

THE GOVERNMENT

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No. 102/2024/ND-CP

Hanoi, July 30, 2024

DECREE

Detailing the implementation of a number of articles of the Land Law¹

Pursuant to the June 19, 2015 Law on Organization of the Government; and the November 22, 2019 Law Amending and Supplementing a Number of Articles of the Law on Organization of the Government and the Law on Organization of Local Administration;

Pursuant to the January 18, 2024 Land Law; and the June 29, 2024 Law Amending and Supplementing a Number of Articles of Land Law No. 31/2024/QH15, Housing Law No. 27/2023/QH15, Law No. 29/2023/QH15 on Real Estate Business, and Law No. 32/2024/QH15 on Credit Institutions;

Pursuant to the November 24, 2017 Planning Law; and the November 20, 2018 Law Amending and Supplementing a Number of Articles of Thirty-Seven Laws concerning Planning;

At the proposal of the Minister of Natural Resources and Environment;

The Government promulgates the Decree detailing the implementation of a number of articles of the Land Law.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Decree details and guides the implementation of Clause 6, Article 3; Article 9; Clause 2, Article 10; Article 16; Clause 4, Article 22; Point d, Clause 1, Article 28; Clause 3, Article 28; Clause 6, Article 49; Article 65; Clause 2, Article 74; Clause 9, Article 76; Clause 10, Article 76; Articles 81, 82, 84, 87 and 88; Point b, Clause 5, Article 89; Clause 7, Article 89; Articles 90 and 113; Clause 3, Article 115; Clauses 6 and 7, Article 116; Clause 1, Article 122; Point n, Clause

¹ Công Báo Nos 931-932 (15/8/2024)

3, Article 124; Clause 8, Article 124; Articles 125, 126, 127, 172, 181, 190, 192, 193, 194, 197, 200, 201, 202, 203, 204, 208, 210, 216, 218, 219, 223 and 232; Clause 8, Article 234; Clause 7, Article 236; Clause 2, Article 240; Point c, Clause 2, Article 243; and Point b, Clause 2, Article 257, of the Land Law.

Article 2. Subjects of application

1. State agencies that exercise the powers and perform the responsibilities of representatives of the all-people owner of land, and perform the unified state management of land.

2. Land users specified in Article 4 of the Land Law.

3. Other subjects involved in land management and use.

Article 3. Individuals directly engaged in agricultural production

Individuals directly engaged in agricultural production are those who have been allocated land or leased land or have agricultural land use rights recognized by the State; and acquire agricultural land use rights and earn income from agricultural production on such land, except:

1. Cadres, civil servants, public employees, active-service officers, professional army men, national defense civil servants, workers and public employees, officers, non-commissioned officers, workers in the public security forces, and persons performing cipher work and persons performing other jobs in cipher organizations who are salaried by the state budget;

2. Pensioners;

3. Persons who stop working due to work capacity loss or quit their jobs and are entitled to monthly social insurance allowance;

4. Employees working under indefinite-term labor contracts.

Article 4. Detailed provisions on land types in the group of agricultural land

1. Land for annual crops means land for cultivation of plants that are sowed/planted, harvested and have the production cycle lasting no more than one year, including also annual crops with their roots retained. Land for annual crops includes paddy land and land for other annual crops, specifically as follows:

a/ Paddy land means land for cultivation of one or more than one rice crop or for cultivation of rice as the main crop in combination with other use purposes permitted by law. Paddy land includes land used exclusively for rice cultivation and other types of land for rice cultivation, in which land used exclusively for rice cultivation is land for cultivation of 2 or more rice crops;

b/ Land for other annual crops means land for planting annual crops other than rice.

2. Land for perennials means land used for trees that are sowed/planted once, grown for multiple years and harvested once or more times.

3. Forestry land means land used for the purposes of management, protection and development of special-use forests, protection forests and production forests in accordance with the forestry law which shall be classified as follows:

a/ Special-use forest land means land under special-use forests in accordance with the forestry law, and land already allocated for development of special-use forests;

b/ Protection forest land means land under protection forests in accordance with the forestry law, and land already allocated for development of protection forests;

c/ Production forest land means land under production forests in accordance with the forestry law, and land already allocated, leased or repurposed for development of production forests.

4. Land for aquaculture means land used exclusively for aquaculture.

5. Land for livestock production means land for construction of livestock production farms in separate areas in accordance with the livestock production law.

6. Land for salt making means land used for making salt from seawater.

7. Other types of agricultural land include:

a/ Land for producing seedlings and breeds and land for growing flowers and ornamental plants; and land for crop production, livestock production and aquaculture for the study, testing research and experimentation purposes;

b/ Land for construction of greenhouses and houses of other types for the crop production and livestock production purposes, including also forms of crop production and livestock production not on land;

c/ Land for construction of works associated with agricultural production zones, including land for construction of makeshift houses, tents and camps for workers; land for construction of works for preservation of agricultural products and storage of pesticides, fertilizers, machinery and tools, and other auxiliary works.

Article 5. Detailed provisions on land types in the group of non-agricultural land

1. Residential land means land for construction of houses and for other purposes serving people's lives in the same land parcel. Residential land includes residential land in rural areas and residential land in urban areas, specifically as follows:

a/ Residential land in rural areas means residential land within boundaries of administrative units being communes, except residential land on which projects on construction of new urban areas have been implemented under master plans on urban and rural systems but which is still within boundaries of administrative units being communes;

b/ Residential land in urban areas means residential land within boundaries of administrative units being wards or townships and residential land within boundaries of administrative units being communes on which projects on construction of new urban areas have been implemented under master plans on urban and rural systems.

2. Land for construction of working offices means land used for the construction of offices of agencies of the Communist Party of Vietnam, state agencies, Vietnam Fatherland Front, socio-political organizations, socio-political-professional organizations, socio-professional organizations, social organizations, and other organizations established in accordance with law and tasked and partially funded by the State for regular activities, except land for construction of offices of public non-business units associated with non-business facilities specified in Clause 4 of this Article.

3. Land for national defense and security purposes means land used as barracks or working offices; military bases; national defense works, battlefields and special works in terms of national defense and security; used as stations, ports, aerodromes and helipads, and works serving flight operation at aerodromes, and take-off and landing sites for helicopters of military and public security forces; military and security communication facilities; industrial, scientific and technological, cultural and sports works directly serving national defense and security purposes; warehouses of the people's armed forces; shooting ranges, training grounds, weapon testing grounds, and weapon destruction grounds; training institutions, professional training and further training centers, convalescence and rehabilitation establishments, and medical examination and treatment establishments of the people's armed forces; official residences of personnel of the people's armed forces; detention facilities; compulsory education institutions; reformatory schools, and zones for labor, rehabilitation, career orientation and vocational training for prisoners, detainees and students under the management by the Ministry of National Defense and Ministry of Public Security.

