

**THE GOVERNMENT**

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**THE SOCIALIST REPUBLIC OF VIETNAM**

**Independence - Freedom - Happiness**

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No. 101/2024/ND-CP

*Hanoi, July 29, 2024*

## **DECREE**

**PROVIDING FOR BASELINE LAND SURVEYS; REGISTRATION OF LAND AND  
PROPERTY ATTACHED TO LAND, ISSUANCE OF CERTIFICATES OF LAND USE  
RIGHTS AND OWNERSHIP OF PROPERTY ATTACHED TO LAND AND LAND  
INFORMATION SYSTEM**

*Pursuant to the Law on Government Organization dated June 19, 2015; Law dated November 22, 2019 on Amendments to some Articles of the Law on Government Organization and Law on Local Government Organization;*

*Pursuant to the Law on Land dated January 18, 2024; Law dated June 29, 2024 on Amendments to certain Articles of the Law on Land No. 31/2024/QH15, Law on Housing No. 27/2023/QH15, Law on Real Estate Business No. 29/2023/QH15 and Law on Credit Institutions No. 32/2024/QH15;*

*At the request of the Minister of Natural Resources and Environment;*

*The Government hereby promulgates a Decree providing for baseline land surveys; registration of land and property attached to land, issuance of Certificates of land use rights and ownership of property attached to land and land information system.*

### **Chapter I**

## **GENERAL PROVISIONS**

### **Article 1. Scope**

1. This Decree elaborates and provide guidelines for implementation of the Law on Land regarding baseline land surveys; registration of land and property attached to land, issuance of Certificates of land use rights (hereinafter referred to as “Certificates of LURs”) and ownership of property attached to land and National Land Information System, including clause 4 Article 50, clause 1 Article 55, clause 5 Article 131, clause 7 Article 135, clause 10 Article 138, clause 6 Article 139, clause 7 Article 140, clause 3 Article 142, clause 4 Article 170, clause 2 Article 181 and points b, c, d, dd, I and k clause 1 Article 223 of the Law on Land.
2. The registration of mortgage of LURs and property attached to land shall comply with regulations of law on registration of security interests.

## **Article 2. Regulated entities**

1. Regulatory bodies assigned to assume power and responsibility for representing land ownership of the people and performing their tasks in uniform state management of land.
2. Land users, persons assigned to manage land according to regulations of the Law on Land.
3. Other entities related to the management and use of land.

## **Chapter II**

### **BASELINE LAND SURVEYS**

#### **Section 1. CADASTRAL SURVEYING AND MAPPING**

#### **Article 3. Principles and purposes of cadastral surveying and mapping**

1. The cadastral surveying and mapping shall adhere to the following principles:
  - a) Ensure consistency with the national reference system and coordinate system VN-2000;
  - b) Honestly and objectively reflect the current use of land and current management of land and record the legal status of land parcels at the time of surveying;
  - c) Prioritize the application of new technologies, ensuring economic efficiency and suitability for the measurement areas and regulations on techniques for cadastral surveying and mapping;
  - d) After being approved, a cadastral map must be put into use for land management.
2. A cadastral map is made for the following purposes:
  - a) Registration of land and property attached to land, issuance of Certificates of LURs and ownership of property attached to land, making of cadastral records and land information system and creation of land databases;
  - b) Production of land statistics and land inventory; formulation of land use planning and plans; land allocation, land lease, land repurposing, land expropriation; land requisition; compensation, assistance and resettlement upon land expropriation by the State; land surveys and assessments;
  - c) Inspection, examination and supervision of land management and use; imposition of penalties for violations against the law on land and handling of complaints, denunciations and land disputes;
  - d) Other purposes of land management according to regulations of law.

#### **Article 4. Contents of cadastral maps, cadastral surveying and mapping activities**

1. Main contents of a cadastral map comprise:

a) Land parcels: Boundaries of land parcels, type of land, ordinal numbers of land parcel, areas of land parcels;

b) Other factors related to contents of the cadastral map, including map frame; coordinate and elevation control points; boundary markers and boundary lines of administrative units at all levels; trespassed land; houses and other construction works; landmark-like works; planning boundary markers; boundary lines of safety protection corridors of works as per regulations of law; explanatory notes; land shape or elevation notes (if any).

2. Cadastral surveying and mapping activities include:

a) Cadastral surveying and making of new cadastral maps regarding areas for which cadastral maps associated with the national reference system and coordinate system are not available;

b) Cadastral re-surveying and re-mapping of areas which have had cadastral maps but in which the boundaries of at least 75% of the land parcels have been changed upon land consolidation or parcel exchange; areas which only have physical cadastral maps that are torn or damaged beyond recovery or use for digitization; areas which have had cadastral maps made using aerial photography or optical theodolite surveying method at a scale smaller than that required by law; areas in which land use planning has been implemented to form administrative centers, urban areas, residential areas, economic zones, high-tech zones, industrial parks, export processing zones and industrial clusters;

c) Cadastral surveying for addition of cadastral maps regarding areas which have had cadastral maps but in which distinct administrative boundaries have yet to be surveyed and mapped, including areas which have been surveyed and delineated on previous cadastral maps in which each parcel of land has not yet been surveyed;

d) Cadastral surveying and correction of cadastral maps regarding areas which have had cadastral maps upon changing one of the following factors: shape, size, area of a land parcel and other factors related to contents of the cadastral maps;

dd) Digitization and conversion of coordinate system of cadastral maps in areas where there are only physical cadastral maps made within the reference system and coordinate system HN-72 and such maps are now converted into digital cadastral maps in the national reference system and coordinate system VN-2000 (hereinafter referred to as the “VN-2000 system”);

e) Cadastral map measurement extraction performed separately for each land parcel or multiple land parcels within the area of the piece of cadastral map measurement extract according to the scale of the map to be made regarding the area which has not had a cadastral map.

3. Conditions for conducting cadastral surveying and mapping activities specified in clause 2 of this Article are as follows:

a) Before conducting the activities specified in points a, b, c and d clause 2 of this Article, it is required to prepare and submit a technical design and estimate to the competent authority for approval, except where cadastral maps are corrected regularly according to the task performance plan of the Land Registration Office or its branch;

b) Before conducting the activities specified in points dd and e clause 2 of this Article, it is required to prepare and submit a task plan to the competent authority for approval, except where cadastral map measurement extraction is carried out at the land user's request without using the state budget, the service contract shall be adhered to;

c) Where one of the activities specified in points a and b of this Article are carried out simultaneously, it is required to prepare and submit a technical design and estimate to the competent authority for approval before conducting them.

### **Article 5. Carrying out cadastral surveying and mapping**

For cadastral surveying and mapping activities that require a technical design and cost estimate or task plan, adhere to the following regulations:

1. Review and determine an area to be mapped: the provincial land authority shall review cadastral surveying and mapping products within the province, determine and prepare a consolidated report on demands for cadastral surveying and mapping to the provincial People's Committee for its decision on the area and boundary to be mapped.

For the area where cadastral map extraction is carried out, the land authority shall grant permission for the cadastral map measurement extraction during appraisal of the task plan proposed by the investor as prescribed in clause 3 of this Article.

2. Carry out a survey and prepare a technical design and estimate or task plan: the authority or unit assigned such task or authority or unit assigned to act as the investor (hereinafter referred to as "project/task investor") shall conduct a survey of the area to be mapped and submit the technical design and estimate or task plan for approval; the project/task investor is entitled to select a consultancy to advise on the technical design and estimate or task plan for implementation in accordance with law.

3. Appraise the technical design and estimate or task plan: the provincial land authority shall appraise contents of the technical design and estimate or task plan. The authority shall appraise contents of the cost estimate in the technical design and estimate or task plan according regulations of law on management of state budget.

4. Approve the technical design and estimate or task plan and provide funding for implementation thereof: The authority shall approve the technical design and estimate or task plan and provide funding for implementation thereof according regulations of law on management of state budget.

5. Deploy the approved technical design and estimate or task plan as follows:

- a) Select a unit to implement it. The project/task investor is entitled to select a construction consultancy and supervision and inspection consultancy to implement the technical design and estimate or task plan;
- b) Formulate an implementation plan;
- c) Disseminate the implementation plan;
- d) Establish a cadastral network or surveying control network (if any);
- dd) Collect land information and data parcels, land users and persons allocated land for management;
- e) Determine boundaries of land parcels; create a description of boundaries and boundary markers of land parcels;
- g) Surveying land parcel boundaries and related geographical objects;
- h) Edit cadastral maps; prepare a confirmation of current land parcel surveying results; publicize cadastral maps;
- i) Prepare a land parcel registration form;
- k) Append signatures and grant approval for products;
- l) Transfer the products.

## **Article 6. Correction of cadastral maps**

1. A cadastral map will be adjusted when the land parcel and other factors related to the contents of the cadastral map specified in clause 1 Article 4 of this Decree are changed.
2. The cadastral map shall be adjusted on the following grounds:
  - a) Certificate of LURs, Certificate of house ownership and rights to use residential land, Certificate of house ownership, Certificate of construction work ownership, Certificate of LURs, ownership of house and other property attached to land, Certificate of LURs and ownership of property attached to land (hereinafter referred to as “the Certificate”); decisions on land allocation, land lease, land repurposing, recognition of LUR auction winner or land expropriation by a competent authority; effective decision or judgment of a People's Court, effective decision on judgment enforcement of an enforcement agency; results of land dispute settlement by a competent authority; administrative decisions of competent authorities related to land parcels; decision of a competent authority on change of an administrative division or establishment of a new administrative division for which the administrative boundary record has been made;

b) Documents of land authorities at all levels or communal People's Committee when any error in the cadastral map are discovered is found or it is informed that the boundary of a land parcel is changed due to natural landslides or subsidence;

c) Document on change of boundary lines of safety protection corridors of works as prescribed by law;

d) Document or decision of a competent authority containing contents which lead to a change in subdivision of the cadastral map pieces and change in the ordinal numbers of cadastral map pieces;

dd) Inspection result given by the Land Registration Office or its branch in case the land user reports in writing the discrepancies in information on a land parcel.

3. The Land Registration Office or its branch shall examine, compare and make corrections to cadastral maps and land parcel registration forms and notify the communal People's Committee of its updating and correction.

#### **Article 7. Procedures for land parcel subdivision and consolidation**

1. The land user shall submit 01 application to the receiving authority specified in clause 1 Article 21 of this Decree. Such application is composed of:

a) An application form for land parcel subdivision or consolidation, which is made using the Form No. 01/DK enclosed with this Decree;

b) A land parcel subdivision or consolidation drawing, which is made using the Form No. 02/DK enclosed with this Decree by the Land Registration Office, its branch or a surveying unit issued with a License for cadastral surveying and mapping;

c) The issued Certificate or copy of the issued Certificate enclosed with its original for comparison or notarized or authenticated copy;

d) Documents of competent authorities, which specify details of land parcel subdivision or consolidation (if any).

2. The receiving authority shall issue an application receipt and appointment note to the applicant.

If the application is received by the authority specified in point a clause 1 Article 21 of this Decree, it will be transferred to the Land Registration Office or its branch.

3. The Land Registration Office or its branch shall examine the application, compare it with the provisions of Article 220 of the Law on Land to determine the conditions for land parcel subdivision or consolidation; examine the information about the land user, boundaries, areas, and

land types of land parcels on the archived documents and documents submitted by the land user and adhere to the regulations below:

- a) In case conditions for land parcel subdivision or consolidation are not fully satisfied, within 03 working days from the date of receiving a sufficient application, the Land Registration Office or its branch shall return the application to the land user and clearly notify the reason;
- b) In case conditions for land parcel subdivision or consolidation are fully satisfied but the issued Certificate fails to contain a land parcel drawing or contains a land parcel drawing on which the parcel dimensions are not available or not consistent with the parcel area, within 03 working days from the date of receiving a sufficient application, the Land Registration Office or its branch shall return the application and clearly notify the land user of the reason to carry out registration of land changes;
- c) In a case other than that prescribed in points a and b of this clause, within 05 working days from the date of receiving a sufficient application, the Land Registration Office or its branch shall confirm the satisfaction of the conditions for land parcel subdivision or consolidation and information about land parcels in the application form for land parcel subdivision or consolidation and in the land parcel subdivision or consolidation drawing so as to complete the procedures for registration and issuance of the Certificate of LURs and ownership of property attached to land after parcel subdivision or consolidation, except where the parcel subdivision or consolidation drawing is made by the Land Registration Office or its branch;
- d) Official information about land parcels after parcel subdivision or consolidation is only created and included in the cadastral map after the land user registers land changes and obtains the Certificate of LURs and ownership of property attached to land for the land parcels after parcel subdivision or consolidation.

4. In case the parcel subdivision or consolidation does not result in a change of the land user, the Land Registration Office or its branch shall make corrections and update changes to the cadastral records and land database; issue the Certificate of LURs and ownership of property attached to land to land parcels after parcel subdivision or consolidation; hand over the Certificate of LURs and ownership of property attached to land to the applicant.

In case the parcel subdivision or consolidation results in a change of the land user, procedures for registering changes to land or property attached to land are specified in Articles 37 and 43 of this Decree.

## **Article 8. Managing, using and accessing cadastral surveying and mapping products**

1. Cadastral maps shall be managed as follows:

- a) The Ministry of Natural Resources and Environment shall manage digital cadastral maps;
- b) Provincial- and district-level land authorities and communal People's Committees shall manage digital and physical cadastral maps.

Each provincial land authority shall assign the Land Registration Office to manage and use cadastral maps in a concentrated and consistent manner, and update and make corrections to cadastral maps;

c) Cadastral maps must be archived in accordance with regulations of law on archives.

## 2. Use of cadastral maps:

a) Cadastral maps and cadastral map measurement extracts approved by competent authorities must be put into use for the purposes specified in clause 2 Article 3 of this Decree to replace previously created cadastral maps and cadastral map measurement extracts.

Previously created cadastral maps and cadastral map measurement extracts are valid to serve the purposes specified in point c clause 2 Article 3 of this Decree;

b) For areas that have had cadastral maps and cadastral map measurement extracts, as any organization or individual wishes to use information relating to land parcels, the authority managing cadastral maps specified in point a or b clause 1 of this Article shall carry out cadastral map extraction or cadastral measurement extraction;

c) The access to cadastral maps shall comply with regulations on access to cadastral maps and land information system.

## **Article 9. Responsibility for cadastral surveying and mapping**

### 1. The Ministry of Natural Resources and Environment shall:

a) Perform uniform state management of cadastral surveying and mapping activities nationwide;

b) Stipulate techniques for cadastral surveying and mapping;

c) Inspect, examine and impose penalties for violations against the law on cadastral surveying and mapping nationwide.

2. Ministries and ministerial agencies concerned shall, within their jurisdiction, cooperate with the Ministry of Natural Resources and Environment and provincial People's Committees in cadastral surveying and mapping.

### 3. Provincial People's Committees shall:

a) Implement the regulations specified in clause 3 Article 50 of the Law on Land;

b) Direct the implementation and organize the dissemination of the law on cadastral surveying and mapping in their provinces;



c) Inspect, examine and impose penalties for violations against the law on cadastral surveying and mapping in their provinces;

d) Include the funding for local cadastral surveying and mapping activities in the annual local government budget estimate as per regulations of law on budget.

4. Provincial land authorities shall:

a) Assist provincial People's Committees in organizing the conduct of cadastral surveying and mapping activities; manage and use cadastral surveying and mapping products and appraise technical designs and cost estimates and task plans with respect to contents concerning techniques before implementation;

b) Conduct the activities mentioned in points a, b and c clause 2 Article 4 of this Decree;

c) Examine, accept and approve cadastral maps; examine and approve pieces of cadastral map measurement extracts to serve the state management of land under the authority of provincial People's Committees, except for registration of land and property attached to land and issuance of Certificates of LURs and ownership of property attached to land;

d) Make cadastral maps as prescribed in point b clause 1 Article 8 of this Decree; submit periodic reports on status and results of cadastral surveying and mapping; on management, use and correction of cadastral maps in their provinces to the Ministry of Natural Resources and Environment before December 31 every year;

dd) Instruct organizations and individuals in cadastral surveying and mapping activities, and inspect, examine and impose penalties for violations against the law on cadastral surveying and mapping activities in their provinces.

5. Land Registration Offices and their branches shall perform the following tasks:

a) Land Registration Offices shall update cadastral maps to the national land database; examine and approve pieces of cadastral map measurement extracts to serve the registration of land and property attached to land and issuance of Certificates of LURs and ownership of property attached to land under the authority of provincial People's Committees; examine and approve pieces of cadastral map measurement extracts to serve the state management of land under the authority of district-level People's Committees, except for the case mentioned in point b of this clause;

b) Branches of Land Registration Offices shall examine and approve pieces of cadastral map measurement extracts to serve the registration of land and property attached to land and issuance of Certificates of LURs and ownership of property attached to land under the authority of district-level People's Committees.

6. District-level People's Committees shall:

- a) Report to and recommend provincial land authorities the cadastral surveying and mapping and the management, use, correction, examination and acceptance of cadastral maps in their districts;
- b) Cooperate with provincial land authorities in inspecting and supervising cadastral surveying and mapping and the management, use and correction of cadastral maps in their districts;
- c) Direct district-level land authorities and communal People's Committees to fulfill their delegated responsibilities for cadastral surveying and mapping; manage, use, correct, examine and accept cadastral maps in their districts.

7. Communal People's Committees shall cooperate and assist surveying units, supervision, examination and acceptance units in their task performance according to technical designs and estimates or cadastral surveying and mapping task plan approved by competent authorities; report to district-level People's Committees the cadastral surveying and mapping, and management, use and correction of cadastral maps in their communes; sign cadastral maps and pieces of cadastral map measurement extracts; manage and protect cadastral points in their communes.

8. Project/task investors and their supervisory authorities shall:

- a) Organize appraisal of cost estimates with respect to technical design and estimates and task plans in accordance with regulations on financial management;
- b) Approve technical design and estimates and task plans according to regulations of law after obtaining written appraisal opinions on techniques from provincial land authorities and appraise cost estimates as prescribed;
- c) Organize the implementation of approved technical designs and estimates and task plans, surrender, archive, use, and access cadastral surveying and mapping products in accordance with regulations.

9. Surveying units; units that supervise, examine, appraise and accept cadastral surveying and mapping products shall take responsibility for quality and quantity of the products they make and confirm.

10. Land users, adjacent land users, land managers, adjacent land managers and surveyors shall cooperate with surveying units and provide records on land parcels; indicate and determine the boundaries and boundary markers of land parcels in the field; append signatures to confirm the boundaries, boundary markers and information of land parcels and assume responsibility for their indication and signature.

11. For any area where no commune-level administrative unit is established, the district-level People's Committee shall perform tasks and exercise powers of the commune-level People's Committee and the Chairperson of the district-level People's Committee shall perform tasks and exercise powers of the Chairperson of the commune-level People's Committee and district-level land authority shall perform tasks and exercise powers of a commune-level cadastral official.

## **Section 2. LAND SURVEYS AND ASSESSMENTS, LAND PROTECTION, IMPROVEMENT AND RESTORATION**

### **Article 10. Organizing land surveys and assessments**

1. Create and approve land survey and assessment tasks
  - a) Collect and process information and documents to serve the creation of land survey and assessment tasks;
  - b) Determine the objectives, contents and volume of the land survey and assessment;
  - c) Make budget estimates based on volume of work;
  - d) Submit land survey and assessment tasks to a competent authority for approval
2. Select a consultancy to perform land survey and assessment tasks, and inspection and supervision consultancy.
3. Perform land survey and assessment tasks
  - a) Collect information, documents, data and maps;
  - b) Conduct a field survey and collect samples;
  - c) Consolidate and process information and documents.
4. Make data set, maps and report on land survey and assessment results
  - a) Make a report on results of survey and assessment of land quality, land potentials, land degradation and pollution;
  - b) Make a data set on results of survey and assessment of land quality, land potentials, land degradation and pollution;
  - c) Make maps of results of land survey and assessment, including a set of maps of results of survey and assessment of land quality, land potentials, land degradation and pollution in the whole country and socio-economic regions on the basis of the current land use map of the same period at a map scale of 1/1,000,000 - 1/250,000; a set of maps of survey and assessment of land quality, land potentials, land degradation and pollution in provinces on the basis of the current land use map of the same period at a map scale of 1/100,000 - 1/25,000;
  - d) Complete data on the land survey and assessment and update it to national land databases.
5. Obtain opinions on land survey and assessment results

- a) Tasks of land survey and assessment of the whole country and socio-economic regions: the authority assigned with tasks shall obtain relevant authorities' opinions on the results of land survey and assessment;
- b) Tasks of land survey and assessment in a province: the provincial land authority shall prepare and submit an enquiry dossier to obtain opinions of the Ministry of Natural Resources and Environment on the results of land survey and assessment;
- c) The enquiry dossier is specified in clause 1 Article 14 of this Decree.

