of this Law and disputes over property affixed to land shall be resolved by Courts.

2. For land disputes in which the disputing parties do not have a certificate of LURs, certificate of home ownership and LURs of homestead land, certificate of home ownership, certificate of ownership of construction works, certificate of LURs, ownership of housing and other property affixed to land, certificate of title or one of the instruments specified in Article 137 of this Law, the disputing parties may choose one of two forms of land dispute resolution according to the following regulations:

a) Submit a petition for dispute resolution to the competent People's Committee as prescribed in Clause 3 of this Article;

b) Sue at a competent Court according to the law on civil procedures;

3. In case the disputing parties choose to resolve the dispute at the competent People's Committee, the land dispute resolution will be carried out as follows:

a) The dispute between households, individuals, or populations shall be resolved by the Chairperson of the People's Committee of the second-level administrative division shall resolve. After 30 days from the date of receiving the resolution decision of the Chairperson of the People's Committee of the second-level administrative division, if the disputing parties do not sue or complain according to this point, the dispute resolution decision of the Chairperson of the People's Committee of the second-level administrative division will take effect.

In case of disagreement with the resolution decision, within 30 days from the date of receiving the resolution decision of the Chairperson of the People's Committee of the second-level administrative division, the disputing parties have the right to sue in court according to the law on administrative proceedings or right to complain to the Chairperson of the first-level administrative division. The resolution decision of the Chairperson of the People's Committee of the first-level administrative division takes effect.

b) In case of a dispute in which one disputing party is an organization, a religious organization, an affiliated religious organization, a person of Vietnamese descent residing overseas, or a foreign-invested business organization, the Chairperson of the first-level administrative division shall resolve. After 30 days from the date of receiving the resolution decision of the Chairperson of the People's Committee of the first-level administrative division, if the disputing party does not sue or complain according to this point, the dispute resolution decision of the Chairperson of the People's Committee of the first-level administrative division will take effect.

In case of disagreement with the resolution decision, within 30 days from the date of receiving the resolution decision of the Chairperson of the People's Committee of the first-level administrative division, the disputing parties have the right to sue in court according to the law

on administrative proceedings or right to complain to the Minister of Natural Resources and Environment. The resolution decision of the Minister of Natural Resources and Environment takes effect.

4. The Chairperson of the People's Committee of the second-level administrative division, the Chairperson of the People's Committee of the first-level administrative division, and the Minister of Natural Resources and Environment shall issue a dispute resolution decision when resolving the land dispute specified in clause 3 of this Article. The effective dispute resolution decision must be strictly abided by the parties involved. After 30 days from the effective date of the dispute resolution decision, the decision will be enforced if the parties or one of the parties that does not abide by.

The Chairperson of the People's Committee of the second-level administrative division to which the disputed land belongs which issued an enforcement decision shall implement the land dispute resolution decision and organize the enforcement decision implementation.

5. Disputes between the parties arising from commercial activities related to land shall be resolved by Courts in accordance with the law on civil procedures or by arbitral tribunals in accordance with the law on commercial arbitration.

6. The People's Committees at all levels are responsible for providing records and documents related to land management and use at the request of Courts or arbitral tribunals to serve as a basis for land dispute resolution.

7. The Government elaborates the dispute resolution under the authority of the Chairperson of the People's Committee of the second-level administrative division, the Chairperson of the People's Committee of the first-level administrative division, and the Minister of Natural Resources and Environment in this Article.

#### **Article 237. Settlement of complaints and lawsuits related to land management**

1. Land users and holders of land use-related rights and obligations are entitled to lodge complaints about, or file lawsuits against, administrative decisions or administrative acts in land management.

2. The order and procedures for settling complaints about administrative decisions or administrative acts related to land management shall comply with the law on complaints. The order and procedures for filing lawsuits against administrative decisions or administrative acts related to land management shall comply with the law on administrative procedures.

3. The collection, preservation, use and storage of records and documents related to the settlement of complaints related to land management shall comply with the law on complaints.

#### **Article 238. Settlement of denunciations of land management and use**

1. Individuals are entitled to denounce violations of the law on land management and use.

2. The settlement of denunciations of violations of the law on land management and use shall comply with the law on denunciations.

3. The collection, preservation, use and storage of records and documents related to the settlement of denunciations of land management and use shall comply with the law on denunciations.

### **Section 3. ACTIONS AGAINST VIOLATIONS OF LAND LAWS**

#### **Article 239. Actions against violators of land laws**

Violators of land laws shall, depending on the nature and seriousness of their violations, be administratively sanctioned or examined for penal liability in accordance with the law. If the violation causes damage, recompense must be given as prescribed by law.