4. Land for construction of non-business facilities includes:

a/ Land for construction of cultural establishments which means land for construction of cultural works, including convention centers, theaters, cultural houses, cultural centers, cultural palaces, clubs, cinemas and circuses; symbolic and artistic works (outdoor monuments, welcome gates, squares, memorials, etc.); children's palaces, children's houses, youth's and children's activity centers, museums, exhibition halls, libraries, literary creation establishments, art creation establishments, art galleries, offices of art troupes, and other cultural works established or licensed by the State;

b/ Land for construction of social establishments which means land for construction of social service works, including social work service centers and social protection establishments; medical treatment-education-labor-social affairs centers; convalescence centers for people with meritorious services to the country; child support establishments; establishments caring for the elderly, people with disabilities and children in plights; establishments nurturing children in difficult circumstances, and other social service establishments established or licensed by the State;

c/ Land for construction of medical establishments which means land for construction of medical works, including hospitals, maternity homes, health centers, health stations, and other medical examination and treatment establishments; rehabilitation facilities and nursing homes in the health sector; preventive medicine establishments; population affairs establishments; scientific and technological testing and research institutions in the health sector; land for livestock production and land for growing medicinal plants for medical purposes; testing and inspection establishments; medical assessment establishments; forensic examination establishments; drug manufacturing establishments; medical equipment manufacturing establishments; treatment establishments for HIV/AIDS-infected persons and mentally ill people, and other medical establishments established or licensed by the State, including also land areas used as offices and places for business and service activities, such as pharmacies, restaurants, accommodations for patients' families, and paid parking lots within premises of medical establishments, except medical establishments managed by the Ministry of National Defense or Ministry of Public Security;

d/ Land for construction of education and training institutions which means land for construction of works serving education and training activities, including early childhood education institutions, general education institutions, continuing education institutions, specialized schools, higher education institutions, vocational education institutions, and other education and training institutions

established or licensed by the State, including also land areas used as offices, dormitories for pupils and students, shops for school supplies, restaurants, parking lots, and other functional areas within premises of education and training institutions, except education and training institutions managed by the Ministry of National Defense or Ministry of Public Security;

dd/ Land for construction of physical training and sports facilities which means land for construction of facilities serving physical training and sports established or licensed by the State, including sports complexes, athlete training centers, sports centers, and stadiums; fairways, driving ranges, and the system of greeneries, water surface and landscapes of golf courses, and work items serving the management, operation, exploitation, use and commercial operation of golf courses (except accommodation and service establishments for golfers); swimming pools, and other sports training, coaching and competition establishments; land areas used as offices, ticket booths, souvenir shops, sports gear shops, parking lots, and other works serving physical training and sports activities within premises of physical training and sports facilities, except physical training and sports facilities managed by the Ministry of National Defense or Ministry of Public Security;

e/ Land for construction of science and technology establishments which means land for construction of works serving scientific, technological and innovative activities of organizations such as scientific and technological research, development and service organizations; innovative startup support organizations; technology incubators and science and technology enterprise incubators; incubators, technical establishments, and innovation and innovative startup centers; innovative startup support centers; laboratories; scientific research institutions of science and technology enterprises; science and technology parks; science museums; measurement standard systems; scientific and technological information and statistics infrastructure; co-working spaces in support of innovative startup activities, and physical-technical foundations of science, technology and innovation organizations, and other science and technology establishments established or licensed by the State;

g/ Land for construction of environmental facilities which means land for construction of works serving environmental protection and biodiversity conservation activities, including works for prevention of and response to environmental incidents and environmental monitoring; biodiversity conservation monitoring facilities, and other environmental protection facilities;

h/ Land for construction of hydro-meteorological establishments which means land for construction of hydro-meteorological facilities, including hydro-

meteorological stations, climate change monitoring stations, and other hydro-meteorological works;

i/ Land for construction of diplomatic establishments which means land for construction of diplomatic offices, including diplomatic missions (embassies), foreign consular offices (consulates), Vietnam-based representative missions of international organizations, representative offices of foreign diplomatic organizations and non-governmental organizations with diplomatic functions; and diplomatic corps managed by the State;

k/ Land for construction of other non-business facilities which means land for construction of non-business facilities other than those specified at Points a, b, c, d, dd, e, g, h and i of this Clause.

5. Land for non-agricultural production and business activities includes:

a/ Land for industrial parks and cottage industry zones which means land for construction of industrial production and cottage industry works and information technology parks, including also worker accommodations in industrial parks, service works for industrial production and cottage industry, infrastructure facilities, and other works in industrial parks, cottage industry zones and information technology parks;

b/ Land for commercial and service activities which means land for construction of business, service and commercial establishments and other works serving business, service and commercial activities; accommodations and service establishments for golfers (except fairways, driving ranges and the system of greeneries, water surface, landscapes and work items serving the management, operation, exploitation, use and commercial operation of golf courses); working offices and representative offices of economic organizations; land used as warehouses and storing yards of economic organizations outside production areas; and beaches with business and service establishments;

c/ Land for non-agricultural production establishments which means land for construction of industrial production and cottage industry works other than those specified at Point a of this Clause, including also working offices and other works serving production activities or serving workers in association with production establishments; and land used as grounds, warehouses and storing yards connected with production areas;

d/ Land for mineral activities which means land for mineral exploration and exploitation activities or for mineral exploitation and processing; land for construction of works serving mineral activities, including also working offices, houses for mid-shift breaks, and other works serving workers in mining areas and

safety corridors for carrying out mineral activities licensed by competent state agencies in accordance with the mineral law, investment law and other relevant laws.

6. Land used for public purposes includes:

a/ Land for traffic works which means land for construction of traffic-related works, including expressways, motorways, urban roads and rural roads (including also bypasses, rescue roads and roads running through fields serving the people's travel needs), bus stops, pick-up and drop-off points, toll plazas, warehouses and storing yards, garages, and parking lots; ferry terminals, bus stations, toll booths and rest areas; railways and railway stations; tramways; bridges and tunnels open for traffic; inland waterway works and maritime works; and airports, including also land for construction of offices of state agencies and land for construction of airport infrastructure, take-off and landing areas and airport aprons; cable car lines and cable car stations; fishing ports and inland container depots; working offices and business and service establishments within stations, ports and bus stations; traffic safety corridors requiring land recovery; other structures serving transport activities, and other works and work items in accordance with the transport law;

b/ Land for hydraulic structures which means land for construction of dikes, embankments, culverts, dams, flood control works, hydraulic tunnels, water supply, water drainage, irrigation and water drainage systems mainly serving agricultural production, including also hydraulic structure safety corridors requiring land use; key hydraulic structures, including also working offices, warehouses, and production, repair and maintenance facilities for hydraulic structures within premises of hydraulic structures;

c/ Land for water supply and drainage works which means land for construction of water plants, pump stations, water tanks, water storage towers, and water supply and drainage systems; water and sludge treatment facilities, including also working offices, warehouses, and production, repair and maintenance establishments for water supply and drainage facilities outside cottage industry zones, industrial parks, information technology parks, export processing zones, production and business zones, and other works as specified by law;

d/ Land for disaster preparedness facilities which means land for construction of works serving disaster preparedness activities, including dikes for waterlogging, drought, saltwater intrusion, landslide, land subsidence, flashflood and lightning prevention; storm shelter areas for ships, houses also used for evacuated people, and other works serving disaster preparedness activities;

dd/ Land with historical-cultural relics, scenic spots and natural heritages which means land with historical-cultural relics, scenic spots and natural heritages already ranked or included in lists of relic inventory by provincial-level People's Committees in accordance with the law on cultural heritage;

e/ Land for waste treatment facilities which means land for construction of transfer stations; landfills; waste and hazardous waste treatment complexes, zones and facilities, including also working offices, warehouses, production, repair and maintenance establishments for waste treatment facilities, and other works and work items serving waste treatment in accordance with law;

g/ Land for energy and public lighting works which means land for construction of power plants and auxiliary works of power plants; dams, embankments, and water pipelines for hydropower plants; power transmission lines and transformer stations; service, repair and maintenance works within premises of power plants; public lighting systems; oil rigs, works serving oil and gas extraction and processing, petrochemical refineries, gas processing plants, and biofuel production plants; crude oil storages, petrol, oil and gas storages and pump stations, pipeline systems, and work safety corridors to ensure technical safety; service, repair and maintenance works within premises of works serving oil and gas extraction and processing, petrochemical refineries, gas processing plants, biofuel production plants, and other works and work items serving energy and public lighting works in accordance with law;

h/ Land for post, telecommunications and information technology infrastructure facilities (except land for information technology parks as specified at Point a, Clause 5 of this Article) which means land for construction of antenna houses, stations and poles, cable poles, culverts, tanks, cable pipes, trenches, technical tunnels and other related technical infrastructure facilities for installation of equipment serving telecommunications activities, and equipment installed thereto for serving telecommunications activities; and data centers, including also safety corridors of works to ensure technical safety and not permitted for use for other purposes; the system of establishments dealing in postal items and postal service points; commune post office-cultural points; service, repair and maintenance facilities within premises of post, telecommunications and information technology works;

i/ Land for retail marketplaces and wholesale marketplaces which means land for marketplace construction in accordance with the regulations on marketplace development and management;

k/ Land for public entertainment and community activities which means land for construction of works or involving no works but mainly designated for public

entertainment activities, including parks, flower gardens, beaches and other areas for public entertainment activities, except cinemas, circuses, theaters and gaming establishments; works for meeting activities and other activities in conformity with the customs and practices of local residential communities.