#### **Article 11. Procedures for appraising, approving and announcing land survey and assessment results**

##### **1. Procedures for appraising, approving and announcing results of land surveys and assessments in the whole country and socio-economic regions**

- a) The authority tasked with conducting land surveys and assessments in the whole country and socio-economic regions shall submit to the Ministry of Natural Resources and Environment for approval of results of land surveys and assessments in the whole country and socio-economic regions; the application for appraisal is specified in clause 2 Article 14 of this Decree;
- b) The Ministry of Natural Resources and Environment shall appraise results of land surveys and assessments in the whole country and socio-economic regions;
- c) The tasked authority shall submit to the Ministry of Natural Resources and Environment for approval of results of land surveys and assessments in the whole country and socio-economic regions; the application for approval is specified in clause 3 Article 14 of this Decree;
- d) The Ministry of Natural Resources and Environment shall approve and announce results of land surveys and assessments in the whole country and socio-economic regions; the announcement dossier is specified in clause 4 Article 14 of this Decree.

##### **2. Procedures for appraising, approving and announcing results of land surveys and assessments in a province**

- a) The provincial land authority shall submit to the provincial People's Committee for appraisal of results of land surveys and assessments in the province; the application for appraisal is specified in clause 2 Article 14 of this Decree;
- b) The provincial People's Committee shall appraise results of land surveys and assessments in the province;
- c) The provincial land authority shall submit to the provincial People's Committee for approval of results of land surveys and assessments in the province; the application for approval is specified in clause 3 Article 14 of this Decree;

d) The provincial People's Committee shall approve and announce results of land surveys and assessments in the province; the announcement dossier is specified in clause 4 Article 14 of this Decree.

## **Article 12. Organizing land protection, improvement and restoration**

1. Create and approve land protection, improvement or restoration tasks

a) Collect and process information and documents to serve the land protection, improvement and restoration;

b) Determine the objectives, contents and volume of the land protection, improvement and restoration;

c) Make budget estimates based on volume of work;

d) Submit land protection, improvement or restoration tasks to a competent authority for approval.

2. Select an organization to perform land protection, improvement or restoration tasks, and inspection and supervision consultancy.

3. Formulate land protection, improvement or restoration plans according to the approved tasks.

4. Make a report and a map of results of land protection, improvement or restoration.

5. Complete data on land protection, improvement or restoration and update it to national land databases.

## **Article 13. Procedures for appraising, approving and announcing land protection, improvement and restoration results**

1. Procedures for appraising, approving and announcing land protection, improvement and restoration results in areas suffering inter-regional or inter-provincial serious land degradation.

a) The tasked authority shall submit to the Ministry of Natural Resources and Environment for appraisal of results of land protection, improvement and restoration results in areas suffering inter-regional or inter-provincial serious land degradation; the application for appraisal is specified in clause 1 Article 16 of this Decree;

b) The Ministry of Natural Resources and Environment shall appraise protection, improvement and restoration results in areas suffering inter-regional or inter-provincial serious land degradation;

c) After completing documents on results of land protection, improvement and restoration results in areas suffering inter-regional or inter-provincial serious land degradation, the tasked authority

shall submit them to the Ministry of Natural Resources and Environment for approval; the application for approval is specified in clause 2 Article 16 of this Decree;

d) The Ministry of Natural Resources and Environment shall approve and announce results of land protection, improvement and restoration results in areas suffering inter-regional or inter-provincial serious land degradation; the announcement dossier is specified in clause 3 Article 16 of this Decree.

2. Procedures for appraising and approving protection, improvement and restoration results in areas suffering extremely serious land pollution shall comply with regulations of law on environment.

3. Procedures for appraising, approving and announcing results of land protection, improvement and restoration in a province.

a) The provincial land authority shall submit to the provincial People's Committee for appraisal of results of land protection, improvement and restoration in the province; the application for appraisal is specified in clause 1 Article 16 of this Decree;

b) The provincial People's Committee shall appraise results of land protection, improvement and restoration in the province;

c) After completing documents on results of land protection, improvement and restoration in the province, the provincial land authority shall submit them to the provincial People's Committee for approval; the application for appraisal is specified in clause 2 Article 16 of this Decree;

d) The provincial People's Committee shall approve and announce results of land protection, improvement and restoration in the province; the announcement dossier is specified in clause 3 Article 16 of this Decree.

**Article 14. Enquiry dossiers, applications for appraisal and approval of land survey and assessment results, dossiers on land survey and assessment results and on announcement of land survey and assessment results**

1. An enquiry dossier comprises:

a) A written enquiry for opinions;

b) A consolidated report on and map of land survey and assessment results;

c) Data on land survey and assessment results.

2. An application for appraisal of land survey and assessment results comprises:

a) An application form for appraisal of land survey and assessment results;

- b) A consolidated report on land survey and assessment results;
- c) Maps of land survey and assessment results;
- d) Data on land survey and assessment results;
- dd) A report on responses to contributed opinions on land survey and assessment results.

3. An application for approval comprises:

- a) An application form for approval of land survey and assessment results;
- b) A consolidated report on land survey and assessment results;
- c) Maps of land survey and assessment results;
- d) Data on land survey and assessment results;
- dd) A report on responses to appraisal opinions on land survey and assessment results.

4. A dossier on announcement of land survey and assessment results comprises:

- a) A decision on approval of land survey and assessment results;
- b) A consolidated report on land survey and assessment results;
- c) Maps of land survey and assessment results.

5. Dossiers on land survey and assessment results:

- a) 01 set of dossier on results of land surveys and assessments in the whole country and socio-economic regions specified in point d clauses 3 and 4 of this Article shall be archived at the Ministry of Natural Resources and Environment;
- b) Regarding dossiers on results of land surveys and assessments in the province specified in point d clauses 3 and 4 of this Article, 01 set of dossier shall be archived at the Ministry of Natural Resources and Environment, 01 at the provincial People's Committee and 01 at the provincial land authority.

### **Article 15. Subject matters of contributed and appraisal opinions on results of land surveys and assessments, land protection, improvement and restoration**

1. Subject matters of contributed and appraisal opinions on results of land surveys and assessments

a) Adequacy of documents, data and legality of land survey and assessment records specified in clauses 1 and 2 Article 14 of this Decree;

b) Accuracy and consistency of reports, maps and data on land surveys and assessments with the documents specified in clauses 1 and 2 Article 14 of this Decree.

2. Subject matters of contributed and appraisal opinions on results of land protection, improvement and restoration

a) Adequacy of documents, data and legality of land protection, improvement and restoration records specified in clause 1 Article 16 of this Decree;

b) Accuracy and consistency of reports, maps and data on land protection, improvement and restoration with the documents specified in clause 1 Article 16 of this Decree.

**Article 16. Regulations on applications for appraisal and approval of land protection, improvement and restoration results, dossiers on announcement of land protection, improvement and restoration results and dossiers on land protection, improvement and restoration results**

1. An application for appraisal of land protection, improvement or restoration results consists of:

a) An application for appraisal of land protection, improvement or restoration results;

b) A consolidated report on land protection, improvement or restoration results;

c) A map of land protection, improvement or restoration results;

d) Data on land protection, improvement or restoration results;

dd) A report on responses to contributed opinions on land protection, improvement or restoration results.

2. An application for approval consists of:

a) An application for approval of land protection, improvement or restoration results;

b) A consolidated report on land protection, improvement or restoration results;

c) A map of land protection, improvement or restoration results;

d) Data on land protection, improvement or restoration results;

dd) A report on responses to appraisal opinions on land protection, improvement or restoration results.



3. A dossier on announcement of land protection, improvement or restoration results consists of:

- a) A decision on approval of land protection, improvement or restoration results;
- b) A consolidated report on land protection, improvement or restoration results;
- c) A map of land protection, improvement or restoration results.

4. Dossiers on land protection, improvement or restoration results

a) Regarding dossiers on results of land protection, improvement or restoration in areas suffering inter-regional or inter-provincial serious land degradation; areas suffering extremely serious land pollution specified in point d clauses 2 and 3 of this Article, 01 set of dossier shall be archived at the Ministry of Natural Resources and Environment and 01 at the Ministry of Agriculture and Rural Development;

b) Regarding dossiers on results of land surveys and assessments in the province specified in point d clauses 2 and 3 of this Article, 01 set of dossier shall be archived at the Ministry of Natural Resources and Environment, 01 at the Ministry of Agriculture and Rural Development, 01 at the provincial People's Committee and 01 at the provincial land authority.

#### **Article 17. Competence conditions to be satisfied by organizations providing land survey and assessment consulting services**

1. Any organization providing consulting services is entitled to conduct a land survey and assessment if it satisfies any of the following documents:

a) A public service provider must have the functions and tasks of providing land survey and assessment consulting services; must have at least 01 consultant satisfying the condition set forth under point a or point b clause 2 of this Article and at least 02 consultants satisfying the condition set forth under point c or point d clause 2 of this Article; is entitled hire any analysis and testing laboratory satisfying the condition set forth under clause 3 of this Article;

b) An enterprise must register its provision land survey and assessment consulting services; must have at least 01 consultant satisfying the condition set forth under point a or point b clause 2 of this Article and at least 02 consultants satisfying the condition set forth under point c or point d clause 2 of this Article; is entitled hire any analysis and testing laboratory satisfying the condition set forth under clause 3 of this Article;

2. Any consultant presiding over a land survey and assessment in a province must have a bachelor's degree and at least 30 months of experience in one of the majors in soil science, soil-agrochemistry, environment, land management and other majors related to land surveys and assessments, and must also meet one of the following conditions:

a) He/she has presided over at least 01 project or task being part of one of the land survey and assessment activities in the whole country or socio-economic regions;

- b) He/she has presided over at least 03 projects or tasks being one of the land survey and assessment activities in a province;
  - c) He/she has directly participated in implementing at least 01 project or task being part of one of the land survey and assessment activities in the whole country or socio-economic regions;
  - d) He/she has directly participated in implementing at least 03 projects or tasks being one of the land survey and assessment activities in a province.
3. Any unit which analyzes land and water samples must have a laboratory licensed by a competent authority to analyze and test land and water samples (excluding sampling activities) in accordance with law.
4. The selection of land survey and assessment consultancy shall comply with regulations of law on commissioning, ordering and bidding for provision of public products and services funded by the state budget's regular expenditures.

### **Chapter III**

## **REGISTRATION OF LAND AND PROPERTY ATTACHED TO LAND, ISSUANCE OF CERTIFICATES OF LURS AND OWNERSHIP OF PROPERTY ATTACHED TO LAND**

### **Section 1. DETAILED REGULATIONS ON REGISTRATION OF LAND AND PROPERTY ATTACHED TO LAND**

#### **Article 18. Certain specific regulations on registration of land and property attached to land**

1. Details of initial registration of land or property attached to land include:
- a) Information about the land user, owner of property attached to land or person allocated land for management, including name, identity documents, juridical person, address of the land user, owner of property attached to land or person allocated land for management;
  - b) Information about the land parcel, including the land parcel number, map sheet number, address, area, land type, form of land use, land use origin and other information about land parcel; information about the property attached to land, including type of property, address, construction area, floor area, useable area, form of ownership, ownership period and other information about the property attached to land;
  - c) Requirements for registration of LURs and property attached to land or land management rights or issuance of Certificate of LURs, ownership of property attached to land to a land parcel or property attached to land;

d) Other requirements imposed by the land user, owner of property attached to land or person allocated land for management in conformity with regulations of law on land (if any).

## 2. Details of registration of a change to land or property attached to land:

a) Information about the land user, owner of property attached to land or person allocated land for management, including name, identity documents, juridical person, address of the land user, owner of property attached to land or person allocated land for management;

b) Information about the land parcel, including the land parcel number, map sheet number, address, area, land type, form of land use, land use origin and other information about land parcel; information about the property attached to land, including type of property, address, construction area, floor area, useable area, form of ownership, ownership period and other information about the property attached to land;

c) Information about the change specified in clause 1 Article 133 of the Law on Land and the reason for change;

d) Other requirements imposed by the land user or owner of property attached to land in conformity with regulations of law on land (if any).

## 3. Forms of registration of land or property attached to land.

A land user or owner of property attached to land or person allocated land for management shall register land or property attached to land physically or electronically.

In the case of physical registration, comply with the regulations set out under Sections 3 and 4 Chapter III of this Decree.

In the case of electronic registration, comply with the regulations set out under Section 5 Chapter III of this Decree.

4. The land user, owner of property attached to land, person allocated land for management or receiver of LURs or ownership of property attached to land through disposition prescribed by law shall directly register land or property attached to land or carry out the registration through a representative as per regulations of law (hereinafter referred to as “applicant for registration”).

5. Where the Certificate of LURs and ownership of property attached to land is issued to an organization using land as prescribed in clause 1 and clause 2 Article 142 of the Law on Land but the LURs or property attached to land is public property as prescribed by law on management and use of public property, the Certificate of LURs and ownership of property attached to land may be issued according to the provisions of the land law regardless of the progress of public property settlement.

6. In case the applicant for registration wishes to follow multiple procedures for registration of land or property attached to land at the same time, the agencies handling the procedures shall liaise with competent agencies to resolve the matter.

7. In case of using land to implement an investment project through an agreement on receipt of LURs as prescribed in Article 127 of the Law on Land, the Certificate of LURs and ownership of property attached to land shall be issued to the investor after the investor completes land-related procedures to implement the project as prescribed by law.

8. For the property being a house or construction work attached to land whose ownership has been certified on the issued Certificate, when handling the change registration procedure, the Land Registration Office or its branch shall grant registration based on the property information on the issued Certificate, except where the property owner applies for registration of a change to the property; the property owner shall be legally responsible for any discrepancy between the actual property and its description of the certificate.

9. In a case where the land user or owner of the property attached to land does not continue to follow the procedures for registration of land or property attached to land or issuance of the Certificate of LURs and ownership of property attached to land while such procedures are in progress, the person having related rights and obligations shall, pursuant to the civil law, submit documentary evidences therefor to continue to follow the procedures.

In a case where the person continuing to follow the procedures has not been identified or the person continuing to follow procedures is not eligible for the Certificate of LURs and ownership of property attached to land, the Land Registration Office or its branch shall update this to the cadastral register.

10. For a land parcel currently in use by an individual or household, upon initial issuance of the Certificate of LURs and ownership of property attached to land, the competent authority specified in point b clause 1 Article 136 of the Law on Land shall decide the area of residential land recognized according to the residential land allocation limit to individuals specified in clause 2 Article 195 and clause 2 Article 196 of the Law on Land or the residential land recognition limit specified in clause 5 Article 141 of the Law on Land, regardless of the number of household's members sharing LURs.

11. Regulations on land levy deferral upon issuance of the Certificate of LURs and ownership of property attached to land are as follows:

a) Entities which are eligible for land levy deferral upon being granted the first Certificate of LURs and ownership of property attached to land are individuals and households that are using land and wish to apply for the deferral and lawful inheritors that wish to apply for the deferral;

b) The amount of land levy to be deferred in the case specified in point a of this clause is the total amount of land levy payable at the time of granting the Certificate of LURs and ownership of property attached to land;

c) Procedures for deferring land levy, repaying and cancelling land levy debts and extending extend land levy debt payment period for households and individuals eligible for land levy deferral specified in this clause shall comply with regulations of law on collection of land levy and land rent;

d) In the case of a person allocated resettlement land, the land levy deferral shall comply with regulations set out under the Decree providing for compensation, assistance and resettlement upon land expropriation by the State;

dd) The land levy deferral for the entities prescribed in point a of this clause shall be applicable in the period from August 01, 2024 to July 31, 2029 inclusive; the repayment and cancellation of land levy debts shall comply with regulations of law on collection of land levy and land rent.

### **Article 19. Responsibilities of authorities receiving applications and handling procedures for registration of land and property attached to land**

1. The receiving authority prescribed in clause 1 Article 21 of this Decree shall:

a) Inspect the adequacy of documents, consistency of information on documents and adequacy of the declared information and issue an application receipt and appointment note according to the form prescribed in the Government's Decree on implementation of single-window system and interlinked single-window system for handling administrative procedures;

b) Do not request any document or information not provided for by this Decree.

2. A receiving authority or procedures handling authority shall not receive an application or suspend its handling of procedures for registration of land or property attached to land and return the application to the applicant for registration, except for initial registration of land without issuance of the Certificate of LURs and ownership of property attached to land, in the following cases:

a) It is beyond the authority to receive applications or the application fails to fully include the required documents or ensure the consistency of information on documents and the information is not fully declared as prescribed;

b) The authority receives a written request from the civil judgment enforcement authority or authority or person authorized to institute proceedings for suspension or termination of registration of land or property attached to land or issuance of the Certificate of LURs and ownership of property attached to land with respect to the property being LURs or property attached to land of the land user or owner of the property attached to land that is subject to enforcement of a judgment as prescribed by law;

c) The authority receives a notification of the distraintment of property for judgment enforcement;

d) The authority receives a document from the communal People's Committee or district-level People's Committee or provincial People's Committee or Minister of Natural Resources and Environment stating its acceptance of the petition for land dispute mediation or the petition for settlement of a dispute over land or property attached to land;

dd) The authority receives a document from the competent People's Court stating its acceptance of the petition for settlement of a dispute over land or property attached to land;

e) The authority receives a document from a Vietnam's commercial arbitration center stating its acceptance of a dispute between parties that arise from commercial activities related to land or property attached to land;

g) The authority receives a written request for suspension of performance of land-related administrative procedures to apply provisional emergency measures of the competent authority;

h) A land change is registered due to receiving LURs or ownership of property attached to land through conveyance or donation but the LURs or ownership of property attached to land is being mortgaged and has been registered at the Land Registration Office or its branch and the application for registration of receipt through conveyance or donation does not contain a document from the mortgagee on the agreement to allow the mortgagor to convey or donate the LURs or ownership of property attached to land;

i) An investor has mortgaged and registered the mortgage of a house or off-the-plan house construction investment project, non-residential building construction investment project, agricultural investment project, forest development project or other projects using land or construction works belonging to these projects at the Land Registration Office or its branch but the investor conveys LURs or sells property attached to land and has yet to carry out the procedures for registration of the change in order to withdraw a part of the collateral being the property that has been conveyed or sold, except where the mortgagee and the property buyer reach an agreement to continue use such property as the collateral and register a change of the securing party in accordance with regulations of law on registration of security interests.

3. For the cases specified in points b, c, d, dd, e and g clause 2 of this Article, if the settlement period as prescribed by law has expired or a document is received from a competent authority stating that the land dispute has been settled or a document canceling the termination or suspension of the procedures for registration of land or property attached to land or property distraintment, the receiving authority or procedure handling authority shall continue to complete procedures for registration of land or property attached to land in accordance with regulations of law.

4. In the case of registration and issuance of the Certificate of LURs and ownership of property attached to land to a receiver of LURs or ownership of houses and construction works in real estate projects, the Land Registration Office or its branch shall be responsible for inspecting the adequacy of the dossier specified in clauses 1 and 2 Article 41 of this Decree and shall not be responsible for the conditions for disposition of LURs, sale of houses, construction works and

construction work items according to the provisions of the law on housing, the law on construction and the law on real estate business.

## **Article 20. Responsibilities of People's Committees at all levels for registration of land and property attached to land**

1. Provincial People's Committees shall:

a) Direct specialized agencies to disseminate information on and organize the registration of land and property attached to land, issuance of Certificates of LURs and ownership of property attached to land, and make, update, correct and manage cadastral records and land databases;

b) Provide funding for initial registration of land.

2. People's Committees of districts shall implement land registration; annually direct the review and organization of land registration in cases of failure to register land in their districts; direct the inspection and handling of cases of failure to register land according to regulations of law.

3. People's Committees of communes shall:

a) Organize land registration in their provinces; instruct and encourage land users to register land; inspect and handle cases of failure to register land according to regulations of law;

b) Perform the tasks mentioned in Article 33 of this Decree;

c) Establish an Initial Land Registration Council (hereinafter referred to as "Land Registration Council") to advise on performance of the tasks specified in clauses 1 and 2 Article 33 of this Decree.

The Land Registration Council is composed of a senior representative of the communal People's Committee, representative of the communal Vietnamese Fatherland Front; communal cadastral officials and justice officials; head of the Front Work Committee of a village, hamlet, sub-quarter or residential area where land exists and other members decided by the communal People's Committee.

The Land Registration Council operates on a collective basis and makes decisions under the majority rule by way of holding direct meetings or obtaining opinions from its members. Advice of the Land Registration Council shall serve as the basis for the communal People's Committee to perform the tasks specified in clauses 1 and 2 Article 33 of this Decree;

d) Time limit for performing the tasks specified clauses 1 and 2 Article 33 of this Decree shall follow the administrative procedures decided by the provincial People's Committee but shall not exceed 10 working days.