#### **Article 240. Actions against persons committing violations of land management laws during performance of duties**

1. Violators of land management laws shall, during performance of duties, depending on the nature and seriousness of their violations, be administratively sanctioned or examined for penal liability in accordance with the law for the following violations:

a) Make corrupt use or misuse of positions and powers to commit illegal acts in land use planning and plans, land allocation, land lease, land repurposing, land repossession, land requisition, recompense, support, resettlement, determination of financial obligations related to land, management of cadastral records, application for or issuance of certificates of LURs, certificates of home ownership and LURs of homestead land, certificates of home ownership, certificates of ownership of construction works, certificates of LURs, ownership of housing and other property affixed to land or certificates of title, or issuance of administrative decisions in land management;

b) Lack responsibility in management which lets violations of land laws occur, or commit other acts which cause damage to the State's interests, the legal rights and obligations of land users;

c) Violate regulations on consultation, publicization and publicity of information; violate regulations on administrative order and procedures; violate reporting regulations in land management.

2. The Government elaborates violations of land management laws committed during performance of duties that are subject to disciplinary action as prescribed in Clause 1 of this Article.

#### **Article 241. Responsibilities in detecting, preventing and handling violations of land management and use laws**

1. Chairpersons of the People's Committees at all levels shall:

a) Chairpersons of the People's Committees of first-level/second-level administrative divisions shall timely detect, prevent and handle violations of land management and use laws in their divisions within their competence;

b) Chairpersons of the People's Committees of third-level administrative divisions shall, within their competence, regularly inspect, timely detect, prevent and handle failures to apply for land registration; trespass to land, land repossession, land destruction; land use for unintended purposes; illegal disposition or receipt of LURs and other violations of land laws by land users.

2. The heads of provincial/district-level land authorities shall inspect, urge and guide the performance of public duties by officials; promptly and legally resolve, within their competence, or request competent authorities to resolve complaints, denunciations and recommendations of individuals, organizations and promptly handle violations of land management and use laws in their divisions within their competence.

3. Cadastral officials of third-level administrative divisions; officials and public employees under land authorities at all levels, when performing duties, are responsible for detecting and proposing timely handling of violations of land laws.

#### **Article 242. Receipt and handling of violations by heads, officials and public employees affiliated to land authorities at all levels and cadastral officials of third-level administrative divisions**

1. Any organization or individual that discovers violations in land management by officials or public employees affiliated to land authorities at all levels or cadastral officials of third-level administrative divisions may submit a petition to a competent person according to the following regulations:

a) Regarding a violation by a cadastral official of a third-level administrative division, the petition shall be submitted to the Chairperson of the People's Committee of the third-level administrative division;

b) Regarding a violation by an official or public employee affiliated to a land authority of an administrative division, the petition shall be submitted to the head of the land authority of such division;

c) Regarding a violation by the head of a land authority of an administrative division, the petition shall be submitted to the Chairperson of the People's Committee at the same level;

2. Within 30 days from the date of receiving the petition, the Chairperson of the People's Committee or the head of the land authority specified in clause 1 of this Article shall consider, process and inform the resolution results in writing to the petitioner.

## **Chapter XVI**

### **IMPLEMENTATION CLAUSES**

## **Section 1. AMENDMENTS TO CERTAIN ARTICLES OF LAWS AND RESOLUTIONS OF THE NATIONAL ASSEMBLY RELATED TO LAND**

### **Article 243. Amendments to Law on Planning No. 21/2017/QH14 which was amended by Law No. 15/2023/QH15, Law No. 16/2023/QH15 and Law No. 28/2023/QH15**

1. Amendments to Clause 2 of Article 24:

“2. The national land use planning includes the following main parts:

- a) Analysis and assessment of factors, natural conditions, resources, conditions directly affecting and use of land by fields and sectors.
- b) Forecasting of trends in fluctuation of land use;
- c) Determination of viewpoints and objectives for land use during the new period;
- d) Land use orientation of the country and socio-economic regions, land use vision meeting the requirements for socio-economic development; assurance of national defense, security; environment protection and adaption to climate change;
- dd) Determination of land use quotas applicable to agricultural land category, non-agricultural land category; including determination of the area of rice cultivation land, dedicated forest land, protective forest land, natural production forest land, national defense land or security land;
- e) Solutions and resources for development of the land use planning.”.

2. Amendments to certain Clauses of Article 25:

a) Amendments to the introductory paragraph of Clause 4:

“4. The national natural resource use planning, excluding national defense land use planning, security land use planning, including the following contents:”.

b) Addition of Clause 4a to after Clause 4:

“4a. The national defense land use planning or security land use planning includes the following main parts:

- a) National defense or security land use orientation;
- b) Determination of the need to use national defense or security land during the land use planning period in accordance with the national master plan; national defense or security tasks and the national socio-economic development plan;
- c) Phasing of the national defense/security land use planning for each 5-year plan period;



d) Solutions and resources for developing the national defense/security land use planning.”.

c) Amendments to Clause 7:

“7. The Government shall elaborate the contents of the national sector planning that are specified in Clauses 3, 4, 4a, 5 and 6 of this Article and provide for integration of planning into the national sector planning.