7. Land for religious activities which means land for construction of religious works, including: pagodas, churches, chapels, mosques, holy shrines, Buddhist halls, monuments, steles and towers of religious establishments; religious training establishments; offices of religious organizations and dependent religious organizations, and other lawful religious works.

8. Land for belief activities means land for construction of belief works, including: communal houses, temples, shrines, worship halls, ancestral houses, statues, monuments, steles and towers belonging to belief establishments; pagodas other than those specified in Clause 1, Article 213 of the Land Law, and Clause 7 of this Article, and other belief works.

9. Land for cemeteries, funeral homes and crematoria or land for columbaria means land used as concentrated burial places, funeral homes, crematoria and columbaria, and other auxiliary works serving burial, cremation, and storage of cremated remains of the dead.

10. Land with special-use water surface means land with water surface of hydrological objects, including ponds, lakes, lagoons, rivers, canals, ditches and streams with identified use purposes not for aquaculture as the main purpose.

11. Other types of non-agricultural land include land with works serving production and business activities or land allocated, leased or permitted for repurposing but not involving works and not falling into the cases specified at Point c, Clause 7, Article 4, and Clauses 1 thru 10 of this Article.

Article 6. Detailed provisions on land types in the group of unused land

Unused land means land with unidentified use purposes and neither allocated nor leased, specifically as follows:

1. Land recovered by the State in accordance with the land law which has yet to be allocated or leased for use but is assigned to commune-level People's Committees or land fund development organizations for management;

2. Unused flatland which means unused land in flat areas in plains, valleys and plateaus;

3. Unused hilly and mountainous land which means unused land in steep terrain of hilly or mountainous areas;

4. Rocky mountain land without forests which means unused land in forestless rocky mountains;

5. Unused land with water surface which means land with water surface with unidentified use purposes which has yet to be allocated or leased as specified in Articles 4 and 5 of this Decree.

Article 7. Determination of land types in case of unavailability of the papers specified in Clause 1, Article 10 of the Land Law or in case the land types stated in the issued papers are different from the classified land types under the Land Law or different from the land use status quo

1. In case of unavailability of one of the papers specified in Clause 1, Article 10 of the Land Law, the land use status quo shall be based on to determine the land type.

2. In case of availability of one of the papers specified in Clause 1, Article 10 of the Land Law and the land type stated in such paper is different from the land type classified under Article 9 of the Land Law and Articles 4, 5 and 6 of this Decree, the land type shall be determined under Article 9 of the Land Law and Articles 4, 5 and 6 of this Decree.

Specific types of land shall be determined in the course of implementation of relevant regulations on the state management of land.

3. In case a current land user has one of the papers specified in Clause 1, Article 10 of the Land Law and the land type stated in such paper is different from the land use status quo, the land type shall be determined based on such paper, except the following cases:

a/ In case the current land user has a paper specified at Point b, Clause 1, Article 10 of the Land Law and started using the land stably before October 15, 1993, and such paper shows that the land is agricultural land but is actually used as non-agricultural land, the land type shall be determined based on the land use status quo as in the case specified in Clause 2, Article 138 Land Law;

b/ In case the current land user has a paper specified at Point b, Clause 1, Article 10 of the Land Law and has been using land since October 15, 1993, and such paper shows that the land is agricultural land but is actually used as non-agricultural land, the land type shall be determined based on the land use status quo as in the case specified in Clause 3, Article 138 Land Law.

Article 8. Land-related support for ethnic minority people

1. The provision of land-related support for ethnic minority people specified in Clause 3, Article 16 of the Land Law is as follows:

a/ In case a land user no longer has residential land, he/she is entitled to residential land allocation or repurposing from land of another type to residential land and entitled to land use levy exemption for the area within the residential land allocation quota under regulations of the provincial-level People's Committee.

In case the land user lacks residential land compared to the residential land allocation quota, he/she is entitled to repurposing from land of another type to residential land and entitled to land use levy exemption for the area within the residential land allocation quota;

b/ In case a land user no longer has agricultural land or the currently used agricultural land area is smaller than 50% of the local agricultural land allocation limit, he/she is entitled to allocation of agricultural land within the quota.

2. Responsibilities of a commune- or district-level People's Committee in providing land-related support to ethnic minority people

a/ The commune-level People's Committee shall review and make a list of those falling into the cases specified in Clause 7, Article 16 of the Land Law and report it to the district-level People's Committee before October 15 every year;

b/ The district-level People's Committee shall organize survey, determination of land area and land recovery for those falling into the cases specified in Clause 7, Article 16 of the Land Law, including those violating land policies for ethnic minority people, and those already allocated or leased by the State under Clause 3, Article 16 of the Land Law but no longer wishing to use the land;

c/ The district-level People's Committee shall formulate a plan on provision of land-related support for ethnic minority people based on the land areas specified in Clause 4, Article 16 of the Land Law. Such a plan must clearly state people eligible for the support, land area as support, and form of support;

d/ The district-level People's Committee shall submit to the provincial-level People's Committee for decision the land area to be allocated or leased for the implementation of land-related support policies for ethnic minority people as suitable to local reality and existing land areas under Clause 5, Article 16 of the Land Law.

3. The funds specified in Clause 8, Article 16 of the Land Law shall be allocated from local budgets and other lawful funding sources in accordance with law. In case local budget funds are insufficient, provincial-level People's Committees shall report such to the Ministry of Finance for submission to the Prime Minister for consideration and decision.

Article 9. Provisions on foreign-invested economic organizations acquiring the value of land use rights as investment capital

1. A foreign-invested economic organization may acquire the value of land use rights as investment capital from an economic organization currently using land allocated by the State with land use levy payment or using land leased by the State with one-off land rental payment for the entire lease period and the value of land use rights has become the charter capital of such economic organization.

2. In case of acquiring the value of land use rights as investment capital in border communes, wards or townships; coastal communes, wards or townships; islands; or other areas affecting national defense and security, such acquisition must comply with the investment law and relevant laws.

3. Foreign-invested economic organizations that use land as a result of acquisition of the value of land use rights as investment capital under Clause 1 of this Article have the rights and obligations specified in Clause 3, Article 41 of the Land Law.

Article 10. Provisions on receipt of land use rights in areas where land access is restricted

1. Areas where land access is restricted mean areas in border communes, wards or townships; coastal communes, wards or townships; islands; or other areas affecting national defense and security in accordance with the investment and housing laws.

2. For land-using investment projects for which foreign-invested economic organizations or people of Vietnamese origin residing abroad propose the State to allocate or lease land in areas where land access is restricted, it is required to consult the Ministry of National Defense or Ministry of Public Security. Such consultation must comply with the investment law.