## **Article 21. Receiving applications and notifying results of handling of procedures for registration of land and property attached to land**

1. Authorities receiving applications and notifying results:

- a) Single-window sections under regulations of provincial People's Committees on the receipt of applications and notification of results of administrative procedure handling at the provincial, district and commune level;
- b) Land Registration Offices;
- c) Branches of Land Registration Offices;

2. Method of submission:

The applicant for registration shall submit an application by adopting the following methods:

- a) In person at the authorities specified in clause 1 of this Article;
- b) By post;
- c) At a place agreed upon by the applicant for registration and the Land Registration Office or its branch;
- d) On the National Public Service Portal or provincial Public Service Portal;
- dd) When submitting an application to an authority specified in clause 1 of this Article by the method specified in point a, b or c of this clause, the applicant for registration may select to submit copies of documents and present their originals for comparison by the application recipient or submit originals or certified true copies in accordance with regulations of law on notarization, except for the case specified in point e of this clause; if the application is submitted by the method specified in point d of this clause, the documents in the submitted application must be digitalized from their originals or copies notarized and authenticated according to regulations of law;
- e) For the procedures for registration of changes to land or property attached to land which involve the certification of a change to the information on the issued Certificate, the applicant for registration shall submit an original of the issued Certificate.

3. In the case of initial registration of land or property attached to land, the applicant for registration shall select a receiving authority as follows:

- a) If the land user or owner of property attached to land is a domestic individual or overseas Vietnamese who is a Vietnamese citizen (hereinafter referred to as “individual”) or a residential community, the receiving authority shall be the one specified in point a clause 1 of this Article;
- b) If the land user or owner of the property attached to the land is a domestic organization, religious organization, religious affiliate, foreign diplomatic organization, overseas Vietnamese



descendant or foreign-invested economic organization, they may choose the receiving authority prescribed in point a or point b clause 1 of this Article.

4. In the case of registration of a change to land or property attached to land, the applicant for registration shall select a receiving authority as follows:

a) If the land user or owner of property attached to land is an individual or a residential community, they may select the receiving authority specified in clause 1 of this Article;

If the area of residential land is re-determined as prescribed in clause 6 Article 141 of the Law on Land, the application shall be submitted to the authority specified in point a clause 1 of this Article;

b) If the land user or owner of the property attached to the land is a domestic organization, religious organization, religious affiliate, foreign diplomatic organization, foreign-invested economic organization, foreign organization or foreign individual, they may choose the receiving authority prescribed in point a or point b clause 1 of this Article.

If the land user or owner of property attached to land is an overseas Vietnamese descendant, they may select the receiving authority specified in clause 1 of this Article;

c) In the case of receipt of LURs or ownership of property attached to land, the receiver shall be the receiving authority and the regulations set forth under point a or point b of this clause shall be complied with.

5. A result of procedures handling shall be notified to the applicant for registration as follows:

a) The regulations on time limit for handling administrative procedures specified under this Decree shall be complied with;

b) In case of delay in notifying the result under regulations on time limit for according to the regulations on the time for handling land-related administrative procedures, the authority receiving the application or handling procedures shall send a notice in writing or by electronic means or via SMS to the applicant for registration, explicitly specifying the reason therefor;

c) In case the applicant for registration submits copies or digital copies of documents, when receiving the results of administrative procedures handling, the applicant for registration must submit originals of the documents in the application as prescribed, except for such documents as construction permit, decision on approval for investment project, investment decision, investment license and investment certificate.

6. Based on specific local conditions, each provincial People's Committee shall decide the authorities receiving applications and notifying results of procedures handling as prescribed in point a clause 1 of this Article and the regulations on receiving and transferring applications, handling and notifying results of handling of procedures for land registration and other property attached to land, time needed for each relevant agency or unit to complete each step in the

procedures, procedures handling by relevant agencies by way of using the single-window system which ensures that the total time prescribed by law is not exceeded and the principles prescribed in this Decree are adhered to; publicize administrative procedures and selected locations for submitting applications for registration of land and property attached to land in its province.

**Article 22. Time limits for completing procedures for registration of land and property attached to land, issuance of certificates of LURs and ownership of property attached to land**

1. The time limit for completing procedures for initial registration of land or property attached to land shall not exceed 20 working days; for initial issuance of the Certificate of LURs and ownership of property attached to land shall not exceed 03 working days.

2. The time limit for completing procedures for registration of a change to land or property attached to land or issuance of the Certificate of LURs and ownership of property attached to land is as follows:

a) In case of exchange of agricultural LURs without following the land consolidation or parcel exchange plan or in case of conveyance, inheritance or donation of LURs or ownership of property attached to land, contribution of LURs or ownership of property attached to land as capital, it shall not exceed 10 working days;

b) In case of sale of property attached to land leased out by the State with annual land rent payments or contribution thereof as capital, it shall not exceed 10 working days, excluding the time for determining land price and signing the land lease contract;

c) In case of leasing out or subleasing LURs under an infrastructure construction and business project, it shall not exceed 05 working days;

d) In case of de-registration for the lease or sublease of LURs under a project on construction and commercial operation of infrastructure, it shall not exceed 03 working days;

dd) In case of change of name or change of information about the land user or owner of property attached to land, it shall not exceed 05 working days; in case of reduction in the area of a land parcel due to natural landslide, it shall not exceed 10 working days;

e) In case of a change to limitation(s) on LURs or ownership of property attached to land or to rights to an adjacent land parcel, it shall not exceed 07 working days;

g) In case a household or individual establishes a sole proprietorship and uses land for the sole proprietorship's production and business activities, it shall not exceed 10 working days, excluding the time for determining land price and signing the land lease contract;

h) In case of registration of ownership of property attached to a land parcel to which the Certificate has been issued, it shall not exceed 10 working days; in case of registration of a

change to the property the ownership of which has been certified under the issued Certificate, it shall not exceed 07 working days;

i) In case of a change to LURs or ownership of property attached to land due to full division, partial division, consolidation, merger or conversion of an 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 attached to land, it shall not exceed 08 working days;

k) In case of receiving LURs or ownership of property attached to land according to the result of successful resolution of a land dispute through mediation or result of settlement of land-related complaint or denunciation, it shall not exceed 08 working days;

l) In case of receiving LURs or ownership of property attached to land due to handling of collateral, it shall not exceed 08 working days;

m) In case of a change to the rights to use land for construction of above ground works serving the operation, exploitation and use of underground works or to the ownership of an underground work, it shall not exceed 15 working days;

n) In case of sale of property or transfer or conveyance of LURs of land being public property according to regulations of law on management and use of public property, it shall not exceed 10 working days;

o) In case of cancelling land levy debts or registration tax debts, it shall be within the working days on which an adequate application for debt cancellation is received; if the adequate application is received after 15 pm on the same day, the procedures for debt cancellation may be completed in the next working day;

p) In case of issuing the Certificate of LURs and ownership of property attached to land according to the detailed construction planning or adjusting detailed construction planning as specified in clause 3 Article 23 of this Decree, it shall not exceed 05 working days;

q) In case of registration of a change to the land repurposing as specified in clause 3 Article 121 of the Law on Land, it shall not exceed 10 working days.

3. In case of replacement of the issued Certificate, the time limit for completing procedures therefor is as follows:

a) In the cases specified in points a, b, c, d, dd, e, g and h clause 1 Article 38 of this Decree, it shall not exceed 05 working days;

b) In the cases specified in point i clause 1 Article 38 of this Decree, it shall not exceed 10 working days, except for the case specified in point c of this clause;

c) In case of replacing the issued Certificate for multiple land users due to cadastral surveying and mapping, the time limit is the same as that for executing the project approved by the competent authority.

4. In the case of land parcel subdivision or consolidation specified in Article 7 of this Decree, it shall not exceed 15 working days.

5. In case of re-issuing the issued Certificate due to its loss, it shall not exceed 10 working days, excluding the time for posting the notice of loss of the issued Certificate at the communal People's Committee and the time for publishing an announcement in the mass media.

6. In the case of registration and issuance of the Certificate of LURs and ownership of property attached to land to a receiver of LURs or ownership of a house, construction work or construction work item under a real estate project, it shall not exceed 10 working days.

7. In the case of re-determination of the area of residential land, it shall not exceed 20 working days.

8. In the case of correction of the issued Certificate, it shall not exceed 10 working days.

9. In case of revocation and invalidation of the issued Certificate, it shall not exceed 25 working days; in case of revocation of the first issued Certificate, the time limit for completing procedures for registration and re-issuance of the Certificate of LURs and ownership of property attached to land is specified in clause 1 of this Article; in case of revocation of the issued Certificate due to registration of a change, the time limit for completing procedures for re-issuance of the Certificate of LURs and ownership of property attached to land shall vary according to each case of change registration in this Article.

10. The time limits prescribed in clauses 1 through 9 of this Article shall begin from the date of receiving an application which ensures the adequacy and consistency specified in point a clause 1 Article 19 of this Decree; shall exclude the time needed for determining financial obligations related to land, the time needed for the fulfillment of financial obligations by the land user, the time needed for considering actions against violations of regulations on land use, the time need for solicitation of appraisal, the time need for openly posting or publishing information in the mass media, the time needed for completing procedures for dividing inherited LURs or property attached to land in the case where the procedures for issuance of the Certificate of LURs and ownership of property attached to land are being followed but the land user or owner of property attached to land dies before handover of the Certificate.

For mountainous communes, islands, remote and isolated areas, disadvantaged areas, extremely disadvantaged areas, the time limit for completing each type of procedure specified in this Article shall be increased by 10 working days.

11. An authority handling administrative procedures specified in this Decree shall assume responsibility for handling administrative procedures within the time limit prescribed by such

authority and shall not assume responsibility for the time limit for handling of administrative procedures by another authority.

12. The time limit for completing multiple procedures for registration of land or property attached to land at the same time shall be decided by the provincial People's Committee, but not exceeding the total time taken to complete each procedure.

In case the investor in a real estate business project needs to submit multiple applications at the same time for registration and issuance of the Certificate of LURs and ownership of property attached to land, the provincial People's Committee shall consider and decide the time for handling administrative procedures, ensuring that it is not longer than the time for handling each procedure for each application specified in this Article.

## **Section 2. ELABORATING ON ISSUANCE OF THE CERTIFICATE OF LURs AND OWNERSHIP OF PROPERTY ATTACHED TO LAND**

### **Article 23. Cases where registration of changes to land and property attached to land requires issuance of a new certificate of LURs and ownership of property attached to land**

1. Land parcel consolidation or subdivision is carried out.
2. A person leases or sub-leases LURs of an investor that is allocated land or leased out land by the State to invest in the construction and commercial operation of infrastructure.
3. An investment project uses land but the detailed construction planning of the project is adjusted according to regulations of law on construction or the project investor has been granted a Certificate for the entire land area for project implementation and needs to be granted a Certificate of LURs and ownership of property attached to land for each land parcel according to the approved detailed construction planning.
4. The ownership of property attached to land on the land parcel granted the Certificate is certified.
5. All information on a land parcel is changed due to cadastral surveying and mapping is changed; area of residential land is changed due to re-determination of residential land as prescribed in clause 6 Article 141 of the Law on Land.
6. A change to LURs or ownership of property attached to land is registered but the issued Certificate does not have any blank left to certify the change or the land user or owner of property attached to land wishes to obtain a new Certificate of LURs and ownership of property attached to land.

### **Article 24. Instructions following the issuance of the certificate of LURs and ownership of property attached to land with respect to land parcels with the additional area acquired through a change to the boundary on documents on LURs or issued Certificate**

1. Where an original land parcel (without the additional area) has a document on LURs specified in Article 137 of the Law on Land, follow the instructions below:

- a) In case the additional area has one of the documents on LURs specified in Article 137 of the Law on Land, the type and area of land intended for issuance of the Certificate of LURs and ownership of property attached to land shall be determined for the original land parcel and the additional area according to regulations of Article 141 of the Law on Land;
- b) In case the additional area is acquired through disposition of the rights to use part of the land parcel granted the Certificate but the procedures for disposition of LURs have yet to be completed before the effective date of this Decree as prescribed by law, the type and area of land intended for issuance of the Certificate of LURs and ownership of property attached to land shall be determined for the original land parcel as per Article 141 of the Law on Land and the additional area according to the issued Certificate; the district-level land authority shall transfer the application to the Land Registration Office or its branch (hereinafter referred to as “Land Registration Office”) to make corrections to the Certificate of the disposing party as prescribed;
- c) For the additional area not covered by points a and b of this clause, if it is eligible for issuance of the Certificate of LURs and ownership of property attached to land as per Articles 138, 139 and 140 of the Law on Land, the type and area of land intended for issuance of the Certificate of LURs and ownership of property attached to land shall be determined for the original land parcel as prescribed in Article 141 of the Law on Land and the additional area shall be determined as prescribed in Articles 138, 139 and 140 of the Law on Land;
- d) Procedures for registration of land and property attached to land and issuance of the Certificate of LURs and ownership of property attached to land for the entire area of land in use shall comply with clause 1 Article 28, Article 31 and Article 36 of this Decree.

2. Where an original land parcel has had the Certificate, follow the instructions below:

- a) In case the additional area is acquired through disposition of the rights to use part of the land parcel granted the Certificate but the procedures for disposition of LURs have yet to be completed before the effective date of this Decree as prescribed by law, the procedures for issuance of the Certificate of LURs and ownership of property attached to land shall be completed for the entire area of the land parcel in use; the Land Registration Office shall make corrections to the Certificate of the disposing party as prescribed;
- b) In case the additional area has one of the documents on LURs specified in Article 137 of the Law on Land, the type and area of land intended for issuance of the Certificate of LURs and ownership of property attached to land shall be the entire original land parcel and additional area according to regulations of Article 141 of the Law on Land;
- c) For the additional area not covered by points a and b of this clause, if it is eligible for issuance of the Certificate of LURs and ownership of property attached to land as per Articles 138, 139 and 140 of the Law on Land, the Certificate of LURs and ownership of property attached to land shall be issued to the entire area of land in use; the type and area of land intended for issuance of

the Certificate of LURs and ownership of property attached to land shall be determined for the original land parcel according to the issued Certificate and the additional area shall be determined as prescribed in Articles 138, 139 and 140 of the Law on Land;

d) Procedures for registration of land and property attached to land and issuance of the Certificate of LURs and ownership of property attached to land for the entire area of land in use shall comply with Article 37 of this Decree.

3. The applicant for issuance of the Certificate of LURs and ownership of property attached to land in the cases specified in clauses 1 and 2 of this Article is not required to follow the procedures for disposition of LURs as prescribed by law, land repurposing or land consolidation for the additional area.

**Article 25. Issuance of the Certificate of LURs and ownership of property attached to land to the households and individuals using land specified in clauses 1 and 3 Article 139 of the Law on Land**

In case a person is using trespassed or appropriated land or property attached to trespassed or appropriated land as specified in clauses 9 and 31 Article 3 of the Law on Land and uses land which was allocated, leased or had LURs recognized before July 01, 2014 for purposes other than the prescribed ones, the Certificate of LURs and ownership of property attached to land shall be issued as follows:

1. Where land was used before October 15, 1993 but there was a house or house and construction works serving daily life on such land at the time of issuing the Certificate of LURs and ownership of property attached to land, the area of residential land to be recognized is the residential land recognition limit which was applied from December 18, 1980 to the day before October 15, 1993 as prescribed in clause 5 Article 141 of the Law on Land if the area of the land parcel is greater than or equal to the residential land recognition limit.

Where the area of land on which a house or house and construction works serving daily life have been constructed is greater than the area of residential land to be recognized specified in this clause, the actual construction area shall be recognized as residential land area.

Where the area of a land parcel is smaller than the residential land recognition limit specified in this clause, the entire area of the land parcel shall be recognized as residential land.

2. Where land was used from October 15, 1993 to the day before July 01, 2014 but there was a house or house and construction works serving daily life on such land at the time of issuing the Certificate of LURs and ownership of property attached to land: if the area of a land parcel is greater than or equal to the residential land recognition limit as prescribed in clause 2 Article 195 and clause 2 Article 196 of the Law on land, the area of residential land is the residential land recognition limit.

Where the area of land on which a house or house and construction works serving daily life have been constructed is greater than the residential land allocation limit, the actual construction area shall be recognized as residential land area.

Where the area of a land parcel is smaller than the residential land allocation limit, the entire area of the land parcel shall be recognized as residential land.

3. The remaining area of land (if any) shall, after being determined as prescribed in clauses 1 and 2 of this Article, shall be determined according to the current use of land.

In case the currently used land is agricultural land, such land shall be recognized in the form of land allocation by the State without land levy; if the land user wishes such land to be recognized as non-agricultural land which is conformable with the district-level land use planning or general planning or zoning planning or construction planning or rural planning, such land may be recognized as non-agricultural land and the land user is required to pay land levy in accordance with law.

In case the currently used land is non-agricultural land not residential land, such land shall be recognized as prescribed in clause 4 of this Article.

4. Where a land parcel is used for non-agricultural land production and business, commercial or service purposes at the time of issuing the Certificate of LURs and ownership of property attached to land, the land of non-agricultural production establishments or commercial or service land shall be recognized based on the actually used land area; the form of land use shall be recognized as land allocation with land levy and long and stable land use term;

5. For any household or individual that is using land stably as agricultural land which is now certified by People's Committee of the commune where the land exists to be dispute-free, they may be issued with the Certificate of LURs and ownership of property attached to land in the form of land allocation by the State without land levy for the land area in use provided that such land area does not exceed the agricultural land allocation limit specified by the provincial People's Committee according to clause 4 Article 139 of this Law. Rents shall be paid to the State for any area that exceeds the aforesaid limit.

6. In case a household or individual is using land not for the purposes defined upon land allocation, land lease or LURs recognition by the State and their land use conforms to the district-level land use planning or general planning or zoning planning or construction planning or rural planning approved by the competent authority, follow the instructions below:

a) If they are yet to be issued with the Certificate, the initial issuance of the Certificate of LURs and ownership of property attached to land shall comply with clause 1 Article 28, Article 31 and Article 36 of this Decree;

b) If they have been issued with the Certificate, the registration of a change to land or property attached to land shall comply with Articles 29 and 37 of this Decree;



c) The land user must discharge financial obligations for the area of land which they repurposed without permission in accordance with the law at the time of submitting the application for registration of land or property attached to land and issuing the Certificate of LURs and ownership of property attached to land.

**Article 26. Issuance of the Certificate of LURs and ownership of property attached to land to the households and individuals using land of agricultural and forestry farms**

According to the land use plan approved by the competent authority, the Certificate of LURs and ownership of property attached to land shall be issued to a household or individual as follows:

1. For a household or individual that is using land having a document on LURs specified in clause 2 Article 137 of the Law on Land, upon issuance of the Certificate of LURs and ownership of property attached to land, the area and purposes of land are prescribed as follows:

a) Where land was used from October 15, 1993, the area of residential land shall, upon recognition of LURs, be determined as prescribed in Article 141 of the Law on Land;

b) Where land was used from October 15, 1993 to the day before July 01, 2004 but the document on LURs explicitly states the area of residential land, the area of residential land shall be determined according to such document; where the area of residential land is yet to be explicitly stated: the area of residential land equals the residential land allocation limit as prescribed in clause 2 Article 195 and clause 2 Article 196 of the Law on Land if the area of the land parcel is greater than or equal to the residential land allocation limit, and equals the entire area of the land parcel if the area of the land parcel is smaller than the residential land allocation limit.

Where the area of land on which a house or house and construction works serving daily life have been constructed is greater than the residential land allocation limit specified in this clause, the actual construction area shall be recognized as residential land area; the land user must pay land levy for the area that exceeds the residential land allocation limit specified in this point;

c) The remaining area of the land parcel (if any) shall, after the residential land is determined as prescribed in points a and b of this Article, be determined according to the current use of land.

In case the currently used land is agricultural land, such land shall be recognized in the form of land allocation by the State without land levy; if the land user wishes such land to be recognized as non-agricultural land which is conformable with the district-level land use planning or general planning or zoning planning or construction planning or rural planning, such land may be recognized as non-agricultural land and the land user is required to pay land levy in accordance with law.

2. For a household or individual that is using land as prescribed in point c clause 2 Article 139 of the Law on Land or person that is using land allocated, contracted, outright contracted (“khoán trắng” in Vietnamese), leased or borrowed from an agricultural or forestry farm as prescribed in point a clause 2 Article 181 of the Law on Land but builds a house on such land without permission, a document on LURs specified in clause 2 Article 137 of the Law on Land, upon

issuance of the Certificate of LURs and ownership of property attached to land, the area and purposes of land are prescribed as follows:

a) Where land was used before October 15, 1993 but there was a house or house and construction works serving daily life on such land at the time of issuing the Certificate of LURs and ownership of property attached to land, the area of residential land shall be recognized as prescribed in clause 5 Article 141 of the Law on Land.