The formulation, appraisal, approval and adjustment of the detailed planning for development of the contents specified in Clauses 3, 4, 4a, 5 and 6 of this Article shall be carried out in accordance with relevant regulations of law.”.

3. Amendments to point 1 Clause 2 Article 27:

“l) Land use orientation for each second-level administrative subdivision;”.

4. Addition of the planning number 1a to before number 1 of Appendix II on the List of detailed planning:

No	NAME OF PLANNING	APPLICABLE DOCUMENT
1a.	Provincial land use planning	Land Law No. 31/2024/QH15

**Article 244. Amendments to Clause 4 Article 44 of Law on Fisheries No. 18/2017/QH14**

“4. Time limit of allocation of marine waters for aquaculture shall be 50 years from the effective date of the decision to allocate the marine waters. At the end of the abovementioned period, the State considers extending the allocation of marine waters for organizations or individuals wishing to continue using the allocated marine waters. The allocation period may be extended more than once but total extension period shall not exceed 20 years. The period of allocation of marine waters to organizations or individuals in Vietnam performing science and technology missions for aquaculture shall not exceed the period of these missions approved by competent authorities.”.

**Article 245. Amendments to Law on organizing the local government No. 77/2015/QH13 which was amended by Law No. 21/2017/QH14, Law No. 47/2019/QH14 and Law No. 96/2023/QH15**

1. Amendments to Point h Clause 3 Article 19:

"h) Pass the land use planning of the province before submitting it to the Prime Minister for approval; decide measures to manage and use land, water and mineral resources, and source of income gained from sea, air and other natural resources as well as protect environment within their delegated powers.”.

2. Amendments to Point a Clause 2 Article 26:

“a) Adopt the midterm and annual plan for socio-economic development in the district, and the land use planning of the district before submitting them to the People's Committee of the first-level administrative division for approval;”.

3. Amendments to Clause 2 of Article 40:

“2. Adopt the land use plan of the central-affiliated city according to Land Law before submitting it to the Prime Minister for approval”.

4. Addition of Clause 2a to after Clause 2 of Article 42:

“2a. Approve the land use planning and plans of the affiliated district according to Land Law.”.

5. Amendments to Article 129:

**“Article 129. Authority to decide establishment, dissolution, merger, division or adjustment of administrative boundaries, naming or renaming of administrative divisions;**

1. The National Assembly shall decide establishment, dissolution, merger, division or adjustment of administrative boundaries of first-level administrative divisions; naming or renaming of first-level administrative divisions;

2. The Standing Committee of National Assembly shall decide establishment, dissolution, merger, division or adjustment of administrative boundaries of second-level and third-level administrative divisions; naming or renaming of second-level and third-level administrative divisions;

3. The Government shall request the National Assembly and the Standing Committee of National Assembly to decide establishment, dissolution, merger, division or adjustment of administrative boundaries, naming or renaming of the administrative divisions specified in clause 1 and clause 2 of this Article.”.

**Article 246. Amendments to clause 4 Article 106 of Law on Enforcement of Civil Judgments No. 26/2008/QH12 which was amended by Law No. 64/2014/QH13, Law No. 23/2018/QH14, Law No. 67/2020/QH14 and Law No. 03/2022/QH15**

Amendments to Clause 4 of Article 106:

“4. In case the property is rights to use land and property affixed to land that is eligible for but has not been granted the first certificate, the judgement enforcement agency shall request a competent authority to issue the first certificate of title to the buyer or recipient of the property serving enforcement of the judgment.

In case the property is rights to use land and property affixed to land for which a certificate has been issued, the judgement enforcement agency shall request a competent authority to revoke or

cancel the issued certificate and issue a certificate of title to the buyer or recipient of the property serving enforcement of the judgment if they cannot revoke the issued certificate".

**Article 247. Amendments to clause 1 Article 14 of Law on Personal Income Tax No. 04/2007/QH12 which was amended by Law No. 26/2012/QH13 and Law No. 71/2014/QH13**

Amendments to Clause 1 of Article 14:

“1. Taxable income from real estate conveyance is the price for each separate conveyance; In case of LUR conveyance, the taxable income is calculated according to the land price in the land price list".

**Article 248. Amendments to Law on Forestry No. 16/2017/QH14 which was amended by Law No. 16/2023/QH15**

1. Amendments to Clauses 1 and 2 Article 14:

“1. Forest allocation, lease, repurposing and repossession shall conform with national forestry planning or provincial planning or district-level land use planning.

2. Natural forests shall not be repurposed, except for projects for national significance, projects for national defense and security purposes or other urgent projects approved by the Government.”.

2. Amendments to Clause 1 Article 15:

“1. Plans for forest allocation, lease or repurposing of the People’s Committees of second-level administrative divisions approved by the People’s Committees of first-level administrative divisions or district-level annual land use plans approved by competent authorities.”.