3. In case foreign-invested economic organizations or people of Vietnamese origin residing abroad acquire land use rights under Point c, Clause 1, Article 28 of the Land Law, or foreign-invested economic organizations receive land use rights contributed as capital under Point d, Clause 1, Article 28 of the Land Law for implementation of investment projects in areas where land access is restricted, they shall consult the Ministry of National Defense or Ministry of Public Security according to the following provisions:

a/ The transferee of land use rights or the recipient of land use rights contributed as capital shall send a request to the provincial-level People's Committee of the locality where exists the land for the latter to permit the acquisition or receipt of land use rights in the area where land access is restricted;

b/ Within 5 working days after receiving the request, the provincial-level People's Committee shall send a consultation request to the Ministry of National Defense or Ministry of Public Security;

c/ Within 20 days after receiving the consultation request, the Ministry of National Defense or Ministry of Public Security shall send its written opinions to the provincial-level People's Committee.

4. The order and procedures for land allocation, land lease, acquisition of land use rights and receipt of land use rights contributed as capital must comply with this Decree and the Decree on land-related basic survey; registration and grant of certificates of land use rights and ownership of land-attached assets, and land information systems.

Article 11. Settlement of cases of inconsistency in information on boundaries of administrative units

1. In case of inconsistency in information on the boundaries of a provincial-level administrative unit, the Ministry of Home Affairs shall base itself on the dossier and scheme submitted by the concerned province or centrally run city to assume the prime responsibility for, and coordinate with related agencies in, carrying out the review and submitting the case to the Government for consideration and decision. In case of inconsistency in information on boundaries of a district- or commune-level administrative unit, the provincial-level People's Committee of the locality embracing such district- or commune-level administrative unit shall direct the preparation of dossier and scheme for sending to the Ministry of Home Affairs for appraisal and submission to the Government for consideration and decision.

In case the settlement process leads to a change in boundaries of an administrative unit, thus requiring the adjustment of boundaries of other relevant administrative units, the adjustment must comply with the Law on Organization of Local Administration and the National Assembly Standing Committee's Resolution on standards for and classification of administrative units.

2. The Ministry of Natural Resources and Environment and provincial- and district-level agencies with land management function shall provide necessary documents and coordinate with competent state agencies in the settlement process to ensure consistency in information on boundaries of administrative units.

Article 12. General provisions on performance of administrative procedures

1. Agencies responsible for receiving dossiers and notifying administrative procedure settlement results

a/ Single-window divisions, as specified in regulations of provincial-level People's Committees on receipt of dossiers and notification of administrative procedure settlement results at provincial, district and commune levels;

b/ Land registration offices;

c/ Branches of land registration offices.

2. Methods of dossier submission

Organizations and individuals may choose to submit dossiers by the following methods:

a/ Hand-delivering dossiers to the agencies specified in Clause 1 of this Article;

b/ Sending dossiers with the use of public postal services;

c/ Submitting dossiers at places agreed upon between them and land registration offices or branches of land registration offices;

d/ Submitting dossiers on the National Public Service Portal or provincial-level public service portals or ministerial-level information systems for administrative procedure settlement or provincial-level information systems for administrative procedure settlement, in case it is not required to submit the original papers in dossiers;

dd/ Upon submitting a dossier under Point a or c of this Clause, the applicant may choose to submit copies of papers and produce the originals for the dossier-receiving officer to check and collate, or submit the originals of papers, or submit notarized or authenticated copies of papers in accordance with the law on notarization and authentication.

In case of submitting a dossier by the method specified at Point b or d of this Clause, the applicant may submit notarized or authenticated copies of papers or submit digitized copies of the originals.

3. Administrative procedure settlement results shall be notified to organizations and individuals within the time limit for administrative procedure settlement specified in this Decree.

a/ In case a dossier is invalid, within 2 working days after receiving it, the competent agency shall send a notice to the single-window division; within 1 working day, the single-window division shall notify such to the applicant for the latter to supplement and complete the dossier under regulations;

b/ In case the notification of administrative procedure settlement results is delayed beyond the time limit for administrative procedure settlement, the dossier-

receiving agency shall notify such in writing or by electronic means or via SMS to the applicant, clearly stating the reason;

c/ In case the applicant submits hard copies or digitized copies of originals of papers in the dossier, he/she shall, upon receiving administrative procedure settlement results, submit the originals of the papers in the dossier, if required, except the decision on investment project approval, investment decision, investment license or investment certificate.

4. Based on local conditions, provincial-level People's Committees shall decide on agencies responsible for receiving dossiers and notifying administrative procedure settlement results in accordance with law and issue regulations on receipt and forwarding of dossiers, settlement of administrative procedures and notification of administrative procedure settlement results, timing for steps of performance of land-related administrative procedures for each related agency or unit; simultaneous performance of administrative procedures (if any); inter-agency procedure settlement under the single-window mechanism within the law-specified time limits; publicization of administrative procedures and selection of places for dossier submission to save time and costs for organizations, individuals and competent agencies in the settlement of administrative procedures, which, however, must not exceed the total time for performance of procedures specified in this Decree.

5. The time limit for performance of administrative procedures specified in this Decree shall be counted from the date of receipt of a valid dossier, excluding the time for:

a/ Agencies with land management function to settle procedures relating to determination of specific land prices under regulations;

b/ Competent agencies to settle procedures relating to amounts to be deducted from land use levy or land rental amounts under regulations;

c/ Tax agencies to settle procedures relating to determination of unit rates of land rental; payable land use levy or land rental amounts; exemption from, reduction of, and recording of owed land use levy or land rental amounts, charges and fees under regulations;

d/ Land users to fulfill financial obligations;

dd/ Land users to reach agreement on accumulation of agricultural land, contribution of land use rights as capital or making of land-related readjustments;

e/ Cadastral measurement of land parcels.

6. For communes in mountainous and border areas; islands; areas with difficult socio-economic conditions; or areas with extremely difficult socio-economic conditions, the time limit for performance of each administrative procedure specified in this Article shall be increased by 10 days.

7. Agencies in charge of settlement of administrative procedures specified in this Decree shall settle administrative procedures within the law-specified time limits for the administrative procedures they perform and will not be held responsible for time limits for settlement of administrative procedures by other agencies.

Chapter II

LAND-RELATED PUBLIC SERVICE ORGANIZATIONS

Article 13. Land registration offices

1. Position and functions

Land registration offices are land registration organizations as public non-business units under provincial-level agencies with land management function; have the functions of carrying registration and granting certificates of land use rights and ownership of land-attached assets (below referred to as Certificates); and shall survey, adjust, and draw cadastral maps; and establish, manage, operate and exploit land-related information systems, provide land-related public services, and provide support for other land-related state management jobs in provincial-level localities.

2. Tasks of land registration offices

a/ To carry out land registration for land areas assigned by the State for management and registration of land use rights and ownership of land-attached assets;

b/ To carry out registration of changes in land areas assigned by the State for management and registration of changes in land use rights and ownership of land-attached assets;

c/ To carry out measurement, adjustment and drawing of cadastral maps and making of cadastral map extracts; to grant, correct, revoke or invalidate Certificates, and cancel results of the registration of changes in Certificates;

d/ To check drawings showing results of cadastral measurement for land parcels; to check and certify diagrams of land-attached assets provided by organizations and individuals to serve the land registration and grant of Certificates;

dd/ To make, modify, update, archive and manage cadastral dossiers; to receive, and manage the use of, Certificate forms in accordance with law;

e/ To update, adjust, synchronize and exploit land data; to establish, manage and operate the land information system in accordance with law;

g/ To carry out land statistics and inventory and make land-use status quo maps;

h/ To register security interests with land use rights and ownership of land-attached assets in accordance with law;

i/ To provide dossiers, maps, information and data on land and land-attached assets to organizations and individuals in accordance with law;

k/ To collect charges and fees in accordance with law and proceeds from the provision of land-related public services under Article 154 of the Land Law;

l/ To provide services within the ambit of their functions, tasks and capacity in accordance with law;

m/ To manage their public employees, workers, finances and assets; to implement the reporting regime in assigned professional fields in accordance with law.