Where the area of land on which a house or house and construction works serving daily life have been constructed is greater than the area of residential land recognized in this point, the actual construction area shall be recognized as residential land area but the financial obligations for the area that exceeds the land recognition limit specified in this point must be discharged;

b) Where land was used from October 15, 1993 to the day before July 01, 2014 but there was a house or house and construction works serving daily life on such land at the time of issuing the Certificate of LURs and ownership of property attached to land, the area of residential land to be recognized equals the residential land allocation limit prescribed in clause 2 Article 195 and clause 2 Article 196 of the Law on Land.

Where the area of land on which a house or house and construction works serving daily life have been constructed is greater than the area of residential land recognized in this point, the actual construction area shall be recognized as residential land area but the financial obligations for the area that exceeds the land allocation limit specified in this point must be discharged;

c) The remaining area of land (if any) shall, after being determined as prescribed in points a and b of this Article, be determined according to the current use of land.

In case the currently used land is agricultural land, such land shall be recognized in the form of land allocation by the State without land levy; if the land user wishes such land to be recognized as non-agricultural land which is conformable with the district-level land use planning or general planning or zoning planning or construction planning or rural planning, such land may be recognized as non-agricultural land and the land user is required to pay land levy in accordance with law.

3. In case an individual or household is using land as prescribed in point a clause 2 Article 139 of the Law on Land but there is not a forest management board in the area where land is trespassed or appropriated, they may be issued with the Certificate of LURs and ownership of property attached to land and use it for the purposes of protection and development of protection forests within the land allocation limit specified in point a clause 3 Article 176 of the Law on Land in the form of land allocation without land levy and with the land use term specified in clause 3 Article 171 of the Law on land; the land area that exceeds the limit (if any) shall be allocated to the entities specified in points c, d and dd clause 2 Article 181 of the Law on Land.

4. In case a household or individual used land prior to the date of allocating land or forest to an agricultural or forestry farm, forest management board, protected area, national park, agricultural or forestry company, the current land user may be issued with the Certificate of LURs and

ownership of property attached to the land according to regulations of Article 138 of the Land Law.

#### **Article 27. Management of codes of certificates of LURs and ownership of property attached to land**

Certificates of LURs and ownership of property attached to land issued according to the Law on Land and this Decree shall have Certificate codes which are managed by the Ministry of Natural Resources and Environment in a centralized and uniform manner nationwide and issued via software of the National Land Information System upon issuance of the Certificates of LURs and ownership of property attached to land.

### **Section 3. APPLICATIONS FOR REGISTRATION OF LAND AND PROPERTY ATTACHED TO LAND**

#### **Article 28. Applications submitted for initial registration of land and property attached to land**

1. For a current land user or owner of property attached to land that is a household, individual or residential community, an application includes:

- a) An application form for registration of land or property attached to land, which is made using the Form No. 04/DK enclosed with this Decree;
- b) One of the documents specified in Article 137, clause 1, clause 5 Article 148, clause 1, clause 5 Article 149 of the Law on Land, a drawing of the house or construction work (if any).

If the original land parcel has a document on LURs specified in Article 137 of the Law on Land but includes an additional area issued with the Certificate, the document on disposition of LURs and the Certificate issued to such additional area shall be submitted;

- c) A document on inheritance of LURs in accordance with regulations of civil law in case of inheritance of the rights to use land not yet issued with the Certificate of LURs and ownership of property attached to land in accordance with the law on land;
- d) A document on inheritance of LURs in accordance with regulations of civil law and document on the disposition of LURs in the case specified in clause 4 Article 45 of the Law on Land;
- dd) Document stating that land is allocated ultra vires or document on purchase, receipt through liquidation or distribution of a house or construction work attached to land in accordance with Article 140 of the Law on Land (if any);
- e) Document relating to imposition of penalties for administrative violations against regulations on land in case where any administrative violation against regulations on land is committed;

g) A contract or written agreement or decision of the People's Court on establishment of rights to an adjacent land parcel enclosed with a drawing showing the location and size of the area of the adjacent land parcel with limited use rights in case of registration of rights to adjacent land parcel;

h) A document determining members sharing LURs of a household and using land in case the household is using land;

i) A piece of cadastral map measurement extract (if any);

k) The construction design documentation which has been appraised by a specialized construction authority or contains a written approval for results of the acceptance of completed work items and construction works according to regulations of law on construction in the case where the ownership of a construction work on agricultural land is certified but the work owner fails to have one of the documents specified in Article 149 of the Law on Land or the work is exempted from the construction permit according to regulations of law on construction;

l) In the case specified in point a clause 6 Article 25 of this Decree, a Decision on imposition of penalties for administrative violations against regulations on land, which specify the remedial measure which is “mandatory registration of land”; document evidencing the payment of fine by the land user;

m) A document evidencing the fulfillment of financial obligations, documents relating to the exemption or reduction of financial obligations related to land or property attached to land (if any);

n) In case of receipt of LURs or ownership of house and construction works through disposition without completing the procedures for disposition of LURs or ownership, documents on the disposition of LURs or ownership of property attached to land bearing signatures of the disposing party and the receiver;

o) In case a household or individual wishes the Certificate of LURs and ownership of property attached to land to be issued to their house or construction work which is subject to the construction permit as prescribed in clause 3 Article 148 and clause 3 Article 149 of the Law on Land, a document by a district-level construction authority certifying the existence of such house or construction work in accordance with regulations of law on construction (if any).

2. If the land user or owner of the property attached to the land is a domestic organization, religious organization, religious affiliate, foreign diplomatic organization or foreign-invested economic organization (hereinafter referred to as “organization” or an overseas Vietnamese descendant that inherits LURs as prescribed in point h clause 1 Article 28 of the Law on Land, an application includes:

a) An application form for registration of land or property attached to land, which is made using the Form No. 05/DK enclosed with this Decree.

In the case of overseas Vietnamese descendant, submit an application form for registration of land or property attached to land, which is made using the Form No. 04/DK enclosed with this Decree;

b) One of the documents specified in Article 137, clause 4, clause 5 Article 148, clause 4, clause 5 Article 149 of the Law on Land (if any);

c) A document on inheritance of LURs in accordance with regulations of civil law in the case of overseas Vietnamese descendant;

d) A drawing or extract of the cadastral map or piece of cadastral map measurement extract of the land parcel (if any); an extract of the cadastral map of the land parcel (if any) in the case of overseas Vietnamese descendant;

dd) A report on review of the current use of land, which is prepared using the Form No. 05a/DK enclosed with this Decree in the case of domestic organization, religious organization or religious affiliate that is using land;

e) A decision on garrison or document on allocation of houses or sites of national defense and security construction works approved and issued by the competent authority to a military unit, police unit or public service provider of the People's Army or the People's Police force; state-owned enterprise assigned by the Ministry of National Defense and Ministry of Public Security to manage and use land and works attached to land;

g) The construction design documentation which has been appraised by a specialized construction authority or contains a written approval for results of the acceptance of completed work items and construction works according to regulations of law on construction in the case where the ownership of a construction work on agricultural land is certified but the work owner fails to have one of the documents specified in Article 149 of the Law on Land or the work is exempted from the construction permit according to regulations of law on construction;

m) A document evidencing the fulfillment of financial obligations, documents relating to the exemption or reduction of financial obligations related to land or property attached to land (if any).

3. In case land is allocated for management, the application shall be prepared as specified in clause 1 Article 35 of this Decree.

4. In case multiple persons that share LURs or ownership of property attached to land have entered into an agreement on application for a Certificate of LURs and ownership of property attached to land in which all of their names are specified, in addition to the documents specified in clause 1 and clause 2 of this Article, such agreement must be submitted.

5. Where the applicants for registration specified in clauses 1, 2 and 3 of this Article follow procedures for registration of land or ownership of property attached to land through a legal

representative in accordance with regulations of law on civil law, a document on the representation in accordance with regulations of civil law is required.

## **Article 29. Applications submitted for registration of changes to land and property attached to land**

An application for registration of a change to land or property attached to land in a case other than that specified in Article 38, 39, 40, 41, 42, 43 or 44 of this Decree comprises:

1. An application form for registration of change to land or property attached to land, which is made using the Form No. 11/DK enclosed with this Decree.
2. The issued Certificate.
3. One of the documents relating to the change to land or property attached to land in each specific case specified in Article 30 of this Decree.
4. A document on the representation in accordance with regulations of civil law in the case of following procedures for registration of land or property attached to land through a representative.

## **Article 30. Documents relating to changes to land and property attached to land**

1. In case of completion of procedures for exchange of agricultural LURs without following the land consolidation or parcel exchange plan or in case of conveyance, inheritance or donation of LURs or ownership of property attached to land, contribution of LURs or ownership of property attached to land as capital, the contract or document on the disposition of LURs or ownership of property attached to land is required.

In case multiple persons that receive LURs or ownership of property attached to land through disposition have entered into an agreement on application for a Certificate of LURs and ownership of property attached to land in which all of their names are specified, such agreement shall be submitted.

In property attached to land is conveyed, donated or contributed as capital but the property owner fails to have the rights to use such land parcel, it is required to submit a document stating the land use allows the owner of the property attached to land to convey or donate property attached to land or contribute property attached to land as capital, except where a foreign organization or foreign individual is entitled to own a house in accordance with regulations of law on housing.

In case LURs or ownership of property attached to land is conveyed or donated but the LURs or ownership of property attached to land is being mortgaged and has been registered at the Land Registration Office, it is required to submit a document stating the mortgagee allows the mortgagor to convey or donate the LURs or ownership of property attached to land.

2. In case a land user leases land of the State in the form of annual payment of land rent but sells property attached to land or contributes property attached to land as capital, the contract or document on the purchase of property attached to land or contribution of property attached to land as capital in accordance with regulations of civil law shall be submitted.

3. In case of leasing out or subleasing LURs under a project on construction and commercial operation of infrastructure, the document on the lease or sublease of LURs shall be submitted.

4. In case of deregistration of the lease or sub-lease of LURs under a project on construction and commercial operation of infrastructure, the document on the deregistration of the lease or sub-lease of LURs shall be submitted.

5. In case of change of name or change of information about the land user or owner of property attached to land on the issued Certificate, documents shall be submitted as follows:

a) For an individual, the procedures handling authority shall exploit and use information on the National Population Database; in case personal information fails to be exploited, submit a copy or originals of the documents proving the change of name or information of the land user or owner of property attached to land;

b) For an organization, overseas Vietnamese descendant or residential community, submit a document of the competent authority permitting or recognizing the change of name of information as prescribed by law.

6. In case of a change to limitation(s) on LURs or ownership of property attached to land or to rights to an adjacent land parcel, submit a document on the change to the rights of the person with related rights in accordance with regulations of civil law; in case of a change to limitation(s) on the land user's rights under a document of the competent authority, the Land Registration Office shall rely on this document to register the land change.

7. In case a household member or individual that is using land establishes a sole proprietorship and uses land for the sole proprietorship's production and business activities, the following documents shall be submitted:

a) An enterprise registration certificate;

b) A written agreement of members sharing LURs on moving of LURs into an enterprise notarized or authenticated as per law in the case of household's LURs.

8. In case the area of a land parcel is decreased due to a natural landslide, the communal People's Committee shall provide a written confirmation of the status of the natural landslide to the Land Registration Office and land user.

9. In case of registration of property attached to a land parcel issued with the Certificate or registration of a change to the property attached to land covered by such issued Certificate, documents shall be submitted as follows:

a) Submit the documents specified in Articles 148 and 149 of the Law on Land (if any), drawing of the house or construction work (in case the documents specified in Articles 148 and 149 of the Law on Land contain a drawing suitable for the current conditions of the built house or construction work); construction design documentation which has been appraised by a specialized construction authority or contains a written approval for results of the acceptance of completed work items and construction works according to regulations of law on construction in the case where the ownership of a construction work on agricultural land is certified but the work owner fails to have one of the documents specified in Article 149 of the Law on Land or the work is exempted from the construction permit according to regulations of law on construction;

b) In case the documents mentioned in point a clause 1 Article 148 and point a clause 1 Article 149 of the Law on Land are available but the current conditions specified in these documents are changed and the construction work exists in the area subject to the construction permit, submit a document of a district-level construction authority certifying the existence of such construction work in accordance with regulations of law on construction;

c) In case of registration of a change due to a foreign organization's or foreign individual's extension of the time limit for housing ownership as per the law on housing, submit a written approval for extension of the time limit for housing ownership granted the competent authority as per the law on housing.

10. In case of a change to LURs or ownership of property attached to land due to full division, partial division, consolidation or merger of an organization or conversion of its organizational model, the following documents shall be submitted:

a) An enterprise registration certificate or document on establishment of organization after the change;

b) A decision of a competent organization or authority or document on the full division, partial division, consolidation or merger of the organization or conversion of its organizational model in conformity regulations of law, which explicitly specifies that the organization is entitled to use land or own property attached to land after the full division, partial division, consolidation or merger of the organization or conversion of its organizational model.

11. In case of a change to LURs or ownership of property attached to land under a written agreement between household members or between wife and husband, the written agreement on such change shall be submitted.

In case of a change to LURs of members sharing LURs of a household, the written agreement must specify that household's members share LURs at the time of land allocation, land lease or recognition of LURs by the State or receipt of LURs through disposition.

In case of a change to LURs or ownership of property attached to land of both wife and husband an individual, the procedures handling authority shall exploit and use information on the marital status National Population Database; in case personal information fails to be exploited, a copy or original of the Certificate of marriage or divorce or another proof of the marital status.



12. In case of receiving LURs or ownership of property attached to land according to the result of successful resolution of a land dispute through mediation or result of settlement of land-related complaint or denunciation, one of the following documents shall be submitted:

- a) A minutes of successful mediation or document on recognition of result of successful mediation issued by the competent authority;
- b) An effective decision of the competent authority on settlement of land-related dispute, complaint or denunciation in accordance with law;
- c) A decision or judgment of the People's Court, decision on judgment enforcement of the judgment enforcement authority already enforced;
- d) A decision or award of the Vietnam's commercial arbitration center on the settlement of the dispute between parties that arise from commercial activities related to land.

13. In case of receiving LURs or ownership of property attached to land due to handling of collateral being LURs or property attached to land already registered, including the handling of a debt incurred from a bad debt of a credit institution or foreign bank branch, one of the following documents shall be submitted:

- a) A contract for conveyance of LURs or property attached to land between the land user or owner of property attached to land and the receiver;
- b) A contract for conveyance or another transfer contract regarding LURs or ownership of property attached to land between the person having the right to convey or sell collateral being LURs or property attached to land and the receiver;
- c) A contract for purchase and sale of collateral being LURs or property attached to land or written confirmation of judgment enforcement result of the civil judgment enforcement authority;
- d) A contract for mortgage of LURs or property attached to land or another document containing the agreement that the mortgagee has the right to receive the collateral as prescribed by law;
- dd) One of the documents specified in points b, c and dd of this clause serving as the substitute for consent to the transfer of LURs or property attached to the land of the mortgagor.

14. In case of a change to the rights to use land for construction of above ground works serving the operation, exploitation and use of underground works or to the ownership of an underground work, a written permission for change granted by the competent authority or person shall be submitted.

15. In case of sale of property or transfer or conveyance of LURs of land being public property according to regulations of law on management and use of public property, documents shall be submitted as follows:

a) A written permission for sale of property or transfer or conveyance of LURs or property attached to land granted by the competent authority;

b) In case of sale of property or conveyance of LURs being public property, apart from the document specified in point a of this clause, a contract for sale of public property being LURs or property attached to land as prescribed by law.

16. Where the land parcel issued with the Certificate includes an additional area specified in clause 2 Article 24 of this Decree, documents shall be submitted as follows:

a) In the case specified in point a clause 2 Article 24 of this Decree, submit the document on receipt of LURs disposition for the additional area;

b) In the cases specified in points b and c clause 2 Article 24 of this Decree, submit the documents proving the additional area (if any).

17. In case of cancelling land levy debts or registration tax debts, the document evidencing the payment of land levy debts or registration tax debts under regulations of law on collection of land levy and land rent shall be submitted.

18. In case of adjusting the detailed construction planning or adjusting the detailed construction planning as specified in clause 3 Article 23 of this Decree, the decision on approval for detailed construction planning of the competent authority enclosed with a map of adjustments to the detailed construction and cadastral map or piece of cadastral map measurement extract shall be submitted; in case of re-determining land prices, the document evidencing the fulfillment of financial obligations related to land shall be submitted.

In case the project investor has been issued with the Certificate for the entire area of land for execution of their project but wishes to obtain a Certificate of LURs and ownership of property attached to land for each land parcel according to the detailed construction planning, the decision on approval for detailed construction planning issued by the competent authority enclosed with a map of detailed construction planning and cadastral map or piece of cadastral map measurement extract shall be submitted.

19. In case the Certificate has been issued to a household but the land user's rights are exercised, the contract or document on the disposition of LURs must specify that household's members share LURs at the time of land allocation, land lease or recognition of LURs by the State or receipt of LURs through disposition.

20. In case the registration of changes to land specified in this Article requires land parcel subdivision or consolidation, the land user shall submit a land parcel subdivision or consolidation drawing as prescribed in point c clause 3 Article 7 of this Decree.

21. In the case specified in point b clause 6 Article 25 of this Decree, a Decision on imposition of penalties for administrative violations against regulations on land, which specify the remedial

measure which is “mandatory registration of land”; document evidencing the payment of fine by the land user shall be submitted.

#### **Section 4. PROCEDURES FOR REGISTRATION OF LAND AND PROPERTY ATTACHED TO LAND**

##### **Article 31. Procedures for initial registration of land and property attached to land for individuals, residential communities and households using land**

1. A land user or owner of property attached to land shall submit 01 application specified in clause 1 Article 28 of this Decree to the receiving authority specified in point a clause 1 Article 21 of this Decree.
2. The receiving authority shall issue an application receipt and appointment note to the applicant and transfer the application to the processing authority specified in clause 3 of this Article.
3. The communal People’s Committee shall undertake the tasks mentioned in Article 33 of this Decree.
4. The district-level land authority shall perform the following tasks:
  - a) Carry out cadastral map extraction regarding the areas that have had cadastral maps;
  - b) Regarding the areas that have not had cadastral maps, if the application for registration and issuance of the Certificate of LURs and ownership of property attached to land includes pieces of cadastral map measurement extracts, request the branch of the Land Registration Office to examine and approve these pieces of cadastral map measurement extracts according to point b clause 5 Article 9 of this Decree.

If the application for registration and issuance of the Certificate of LURs and ownership of property attached to land is yet to include pieces of cadastral map measurement extracts, request the branch of the Land Registration Office to carry out cadastral map measurement extraction.

The branch of the Land Registration Office shall examine and approve pieces of cadastral map measurement extracts or carry out cadastral map measurement extraction within 05 working days from the date of receiving the request from the district-level land authority; the land user shall bear the costs as prescribed;

- c) In case the land user or owner of property attached to land wishes their ownership of a house or construction work to be certified but fails to have the document specified in point o clause 1 Article 28 of this Decree, send a written request for opinions from the district-level construction authority about the existence of such house or construction work. Within 03 working days, the district-level construction authority shall respond to the land authority in writing;
  - d) Inspect the satisfaction of eligibility requirements for issuance of Certificate of LURs and ownership of property attached to land in accordance with the land law in case where the land

user or owner of property attached to land wishes to obtain a Certificate of LURs and ownership of property attached to land;

dd) Transfer the Notification of land registration result made using the Form No. 03/DK enclosed with this Decree to the receiving authority for notification of the result to the applicant for registration in case there is a need to obtain the Certificate of LURs and ownership of property attached to land or it is ineligible to be issued with the Certificate of LURs and ownership of property attached to land; transfer the application to the Land Registration Office to create and update information on the registered land or property attached to land to the cadastral records and land database;

e) In case of there is a need to obtain the Certificate of LURs and ownership of property attached to land or it is ineligible to be issued with the Certificate of LURs and ownership of property attached to land, send the information sheet for determination of land-related financial obligations according to the Form No. 12/DK enclosed with this Decree to the tax authority so as for it to determine and notify the financial obligations to the land user or owner of property attached to land; transfer the application to the Land Registration Office to create and update information on the registered land or property attached to land to the cadastral records and land database.

### **Article 32. Procedures for initial registration of land and property attached to land for organizations using land and overseas Vietnamese descendants**

1. A land user submit 01 application specified in clause 2 Article 28 of this Decree to the receiving authority specified in point a or b clause 1 Article 21 of this Decree.

For the area of land which an agriculture or forestry company may continue to use after the review and arrangement specified in Article 181 of the Law on land, the regulations set out in the Decree elaborating some Articles of the Law on Land shall be complied with.