3. Addition of Point dd to after point d clause 2 of Article 16:

"dd) Dedicated forest management boards (in case protection forests are interspersed with dedicated forests.”.

4. Amendments to Clause 1 of Article 19:

“1. Conform with national forestry planning or provincial planning or district-level land use planning.”.

5. Amendments to Article 20:

**“Article 20. Authority to decide guidelines for forest repurposing**

The People's Council of the first-level administrative division shall decide the guideline for forest repurposing, except if the forest is used for a project subject to investment guideline

approval or decision by the National Assembly, Prime Minister or the People's Council of the first-level administrative division according to Law on Investment, Law on Public Investment, Law on PPP Investment, Law on Petroleum.”.

6. Amendments to certain Clauses of Article 23:

a) Amendments to Point a Clause 1:

“a) Allocate, lease out forests to, repurpose or repossess forests of organizations, except for the cases specified in point c clause 2 of this Article;”;

b) Amendments to Clause 2:

“2. Authority of the People’s Committees of second-level administrative divisions:

a) Allocate, lease out forests to, repurpose forests of households and individuals;

b) Allocate, repurpose forests of populations;

c) Repossess forests in case of repossession of land covered by forests under the authority of the People’s Committees of the second-level administrative divisions according to Land Law.”.

7. Amendments to the Article name, Clause 5 and addition of clause 6 to after clause 5 Article 53:

a) Amendments to the name of Article 53:

**“Article 53. Scientific research, teaching, apprenticeship, ecotourism, relaxation, entertainment and raising and harvesting of medicinal plants in dedicated forests”;**

b) Amendments to clause 5 and addition of clause 6 to after clause 5:

“5. Works serving eco-tourism, relaxation and entertainment are permitted to be built. Procedures for developing, assessing and approving ecotourism, relaxation and entertainment schemes and managing construction of works serving ecotourism, relaxation or entertainment in dedicated forests shall comply with forest management regulations and other regulations of relevant law.

6. The raising and harvesting of medicinal plants in dedicated forests are prescribed as follows:

a) Forest owners shall develop arrangements for raising and harvesting medicinal plants in dedicated forests and submit them to competent authorities for approval;

b) Forest owners shall self-organize, cooperate, associate or lease forest environment to organizations and individuals to raise and harvest medicinal plants or to organize scientific research activities;

c) The raising and harvesting of medicinal plants in dedicated forests shall comply with forest management regulations and other relevant laws."

8. Amendments to the Article name, Clause 5 and addition of clause 6 to after clause 5 Article 56:

a) Amendments to the name of Article 56:

**"Article 56. Scientific research, teaching, apprenticeship, ecotourism, resort, entertainment and raising and harvesting of medicinal plants in protective forests";**

b) Amendments to clause 5 and addition of clause 6 to after clause 5:

"5. Works serving eco-tourism, relaxation and entertainment are permitted to be built. Procedures for developing, assessing and approving ecotourism, relaxation and entertainment schemes and managing construction of works serving ecotourism, relaxation or entertainment in protective forests shall comply with forest management regulations and other regulations of relevant law.

6. The raising of medicinal plants in protective forests is prescribed as follows:

a) Forest owners shall develop arrangements for raising medicinal plants in protective forests and submit them to competent authorities for approval;

b) Forest owners shall self-organize, cooperate, associate or lease forest environments to organizations and individuals to raise medicinal plants or to organize scientific research activities;

c) The raising of medicinal plants in protective forests shall comply with forest management regulations and other relevant laws."

9. Amendments to Clause 4 of Article 60:

"4. It is permitted to self-organize, cooperate, enter into joint ventures, associate or lease forests or forest environments to organizations and individuals in compliance with the forest owners' rights to trade in ecotourism, relaxation or entertainment or raise medicinal plants or organize scientific research activities, provided that it does not affect the land use purpose according to land laws."

#### **Article 249. Amendments to Clause 3 Article 6 of Law on Non-Agricultural Land Use Tax No. 48/2010/QH12**

Amendments to Clause 3 of Article 6:

"3. The price of a square meter of land is the land price according to the land price list corresponding to the purpose of use and is set for a 5-year stabilization period."

**Article 250. Amendments to clause 3 Article 29 of Law on Investment No. 61/2020/QH14 which was amended by Law No. 72/2020/QH14, Law No. 03/2022/QH15, Law No. 05/2022/QH15, Law No. 08/2022/QH15, Law No. 09/2022/QH15, Law No. 20/2023/QH15, Law No. 26/2023/QH15, Law No. 27/2023/QH15 and Law No. 28/2023/QH15**

Amendments to Clause 3 of Article 29:

“3. The competent authority shall follow procedures for investor approval in the following cases:

- a) The LUR auction is unsuccessful in accordance with Land Law;
- b) Only one investor satisfies the EOI requirements (in case the number of investors that submit EOIs is specified by law).”.