3. The organizational structure of land registration offices shall be decided by competent agencies or persons in accordance with the regulations on public non-business units and the following provisions:

a/ A land registration office has professional divisions and branches. Branches of land registration offices shall be located in district-level administrative units or in regions.

A land registration office's branch may establish its professional divisions if meeting the law-specified criteria for establishment of divisions, and shall perform the functions and tasks and exercise the powers of land registration offices under a competent agency's decision and the land law;

b/ Land registration offices and branches of land registration offices have the legal person status, have their own seals and may open accounts, and operate in accordance with regulations applicable to public non-business units; and conduct accounting under decisions of provincial-level People's Committees.

4. Financial revenues of land registration offices and branches of land registration offices include:

a/ State budget allocations for public non-business units under regulations;

b/ Revenues from non-business activities, including collected charges and fees in accordance with the law on charges and fees, revenues from the provision of land-related public services, and other revenues as specified by law.

For procedures for registration and grant of a Certificate, the charges for appraisal of dossiers for grant of the Certificate shall be collected. Such appraisal covers checking the completeness of the dossier, consistency of information of papers in the dossier, and conditions for registration and grant of the Certificate in accordance with the land law. For the remaining jobs of the procedure settlement process, the service charges shall be collected at public service charge rates issued by provincial-level People's Committees.

5. Operating expenses and financial autonomy mechanisms of land registration offices and their branches must comply with the regulations applicable to public non-business units and other relevant regulations.

Expenses for updating, adjustment, synchronization and exploitation of land data; and establishment, management and operation of the land information system shall be covered by local budgets and other revenue sources.

6. Provincial-level People's Committees shall issue regulations on coordination in the performance of functions and tasks and exercise of powers between land registration offices/branches of land registration offices and district-level agencies with land management function, district-level People's Committees, finance agencies, tax agencies and other related agencies and units in adherence to the following principles:

a/ Ensuring synchronization, uniformity, strictness, timeliness, publicity and transparency;

b/ Clearly defining the in-charge and coordinating agencies and units; responsibilities and powers of heads of agencies and units; contents, time limit and method of implementation; and information and reporting regimes;

c/ Ensuring compliance with law; and conformity with the functions, tasks, powers and organization and operation regulations of agencies and units.

Article 14. Land fund development centers

1. Functions and tasks of land fund development centers

Land fund development centers are land fund development organizations operating as public non-business units that are attached to, and established under decisions of, provincial-level People's Committees. Based on local reality, provincial-level People's Committees shall decide to establish land fund development centers under district-level People's Committees.

Land fund development centers have the legal person status and their own seals; and may open accounts for their operation in accordance with law.

2. Tasks of land fund development centers

a/ To manage land areas specified in Clause 1, Article 113 of the Land Law;

b/ To formulate and implement projects on creation of land areas for organizing auction of land use rights;

c/ To formulate, and organize the implementation of, compensation, support and resettlement plans upon land recovery by the State; to formulate projects on creation of land areas for allocation of land for implementation of land policies for ethnic minority people; to make land price lists; to determine specific land prices at the request of competent state agencies;

d/ To organize the creation and development of land areas for resettlement to serve the State's land recovery and socio-economic development in localities;

dd/ To organize the auction of land use rights in accordance with law;

e/ To make lists and organize the short-term lease of land plots and land parcels that are assigned to them for management but for which no land allocation or land lease decisions have been issued;

g/ To provide services in the compensation, support and resettlement upon the land recovery by the State and other services in the field of land management;

h/ To enter into joint venture, association and cooperation with economic organizations and individuals to perform their assigned tasks in accordance with the law on management and use of state assets, regulations on the autonomy mechanism for public non-business units, and other relevant regulations;

i/ To sign contracts to hire consultants or perform assigned tasks in accordance with law;

k/ To manage their public employees, workers, finances and assets in accordance with law; to implement the reporting regime in assigned professional fields under regulations.

3. The organizational structure, apparatus and autonomy mechanism of land fund development centers must comply with the regulations applicable to public non-business units.

4. Financial revenues of land fund development centers

a/ State budget allocations for public non-business units under regulations;

b/ Revenues from non-business activities, including:

Funds for organizing compensation, support and resettlement upon land recovery by the State and funds for management of construction investment projects in accordance with law.

Funds for management and exploitation of land areas already recovered, created and developed; funds for management and exploitation of houses and land areas having construction works for resettlement according to estimates of expenses approved by competent state agencies.

Proceeds from the sale of dossiers for land use rights auction and collected amounts for organizing land use rights auction in accordance with law and specific regulations of provincial-level People's Committees.

Profits divided from joint venture and association activities; and interests on deposits at credit institutions.

Revenues from the provision of services under signed contracts and in accordance with law.

Revenues from short-term lease of land areas.

Revenues from other non-business activities as specified by law;

c/ State budget allocations, amounts advanced from land development funds or development investment funds/other financial funds entrusted to perform tasks under decisions of provincial-level People's Committees;

d/ Loans from credit institutions;

dd/ Funds from joint venture or association activities for the implementation of programs, plans, projects and schemes approved by competent authorities;

e/ Aid, donation and other sources as specified by law.

5. Expenditures and other contents related to the operation of land fund development centers must comply with the regulations applicable to public non-business units and other relevant regulations.

6. Provincial-level People's Committees shall issue regulations on coordination in the performance of functions and tasks and exercise of powers between provincial-/district-level land fund development centers and agencies with land management function, finance agencies and other related agencies and units in localities in adherence to the principles specified in Clause 6, Article 13 of this Decree.

Chapter III
LAND-USE MASTER PLANS AND PLANS

Section 1

LAND-USE MASTER PLANS AND PLANS AT ALL LEVELS

Article 15. National land use plans

1. A national land use plan must have the following contents:

a/ Analysis and evaluation of land use status quo, and land use changes in the past 5 years, and results of the implementation of the previous period's national land use plan;

b/ Determination of land use viewpoints and objectives to achieve socio-economic development goals in the plan's period;

c/ Determination of land use norms in the period of the national 5-year land use plan with regard to paddy land, protection forest land, special-use forest land, land under production forests being natural forests, land for national defense purpose, and land for security purpose;

d/ Evaluation of impacts of the land use plan on economic, social and environmental protection activities, and national defense and security assurance;

dd/ Solutions and resources for implementation of the land use plan, including: solutions for soil protection and improvement, environmental protection, and climate change adaptation; identification of resources for implementation of the land use plan; solutions to organize and supervise the implementation of the land use plan;

e/ Formulation of reports on the land use plan, including a general report and the database system of the national land use plan.

2. A dossier of request for approval of a national land use plan must comprise:

a/ A request for approval of the national land use plan;

b/ An explanatory report on the national land use plan;

c/ The Government's draft resolution approving the national land use plan;

d/ A report summarizing opinions of agencies, organizations, communities and individuals on the national land use plan; copies of papers indicating opinions of related ministries, ministerial-level agencies and localities; and a report on replies and explanation of replies to the opinions on the national land use plan.