2. The application receiving authority shall:

a) Issue an application receipt and appointment note to the applicant;

b) Transfer the application to the People's Committee of the province where land exists for performance of the tasks specified in clauses 3 and 4 of this Article with respect to an organization that is using land.

In case the receiving authority specified in point a clause 1 Article 21 of this Decree receives an application from an overseas Vietnamese descendant who inherits LURs as prescribed in point h clause 1 Article 28 of the Law on Land, such application shall be transferred to the Land Registration Office for performance of the task mentioned in clause 5 of this Article.

3. The People's Committee of the province where land exists shall direct the provincial land authority to carry out a site inspection of the use of land by the organization and determine

specific boundary of the land parcel as prescribed in clause 2 Article 142 and clause 2 Article 145 of the Law on Land.

4. The provincial land authority shall:

a) Prepare and submit an application form according to the Form No. 10/DK enclosed with this Decree to the provincial People's Committee for its determination of the form of land use by the organization similarly to land allocation or land lease by the State according to the Form No. 14/DK enclosed with this Decree;

b) In case the land user is required to pay land levy or land rent, determine land price and send the information sheet for determination of land-related financial obligations which is made using the Form No. 12/DK enclosed with this Decree to the tax authority so as for it to determine and notify the financial obligations to the land user.

5. The Land Registration Office shall perform the following tasks in case an overseas Vietnamese descendant inherits LURs as prescribed in point h clause 1 Article 28 of the Law on Land:

a) Send a written request for opinions from the communal People's Committee for performance of the tasks mentioned in Article 33 of this Decree;

b) Carry out cadastral map extraction regarding the areas that have had cadastral maps;

c) Regarding the areas that have not had cadastral maps, if the application for registration and issuance of the Certificate of LURs and ownership of property attached to land includes pieces of cadastral map measurement extracts, examine and approve these pieces of cadastral map measurement extracts according to point a clause 5 Article 9 of this Decree.

If the application for registration and issuance of the Certificate of LURs and ownership of property attached to land is yet to include pieces of cadastral map measurement extracts, carry out cadastral map extraction;

d) In case there is a need to certify the ownership of a house or construction work but the document specified in point o clause 1 Article 28 of this Decree is not available, send a written request for opinions from the district-level land authority about the existence of such house or construction work. Within 03 working days, the district-level construction authority shall respond to the land authority in writing;

dd) Inspect the satisfaction of eligibility requirements for issuance of Certificate of LURs and ownership of property attached to land in accordance with the land law in case where the land user or owner of property attached to land wishes to obtain a Certificate of LURs and ownership of property attached to land;

e) Transfer the Notification of land registration result made using the Form No. 03/DK enclosed with this Decree to the receiving authority for notification of the result to the applicant for

registration in case there is a need to obtain the Certificate of LURs and ownership of property attached to land or it is ineligible to be issued with the Certificate of LURs and ownership of property attached to land; create and update information on the registered land or property attached to land to the cadastral records and land database;

g) In case there is a need to obtain the Certificate of LURs and ownership of property attached to land or it is ineligible to be issued with the Certificate of LURs and ownership of property attached to land, send the information sheet for determination of land-related financial obligations according to the Form No. 12/DK enclosed with this Decree to the tax authority so as for it to determine and notify the financial obligations to the land user or owner of property attached to land; create and update information on the registered land or property attached to land to the cadastral records and land database.

### **Article 33. Details of certification by communal People's Committees in case of initial registration of land and property attached to land**

1. It is required to certify the current use of land to check whether there is any house or construction thereon; the status of any dispute over land or property attached to land.

2. Apart from the details of certification specified in clause 1 of this Article, the communal People's Committee shall, on a case-by-case basis, certify the following:

a) The stable land use as specified in clause 38 Article 3 of the Law on Land and clause 3 Article 34 of this Decree in case of having the document on LURs specified in clause 7 Article 137 of the Law on Land;

b) The land use origin in case of failure to have the document on LURs specified in Article 137 of the Law on Land; the stable land use as specified in clause 38 Article 3 of the Law on Land and clauses 4 and 5 Article 34 of this Decree;

c) The conformity with the district-level land use planning or general planning or zoning planning or construction planning or rural planning in case of applying for recognition as non-agricultural land as specified in point d clause 1, point d clause 2, point d clause 3 Article 138 of the Law on Land, clause 3 Article 25, point c clause 1 and point c clause 2 Article 26 of this Decree and in the case specified in point a clause 3 Article 139 of the Law on Land but other than the case specified in clause 5 Article 25 of this Decree, clauses 2 and 3 Article 140 of the Law on Land; the conformity with the land use plan in the case specified in clause 4 Article 140 of the Law on Land;

d) The conformity with the land use planning and construction planning in the case specified in clause 1 Article 139 of the Law on Land.

The conformity with the forestry planning regarding special-use forests and protection forests in the case specified in point a clause 2 Article 139 of the Law on Land.

The conformity with the land use planning for the purpose of construction of public infrastructure facilities in the case specified in point b clause 2 Article 139 of the Law on Land.

The conformity with the forestry planning regarding special-use forests and protection forests and with the land use planning for the purpose of construction of public infrastructure facilities in the case specified in point c clause 2 Article 139 of the Law on Land; the conformity with the planning as specified in point c of this clause in the case specified in point c clause 2 Article 26 of this Decree;

dd) Upon certifying the conformity with planning as specified in points c and d of this clause, the communal People's Committee shall rely on the planning in force at the time of certification.

3. In case a land user does not wish to obtain the Certificate of LURs and ownership of property attached to land and a residential community is allocated land by the State for management, the communal People's Committee shall certify the details specified in clause 1, points a and b clause 2 of this Article.

4. The details of certification specified in clauses 1 and 2 of this Article in case a land user wishes to obtain the Certificate of LURs and ownership of property attached to land according to the Form No. 06/DK enclosed with this Decree shall be openly posted at the People's Committee of the commune and residential area where land or property attached to land exists within 15 days and the comments on the publicized details (if any) shall be considered.

5. It is required to complete the application, prepare and submit an application form according to the Form No. 08/DK enclosed with this Decree to the district-level land authority.

#### **Article 34. Bases for certification of the details specified in clauses 1 and 2 Article 33 of this Decree**

1. The certification of current use of land and property attached to land shall rely on minutes of the Land Registration Council or site verification where necessary.

2. The certification of status of disputes over land and property attached to land shall rely on the communal People's Committee's acceptance of petitions for mediation of disputes over land and property attached to land or petitions for settlement of disputes over land and property attached to land or receipt of competent authorities' notifications of acceptance of petitions for settlement of disputes over land and property attached to land.

3. The certification of stable land use in the case specified in clause 7 Article 137 of the Law on Land shall rely on minutes of the Land Registration Council.

4. The certification of stable land use in the cases of failure to have documents on LURs specified in Article 137 of the Law on Land shall rely on the land use term and purposes stated in one of the following documents:

a) Receipt of payment of agricultural land levy or house and land tax;

- b) Record or decision on imposition of penalties for administrative violations concerning the land use or construction of works attached to land;
- c) Effective decision or judgment of a People's Court, decision on judgment enforcement of the judgment enforcement authority already enforced regarding the property attached to land;
- d) Receipts of payment of electricity and water bills and other payments bearing the house address at the land parcel to be determined;
- dd) Documents stating that land is allocated ultra vires or document on purchase, receipt through liquidation, sale or distribution of houses or construction works attached to land in accordance with Article 140 of the Law on Land;
- e) Documents on purchase and sale of houses and other property attached to land or documents on purchase and sale of land and conveyance of LURs bearing signatures of related parties on and after October 15, 1993;
- g) Maps and documents on land surveying and measurement; land registry logbooks and land survey logbooks made on and after December 18, 1980;
- h) Documents on house and land declaration and registration, which bears the confirmation of the communal, district-level or provincial People's Committee at the time of declaration on and after October 15, 1993;
- i) Document on registration of permanent residence or temporary residence at a house attached to land, which is issued by a competent authority;
- k) Minutes of the results of the Land Registration Council in case where one of the pieces of information or documents specified in points a, b, c, d, dd, e, g, h and i of this clause is available or such pieces of information or documents do not clearly state the time of document creation, time of information creation and purpose of land use.

5. In case the commencement dates of land use shown in the documents or pieces of information specified in clause 4 of this Article are inconsistent, the commencement date of land use shall be determined according to the document or piece of information showing the earliest date of land use.

6. The certification of the conformity with plannings shall rely on the plannings approved by a competent authority. To be specific:

- a) In case of applying for recognition as non-agricultural land as specified in point d clause 1, point d clause 2, point d clause 3 Article 138 of the Law on Land, clause 3 Article 25, point c clause 1 and point c clause 2 Article 26 of this Decree, rely on one of the following plannings: district-level land use planning or general planning or zoning planning or construction planning or rural planning;



b) In the case specified in clause 1 Article 139 of the Law on Land, rely on the land use planning and construction planning;

c) In the case specified in point a clause 2 Article 139 of the Law on Land, rely on the forestry planning regarding special-use forests and protection forests;

d) In the case specified in point b clause 2 Article 139 of the Law on Land, rely on the land use planning for the purpose of construction of public infrastructure facilities;

dd) In the case specified in point c clause 2 Article 139 of the Law on Land, rely on the forestry planning regarding special-use forests and protection forests and land use planning for the purpose of construction of public infrastructure facilities; in the case specified in point c clause 2 Article 26 of this Decree, rely on the planning as specified in point a of this clause;

e) In the case specified in point a clause 3 Article 139 of the Law on Land other than the case specified in clause 5 Article 25 of this Decree and in the case specified in clauses 2 and 3 Article 140 of the Law on Land, rely on one of the plannings specified in point a of this clause; in the case specified in clause 4 Article 140 of the Law on Land, rely on the land use planning.

### **Article 35. Procedures for initial registration of land allocated for management**

1. Application for initial registration of land allocated for management specified in Article 217 of the Law on Land:

a) Regarding the person assigned to manage land as specified in clause 1, 2 or 3 Article 7 of the Law on Land, the application consists of an application form for registration of land or property attached to land made using the Form No. 05/DK and report on review of current use of land made using the Form No. 05b/DK enclosed with this Decree.

In the case specified in clause 1 Article 7 of the Law on Land, 01 application shall be submitted to the receiving authority specified in point a or b clause 1 Article 21 of this Decree; in case the application is received by the authority specified in point a clause 1 Article 21 of this Decree, it will be transferred to the Land Registration Office.

In case of the persons assigned to manage land as specified in clauses 2 and 3 Article 7 of the Law on Land, Chairpersons of People's Committees at all levels shall direct land authorities at the same level to prepare 01 application and send it to the Land Registration Office.

b) Regarding the person assigned to manage land as specified in clause 4 Article 7 of the Law on Land, 01 application consisting of an application form for registration of land or property attached to land made using the Form No. 04/DK and report on review of current use of land made using the Form No. 05b/DK enclosed with this Decree shall be submitted to the communal People's Committee; the communal People's Committee shall transfer the application to the Land Registration Office.

2. The Land Registration Office shall create, update and correct cadastral records and land database.

### **Article 36. Procedures for initial issuance of Certificates of LURs and ownership of property attached to land**

1. For an individual, residential community or household that is using land:

After receiving the tax authority's notification of fulfillment of financial obligations or tax deferral, except where the State leases out land and annually collects land rent, the district-level land authority shall:

a) Prepare an application form according to the Form No. 09/DK enclosed with this Decree and submit it to the district-level People Committee for its signature of the Certificate of LURs and ownership of property attached to land.

In the case of land lease, request the district-level People Committee to sign the decision on land lease and Certificate of LURs and ownership of property attached to land; sign the land lease contract;

b) Transfer the Certificate of LURs and ownership of property attached to land or land lease contract in case of land lease to the receiving authority which will hand over it to the land user or owner of property attached to land.

c) Transfer the application enclosed with a copy of the issued Certificate to the Land Registration Office so as for the latter to update and correct cadastral records and land database.

2. For an organization using land or an overseas Vietnamese descendant inheriting LURs as prescribed in point h clause 1 Article 28 of the Law on Land:

After receiving the tax authority's notification of fulfillment of financial obligations or tax deferral, except where the State leases out land and annually collects land rent, the provincial land authority shall:

a) Request the provincial People's Committee to sign Certificate of LURs and ownership of property attached to land or sign the Certificate of LURs and ownership of property attached to land if authorized; sign the land lease contract in case of land lease;

b) Transfer the Certificate of LURs and ownership of property attached to land or land lease contract in case of land lease to the receiving authority which will hand over it to the land user or owner of property attached to land.

c) Transfer the application enclosed with a copy of the issued Certificate to the Land Registration Office so as for the latter to update and correct cadastral records and land database.

3. Where a household, individual or residential community has received the Notification of result of registration of land or property attached to land and wishes to obtain the Certificate of LURs and ownership of property attached to land, adhere to the following regulations:

a) The land user shall submit the Notification of result of registration of land or property attached to land and application form for registration of land or property attached to land made using the Form No. 04/DK enclosed with this Decree to the receiving authority specified in point a clause 1 Article 21 of this Decree;

b) The communal People's Committee shall exploit information on the application for registration of land or property attached to land on the land database or request the Land Registration Office to provide such application in case information fails to be exploited in order to perform the tasks specified in clause 1, points c, d and dd clause 2 and clause 4, clause 5 Article 33 of this Decree;

c) The district-level land authority shall perform the tasks specified in clause 4 Article 31 of this Decree and clause 1 of this Article.

### **Article 37. Procedures for registration of changes to land and property attached to land and issuance of Certificates of LURs and ownership of property attached to land**

Procedures for registration of a change to land and property attached to land and issuance of a Certificate of LURs and ownership of property attached to land, except for the cases specified in Articles 38 through 44 of this Decree, are as follows:

1. The applicant for registration shall submit 01 application including the documents specified in Article 29 of this Decree.

In the case of handling of collateral or contribution of LURs or property attached to land as capital not under agreement; distraintment and auction of LURs or property attached to land for judgment enforcement in accordance with law, the application shall be submitted by the organization in charge of handling LURs or property attached to land or by the receiver of LURs or ownership of property attached to land.

2. The receiving authority shall issue an application receipt and appointment note to the applicant.

If the application is received by the authority specified in point a clause 1 Article 21 of this Decree, it will be transferred to the Land Registration Office.

If the area of residential land is re-determined as prescribed in clause 6 Article 141 of the Law on Land, the receiving authority shall transfer the application to the district-level land authority.

3. The Land Registration Office shall perform the following tasks:

a) The Land Registration Office shall inspect the satisfaction of eligibility requirements for exercise of rights in accordance with the Law on Land in case of exercise of rights by the land user or owner of property attached to land; in case of failure to satisfy the eligibility requirements for exercise of rights in accordance with the Law on Land, it shall notify the reason therefor and return the application to the applicant for registration;

b) Upon handling procedures for registration of land change, if the land parcel has been issued with the Certificate according to the cadastral map or cadastral map measurement extract of such land parcel, the Land Registration Office is not required to measure and re-determine the land parcel area, except where the land user or owner of property attached to land so requests.

In case of following procedures for registration of land change, if the issued Certificate has yet to show the cadastral map or cadastral map measurement extract of the land parcel and the land user wishes to obtain a new Certificate of LURs and ownership of property attached to land or is required to obtain a new Certificate of LURs and ownership of property attached to land, the Land Registration Office shall carry out cadastral map extraction or cadastral map measurement extraction of the land parcel with respect to the area that has not had a cadastral map or has had only a physical cadastral map which is torn or damaged beyond recovery or use for digitization as prescribed in point b clause 2 Article 4 of this Decree in order to show the map of the land parcel on the Certificate of LURs and ownership of property attached to land.

The land user is entitled to have the result of cadastral map extraction or cadastral map measurement extraction recognized and required to pay measurement costs as prescribed; in case of re-measurement, if the land parcel area is greater than that stated in the issued Certificate and the land parcel boundary is the same as that at the time of issuing the Certificate, the land user must discharge financial obligations related to land levy for the additional residential area beyond the residential land area limit and land rent for the additional residential area according to regulations of law in force at the time of issuing the previous Certificate;

c) In case the area of a land parcel is decreased due to a natural landslide, the Land Registration Office shall carry out measurement and re-determine the land parcel area using the state funding;

d) Send the information sheet for determination of land-related financial obligations which is made using the Form No. 12/DK enclosed with this Decree to the tax authority so as for it to determine and notify the financial obligations in case where financial obligations must be fulfilled as prescribed by law;

dd) Make corrections and update the change to the cadastral records and land database; issue a new Certificate of LURs and ownership of property attached to land or confirm the change on the issued Certificate in case financial obligations are not required to be fulfilled; hand over the Certificate of LURs and ownership of property attached to land or send it to the receiving authority which will hand over it to the applicant.

In case financial obligations are required to be fulfilled, the Land Registration Office shall perform the tasks specified in this point after receiving the tax authority's notification of completion of financial obligations.

4. In the case specified in clause 1 Article 30 of this Decree, the Land Registration Office shall perform the task specified in clause 3 of this Article.

5. In the case specified in clause 2 Article 30 of this Decree, adhere to the following regulations:

a) The Land Registration Office shall perform the tasks specified in points a and b clause 3 Article 7 and submit the application to the land authority at the same level to determine the land price and sign the land lease contract as prescribed;

b) The land authority shall sign the land lease contract with the purchaser or receiver of contributed capital being property attached to the leased land without re-issuing the land lease decision; notify the tax authority in writing of the invalidity of the land lease contract the purchaser or receiver of contributed capital being property; transfer the land lease contract to the Land Registration Office;

c) The Land Registration Office shall perform tasks prescribed in points d and dd clause 3 of this Article.

6. In the case specified in clause 3 Article 30 of this Decree, the Land Registration Office shall undertake the following tasks:

a) Perform the task mentioned in clause 3 of this Article;

b) Certify the lease or sublease in the issued Certificate of the project investor.

7. In the case specified in clause 4 Article 30 of this Decree, the Land Registration Office shall undertake the following tasks:

a) Certify the deregistration of the lease or sub-lease in the issued Certificate of the project investor and return the Certificate to the project investor;

b) Revoke the issued Certificate of the lessee or sub-lessee;

c) Make corrections and update changes to the cadastral records and land database.

8. In the cases specified in clauses 5 and 6 Article 30 of this Decree, the Land Registration Office shall perform the tasks specified in points b and dd clause 3 of this Article.

9. In the case specified in clause 7 Article 30 of this Decree, the Land Registration Office shall perform the task specified in points b and dd clause 3 of this Article.

As a sole proprietorship shuts down but its LURs are not dealt with as prescribed by law, the Land Registration Office shall perform task prescribed in point dd clause 3 of this Article.

10. In the case specified in clause 8 Article 30 of this Decree, the Land Registration Office shall perform the task specified in points c and dd clause 3 of this Article.

11. In the case specified in clause 9 Article 30 of this Decree, adhere to the following regulations:

- a) The Land Registration Office shall perform the tasks specified in points b, d and dd clause 3 of this Article, except for the case specified in point b of this clause;
- b) In case of registering a change due to extension of the time limit for housing ownership of a foreign organization or individual according to regulations of law on housing, the Land Registration Office shall perform the task specified in point dd clause 3 of this Article.

12. In the case specified in clause 10 Article 30 of this Decree, adhere to the following regulations:

- a) The Land Registration Office shall perform the task specified in point b clause 3 of this Article; and submit the application to the provincial land authority to determine the land price and re-sign the land lease contract as prescribed in the case of annually paying land rent;
- b) The provincial land authority shall sign the land lease contract with the organization being a new juridical person without re-issuing the land lease decision and transfer the application to the Land Registration Office;
- c) The Land Registration Office shall perform tasks prescribed in points d and dd clause 3 of this Article.

13. In the cases specified in clauses 11 through 15 Article 30 of this Decree, the Land Registration Office shall perform the tasks specified in points b, d and dd clause 3 of this Article.

14. In the case specified in clause 16 Article 30 of this Decree, adhere to the following regulations:

- a) In the case specified in point a clause 2 Article 24 of this Decree, the Land Registration Office shall notify the disposing party in writing of the issuance of the Certificate of LURs and ownership of property attached to land to the receiver of LURs through disposition and openly post this at the People's Committee of the commune where land exists. If the address of the person disposing LURs is unknown, the Land Registration Office shall publish an announcement in the local mass media for 03 consecutive issues, the expenses for publishing the announcement shall be paid by the applicant for issuance of the Certificate LURs and ownership of property attached to land.

30 days after the date of notification or first announcement in the local mass media, if there is no petition for dispute settlement, the Land Registration Office shall perform the tasks specified in points b, c and dd clause 3 of this Article.