**Article 251. Annulment of certain articles of laws and resolutions of the National Assembly related to land**

1. Annulment of certain articles of laws related to land:

- a) Annulment of Clause 3, Article 36 and Clause 2, Article 86 of the Law on Management and Use of Public Property No. 15/2017/QH14;
- b) Annulment of clause 1 Article 12 of Law on Railway Transport No. 06/2017/QH14.

2. Annulment of Resolution No. 132/2020/QH14 dated November 17, 2020 of the National Assembly.

## **Section 2. ENTRY INTO FORCE AND TRANSITIONAL PROVISIONS**

**Article 252. Entry into force**

1. This Law comes into force from January 01, 2025, except for the cases specified in Clause 2 and Clause 3 of this Article.

2. Article 190 and Article 248 of this Law come into force from April 01, 2024.

3. The development and approval of land use planning may continue complying with Resolution No. 61/2022/QH15 dated June 16, 2022 of the National Assembly on continuing to strengthen the effect and efficiency of policies and laws on planning and a number of solutions to remove difficulties, speed up the formulation and improve the quality of planning for the 2021-2030 period.

Clause 9 Article 60 of this Law comes into force from the date on which Resolution No. 61/2022/QH15 expires.

4. Land Law No. 45/2013/QH13 which was amended by Law No. 35/2018/QH14 (hereinafter referred to as “Land Law No. 45/2013/QH13”) becomes invalid from the effective date of this Law.

**Article 253. Transitional provisions on land use planning and plans when this Law comes into force**

1. Land use planning and plans that have been decided and approved by competent regulatory agencies before the effective date of this Law may continue to be developed and adjusted when reviewing land use planning and plans according to Article 73 hereof.
2. A local authority that has provincial planning for the period of 2021 - 2030 approved according to planning laws before the effective date of this Law may continue using the land distribution and zoning arrangement in the provincial planning to carry out land management until the end of the planning period. The adjustment to the provincial planning shall comply with Law on Planning No. 21/2017/QH14.

**Article 254. Transitional provisions on land repossession; recompense, support and resettlement when the State repossesses land when this Law takes effect**

1. In case where the land repossession decision has been issued according to land laws before the effective date of this Law but the approval for recompense, support and resettlement arrangement of the competent regulatory agency has not yet been decided, the recompense, support and resettlement shall be carried on in accordance with regulations of this Law.
2. In case where the land repossession decision and decision to approve the recompense, support and resettlement arrangement have been issued according to land laws before the effective date of this Law but have not been implemented, the approved recompense, support and resettlement arrangement shall be carried on; the handling of late recompense payments shall comply with the law at the time when the State issues the land repossession decision.
3. In case where the competent regulatory agency has issued a document determining the investor's violation of failure to put land into use or delay putting land into use according to the regulations in point i clause 1 Article 64 of Land Law No. 45/2013/QH13 before the effective date of this Law,
  - a) If the land repossession has not been decided, the competent People's Committee shall handle this case according to clause 8 and clause 9 Article 81 of this Law;
  - b) If the land repossession decision has been issued, the land repossession shall be carried out according to the land repossession decision and the land levy, land rent and invested property on the repossessed land shall be handled according to the law at the time when the State issues the land repossession decision.
4. In case where the land repossession decision and decision to approve the recompense, support and resettlement arrangement have been issued according to land laws before the effective date

of this Law but the resettlement land allocation decision is intended to be issued after the effective date of this Law, the land price for calculation of land levy at the resettlement area shall be determined at the time of approving the recompense, support and resettlement arrangement; in case where the resettlement land price is lower than the land price in the recompense, support and resettlement arrangement at the time of deciding resettlement land allocation, the land price at the time of deciding resettlement land allocation shall be applied.

5. Regarding investment projects whose recompense, support and resettlement policy frameworks have been approved by the Prime Minister but their recompense, support and resettlement arrangements have not yet been approved by local governments, the policies that are more advantageous to holders of appropriated land according to the recompense, support and resettlement policy frameworks and regulations of this Law shall apply.

6. In case where the investment project is subject to an agreement on receiving LURs through disposition according to the provisions of Land Law No. 45/2013/QH13 which is in progress and uncompleted by the effective date of this Law, the People's Committee of the first-level administrative division shall, based on the actual situation of the division, decide to allow the continued implementation of the agreement on receiving LURs through disposition.

#### **Article 255. Transitional provisions on land allocation, land lease and land repurposing when this Law comes into force**

1. For any household or individual that is using agricultural land that was allocated before July 01, 2014 beyond the land allocation limit at the time of allocation, the surplus land area will be put up for lease according to provisions of this Law.

2. Any business organization, household, individual, or Vietnamese residing abroad that has been allocated land by the State with land levy collection before the effective date of this Law and is now subject to land lease according to provisions of this Law can continue using the land according to the remaining land use term and is not required to convert to land lease. When the land use term expires, if the competent regulatory agency grants an extension, the land must be put up for lease according to provisions of this Law.