3. Order and procedures for appraisal and approval of a national land use plan

a/ The Ministry of Natural Resources and Environment shall propose the Prime Minister to establish a national land use plan appraisal council;

b/ The Ministry of Natural Resources and Environment shall send the land use plan dossier to members of the national land use plan appraisal council for seeking the latter's opinions;

c/ Within 15 days after receiving a valid dossier, members of the national land use plan appraisal council shall send their written opinions to the Ministry of Natural Resources and Environment;

d/ After the consultation, the chairperson of the national land use plan appraisal council shall organize a meeting of the council;

dd/ After the council's meeting, the Ministry of Natural Resources and Environment shall complete the dossier of the national land use plan and submit it to the Government for approval.

4. Procedures for the adjustment of a national land use plan are the same as those for the formulation of a national land use plan specified in this Article.

5. The Ministry of Natural Resources and Environment shall provide technical regulations on formulation and adjustment of national land use plans.

Article 16. Consultation on national land use plans

The consultation on national land use plans is as follows:

1. The consultation on national land use plans shall be addressed to the Central Committee of the Vietnam Fatherland Front, ministries, ministerial-level agencies and provincial-level People's Committees.

2. Contents of a draft national land use plan shall be put for consultation, except those classified as state secrets as specified by law.

3. The consultation with the Central Committee of the Vietnam Fatherland Front and related ministries, ministerial-level agencies and provincial-level People's Committees on a national land use plan is as follows:

a/ The agency formulating the national land use plan shall send the plan's dossier to related agencies for seeking the latter's opinions;

b/ The consulted agencies shall give their written opinions within 30 days after receiving the plan's dossier.

4. The agency formulating a national land-use master plan shall summarize opinions, make replies and explain replies to the opinions before submitting the national land use plan for appraisal.

Article 17. Organization of the formulation and implementation of national land use plans

1. After a national land-use master plan is approved, the Ministry of Natural Resources and Environment shall submit it to the Government for approval.

2. After a national land use plan is approved, the Ministry of Natural Resources and Environment shall propose the Prime Minister to allocate land use norms for the plan's period to provincial-level administrative units, the Ministry of National Defense and Ministry of Public Security.

3. The Ministry of Natural Resources and Environment shall inspect and monitor the implementation of land use norms allocated by the Prime Minister in national land use plans.

4. Provincial-level People's Committees shall base themselves on land use norms allocated by the Prime Minister in national land use plans to direct the formulation, adjustment and implementation of land-use master plans and plans according to the allocated land use norms.

Article 18. Provincial-level land-use master plans

1. Contents for formulation of a provincial-level land-use master plan

a/ Analysis and evaluation of natural, economic and social factors, resources and contexts of the province and the region that directly affect the province's land use;

b/ Analysis and evaluation of the practical land management and use based on contents of the state management of land specified in Article 20 of the Land Law that are related to the master plan;

c/ Analysis and evaluation of land use status quo, and land use changes in the past 10 years, and results of the implementation of the pervious period's land-use master plan for the land types specified in Article 9 of the Land Law and Articles 4, 5 and 6 of this Decree;

d/ Summarization and evaluation of land quality, land potential, and soil pollution and degradation on the basis of results of the implementation of the contents specified in Article 53 and Clause 3, Article 55 of the Land Law in the province;

dd/ Determination of land use viewpoints and objectives in the master plan's period;

e/ Forecast of changes in the land use in the master plan's period;

g/ Land use orientations in the 10-year master plan period, with a vision of between 20 years and 30 years, in association with land use space and zoning on the basis of land potential to meet the land use demand for socio-economic development, national defense and security assurance, environmental protection, disaster preparedness, and climate change adaptation in the province;

h/ Determination of land use norms by land type, including land use norms allocated under the national land-use master plan to the province and the area of the remaining land types specified in Article 9 of the Land Law and Articles 4, 5 and 6 of this Decree according to the provincial-level land use demand to each district-level administrative unit;

i/ Phasing for each 5-year plan period according to the contents specified at Point h of this Clause to each district-level administrative unit;

k/ Evaluation of impacts of the land-use master plan on economic, social and environmental activities and national defense and security assurance;

l/ Solutions and resources for the implementation of the master plan, including: solutions for soil protection and improvement, environmental protection, disaster response, and climate change adaptation; identification of resources for the implementation of the master plan; and solutions to organize and supervise the implementation of the master plan.

2. Drawing of maps, formulation and updating of data on provincial-level land-use master plans to the national land database

a/ The map system consists of provincial-level land use status quo maps, provincial-level land-use master plan maps, and thematic maps. The drawing of maps must comply with the mapping law;

b/ To develop and update land-use master plan data, including spatial data information fields and attribute data.

3. A dossier of request for approval of a provincial-level land-use master plan must comprise:

a/ A request for approval of the provincial-level land-use master plan, made by the provincial-level People's Committee;

b/ A resolution of the provincial-level People's Council;

c/ An explanatory report on the land-use master plan;

d/ The system of maps and enclosed data (in paper or digital form);

dd/ A report on replies and explanation of replies to opinions of the appraisal council;

e/ The Prime Minister's draft decision approving the provincial-level land-use master plan.

4. Order and procedures for appraisal and approval of a provincial-level land-use master plan

a/ The provincial-level agency with land management function shall complete the dossier of the provincial-level land-use master plan and report it to the provincial-level People's Committee for submission to the provincial-level People's Council for approval before the provincial-level People's Committee submits the dossier to the Ministry of Natural Resources and Environment for appraisal;

b/ Within 7 working days after receiving a complete dossier, the Ministry of Natural Resources and Environment shall send the dossier of the provincial-level land-use master plan to members of the provincial-level land-use master plan appraisal council for seeking the latter's opinions;

c/ Within 15 days after receiving the consultation request, members of the provincial-level land-use master plan appraisal council shall send their written opinions to the Ministry of Natural Resources and Environment;

d/ Within 10 days from the deadline for consultation, the Ministry of Natural Resources and Environment shall organize a meeting of the provincial-level land-use master plan appraisal council;

dd/ Within 7 working days after the date of the appraisal council's meeting, the Ministry of Natural Resources and Environment shall send a notice of results of the appraisal of the land-use master plan to the provincial-level People's Committee;

e/ The provincial-level People's Committee shall make and explain replies to the opinions of the appraisal council, and complete the dossier of the provincial-level land-use master plan before provincial-level People's Committee submits it to the Prime Minister for approval.

5. Procedures for the adjustment of a provincial-level land-use master plan are the same as those for the formulation of a provincial-level land-use master plan specified in this Article.

6. The Ministry of Natural Resources and Environment shall provide technical regulations on formulation and adjustment of provincial-level land-use master plans.

Article 19. Land use plans of centrally run cities

1. Contents of a land use plan of a centrally run city in case it is not required to formulate a provincial-level land-use master plan as specified in Clause 5, Article 65 of the Land Law:

a/ Analysis and evaluation of the land use status quo, and land use changes in the past 5 years, and results of the implementation of the pervious period's land use plan of the centrally run city, for the land types specified in Article 9 of the Land Law and Articles 4, 5 and 6 of this Decree;

b/ Analysis of socio-economic development, national defense, security, environmental protection and infrastructure development objectives and targets in the plan's period; determination of land use norms in the plan's period, based on the approved general master plan of the centrally run city in accordance with the law on urban planning, medium-term public investment plan, and capacity to attract investment capital;

c/ Determination of land use norms in the 5-year land use plan of the centrally run city, for the land types specified in Article 9 of the Land Law and Articles 4, 5 and 6 of this Decree for each district-level administrative unit;

d/ Determination of the area in need of repurposing as specified in Clause 1, Article 121 of the Land Law during the plan's period for each district-level administrative unit;

dd/ Determination of the encroached sea area during the plan's period for each district-level administrative unit;

e/ Determination of the unused land area put into use during the plan's period for each district-level administrative unit;

g/ Drawing of thematic maps for paddy land, protection forest land, special-use forest land, and land under production forests being natural forests;

h/ Preparation of an explanatory report on the land use plan of the centrally run city;

i/ A set of products of the 5-year land use plan of the centrally run city, including: explanatory report and data on the 5-year land use plan.