If there is a petition for dispute settlement, the Land Registration Office shall instruct parties to submit the petition to a competent authority as prescribed;

b) In the case specified in points b and c clause 2 Article 24 of this Decree, the Land Registration Office shall perform the task specified in point b clause 3 of this Article.

The Land Registration Office shall submit the application to the communal People's Committee so as to perform the tasks specified in Article 33 of this Decree with respect to the additional land area.

The communal People's Committee shall transfer the application enclosed with a report on performance of the tasks prescribed in Article 33 of this Decree to the Land Registration Office for performance of the tasks prescribed in points d and dd clause 3 of this Article.

15. In the case specified in clause 17 Article 30 of this Decree, the Land Registration Office shall perform the task specified in point dd clause 3 of this Article.

16. In the case specified in clause 18 Article 30 of this Decree, the Land Registration Office shall perform the task specified in points b, d and dd clause 3 of this Article.

17. If the area of residential land is re-determined as prescribed in clause 6 Article 141 of the Law on Land, the receiving authority shall transfer the application to the district-level land authority. The district-level land authority shall perform the following tasks:

a) Notify the Land Registration Office for provision of the application for initial issuance of the Certificate;

b) Examine the previous application for issuance of the Certificate. In case it is eligible for re-determination of the residential land area as prescribed in clause 6 Article 141 of the Law on Land, request the district-level People Committee to re-determine the residential land area and issue the Certificate of LURs and ownership of property attached to land to the land user;

c) Transfer the application enclosed with a copy of the issued Certificate to the Land Registration Office so as for the latter to make corrections and update the change to the cadastral records and land database.

18. In case of registration of the change as prescribed in clause 1 Article 30 of this Decree by the land user, owner of property attached to land or member of a group of land users that exercise their rights to part of a land parcel without parcel subdivision or part of their LURs, the Land Registration Office shall perform the tasks specified in points a, b, d and dd clause 3 of this Article.

19. In the case specified in clause 21 Article 30 of this Decree, the Land Registration Office shall inspect the conformity with the district-level land use planning or general planning or zoning planning or construction planning or rural planning and undertake the tasks specified in points b, d and dd clause 3 of this Article.

20. In case of registering a change due to the land repurposing as specified in clause 3 Article 121 of the Law on land, the Land Registration Office shall perform the tasks specified in points b, d and dd clause 3 of this Article.

### **Article 38. Replacement of the issued Certificate**

1. Cases where the issued Certificate is replaced:

- a) A land user wishes to replace their Certificate issued before August 01, 2024 with the Certificate of LURs and ownership of property attached to land;
- b) The issued Certificate is smeared, blurry, ragged or damaged;
- c) The issued Certificate was issued to multiple land parcels but is now issued to each land parcel at the land user's request and the Certificate of LURs and ownership of property attached to land is replaced as prescribed in clause 7 Article 46 of this Decree;
- d) The land use purpose stated in the issued Certificate in accordance with the law on land at the time of issuing such Certificate is different from that according to the land classification as specified in Article 9 of the Law on Land and Government's Decree elaborating some Articles of the Law on Land;
- dd) The position of a land parcel on the issued Certificate is different from the actual position at the time of issuing such Certificate;
- e) A request for writing of full names of both husband and wife in the issued Certificate is submitted, in case LURs are or ownership of property attached to land is common property of husband and wife but the issued Certificate only indicates the full name of either of them;
- g) A request for writing of full names of all members sharing LURs of the household in the issued Certificate is submitted, in case the issued Certificate only indicates name of the household;
- h) The address of a land parcel in the issued Certificate is changed;
- i) Dimensions, area or number of a land parcel is changed due to cadastral surveying and mapping or cadastral measurement extraction but the parcel boundary remains unchanged.

2. An application for replacement of the issued Certificate is composed of:

- a) An application form for registration of change to land or property attached to land, which is made using the Form No. 11/DK enclosed with this Decree, and the issued Certificate.

In the case specified in point g clause 1 of this Article, the application form for registration of change to land or property attached to land which is made using the Form No. 11/DK enclosed with this Decree must indicate that members share LURs of the household;



b) A piece of cadastral map measurement extract of the land parcel in case of measurement extraction of the land parcel as specified in point i clause 1 of this Article.

### 3. Procedures for replacement of the issued Certificate:

a) A land user or owner of property attached to land shall submit the application specified in clause 2 of this Article to the receiving authority specified in clause 1 Article 21 of this Decree;

b) The receiving authority shall issue an application receipt and appointment note to the land user or owner of property attached to land.

If the application is received by the authority specified in point a clause 1 Article 21 of this Decree, it will be transferred to the Land Registration Office.

### 4. The Land Registration Office shall:

a) Exploit and use information about marital status in the National Population Database in the case specified in point e clause 1 of this Article.

In case information about marital status fails to be exploited, the land user or owner of property attached to land shall submit a copy of the Certificate of marriage or another proof of the marital status.

In case of a change of the address of the land parcel in the issued Certificate as specified in point h clause 1 of this Article, the procedures handling authority shall information on the competent authority's document on the change to handle the procedures;

b) In the case specified in point d clause 1 of this Article, carry out a site inspection and make a comparison with the application for registration and issuance of the issued Certificate to correctly determine the position of the land parcel;

c) If the issued Certificate is yet to include a cadastral map or cadastral map measurement extract of the land parcel, comply with the regulations laid down under point b clause 3 Article 37 of this Decree;

d) Send the information sheet for determination of land-related financial obligations which is made using the Form No. 12/DK enclosed with this Decree to the tax authority so as for it to determine and notify the financial obligations in case where financial obligations must be fulfilled as prescribed by law;

dd) Make corrections and update the change to the cadastral records and land database; issue the Certificate of LURs and ownership of property attached to land; hand over the Certificate of LURs and ownership of property attached to land or send it to the receiving authority which will hand over it to the applicant.

In case of replacement of the issued Certificate due to cadastral surveying and mapping but the mortgagee is having custody of the issued Certificate, the Land Registration Office shall notify the list of entities following procedures for issuance of the Certificate of LURs and ownership of property attached to land to the mortgagee; certify the registration of mortgage in the issued Certificate of LURs and ownership of property attached to land. The handover of the Certificate of LURs and ownership of property attached to land shall be carried out by triple parties including the Land Registration Office, land user or owner of property attached to land and the mortgagee; the land user or owner of property attached to land shall sign and receive the new Certificate from the Land Registration Office to hand it over to the mortgagee; the mortgagee shall surrender the mortgaged old Certificate to the Land Registration Office for management.

### **Article 39. Procedures for re-issuance of the issued Certificate due to loss**

1. A land user or owner of property attached to land shall submit an application form for registration of change to land or property attached to land according to the Form No. 11/DK enclosed with this Decree to the receiving authority specified in clause 1 Article 21 of this Decree.

If the application is received by the authority specified in point a clause 1 Article 21 of this Decree, it will be transferred to the Land Registration Office.

2. The Land Registration Office shall perform the following tasks:

a) Check information about the issued Certificate which the land user or owner of property attached to land in the cadastral records and land database;

b) If it is found that the rights to use the land parcel or ownership of property attached to land issued with the Certificate has been disposed or the LURs are or property attached to land is pledged as collateral for a loan granted by a credit institution, economic organization or individual as prescribed by law, return the application to the land user or owner of property attached to land;

c) In a case other than that specified in point b of this clause, the Land Registration Office shall deliver information thereon to the People's Committee of the commune where land exists; publish an announcement in the local mass media for 03 consecutive issues within 15 days regarding the loss of the Certificate issued to an organization or overseas Vietnamese descendant the expenses for publishing the announcement shall be paid by the land user or owner of property attached to land;

d) Invalidate the issued Certificate; update and correct the cadastral records and land database after performing the tasks specified in clause 3 of this Article; re-issue the Certificate of LURs and ownership of property attached to land it to the applicant.

If the issued Certificate is yet to include a cadastral map or cadastral map measurement extract of the land parcel, comply with the regulations laid down under point b clause 3 Article 37 of this Decree.

3. The communal People's Committee shall perform the following tasks:

a) Openly post the loss of the issued Certificate at the People's Committee of the commune and residential area where land exists within 15 days; at the same time receive feedback during the posting period;

b) Within 05 days from the end of the posting period, the communal People's Committee shall make a record on termination of posting and send it to the Land Registration Office.

4. In case the additional page of the Certificate issued in accordance with the law on land prior to the effective date of this Decree is lost, the land user or owner of property attached to land shall submit an application form for registration of change to land or property attached to land according to the Form No. 11/DK enclosed with this Decree and an original of the issued Certificate. The Land Registration Office shall check information about the additional page in the cadastral records and land database; re-issue the Certificate of LURs and ownership of property attached land containing updated information about the issued Certificate and information on the additional page.

**Article 40. Procedures for registration of land and property attached to land and issuance of Certificates of LURs and ownership of property attached to land in case of donation of LURs to the State or residential communities or for expansion of roads**

1. In case a land parcel has been issued with the Certificate, the following regulations shall be complied with:

a) The land user shall submit a document on donation of LURs or minutes of meeting between the representative of the village, hamlet, sub-quarter or residential area and the land user about the donation of LURs and original of the issued Certificate to the People's Committee of the commune where land exists.

In case there is a minutes of meeting between the communal People's Committee and the land user about the donation of LURs, the land user only submits the original of the issued Certificate to the People's Committee of the commune where land exists.

b) The communal People's Committee shall transfer the document on donation of LURs enclosed with the issued Certificate to the Land Registration Office;

c) The Land Registration Office shall carry out cadastral surveying and mapping or cadastral map measurement extraction, certify the change in the issued Certificate or issue a new Certificate of LURs and ownership of property attached to land in case of donation of part of the land parcel area.

If the land user donates the entire parcel area issued with the Certificate, the issued Certificate shall be revoked for management;

d) Hand over the Certificate of LURs and ownership of property attached to land or transfer the Certificate to the communal People's Committee which will hand over it to the applicant.

2. In case a land parcel has yet to be issued with the Certificate, the following regulations shall be complied with:

a) The land user shall submit a document on donation of LURs or minutes of meeting between the representative of the village, hamlet, sub-quarter or residential area and the land user about the donation of LURs to the People's Committee of the commune where land exists.

In case there is a minutes of meeting between the communal People's Committee and the land user about the donation of LURs, the land user is not required to submit the document specified in this point;

b) The communal People's Committee shall transfer the document on donation of LURs enclosed with the district-level land authority;

c) The district-level land authority shall conduct cadastral surveying, make corrections to the cadastral map or carry out cadastral map measurement extraction;

d) For remaining area (if any) of the land parcel, the land user or owner of property attached to land shall follow procedures for registration of land and property attached to land as prescribed in Articles 28, 31 and 32 of this Decree; if the land user wishes to obtain the Certificate of LURs and ownership of property attached to land, they shall follow procedures for issuance of the Certificate of LURs and ownership of property attached to land as prescribed in Article 36 of this Decree.

**Article 41. Procedures for registration of land and property attached to land and issuance of the Certificate of LURs and ownership of property attached to land to a receiver of LURs or ownership of a house, construction work under a real estate project**

1. Within the time limit prescribed by the law on housing and law on real estate business, the project investor shall submit 01 application to the receiving authority specified in clause 1 Article 21 of this Decree. If the application is received by the authority specified in point a clause 1 Article 21 of this Decree, it will be transferred to the Land Registration Office. The application is composed of:

a) A document issued by the authority competent to manage houses and construction works certifying that the house, construction work or construction work item eligible to be put into use as per the law on construction;

b) A document of the authority competent to manage real estate business certifying the LURs or property attached to land eligible to be put on market use as per the law on real estate business;

c) An application form for registration of change to land or property attached to land which is made using the Form No. 11/DK enclosed with this Decree by the receiver of LURs or ownership of the house, construction work or construction work item;

d) A contract for conveyance of LURs or ownership of the house, construction work or construction work item as prescribed by law;

dd) A record on transfer of the house, construction work or construction work item;

e) The Certificate issued to the project investor;

g) A document evidencing the fulfillment of financial obligations in case the Land Registration Office receives a competent authority's document stating that the detailed construction planning has been adjusted giving rise to financial obligations of the project as prescribed by law.

2. In case the receiver of LURs or ownership of the house, construction work or construction work item directly follows the procedures for registration of LURs and property attached to land and issuance of Certificate of LURs and ownership of property attached to land, the application shall be submitted the receiving authority specified in clause 1 Article 21 of this Decree; in case the application is received by the authority specified in point a clause 1 Article 21 of this Decree, it will be transferred to the Land Registration Office. The application consists of the documents specified in clause 1 of this Article or the documents specified in points c, d and dd clause 1 of this Article.

3. The Land Registration Office shall:

a) Inspect the adequacy of the documents as specified in clauses 1 and 2 of this Article.

In case the receiver of LURs or ownership of the house, construction work or construction work item directly follows the procedures for registration of LURs and property attached to land and issuance of Certificate of LURs and ownership of property attached to land but the investor has yet to submit the documents specified in clause 1 of this Article and the application submitted by the receiver only consists of the documents specified in points c, d and dd clause 1 of this Article, the Land Registration Office shall, within 03 working days, request the investor to provide the documents specified in points a, b, e and g clause 1 of this Article;

b) Send the information sheet for determination of land-related financial obligations which is made using the Form No. 12/DK enclosed with this Decree to the tax authority so as for it to determine and notify the financial obligations to the receiver of LURs or ownership of the house, construction work or construction work item;

c) Update and correct the cadastral records and land database;

d) Issue the Certificate of LURs and ownership of property attached to land to the receiver of LURs or ownership of the house, construction work or construction work item; certify the change in the Certificate issued to the investor, including information about the area with LURs

co-owned by another person which will be corrected to make a switch to the form of joint ownership;

dd) Hand over the Certificate of LURs and ownership of property attached to land or transfer the Certificate to the project investor that will hand over it to the applicant in case the project investor submits the application to follow the procedures.

**Article 42. Procedures for registration of land and property attached to land and issuance of the Certificate of LURs and ownership of property attached to land in case LURs have been conveyed but the procedures for disposition have not been followed as prescribed**

1. Where a person is using land acquired through LURs disposition in contravention of regulations of law in the following circumstances and signatures of related parties have been appended but he/she is yet to be granted a Certificate and not specified in clause 2 of this Article, such person shall follow procedures for initial registration of land and issuance of the Certificate of LURs and ownership of property attached to land in accordance with the law on land and this Decree without having to follow procedures for conveyance of LURs; the receiving authority shall not request the receiver of LURs submit the contract or document on conveyance of LURs as prescribed by law, except for the document on receipt of LURs specified in point d clause 1 Article 28 of this Decree:

a) He/she used land acquired through LURs disposition before July 01, 2014 but failed to have the document on LURs specified in Article 137 of the Law on Land is unavailable;

b) He/she used land acquired through LURs disposition before August 01, 2024 and has had the document on LURs specified in Article 137 of the Law on Land;

c) He/she used land acquired through disposition of LURs of the LURs inheritor as specified in clause 4 Article 137 of the Law on Land;

2. Where a person is using a land parcel acquired through disposition of LURs before August 01, 2024 and such parcel has been issued with the Certificate and the receiver of LURs through disposition only has the Certificate issued to the parcel and the document on receipt of LURs through disposition or only has the contract or document on LURs disposition created as prescribed, he/she shall comply with the following regulations:

a) The land user shall submit an application form for registration of change to land or property attached to land according to the Form No. 11/DK enclosed with this Decree and the contract or document on disposition of LURs created as prescribed in cases where there is only a contract or document on disposition of LURs created as prescribed but the disposing party does not hand over the Certificate to the receiver of LURs.

In case of receipt of LURs through disposition without a prescribed contract or document, the following shall be submitted: an application form for registration of change to land or property attached to land, original of the issued Certificate and document on disposition of LURs bearing all signatures of the disposing party and the receiver;

b) The Land Registration Office shall notify the disposing party and the People's Committee of the commune where land exists in writing of the completion of procedures for issuance of the Certificate of LURs and ownership of property attached to land to the receiver.

If the address of the person disposing LURs is unknown, the Land Registration Office shall publish an announcement in the local mass media for 03 consecutive issues, the expenses for publishing the announcement shall be paid by the applicant for issuance of the Certificate LURs and ownership of property attached to land;

c) 30 days after the date of notification or first announcement in the local mass media, if there is no petition for dispute settlement, the Land Registration Office shall issue the Certificate LURs and ownership of property attached to land to the receiver; if the disposing party fails to submit the issued Certificate, the issued Certificate shall be invalidated.

If there is a petition for dispute settlement, the Land Registration Office shall instruct parties to submit the petition to a competent authority as prescribed.

#### **Article 43. Procedures for registration of land in case of transfer a real estate project**

1. The applicant for registration shall submit 01 application to the receiving authority specified in clause 1 Article 21 of this Decree. If the application is received by the authority specified in point a clause 1 Article 21 of this Decree, it will be transferred to the Land Registration Office. The application is composed of:

a) An application form for registration of change to land or property attached to land, which is made using the Form No. 05/DK or application form for registration of change to land or property attached to land, which is made using the Form No. 11/DK enclosed with this Decree in case the area of land for the project has been granted the Certificate;

b) The Certificate issued to the project transferor; in case of a change to the financial obligations, a document evidencing the fulfillment of financial obligations for such change (except cases where financial obligations are exempted or may be delayed as prescribed by law).

In case LURs for execution of the project are yet to be certified, a document evidencing the fulfillment of financial obligations by the project transferor and transferee, decision on land allocation or land lease or permission for land repurposing for execution of the project;

c) A written permission for transfer of the project or part of the project granted by the competent authority;

d) A contract for transfer of the project or part of the project as prescribed by law;

dd) A land subdivision or consolidation drawing, which is made using the Form No. 02/DK enclosed with this Decree in the case where part of the project is transferred and the LURs for execution of the project have been certified;

e) A piece of cadastral map measurement extract in the case where part of the project is transferred and the LURs for execution of the project are yet to be certified, which has been approved by the Land Registration Office as prescribed in point a clause 5 Article 9 of this Decree.

2. In case the project transferee is not a foreign-invested economic organization and land for execution of the project has been certified, the Land Registration Office shall perform the tasks specified in clause 3 Article 37 of this Decree.

3. In case the project transferee is not a foreign-invested economic organization and land for execution of the project has not been certified, comply with the following regulations:

a) Send the information sheet for determination of land-related financial obligations which is made using the Form No. 12/DK enclosed with this Decree to the tax authority so as for it to determine and notify the financial obligations;

b) After receiving the tax authority's notification of fulfillment of financial obligations, the Land Registration Office shall complete the application and submit it to the provincial land authority;

c) The provincial land authority shall request the provincial People's Committee to sign Certificate of LURs and ownership of property attached to land or sign the Certificate of LURs and ownership of property attached to land if authorized, and transfer the application to the Land Registration Office;

d) The Land Registration Office shall hand over the Certificate of LURs and ownership of property attached to land or transfer it to the receiving authority which will hand over it to the applicant; create, update and correct cadastral records and land database.

4. In case the project transferee is a foreign-invested economic organization, the registration of land shall be done while following procedures for land allocation or land lease according to the Decree elaborating some Articles of the Law on Land.

**Article 44. Handling of the case where an individual or household has a land parcel of which an area was certified as residential land before July 01, 2004 and the remaining area has not been certified**

1. A land user shall be issued with the Certificate of LURs and ownership of property attached to land for the entire area of the land parcel in use as follows:

a) In case the land user had a document on LURs specified in Article 137 of the Law on Land at the time of issuance of the Certificate, the residential land area shall be determined according to the issued Certificate; in case the land user wishes the residential land area to be re-determined as prescribed in clause 6 Article 141 of the Law on Land, the remaining area shall be determined according to points a, b and c clause 4 Article 141 of the Law on Land;



b) In case the land user failed to have a document on LURs specified in Article 137 of the Law on Land at the time of issuance of the Certificate, the residential land area shall be determined according to the issued Certificate and the remaining area shall be determined according to points a, b and c clause 4 Article 141 of the Law on Land.

2. An application for issuance of the Certificate of LURs and ownership of property attached to land as specified in clause 1 of this Article includes:

a) An application form for registration of change to land or property attached to land, which is made using the Form No. 11/DK enclosed with this Decree;

b) The issued Certificate.

3. Procedures for registration of land or property attached to land and issuance of the Certificate of LURs and ownership of property attached to land:

a) A land user or owner of property attached to land shall submit the application specified in clause 2 of this Article to the receiving authority specified in clause 1 Article 21 of this Decree;

b) The receiving authority shall issue an application receipt and appointment note to the land user or owner of property attached to land.

If the application is received by the authority specified in point a clause 1 Article 21 of this Decree, it will be transferred to the Land Registration Office.