3. Any organization, household, individual, or Vietnamese residing abroad that has been allocated land by the State without land levy collection before July 01, 2014 and is subject to land lease according to provisions of Land Law No. 45/2013/QH13 and this Law must convert to land lease.

4. Any business organization, household, individual or Vietnamese residing abroad that is allowed to continue using land according to clause 3 Article 60 of Land Law No. 45/2013/QH13 can continue using the land within the remaining land use term and is not required to convert to land lease in accordance with the provisions of this Law.

5. Any business organization that is allowed to continue using land according to clause 4 Article 60 of Land Law No. 45/2013/QH13 can continue using the land within the remaining land use



term of the project and is not required to convert to land lease in accordance with the provisions of this Law.

6. Any land user that is allowed to continue using land according to clause 5 Article 60 of Land Law No. 45/2013/QH13 can continue leasing the land within the remaining land use term or convert to land allocation with land use collection in accordance with the provisions of this Law.

7. Any organization, household, individual, Vietnamese residing abroad, and foreign-invested enterprise that has submitted the application for land allocation, land lease or land repurposing but the land allocation, land lease, or permission to land repurposing has not been decided shall comply with the law applicable before the effective date of this Law; or comply with the provisions of this Law if they wish.

8. Any public service provider that is allocated land by the State without land levy collection or leased out land by the State before the effective date of this Law may continue using the land within the remaining land use term according to the prescribed mode of land allocation or land lease; or convert to a mode of land allocation or land lease according to the provisions of this Law if they wish. When the land use term expires, the land use extension shall comply with the provisions of this Law.

9. LUR auction and bidding for selection of an investor executing the land-based project under this Law is not required if the investment project satisfies all of the following conditions: (i) Its investment guidelines or investor selection guidelines have been approved in writing by a competent authority before July 1st 2014 in accordance with investment, housing and bidding laws; (ii) Land has not been allocated or leased out to the investor; (iii) The project is conformable with current land use plan and planning; (iv) The People's Committee of the first-level administrative division has confirmed its conformity with regulations of law on investment, housing and bidding applicable at that time; (v) The late allocation or lease of land is not the fault of the investor. The authority and procedures for land allocation and land lease shall comply with the provisions of this Law.

10. If an investor has been selected during the period from July 1st 2014 to the day before the effective date of this Law in accordance with investment, housing and bidding laws but land has not been allocated or leased and the project is eligible for land allocation or land lease through LUR auction according to Land Law No. 45/2013/QH13 and relevant laws and is conformable with land use plan and planning, the land allocation or land lease procedures may be carried on in accordance with this Law.

11. Any individual that was allocated land of floodplains and coastal plains before July 01, 2014 to use for agricultural purposes may continue using the land within the remaining land allocation term. When the land allocation term expires, if the individual wishes to continue using the land and the land use conforms with the land use planning or plans and does not violate land laws, the State will consider land allocation or land lease.

**Article 256. Processing of cadastral dossiers, dossiers on land registration and issuance of certificates when this Law takes effect**

1. Physical cadastral dossiers developed before the effective date of this Law shall continue to be used in service of land management and must be digitized in the course of building the national land database in accordance with the provisions of this Law.

2. The competent authority that has received the dossier on registration of land, property affixed to land or issuance of Certificate of LURs, ownership of housing and property affixed to land shall continue process the dossier according to the provisions of the Land Law No. 45/2013/QH13 and its guidelines if it has not yet issued any Certificate of LURs, ownership of housing and property affixed to land up to the effective date of this Law; the authority to issue the Certificate of title shall comply with the provisions of this Law. In case the land user requests compliance with the provisions of this Law, the competent authority shall process it according to the provisions of this Law.

3. Certificate of LURs, Certificate of home ownership and LURs of homestead land, Certificate of home ownership, Certificate of construction ownership or Certificate of LURs, ownership of housing and property affixed to land that was issued according to land laws, housing laws, and construction laws before the effective date of this Law still remain its legal value and does not need to be converted to a Certificate of title; In case of need, it will be changed to a Certificate of title according to the provisions of this Law.

4. The Certificate of LURs, Certificate of home ownership and LURs to homestead land, or Certificate of LURs, ownership of housing and property affixed to land that has been issued to a household representative before the effective date of this Law may be converted to a certificate of title on which names of all members sharing LURs are written if such members of the household apply for it.

Determining the members who share the same household's LURs to write their names on the Certificate of title is decided by these members themselves and responsible before the Law.

#### **Article 257. Settlement relating to land finance and land prices when this Law takes effect**

1. The land price lists issued by the People's Committees of first-level administrative divisions according to the provisions of Land Law No. 45/2013/QH13 may continue applying until December 31, 2025; In case of necessity, the People's Committees of first-level administrative divisions shall decide to adjust the land price lists according to the provisions of this Law to suit the actual situation of land prices in their divisions.