2. A dossier of request for approval of a land use plan for a centrally run city must comprise:

a/ A request for approval of the land use plan, made by the People's Committee of the centrally run city;

b/ A resolution of the People's Council of the centrally run city;

c/ An explanatory report on the land use plan;

d/ The system of accompanying diagrams and data (in paper or digital form);

dd/ A report on replies and explanation of replies to opinions of the appraisal council;

e/ The Prime Minister's draft decision approving the land use plan of the centrally run city.

3. Order and procedures for appraisal and approval of a 5-year land use plan of a centrally run city

a/ The agency with land management function of the centrally run city shall propose the People's Committee of the centrally run city to establish the council for appraisal of the 5-year land use plan of the centrally run city;

b/ Within 5 working days from the date of issuance of the decision on establishment of the council, the agency with land management function of the centrally run city shall send the land use plan's dossier to members of the council for appraisal of the land use plan of the centrally run city for seeking the latter's opinions;

c/ Within 15 days after receiving a valid dossier, the council's members shall send their written opinions to the agency with land management function of the centrally run city;

d/ Within 10 days from the deadline for consultation, the agency with land management function of the centrally run city shall advise the People's Committee of the centrally run city to organize a meeting of the council for appraisal of the land use plan of the centrally run city;

dd/ Within 15 days after receiving the notice of results of the appraisal of the land use plan, the agency with land management function of the centrally run city shall complete the dossier of the land use plan and report it to the People's Committee of the centrally run city for submission to the People's Council of the centrally run city for approval before the People's Committee of the centrally run city submits it to the Prime Minister for approval.

4. Procedures for the adjustment of a land use plan of a centrally run city are the same as those for the formulation of a land use plan of a centrally run city as specified in this Article.

5. The Ministry of Natural Resources and Environment shall provide technical regulations on formulation and adjustment of land use plans of centrally run cities.

Article 20. District-level land-use master plans

1. Contents for formulation of a district-level land-use master plan:

a/ Analysis and evaluation of natural, economic and social conditions, environmental status and climate change affecting the district-level land use;

b/ Analysis and evaluation of resources of the district and the province that directly affect the district-level land use;

c/ Analysis and evaluation of land use status quo, and land use changes in the past 10 years, and results of the implementation of the pervious period's district-level land-use master plan for the land types specified in Article 9 of the Land Law and Articles 4, 5 and 6 of this Decree;

d/ Analysis and evaluation of the practical land management and use based on contents of the state management of land as specified in Article 20 of the Land Law that are related to the district-level land-use master plan;

dd/ Determination of use viewpoints and objectives for the groups of agricultural land, non-agricultural land and unused land in conformity with socio-economic development objectives and land-use master plans in the master plan's period; and satisfaction of socio-economic development, national defense, security, environmental protection and climate change adaptation requirements;

e/ Forecast of the trend of land use restructuring in the master plan's period;

g/ Determination of land use norms by land type, including land use norms allocated under the provincial-level land-use master plan for the district level and the area of the remaining land types as specified in Article 9 of the Land Law and Articles 4, 5 and 6 of this Decree according to the district-level land use demand for each commune-level administrative unit;

h/ Phasing for the 5-year land use plan in the district-level land-use master plan and formulation of the land use plan for the first year of the master plan's period based on the contents specified at Point g of this Clause;

i/ Solutions and resources for the implementation of the land-use master plan: solutions for soil protection and improvement, environmental protection, disaster response, and climate change adaptation; identification of resources for the implementation of the master plan; and solutions to organize and supervise the implementation of the master plan.

2. Drawing of maps, development and updating of data of district-level land-use master plans to the national land database

a/ The map system consists of district-level land use status quo maps and maps of district-level land-use master plans. The drawing of maps must comply with the mapping law;

b/ To develop and update data of district-level land-use master plans, including spatial data and attribute data.

3. A dossier of request for approval of a district-level land-use master plan must comprise:

a/ A request for approval of the district-level land-use master plan, made by the district-level People's Committee;

b/ A resolution of the district-level People's Council;

c/ An explanatory report on the land-use master plan;

d/ The system of accompanying maps and data (in paper or digital form);

dd/ A report on replies and explanation of replies to opinions of the appraisal council;

e/ The provincial-level People's Committee's draft decision approving the district-level land-use master plan.

4. Order and procedures for appraisal and approval of a district-level land-use master plan

a/ The district-level agency with land management function shall complete a dossier of the district-level land-use master plan and report it to the district-level People's Committee for submission to the same-level People's Council for approval before the district-level People's Committee submits the dossier to the provincial-level agency with land management function for appraisal. For a locality without district-level People's Council, the district-level People's Committee shall submit the dossier to the provincial-level agency with land management functions for appraisal;

b/ Within 5 working days after receiving a complete dossier of request for consultation, the provincial-level agency with land management function shall send the dossier of the land-use master plan to the members of the appraisal council for seeking the latter's opinions;

c/ Within 15 days after receiving the dossier of request for consultation, members of the appraisal council shall send their written opinions to the provincial-level agency with land management function;

d/ Within 10 days from the deadline for consultation, the provincial-level agency with land management function shall organize a meeting of the appraisal council and send a notice of results of the appraisal of the land-use master plan to the district-level People's Committee;

dd/ Within 10 days, the district-level People's Committee shall give and explain replies to opinions of the appraisal council in order to complete the dossier of the land-use master plan and send it to the provincial-level agency with land management function;

e/ Within 10 days after receiving a complete and valid dossier, the provincial-level agency with land management function shall submit the district-level land-use master plan to the same-level People's Committee for approval.

5. Procedures for the adjustment of a district-level land-use master plan are the same as those for the formulation of a district-level land-use master plan specified in this Article.

6. The Ministry of Natural Resources and Environment shall provide technical regulations on formulation and adjustment of district-level land-use master plans.

Article 21. District-level annual land use plans

1. Grounds, criteria and contents of district-level annual land use plans must comply with Clauses 1, 2 and 3, Article 67 of the Land Law.

2. For the contents specified at Points b, c and d, Clause 3, and Clause 4, Article 67 of the Land Law, it is required to determine specific locations, acreages and boundaries for each commune-level administrative unit.

3. Summarization of land use demands in the formulation of district-level land use plans

a/ Works and projects specified in Articles 78 and 79 of the Land Law implemented in the plan year without the documents specified in Clause 4, Article 67 of the Land Law;

b/ For investment projects and cases of land repurposing by individuals which are subject to permission by competent state agencies under Clause 1, Article 121 of the Land Law, other than those specified in Clause 5, Article 116 of the Land Law, and cases of repurposing agricultural land for use for commercial or service activities with an area of 0.5 hectare or more, it is required to register land use demands with commune-level People's Committees and report to district-level People's Committees for inclusion in district-level annual land use plans.

4. To determine land areas in need of repurposing under Clause 1, Article 121 of the Land Law for each commune-level administrative unit in the plan year.

5. To determine solutions to organize the implementation of district-level annual land use plans.

6. To draw maps of district-level annual land use plans must comprise

a/ Maps of district-level annual land use plans for areas with works and projects on the list of land areas subject to land recovery or land repurposing shall be shown on maps of district-level land-use master plans or maps of general master plans or maps of zoning master plans approved in accordance with the urban planning law;

b/ Maps or drawings showing locations, boundaries, acreages and types of land for the works and projects specified at Point a of this Clause shall be drawn for each land parcel on cadastral maps. In case there is no cadastral map, a commune-level land-use status quo map may be used.