4. The Land Registration Office shall:

a) Perform the task specified in point b clause 3 Article 37 of this Decree; collect opinions of the People's Committee of the commune where land exists about the current use of land and status of land disputes;

b) In case land is dispute-free and the land user fails to have a document on LURs specified in Article 137 of the Law on Land or has a document on LURs specified in Article 137 of the Law on Land but does not wish the residential land area to be re-determined, the Land Registration Office shall send the information sheet for determination of land-related financial obligations according to the Form No. 12/DK enclosed with this Decree to the tax authority so as for it to determine and notify the financial obligations to the land user.

After receiving the tax authority's notification of fulfillment of financial obligations, the Land Registration Office shall issue the Certificate of LURs and ownership of property attached to land for the entire area of the land parcel as prescribed in clause 1 of this Article;

c) In case the land user wishes the residential land area to be re-determined as prescribed in clause 6 Article 141 of the Law on Land, the Land Registration Office shall examine the previous application for issuance of the Certificate; if it is eligible for re-determination, the application specified in clause 2 of this Article and the previous application for issuance of the

Certificate shall be transferred to the district-level land authority for its performance of the tasks specified in clause 5 of this Article.

5. The district-level land authority shall:

- a) Determine the area and type of land as specified in points a, b and c clause 4 and clause 6 Article 141 of the Law on Land;
- b) Send the information sheet for determination of land-related financial obligations according to the Form No. 12/DK enclosed with this Decree to the tax authority so as for it to determine and notify the financial obligations to the land user;
- c) After receiving the tax authority's notification of fulfillment of financial obligations, the district-level land authority shall request the district-level People's Committee to sign the Certificate of LURs and ownership of property attached to land; transfer the application and issued Certificate of LURs and ownership of property attached to land to the Land Registration Office which will make corrections and update changes to the cadastral records and land database and hand over the Certificate of LURs and ownership of property attached to land to the applicant.

#### **Article 45. Procedures for correction of the issued Certificate**

1. An application shall be submitted as follows:

- a) Where the competent authority specified in Article 136 of the Law on Land detects an error in the issued Certificate, it shall notify the Certificate holder and request such holder to surrender the original of the issued Certification for correction;
- b) Where the Certificate holder detects an error in the initially issued Certificate, the application specified in clause 2 of this Article shall be submitted to the receiving authority specified in point a clause 1 Article 21 of this Decree. The receiving authority shall issue an application receipt and appointment note to the applicant and transfer the application to a land authority;
- c) Where the Certificate holder detects an error in the issued Certificate upon following procedures for registration of change to land or property attached to land, the application specified in clause 2 of this Article shall be submitted to the receiving authority specified in point a clause 1 Article 21 of this Decree. The receiving authority shall issue an application receipt and appointment note to the applicant. If the application is received by the authority specified in point a clause 1 Article 21 of this Decree, it will be transferred to the Land Registration Office.

2. In case the land user or owner of property attached to land detects an error in the issued Certificate, an application submitted upon following procedures for correction of such issued Certificate includes:

- a) An application form for registration of change to land or property attached to land, which is made using the Form No. 11/DK enclosed with this Decree;

b) An original of the issued Certificate;

c) Documents proving that there is an error in the information about the Certificate holder in the issued Certificate compared to that available at the time of applying for correction or in the information about the land parcel or property attached to land compared to that in the issued Certificate;

d) Where the land user or owner of property attached to land completes procedures through a legal representative in accordance with regulations of law on civil law, a document on the representation in accordance with regulations of civil law is required.

3. Where there is any error in the initially issued Certificate, the land authority shall:

a) Notify it to the Land Registration Office which will transfer the application for issuance of the Certificate to the land authority;

b) Inspect the application and make a written record of conclusions on the error and causes of the error;

c) Submit the application to the competent authority specified in clause 1 Article 136 of the Law on Land for its determination of the corrections in the issued Certificate or issuance of a new Certificate of LURs and ownership of property attached to land.

d) Transfer the application to the Land Registration Office so as for it to make corrections and update changes to the cadastral records and land database; hand over the Certificate of LURs and ownership of property attached to land or send it to the receiving authority which will hand over it to the applicant.

4. Where there is any error in the issued Certificate upon following procedures for registration of change to land or property attached to land, the Land Registration Office shall:

a) Check and make a written record of conclusions on the error and causes of the error;

b) Certify the corrections in the issued Certificate or issue a new Certificate of LURs and ownership of property attached to land;

c) Make corrections and update changes to the cadastral records and land database; hand over the Certificate of LURs and ownership of property attached to land or send it to the receiving authority which will hand over it to the applicant.

**Article 46. Procedures for revocation and invalidation of issued Certificates and issuance of Certificates of LURs and ownership of property attached to land after revocation of issued Certificates**

The revocation or invalidation of an issued Certificate or issuance of a Certificate of LURs and ownership of property attached to land after revocation of the issued Certificate in the cases specified in clauses 2, 5, 6 and 7 Article 152 of the Law on Land shall be done as follows:

1. Where the State expropriates land as prescribed in Articles 78, 79, 81 and 82 of the Law on Land:

a) A land user or owner of property attached to land shall submit the issued Certificate to the unit or organization in charge of compensation, assistance and resettlement in accordance with the law on land or the authority specified in the land expropriation decision;

b) The Land Registration Office shall receive the Certificate of the land user or owner of property attached to land from the authority or unit mentioned in point a of this clause according to the land expropriation decision.

Where the State expropriates the entire area of the land parcel written on the Certificate, cadastral records and land database shall be updated and corrected.

In case the State expropriates an area of the land parcel written on the Certificate or the Certificate is issued to multiple land parcels but the State expropriates one or more land parcels, certify this in the issued Certificate or issue a new Certificate of LURs and property attached to land for the remaining area or remaining land parcels if the land user or owner of property attached to land so requests; hand over the Certificate of LURs and property attached to land to the applicant; update and correct cadastral records and land database.

2. The revocation of the issued Certificate as specified in points a, b and c clause 3 Article 152 of the Law on Land, the competent authority specified in Article 136 of the Law on Land shall decide to revoke the issued Certificate; the Land Registration Office shall update and correct cadastral records and land database.

3. In case a land user or owner of property attached to land finds that the Certificate has been issued in contravention of regulations of law on land specified in point d clause 3 Article 152 of the Law on Land, they shall satisfy the following regulations:

a) The land user or owner of property attached to land shall file a written petition enclosed with the issued Certificate to the receiving authority specified in clause 1 Article 21 of this Decree;

b) The receiving authority shall issue an application receipt and appointment note to the applicant and transfer the application to the competent authority specified in Article 136 of the Law on Land for inspection, consideration and decision on revocation of the issued Certificate or issuance of the Certificate of LURs and property attached to land according to clause 9 of this Article, direct or carry out the updating and correction of cadastral records and land database.

4. The revocation of the Certificate specified in points dd and e clause 2 and clause 5 Article 152 of the Law on Land shall be done as follows:

a) For the initially issued Certificate, the competent authority specified in clause 1 Article 136 of the Law on Land shall issue a revocation decision and transfer it to the Land Registration Office so as for the latter to revoke the issued Certificate, update and correct cadastral records and land database;

b) For the issued Certificate, upon completing the procedures for registration of change to land or property attached to land, the competent authority specified in clause 2 Article 136 of the Law on Land shall issue a revocation decision, update and correct cadastral records and land database.

5. The Land Registration Office shall manage the Certificate in the case where such Certificate is revoked as prescribed in clause 2 and clause 5 Article 152 of the Law on Land.

6. Regarding the cases of Certificate revocation as specified in clauses 1, 2 and 4 of this Article, if the land user or owner of property attached to land disagrees with the settlement by the competent agency, they may file a complaint in accordance with the law on complaints or a lawsuit at a People's Court in accordance with the law on administrative procedures.

7. In the case where multiple land parcels are granted 01 Certificate but one or more parcels fall into any of the cases of Certificate revocation specified in points d, dd and e clause 2 and clause 5 Article 152 of the Law on Land, the issued Certificate shall be revoked and the Certificate of LURs and ownership of property attached to land shall be issued to these parcels in accordance with law; the Certificate issued to the parcels shall be replaced with the Certificate of LURs and ownership of property attached to land as per the law. The issuance of the Certificate of LURs and ownership of property attached to land as prescribed in this shall be done as prescribed in clause 9 of this Article.

8. In case the Certificate is revoked as prescribed in clauses 2 and 5 Article 152 of the Law on Land but the land user or owner of property attached to land fails to submit the Certificate, the Certificate shall be invalidated as follows:

a) For the initially issued Certificate, the land authority shall request the competent authority specified in clause 1 Article 136 of the Law on Land to decide to invalidate the issued Certificate;

b) For the Certificate issued upon completing the procedures for registration of change to land or property attached to land, the Land Registration Office shall decide to invalidate the issued Certificate;

c) In the case specified in point dd clause 2 Article 152 of this Decree, the regulations set out in point d of this clause shall be complied with;

d) The Land Registration Office shall update and correct cadastral records and land database; make a list of invalidated Certificates to the provincial land authority and Ministry of Natural Resources and Environment for public disclosure thereof on their websites.

9. The issuance of a Certificate of LURs and ownership of property attached to land after revocation of the Certificate as specified point d clause 2 Article 152 of the Law on Land shall be done as follows:

a) In case the revoked Certificate is the initially issued Certificate, the Land Registration Office shall transfer the application for issuance of the Certificate to a land authority.

The land authority shall inspect the application and re-determine the information specified in point d clause 2 Article 152 of the Law on Land in accordance with the law on land at the time of issuing the Certificate; prepare an application so as for the competent authority specified in clause 1 Article 136 of the Law on Land to issue the Certificate of LURs and ownership of property attached to land; transfer the processed application to the Land Registration Office for its performance of the tasks specified in point dd of this clause;

b) In case the revoked Certificate is the Certificate issued in case of registering a change to land or property attached to land, the Land Registration Office shall inspect the previous application for issuance of the Certificate to re-determine the information specified in point d clause 2 Article 152 of the Law on Land in accordance with the law on land at the time of issuing the Certificate; issue Certificate of LURs and ownership of property attached to land under the authority prescribed in clause 2 Article 136 of the Law on Land and perform the task prescribed in point dd of this clause;

c) The land authority and Land Registration Office shall not re-determine other information on the Certificate which was created by a competent authority in conformity with regulations of law;

d) For the Certificate which is issued in contravention of regulations of law through the issuing authority's fault, the financial obligations shall be determined according to the policy on collection of land levy and land rent at the time of issuing the previous Certificate; if it is through the land user's fault, the financial obligations shall be determined according to the policy on collection of land levy and land rent at the time of issuing the Certificate of LURs and ownership of property attached to land;

dd) The Land Registration Office shall correct cadastral records and land database; hand over the Certificate of LURs and ownership of property attached to land or transfer it to the receiving authority which will hand over it to the applicant.

10. At the time of revoking the issued Certificate, if the LURs are or ownership of property attached to land is being mortgaged and the mortgagee is having custody of the Certificate, the revoking authority shall notify this to the land user or owner of property attached to land and the mortgagee. The mortgagee shall submit the issued Certificate to the authority having power to issue the new Certificate of LURs and ownership of property attached to land.

#### **Article 47. Invalidation of results of registration of change on issued Certificates**

1. A result of land change registration carried out by the Land Registration Office in accordance with regulations of law will be invalidated only when the Land Registration Office receives a document from the following competent authorities:

- a) An effective judgment or decision of the Court, which involves the decision on partial or full invalidation of the land registration result;
- b) A decision of the competent authority on settlement of land-related dispute, complaint or denunciation, which involves partial or full invalidation of the land registration result;
- c) A decision or award of the Vietnam's commercial arbitration center on the settlement of the dispute between parties that arise from commercial activities related to land, which involves partial or full invalidation of the land registration result.

2. The Land Registration Office shall:

- a) Notify the land user or owner of property attached to land and related parties in writing of the invalidation of registration result. The written notification must explicitly state the bases for invalidation of the registration result and state that the person who is having custody of the Certificate is requested to surrender it to the Land Registration Office for invalidation of the registration result.

In case the Certificate is not surrendered, the registration result shall still be invalidated;

- b) Issue the Certificate of LURs and ownership of property attached to land or certify the change in the issued Certificate according to the details of invalidation of change registration result;
- c) Make corrections and update changes to the cadastral records and land database; hand over the Certificate of LURs and ownership of property attached to land or send it to the receiving authority which will hand over it to the applicant.

3. In case the result of land change registration has been invalidated but the Land Registration Office receives a document on restoration of validity of land change registration result from the competent authority specified in clause 1 of this Article, the Land Registration Office shall perform the following tasks:

- a) Notify the land user or owner of property attached to land and related parties in writing of the restoration of validity of registration result; the written notification must explicitly state the bases for restoration of validity of registration result and state that the person who is having custody of the Certificate is requested to surrender it to the Land Registration Office for restoration of validity of registration result.

In case the Certificate is not surrendered, the validity of registration result shall still be restored;

- b) Perform the tasks mentioned in points b and c clause 2 of this Article.

4. In case the result of land change registration is invalidated as prescribed in clause 2 of this Article but the Certificate is yet to contain the invalidated content and the Land Registration Office receives a document on restoration of validity of land change registration result from the competent authority specified in clause 1 of this Article, the Land Registration Office shall send a written notification to the land user, owner of property attached to land, person having custody of the Certificate and related parties that the result of land change registration written on the Certificate remains unchanged or is not invalidated.

## **Section 5. REGISTRATION OF LAND AND PROPERTY ATTACHED TO LAND AND ISSUANCE OF CERTIFICATES OF LURs AND OWNERSHIP OF PROPERTY ATTACHED TO LAND BY ELECTRONIC MEANS**

### **Article 48. Initial registration of land and property attached to land by electronic means**

1. An online application for initial registration of land or property attached to land includes authenticated electronic versions of or data showing adequate required documents of an application prescribed in Article 28 of this Decree.
2. The initial registration of land and property attached to land by electronic means shall comply with regulations of law on land and law on e-transactions.
3. Procedures for initial registration of land or property attached to land by electronic means:
  - a) A land user or owner of property attached to land or person assigned to manage land shall fill in the online application form for registration of land or property attached to land on the National Public Service Portal or Provincial Public Service Portal;
  - b) The application receiving system of the National Public Service Portal or Provincial Public Service Portal gives a response to the applicant via the Public Service Portal or email or other electronic means;
  - c) The authority handling procedures for registration of land or property attached to land shall inspect the application and handle administrative procedures according to Articles 31 through 36 of this Decree;
  - d) The authority handling procedures for registration of land or property attached to land shall send results of handling of administrative procedures to the land user, owner of property attached to land or person assigned to manage land according to clauses 5 and 6 Article 21 of this Decree.

### **Article 49. Registration of change to land and property attached to land and issuance of Certificates of LURs and ownership of property attached to land by electronic means**

1. An online application for registration of a change to land or property attached to land or issuance of the Certificate of LURs and ownership of property attached to land includes authenticated electronic versions of or data showing adequate required documents of an application prescribed in Article 29 and Article 30 of this Decree.



2. Procedures for registration of a change to land or property attached to land or issuance of the Certificate of LURs and ownership of property attached to land by electronic means are as follows:

- a) A land user or owner of property attached to land or person allocated land for management shall fill in the online application form for registration of change to land or property attached to land and enclose the application for registration of change to land or property attached to land on the National Public Service Portal or Provincial Public Service Portal;
- b) The application receiving system of the National Public Service Portal or Provincial Public Service Portal gives a response to the applicant via the Public Service Portal or email or other electronic means;
- c) The authority handling procedures for registration of land or property attached to land shall inspect the application and handle administrative procedures according to Articles 37 through 45 of this Decree;
- d) The authority handling procedures for registration of land or property attached to land shall send results of handling of administrative procedures to the land user or owner of property attached to land according to clauses 5 and 6 Article 21 of this Decree.

#### **Article 50. Electronic Certificates of LURs and ownership of property attached to land**

- 1. An electronic Certificate of LURs and ownership of property attached to land is an authenticated electronic document in the National Land Information System and has the same legal value as the physical Certificate of LURs and ownership of property attached to land.
- 2. Electronic Certificates of LURs and ownership of property attached to land shall be managed in a centralized and uniform manner in the National Land Information System nationwide.
- 3. Each provincial People's Committee shall organize online issuance of nationwide Certificates of LURs and ownership of property attached to land when satisfying the conditions concerning software, information technology (IT) infrastructure and information security and other conditions under regulations of law on e-transactions.

### **Chapter IV**

#### **CREATION, MANAGEMENT, OPERATION AND EXPLOITATION OF NATIONAL LAND INFORMATION SYSTEM**

#### **Article 51. Activities in service of creation, management, operation and exploitation of National Land Information System**

- 1. Promulgate regulations and mechanisms for creation, management, operation and exploitation of the National Land Information System.

2. Build, operate, maintain and upgrade IT infrastructure of the National Land Information System.
3. Design, upgrade and maintain software of the National Land Information System.
4. Build and update national land databases; manage, connect and share national land databases.
5. Store and keep confidentiality of information, ensure information security and cybersecurity of the National Land Information System.
6. Inspect, examine and supervise the compliance with regulations of law on creation, management, operation, exploitation and use of the National Land Information System.
7. Manage services upon setting up and providing IT infrastructure and software services, building databases and providing value-added products and services using information from land databases and land information system.
8. Provide guidance and provide land-related online public services and e-transactions.
9. Provide training and refresher training in, and improve capacity for creation, management, operation and exploitation of the National Land Information System.
10. Other activities according to regulations of law.

## **Article 52. Creation, updating and management of national land databases**

1. National land databases mentioned in clause 1 Article 165 of the Land Law include the central land database and provincial land databases. To be specific:
  - a) The central land database includes land data updated by central authorities and data from provincial databases that are integrated into the central database;
  - b) The provincial databases include land data updated by local authorities within provinces.
2. National land databases are created, connected and shared in conformity with the National Digital Enterprise Architecture Framework, standards and technical regulations applicable to national land databases.
3. The creation of national land databases must ensure completeness, accuracy and consistency with land management records and documents approved, signed and confirmed by competent authorities in accordance with law.
4. National land databases contain data for storage and sharing according to Government's regulations on management, connection and sharing of digital data of regulatory bodies, including master data, open data, data on shared lists, data on numeric addresses of land parcels and property attached to land and connected and shared data.

a) Master data is data containing the most basic information about land and serving as a basis to refer to and synchronize land data with other national databases, databases of ministries, ministries, central and local authorities;

b) Open data is land data which is publicly disclosed to agencies, organizations and individuals for use, re-use or exchange at their own discretion and free of charge. Agencies, organizations and individuals are free to access and use open data without having to enter their ID numbers upon exploitation and use.

c) Data on shared lists is data on lists and classification codes in the field of land which are promulgated by competent authorities and shared within information systems and databases, ensuring synchronous and consistent integration and exchange of data;

d) Data on numeric addresses of land parcels and property attached to land is a collection of information about locations, coordinates and other related information of land parcels or property attached to land to serve the purpose of determining locations of land parcels and property attached to land by electronic means;

dd) Connected and exchanged data is land data exchanged with ministries, central and local authorities in service of activities of regulatory bodies, handling and simplification of administrative procedures for the people and enterprises.

5. Regarding the database of legislative documents on land specified in clause 1 Article 165 of the Law on Land, it is connected and exchanged with the national database of legal documents for exploitation and use.

6. Regarding the database of inspection, examination, citizen reception, resolution of land-related disputes, complaints and denunciations specified in clause 1 Article 165 of the Law on Land, it is connected and exchanged with the database of inspection and examination and database of complaints and denunciations for exploitation and use as prescribed.

7. National land databases must be updated regularly, ensuring the legality, accuracy and uniqueness of subjects, completeness and timeliness in the process of handling land-related administrative procedures through the software of the National Land Information System; in cases where there are changes or fluctuations in information and data approved by competent authorities but not related to the completion of land-related administrative procedures by land users and owners of property attached to land, it is necessary to update, correct and add them to national land databases.

8. The Minister of Natural Resources and Environment shall elaborate technical process for creating national land databases.

### **Article 53. Numeric addresses of land parcels and property attached to land**

1. Data on numeric addresses of land parcels and property attached to land includes data on geographic locations and attribute data stored in national land databases to serve as a basis for

referring to, connecting and exchanging land data with databases of ministries, central and local authorities.

2. Information about a numeric addresses of a land parcel or property attached to land includes:

a) Code of the numeric address: A collection of numeric characters for identification of the object (land parcel, property attached to land) assigned a unique numeric address nationwide;

b) Name or identification sign of the object: Name or description of characteristics, identification sign of the object assigned a numeric address;

c) Administrative address or administrative area of the object: Administrative address or information about the administrative area of the object such as village, commune, district, province; information about the number of room, name of floor or building in the case of an apartment building; postal code of the land parcel or property attached to land (if any);

d) Geographic location: location coordinate of the object assigned a numeric address;

dd) Other related information fields: full name, identification number, mobile phone number, email, etc. of the user of land or owner of property attached to land assigned the numeric address.