2. In cases where the decision to allocate land, lease land, or allow land repurposing, allow to change from land lease with annual land rent payments to land lease under one-off arrangement, allow land use extension, allow adjustment of land use term, or allow adjustment of detailed planning has been issued according to the provisions of land law and other relevant laws before the effective date of this Law but the land price has not yet been decided,

a) In cases of land allocation or land lease according to the provisions of the 1993 Land Law, Land Law No. 13/2003/QH11 and other guidelines, the policy on collecting land levy, land rent and land price for calculation of land levy or land rent shall be applied at the time when the 2005

land price list issued by the People's Committee of the first-level administrative division takes effect if the land was handed over on site before January 1, 2005;

a) In cases of land allocation or land lease according to the provisions of the 1993 Land Law, Land Law No. 13/2003/QH11 and other guidelines, the policy on collecting land levy, land rent and land price for calculation of land levy or land rent shall be determined at the time when land was allocated on site if the land was handed over on site by a competent authority from January 1, 2005 to before the effective date of this Law;

c) In cases where the decision to allocate land, lease land, allow land repurposing, or allow to change from land lease with annual land rent payments to land lease under one-off arrangement, allow land use extension, allow adjustment of land use term, or allow adjustment of detailed planning has been issued according to the provisions of Land Law No. 45/2013/QH13 and guidelines but the land price arrangement has not been submitted to the competent People's Committee, the policy on collecting land levy or land rent and land price shall be determined at the time of issuance of that decision.

In case the competent People's Committee has allocated or leased land according to the recompense, support and resettlement schedule, the specific land price shall be determined according to the time of issuance of each decision;

d) The Government regulates the application of land valuation method and the additional amount of money the land user must pay for the period of time before calculating the land levy or land rent in the cases specified in Points a, b and c of this clause.

3. In case the land price arrangement has been submitted to the competent People's Committee to decide specific land price according to the law before the effective date of this Law, the competent People's Committee shall decide the specific land price according to the submitted arrangement without applying the provisions of this Law.

#### **Article 258. Settlement relating to land use term when this Law takes effect**

1. For land allocated by the State to a business organization to create capital to build infrastructure according to a project or land originating from winning a LUR auction before July 1, 2004 of business organizations using the land, the land use term shall be determined according to the term stated in the land allocation decision. In case the land allocation decision does not state a term, the land use term shall be determined according to the term of the land type prescribed by law at the time of land allocation.

2. In cases where the land allocated or leased by the State or allowed to use through LUR recognition by the State whose term of use has expired has not yet been repossessed by a competent regulatory agency, the land use extension or land repossession will be considered according to the provisions of this Law.

#### **Article 259. Settlement relating to LURs that households held before the effective date of this Law**

1. Land-using households using land that are identified according to land laws before the effective date of this Law shall be considered land users with shared LURs according to clause 2 Article 27 of this Law.

Land-using households that have been allocated or leased out land by the State or have LURs recognized by the State or have LURs through LUR disposition before the effective date of this Law shall have the same rights and obligations as those of land-using individuals according to the provisions of this Law.

2. When the competent regulatory agency allocates or leases out land to a household for carrying out the approved recompense, support and resettlement arrangement, all members of the household who share the LURs must be named in the land allocation or land lease decision.

3. Any household that is allocated land by the State without land levy payment or with land levy payment or leased out land by the State before the effective date of this Law may continue using the land within the remaining land use term. When the land use term expires, it can be extended by allocating or leasing land to individuals who are members of the household according to the provisions of this Law.

#### **Article 260. Transitional provisions in other cases when this Law comes into force**

1. A business organization shall have the rights and obligations specified in Article 33 of this Law, a household or individual shall have the rights and obligations specified in Clause 1 Article 37 of this Law if they have leased out land by the State before July 1st 2024; the land rent for the entire lease term or multiple years has been paid in advance; and the remaining land lease term for which land rent has been paid is 05 years or longer.

2. In case an investor has leased out land from the State with annual land rent payments to invest in constructing and trading infrastructure of an industrial zone, industrial cluster or export processing zone and has also subleased the land and infrastructure thereon under one-off arrangement before July 01, 2014, the collected rent for the sub-leased land must be transferred to the State according to the Government's regulations; the sublessee will have the same rights and obligations as those of the original lessee under one-off arrangement after the investor has fully paid the aforementioned land rent to the state budget.

3. The business organization, household, individual or Vietnamese residing abroad investing in producing or trading in an industrial zone, industrial cluster or export processing and being allowed to continue using the land within the remaining time limit of the project specified in clause 5 Article 149 of Land Law No. 45/2013/QH13 may continue using the land within the remaining time limit of the project and is not required to convert to land lease. When the time limit of the project is up, the State will consider land lease according to the provisions of this Law if they wish.

4. The arrangements for land use, settlement, reorganization of houses and land that are approved by competent authorities under Resolution No. 132/2020/QH14 of the National Assembly before the effective date of this Law may continue to be implemented.