3. The Ministry of Natural Resources and Environment shall create data on numeric addresses of land parcels and property attached to land, provide and exchange them with the Ministry of Public Security which will create and update the integrated national database.

#### **Article 54. Connection and exchange of national land databases**

1. National land databases are synchronized with and updated to the National Data Center and connected with other national databases, databases of ministries, central and local authorities to exchange land information and data to serve activities of regulatory bodies, handling and simplification of administrative procedures for the people and enterprises in accordance with regulations of law on management, connection and exchange of digital data of regulatory bodies.

2. Land information and data are exchanged through services on the National Data Exchange Platform (NDXP), data exchange platform of the Ministry of Natural Resources and Environment and Local Government Service Platform (LGSP) on which regulations on the National Digital Enterprise Architecture Framework are imposed and other exchange platforms as prescribed by law. Technical standards applicable to land information and data exchange services are specified under regulations on connection of national database with other information systems and databases.

3. Other national databases, and databases of ministries, ministries, central and local authorities will be connected with national land databases if the following conditions are met:

- a) Satisfy connection standards and comply with regulations and technical guidance on data exchange, regulations on management, connection and exchange of digital data of regulatory bodies;
  - b) Satisfy regulations on assurance security and confidentiality of information, regulations on intellectual property rights related to data and right to privacy of organizations and individuals.
4. The Ministry of Natural Resources and Environment shall preside over managing, connecting and exchanging national land databases with other national databases, databases of ministries, central and local authorities according to the Government's regulations on management, connection and exchange of digital data of regulatory bodies.
5. People's Committees of provinces and central-affiliated cities shall preside over managing, connecting and exchanging land databases of local authorities with databases of local departments according to the Government's regulations on management, connection and exchange of digital data of regulatory bodies.

#### **Article 55. Land-related online public services**

1. Land-related online public services shall be rendered through the National Public Service Portal, Public Service Portal of the Ministry of Natural Resources and Environment and provincial public service portals.
2. Agencies in charge of managing public service portals shall determine and promulgate regulations on e-identification and e-authentication of subjects participating in online public service transactions on public service portals and comply with regulations of law on e-identification and e-authentication.
3. The Ministry of Natural Resources and Environment shall publicly disclose the list of land-related online public services, wholly online public services and partially online public service for agencies, organizations and individuals' information.
4. According to specific conditions concerning IT infrastructure and land databases under their management, agencies receiving dossiers and returning results of handling of land-related administrative procedures shall organize the online receipt of dossiers and return of results of handling of administrative procedures according to Government's regulations.
5. The electronic connection and exchange of data and electronic connection among agencies for handling of administrative procedures shall comply with regulations of law on online handling of administrative procedures and law on implementation of single-window system within a regulatory body and single-window system that involves multiple regulatory bodies.

#### **Article 56. Land-related e-transactions**

1. Land-related e-transactions include land-related transactions conducted by electronic means through an information system serving e-transactions. A land-related e-transaction shall be

conducted when the conditions allowing parties to conduct transactions according to regulations of law on e-transactions are met.

2. Agencies, organizations and individuals participating in land-related e-transactions shall comply with regulations of law on e-transactions, law on cyberinformation security, law on cybersecurity and other regulations of law.

#### **Article 57. Assurance of safety and regime for ensuring confidentiality of land information and data**

1. The National Land Information System must satisfy requirements for ensuring information system safety in accordance with regulations of law on assurance of information system safety by classification approved by competent authorities and other relevant regulations of law.

2. The Ministry of Natural Resources and Environment is the authority managing the National Land Information System and responsible for directing, expediting and organizing the assurance of information security and information safety by classification; annually direct the inspection and assessment of Information security and drills for response to the system; direct the provision of training and refresher training, dissemination of information on and improvement of awareness of information system for system users.

3. The unit in charge of IT affiliated to the Ministry of Natural Resources and Environment shall advise on, organize, expedite, inspect and supervise the assurance of information safety by classification.

4. The unit operating the National Land Information System shall determine the classification and ensure information safety by classification; prepare applications to register the National Land Information System in the List of information systems of national security significance; periodically assess effectiveness of measures to ensure information safety and propose appropriate adjustments; cooperate with competent units and authorities in carrying out assessment and supervision and responding to emergencies as prescribed.

5. The regime for ensuring confidentiality of land information and data shall be implemented according to regulations of law on protection of state secrets. The list of land-related state secrets are specified under the Prime Minister's Decision on promulgation of list of state secrets in the field of natural resources and environment.

#### **Article 58. Publishing land information and data**

1. The National Land Information Portal is a part of the National Land Information System and used to publish, share and provide services to exploit and use land information and data from national land databases. The Department of Land Registration and Information Database and Ministry of Natural Resources and Environment shall publish the following information and data on the National Land Information Portal:

a) Lists of information and data on national land databases;

b) Information about land use plans and plannings; published land price lists; information about land-related administrative procedures; legislative documents on land;

c) Open data of national land databases.

2. Each provincial People's Committee shall publish the following information and data on its website or website of Department of Natural Resources and Environment:

a) Lists of information and data on provincial land databases;

b) Information about land use plans and plannings; published land price lists; information about land-related administrative procedures; legislative documents on land;

c) Open data on provincial land databases;

3. The publishing of lists of land information and data shall comply with regulations on protection of state secrets in the field of land and other relevant regulations of law.

#### **Article 59. Methods of exploiting and using land information and data**

Land information and data shall be exploited and used by adopting the following methods:

1. Online on the National Land Information Portal, National Public Service Portal, Public Service Portal of the Ministry of Natural Resources and Environment or provincial public service portal, via SMS, web services and API; via utilities and applications for creation of products and added value from national land databases according to regulations.

2. In person at agencies providing land data or Document Receipt and Response Division.

3. Other methods according to regulations of law.

#### **Article 60. Procedures for providing land information and data**

1. Any organization or individual that wishes to exploit land information and data in person shall submit a request form according to the Form No. 13/DK enclosed with this Decree or a written request to the agency providing land information and data or a contract. Land information and data shall be only used for their intended purposes stated in the request form or written request or contract and shall not be provided for other purposes.

2. The request form or written request or contract shall be submitted by adopting any of the following methods:

a) On the National Public Service Portal, Public Service Portal of the Ministry of Natural Resources and Environment, provincial public service portal;

b) In person or via an official dispatch, telegram or postal service;

c) By other electronic means according to regulations of law.

3. Each agency providing land information and data shall receive, process and notify fees and prices of products and services for provision of land information and data for organizations and individuals. In case of refusal to provide information and data, a written response specifying the reason therefor shall be given to the organization or individual requesting land information and data within 02 working days from the date of receiving the request.

4. After an organization or individual makes payment for land information-related products and services, the agency providing land information and data shall provide land information and data as requested.

5. Time limit for providing land information or data is as follows:

a) For information or data available on national land databases, land information or data must be provided within the working day. If the request is received after 15:00, land information or data must be provided in the next working day;

b) For information or data unavailable on national land databases, the agency providing land information and data shall, within 03 working days from the date on which a valid request is received, provide land information or data or send a notification of the extension of the time limit for providing land information or data to the organization or individual requesting land information or data.

In case time is needed to consider, search, gather, consolidate or analyze land information or data or collect comments from related agencies or units, the time limit may be extended by up to 15 working days;

c) In case the providing land information and data and the organization or individual reach an agreement on the exploitation and use of land information or data, the time limit for providing such land information or data shall be determined under the agreement.

6. Agencies providing land information and data

a) The central agency providing land information and data is the Land Data and Information Center affiliated to the Department of Land Registration and Information Database - Ministry of Natural Resources and Environment.

b) The local agency providing land information and data is the Land Registration Office. For a local government that is yet to establish a land database, the Land Registration Office and communal People's Committee shall provide land information and data obtained from cadastral records under the decentralized authority to manage cadastral records.

## **Chapter IV**



## **CREATION, MANAGEMENT, OPERATION AND EXPLOITATION OF NATIONAL LAND INFORMATION SYSTEM**

### **Article 61. Cases in which land information and data are not provided**

1. Land information or data is classified as a state secret as prescribed by law. As information classified as state secret is declassified, citizens may access it according to regulations of law on access to information and regulations of this Decree.
2. Any land information or data is detrimental to the State's interests or adversely affects national defense, national security, international relations, social order and safety as prescribed by law.
3. Information about an land user or owner of property attached to land is provided without their consent, unless such information is provided to serve the investigation, enforcement of a civil judgment, verification and imposition of penalties for violations against the law and state management by competent authorities.
4. The written request or request form is invalid as prescribed.
5. Any organization or individual requests land information or data but fails to pay fees for exploitation and use of land documents or prices of value-added products and services using information from national land databases and National Land Information System as prescribed.

### **Article 62. Fees for exploitation and use of land documents or prices of land information and data services from National Land Information System**

1. Fees for exploitation and use of land documents from the National Land Information System shall comply with regulations on rates, collection, payment, management and use of fees for exploitation and use of land documents from the National Land Information System promulgated by the Ministry of Finance.

In case of exploiting and using land documents unavailable in the National Land Information System, the fees for exploitation and use of land documents shall comply with regulations of law on fees and charges.

2. Prices of services using land information and data from the National Land Information System as prescribed shall comply with regulations on prices of value-added products and services using information from national land databases and National Land Information System promulgated by the Ministry of Natural Resources and Environment.
3. In case of exploitation and use of land information and data published as prescribed in this Decree, the fees for exploitation and use of land documents shall be exempted.
4. The reduction and exemption of fees for exploitation and use of land documents from the National Land Information System shall comply with regulations of law on fees and charges.

In case of serving the purposes of national defense, security and disaster management, reduction and exemption shall be granted as prescribed by law; exemption shall be granted to ministries, central and local authorities upon connection and exchange of national land databases with other national databases and their databases for exchange of land information and data in support of activities of regulatory bodies, handling and simplification of administrative procedures for the people and enterprises according to the Government's regulations on management, connection and exchange of digital data of regulatory bodies.

5. Upon exploiting and using land documents upon request, it is required to pay the fees for exploiting and using land documents or prices of value-added products and services using information from national land databases and National Land Information System. The reduction and exemption of fees and charges for exploitation and use of land documents shall comply with regulations laid down in clause 4 of this Article.

### **Article 63. Responsibilities of agencies, organizations and individuals for providing, exploiting and using land information and data**

1. Responsibilities of agencies, organizations and individuals for providing land information and data:

a) Fulfil all responsibilities under regulations of law on access to information and regulations of law on protection of state secrets;

b) Facilitate the access by organizations and individuals; have data search tools which are regularly upgraded and improved to be user-friendly, easy to use and accurate;

c) Ensure data formats satisfy technical regulations for easy downloading, rapid display, and printing by popular electronic means;

d) Assist organizations and individuals in their access to the National Land Information System;

dd) Ensure the accuracy and consistency of data, regularly and promptly update data in the National Land Information System;

e) In case of suspension of the online provision of related data and services, publicly disclose this 07 working days in advance, except for force majeure events;

g) If a person providing information commits one of the acts specified in Article 11 of the Law on Access to Information and cause damage, the agency providing land data shall provide compensation and the person committing the act shall provide reimbursement as per regulations of law on state compensation liability.

2. Responsibilities of agencies, organizations and individuals for exploiting and using land information and data:

- a) Do not provide the third party with data provided by competent authorities to them for their exploitation and use with respect to confidential and restricted information and data as per the law;
- b) Promptly notify agencies providing land data of any errors in the information and data provided;
- c) Use correct usernames and passwords; do not disclose the granted usernames and passwords. When access is blocked, immediately notify the land information system managing authority for timely instructions;
- d) Exploit data within the permitted scope, use data for its intended purposes, do not illegally intrude into land databases;
- dd) Do not change, delete, destroy, copy, disclose, display and illegally move part or whole of the data; do not create or distribute software, which may destabilize, change or destroy the National Land Information System.

#### **Article 64. Responsibility for state management of National Land Information System**

##### **1. The Ministry of Natural Resources and Environment shall:**

- a) Act as an authority managing the National Land Information System and be responsible to the Government for state management of the National Land Information System to perform centralized management and decentralize authority in a uniform manner from central to local government.
- b) Manage national land databases in a centralized and uniform manner, decentralize management authority to provincial People's Committees to manage land databases within their provinces;
- c) Preside over and cooperate relevant authorities in submitting and promulgating legislative documents, mechanisms and policies on creation, management, operation and exploitation of the National Land Information System;
- d) Organize creation of land database including data updated by central authorities; integrate local land databases into national land databases; manage central land databases and land databases of 63 provinces and cities integrated with the central database; update results of baseline surveys, data and information related to land of ministries and central authorities and relevant authorities to national land databases;
- dd) Organize creation, management, maintenance and upgradation of IT infrastructure at central level and software of the National Land Information System to ensure that national land databases are managed and operated in a centralized and uniform manner and the National Land Information System will be put into operation by 2025;

e) Take responsibility for ensuring safety and confidentiality of information of the National Land Information System, take organizational and managerial measures, professional and technical measures to ensure safety and confidentiality of data and cyberinformation security; inspect and assess information safety, manage risks and appropriate measures to ensure information safety;

g) Connect and exchange information from national land databases with the national public service portal, information systems, databases of ministries, central and local authorities and provide land information to organizations and individuals as prescribed by law;

h) Organize and provide public online services and e-transactions in the field of land in accordance with law;

i) Inspect and examine the creation, management, operation, exploitation and use of the National Land Information System;

k) Prepare consolidated and periodic reports to publish basic information on national land databases as prescribed;

l) Build, train and improve capacity and expertise of cadres, public officials, public employees and employees to satisfy the requirements for creation, management, operation and exploitation of the National Land Information System;

m) Provide technical guidance and assistance to localities using the National Land Information System to manage local land databases;

n) Provide human resources, and hire organizations and specialists as prescribed by law to create, manage, operate and exploit the National Land Information System.

2. Ministries, central authorities and related authorities shall provide results of baseline surveys, land data and information to the Ministry of Natural Resources and Environment within 30 days from the date on which the competent authority accepts them or changes to the accepted results for updating thereof to national land databases.

3. Ministries and central authorities shall, according to their assigned functions and tasks and relevant special legislation, connect and exchange data from national databases and specialized databases under their management with national land databases. To be specific:

a) The Ministry of Justice shall connect and exchange data from the national database of legal documents and notarization and authentication database;

b) The Ministry of Planning and Investment shall connect and exchange data from the database of plannings and national database of enterprise registration;

c) The Ministry of Finance shall connect and exchange data from the database of fees and taxes and other financial data related to land;

d) The Ministry of Public Security shall connect and exchange data from the national population database;

dd) The Ministry of Construction shall connect and exchange data from the database of houses and real estate market;

e) The Ministry of Agriculture and Rural Development shall connect and exchange data from the agriculture and forestry database;

g) The Government Inspectorate shall connect and exchange data from the database of inspection and national database of citizen reception, processing and settlement of disputes, complaints and feedback;

h) Other ministries and central authorities shall, according to their assigned functions and tasks, connect and exchange data from national databases and specialized databases under their management with national land databases.

#### 4. Provincial People's Committees shall:

a) Within the scope of their tasks and powers, perform state management of the National Land Information System in their provinces under their authority;

b) Organize creation, updating, management and operation of land databases in their provinces, connect and exchange with national land databases by 2025;

c) Direct and inspect the creation, management, operation, exploitation and use of the National Land Information System in their provinces;

d) Organize management, operation, maintenance, upgradation and addition of utilities, provide IT infrastructure and software in their provinces, line between local and central government and terminal equipment to service the creation, operation and updating of local land databases;

dd) Organize the management, connection and exchange of local land databases with databases of local departments and provide land information to organizations and individuals as prescribed by law;

e) Organize and provide public online services and e-transactions in the field of land in accordance with law;

g) Ensure information system safety of national land databases within their provinces in accordance with regulations of law on assurance of information system safety by classification;

h) Build, train and improve capacity and expertise of cadres, public officials, public employees and employees of provinces to satisfy the requirements for creation, management, operation, exploitation and use of the National Land Information System.

## **Chapter V**

### **IMPLEMENTATION CLAUSE**

#### **Article 65. Transitional clauses**

1. If a cadastral surveying project or work has been approved and commenced before the effective date of this Decree, its items and products that have been completed and accepted by the construction unit according to the approved project, technical design and estimate and construction plan are not required to be adjusted according to this Decree.
2. Where the issued Certificate certifies the ownership of planted production forests or ownership of perennial plants but the land user follows procedures for registration of change to land or property attached to land and for issuance of a new Certificate of LURs and ownership of property attached to land or for replacement or re-issuance of the Certificate of LURs and ownership of property attached to land, the competent authority specified in clause 2 Article 136 of the Law on Land shall comply with the regulations laid down in clause 21 Article 3 of the Law on Land.
3. Where land or property attached to land is registered and the Certificate of LURs and ownership of property attached to land is issued to a receiver of LURs or ownership of a house, construction work or construction work item under a real estate project as prescribed in Article 41 of this Decree and the investor submits documents to follow procedures for registration and issuance of the Certificate as prescribed before the effective date of this Decree and the Department of Natural Resources and Environment has sent a notification to the Land Registration Office to initiate procedures for registration of house or land for the purchaser, the investor is not required to submit the documents specified in points a, b and e clause 1 Article 41 of this Decree.
4. In the case where the decision to allocate land for management is issued before the effective date of this Decree, the land authority shall transfer the dossier on allocation of land for management to the Land Registration Office to perform the tasks specified in clause 2 Article 35 of this Decree.
5. If a land survey and assessment project is approved and implemented before the effective date of this Decree, its items and products that have been completed and accepted by the construction unit according to the approved project, technical design and estimate and construction plan are not required to be adjusted according to this Decree. Where the product has not been accepted, it is required to adjust and approve it again according to this Decree and document providing guidelines on the Law on Land 2024.
6. The issuance of Certificate codes as prescribed in Article 27 of this Decree shall be done as the National Land Information System is officially put into operation.

**Article 66. Provision of funding for baseline land surveys, registration of land and issuance of certificates of LURs and ownership of property attached land and national land information system and databases**

1. Funding for baseline land surveys, registration of land and issuance of Certificates of LURs and ownership of property attached land and national land information system and databases shall be covered by the state budget and other legal sources of funding as prescribed by law.
2. Funding for conduct of cadastral surveying and mapping activities shall be covered by the local government budget and other legal sources of funding as prescribed by law.
3. Funding for conduct of land surveys and assessments; land protection, improvement and restoration
  - a) Survey, preparation, adjustment and appraisal of technical design and estimate and conduct of land surveys and assessments; land protection, improvement and restoration nationwide and in socio-economic regions shall be covered by central government budget for recurrent expenditures on environmental protection and business operations;
  - b) Land surveys and assessments; land protection, improvement and restoration in provinces shall be covered by local government budget for recurrent expenditures on environmental protection and business operations
4. Funding for creation, management, operation, maintenance and upgradation of the National Land Information System and national land databases shall be covered by budget for development investment expenditures and state budget for recurrent expenditures in accordance with regulations on hierarchical management of state budget; by revenues from collection of fees for exploitation and use of land documents in accordance with the Law on Fees and Charges; by revenues from value-added products and services using information from national land databases and National Land Information System in accordance with regulations of law on prices and other sources of funding as prescribed by law. The use of the state budget shall comply with regulations of the Law on State Budget and Law on Public Investment.

**Article 67. Effect**

1. This Decree comes into force from August 01, 2024.
2. The following Decrees shall cease to have effect from the effective date of this Decree:
  - a) Government's Decree No. 43/2014/ND-CP dated May 15, 2014;
  - b) Government's Decree No. 01/2017/ND-CP dated January 06, 2017;
  - c) Government's Decree No. 148/2020/ND-CP dated December 18, 2020;
  - d) Government's Decree No. 10/2023/ND-CP dated April 03, 2023.

3. Several Articles and clauses of the following Decrees are repealed:

a) Clauses 1 and 2 Article 1 of the Government's Decree No. 136/2018/ND-CP dated October 05, 2018;

b) Article 11 of the Government's Decree No. 104/2022/ND-CP dated December 21, 2022.

**Article 68. Responsibility for implementation**

1. Ministries and provincial People's Committees shall provide guidelines for implementation of Articles and clauses assigned in this Decree and review promulgated documents for amendment or replacement to make them conformable with this Decree.

2. Ministers, heads of ministerial agencies, heads of Governmental agencies, Chairpersons of People's Committees at all levels, other organizations and individuals concerned are responsible for the implementation of this Decree./.

**FOR THE GOVERNMENT  
PP. THE PRIME MINISTER  
THE DEPUTY PRIME MINISTER**

**Tran Hong Ha**