The arrangements for land use, settlement, reorganization of houses and land that are in progress for completing procedures and submitting to competent authorities for approval shall continue following the process and procedures specified in Resolution No. 132/2020/QH14 of the National Assembly.

5. In case an industrial cluster is established before the effective date of this Law with a public service provider, the People's Committee of a second-level administrative division, or the People's Committee of a third-level administrative division as the investor in infrastructure construction, the authority to lease out land to organizations, households and individuals investing in production and trading in the industrial cluster shall comply with the provisions of Article 123 of this Law.

6. For land in an economic zone or high-tech zone that has been allocated by the State to the economic zone management board or high-tech zone management board before the effective date of this Law,

a) The land user may continue using the area of land allocated or leased out before the effective of this Law until the end of the land use term. The land use extension shall comply with the provisions of this Law;

b) The land area that the economic zone management board or the high-tech park management board has not yet allocated or leased shall be repossessed by the State to be allocated or leased according to the provisions of this Law;

c) The user of land in the economic zone or the high-tech zone before the effective date of this Law will continue exercising the rights and fulfilling obligations corresponding to the mode of land allocation or land lease during the remaining land use term according to the provisions of this Law;

d) The business organization, household, individual or Vietnamese residing abroad investing in produce or trading in the economic zone and being allowed to continue using the land within the remaining time limit of the project specified in clause 7 Article 151 of Land Law No. 45/2013/QH13 may continue using the land within the remaining time limit of the project and is not required to convert to land lease. When the time limit of the project is up, the State will consider land lease according to the provisions of this Law if they wish.

7. In case the National Assembly or the Prime Minister has issued a decision to approve the land reclamation project in accordance with public investment laws or a decision to approve its investment guideline and/or investor in accordance with investment laws before the date of effective of Article 190 of this Law, the investor that is allocated land or leased land without LUR auction or land-based project bidding may continue executing the approved project.

8. In case a decision to approve the underground construction project in accordance with public investment laws or a decision to approve its investment guideline and/or investor in accordance with investment laws before the effective date of this Law, the investor that is allocated land or

leased land without LUR auction or land-based project bidding may continue executing the approved project.

9. In cases where civil airport or aerodrome land that has been allocated or leased by the State to an Airport Authority before the effective date of this Law, the land can continue to be managed and used in accordance with Land Law No. 45/2013/QH13. In cases where the State has a policy of investing in upgrading and expanding that changes the planning for construction of the civil airport or aerodrome, or changes the entity managing and using the airport or aerodrome, the management and use of the land shall comply with the provisions of this Law.

In cases where the Airport Authority has leased out land before the effective date of this Law, it will continue to comply with the signed contract; when the term expires, the State will repossess the land area of the Airport Authority to lease out according to the provisions of this Law.

10. For land used by religious organizations and affiliated religious organizations before the effective date of this Law, they can continue using the land according to the mode determined according to the provisions of Land Law No. 45/2013/QH13.

11. The land user that is allocated land by the State with land levy collection or leased out land by the State and is exempted or reduced from land levy or land rent according to land laws before the effective date of this Law will continue to be exempted or reduced from land levy and land rent for the remaining land use term according to the provisions of land law before the effective date of this Law.

12. The land user that leased land from the State and selected land lease with annual land rent payments or land lease under one-off arrangement before the effective date of this Law may continue using the land according to the selected land lease mode within the remaining land use term, except for the case specified in Article 30 of this Law.

13. The budget for recompense, support and resettlement that was voluntarily advanced by the land user according to the recompense, support and resettlement arrangement that was approved by a competent authority before the effective date of this Law shall be returned by deducting from the land levy or the land rent payable in accordance with land laws before the effective date of this Law.

14. If a business organization that is subject to an exemption from land levy or land rent before the effective date of this Law now conveys or contributes their LURs as capital, they shall exercise rights and obligations according to the provisions of this Law.

15. An individual who is an ethnic minority, is allocated land or leased out land by the State under a land support policy for ethnic minorities before the effective date of this Law, and is eligible for the land support policy for ethnic minorities under this Law shall be eligible for the land support policy under this Law.

16. If a foreign-invested enterprise under Law on Real Estate Business No. 66/2014/QH13 which was amended by Law No. 61/2020/QH14 fails to complete procedures for conveying all or part

of a real estate project by the effective date of this Law, the competent regulatory agency shall follow procedures for land allocation, land lease to the conveyee, and issuance of a Certificate of title in accordance with the provisions of this Law. The conveyee of all or part of the real estate project will inherit the land-related rights and obligations of the conveyor.

*This Law is approved by the Standing Committee of 15<sup>th</sup> National Assembly of the Socialist Republic of Vietnam in the 5<sup>th</sup> ad hoc meeting on January 18, 2024.*

**NATIONAL ASSEMBLY'S CHAIR**

**Vuong Dinh Hue**