7. A dossier for approval of a district-level annual land use plan must comprise:

a/ A request made by the district-level People's Committee;

b/ A commentary report on the land use plan;

c/ Accompanying tables, diagrams, maps and data (in paper or digital form);

d/ A draft decision of the provincial-level People's Committee approving the district-level annual land use plan.

8. Order and procedures for appraisal and approval of a district-level annual land use plan

a/ The district-level People's Committee shall send the dossier of the district-level annual land use plan to the provincial-level agency with land management function for appraisal;

b/ Within 5 working days after receiving a complete and valid dossier, the provincial-level agency with land management function shall send the dossier of the district-level annual land use plan to related provincial-level departments and sectors for seeking the latter's opinions;

c/ Within 15 days after receiving a valid dossier, the consulted provincial-level departments and sectors shall send their written opinions to the provincial-level agency with land management function;

d/ Within 5 working days from the deadline for consultation, the provincial-level agency with land management function shall sum up and send a notice of results of the appraisal of the dossier of the district-level annual land use plan to the district-level People's Committee for dossier completion;

dd/ Based on the complete dossier of the district-level annual land use plan, the provincial-level agency with land management function shall submit the plan to the provincial-level People's Committee for approval before December 31 every year.

9. In the course of implementation of a district-level annual land use plan, based on the practical situation of the locality, the provincial-level People's Committee shall direct the district-level People's Committee in formulating and adjusting the district-level annual land use plan. The adjustment of district-level annual land use plans shall be carried out in the same way as the formulation of district-level annual land use plans specified in this Article.

10. The Ministry of Natural Resources and Environment shall provide technical regulations on formulation and adjustment of district-level annual land use plans.

Section 2

PRINCIPLES AND CRITERIA FOR ALLOCATION OF LAND USE NORMS, CONDITIONS ON PLANNING CONSULTANCY ORGANIZATIONS

Article 22. Principles and criteria for allocation of land use norms

1. Principles for allocation of land use norms

a/ The allocation of land use norms must meet land use demands of sectors and fields and conform to local land potential; efficiently bring into full play land resources to achieve socio-economic development goals; ensure national defense and security; and facilitate environmental protection, disaster preparedness, and climate change adaptation;

b/ The allocation of land use norms must conform to land use orientations in the national overall master plan, national land-use master plans and relevant national sector master plans;

c/ The allocation of land use norms must conform to land, investment resource, labor and technical infrastructure conditions of each locality;

d/ The allocation of land use norms must give priority to the land areas to meet requirements of development of a complete infrastructure system, ensuring the connection of inter-sectoral and inter-regional development spaces, economic

corridors and development dynamic regions of the country; and the land areas to meet the need for development of education, health, social affairs, culture, sports, social houses and houses for the people's armed forces;

dd/ The allocation of land-use master plan and plan norms must take into account the results of the implementation of land-use master plans and plans of the previous period or results of the implementation of urban master plans for areas for which it is not required to formulate land-use master plans and land use orientations for the subsequent period.

2. Criteria for allocation of national land use norms to localities

a/ For paddy land areas, these criteria shall be determined on the basis of the land use status quo and changes, and results of the implementation of land-use master plan norms of the previous period; socio-economic development orientations in conformity with potential and advantages of each locality, ensuring the preservation of high-yield and high-quality paddy land areas, and areas with land potential and advantages for rice cultivation, and the need to repurpose paddy land areas for use for non-agricultural purposes and other purposes;

b/ Land areas of protection forests, special-use forests and production forests being natural forests, these criteria shall be determined on the basis of national forestry master plans, forestry development strategies, environmental protection master plans and overall master plans on biodiversity conservation; land use status quo and changes, results of the implementation of forestry land-use master plan norms in the previous period; ability and resources for exploitation of the unused land areas for forestry purposes (planting of forests and zoning for forest regeneration); and the need to repurpose forestry land areas for use for non-agricultural purposes and other purposes;

c/ For land areas for national defense and security purposes, these criteria shall be determined on the basis of the use status quo of land for national defense and security purposes; land use demand to achieve national defense and security goals; and use norms for land for national defense and security purposes that have been decided by the National Assembly; the use demand for land for national defense purpose proposed by the Ministry of National Defense, and the use demand for land for security purpose proposed by the Ministry of Public Security for each locality.

3. Criteria for allocation of norms in provincial-level land-use master plans to district-level land-use master plans

a/ For paddy land areas and land areas for other annual crops: In addition to the criteria specified at Point a, Clause 2 of this Article, other criteria shall be

determined on the basis of land use orientations in provincial master plans; the land use demand and agricultural land use restructuring ability in conformity with the practical socio-economic development of each locality;

b/ For protection forest, special-use forest and production forest land areas and land areas for perennials: In addition to the criteria specified at Point b, Clause 2 of this Article, other criteria shall be determined on the basis of land use orientations in provincial master plans; current status, advantages, potential of, and orientations for, the development of perennials associated with the development chain of regions and advantages of localities, and forest coverage rate requirements;

c/ For land areas for national defense and security purposes: In addition to the criteria specified at Point c, Clause 2 of this Article, other criteria shall be determined on the basis of land use orientations in provincial master plans; use status quo of land for national defense and security purposes, land use demands and ability of localities to allocate land areas for national defense and security purposes in conformity with approved master plans on use of land for national defense and security purposes;

d/ For land areas for livestock production, these criteria shall be determined on the basis of land use status quo and changes, results of the implementation of land use norms in the previous period's master plans, land use orientations in provincial master plans, livestock production development strategies, schemes on development of epidemic-free livestock production areas, and the land use demand for livestock production development;

dd/ For land areas for aquaculture, these criteria shall be determined on the basis of land use status quo and changes, results of the implementation of land use norms in the previous period's master plans, land use orientations in provincial master plans, master plans on protection and exploitation of aquatic resources, land advantages and potential for aquaculture, and the land use demand for aquaculture;

e/ For land areas for salt making, these criteria shall be determined on the basis of land status quo and changes, results of the implementation of land use norms in the previous period's master plans, land use orientations in provincial master plans, schemes on the development of the salt industry, and land use demand for salt making;

g/ For rural and urban residential land areas, these criteria shall be determined on the basis of national housing development strategies and housing development programs in accordance with the housing law, urban and rural

residential land use status quo, land use norms, technical regulations on construction, residential land allocation quotas, population size and urbanization rate forecasts, real estate market development, results of the implementation of land use norms in the previous period's master plans, land use orientations in provincial master plans, and orientations for development of urban and rural systems conformable with local potential and advantages;

h/ For land areas for construction of offices of agencies, these criteria shall be determined on the basis of land use status quo and changes, land use demand, results of the implementation of land use norms in the previous period's master plans, land use orientations in provincial master plans, land use quotas, orientations and master plans of sectors, and national technical regulations on construction and urban master plans;

i/ For land areas for construction of non-business facilities, these criteria shall be determined on the basis of land use status quo and changes, land use demand, results of the implementation of land use norms in the previous period's master plans, land use orientations in provincial master plans, land use quotas, orientations and master plans of sectors, and national technical regulations on construction master plans;

k/ For industrial-park land areas, these criteria shall be determined on the basis of land use status quo and changes, results of the implementation of land use norms in the previous period's master plans, land use orientations in provincial master plans, industrial development demand and capacity, and occupancy rate of industrial parks in accordance with the regulations on industrial parks;

l/ For land areas for cottage industry zones, these criteria shall be determined on the basis of land use status quo and changes, land use demand, results of the implementation of land use norms in the previous period's master plans, cottage industry zone development orientations, land use orientations in provincial master plans, and cottage industry zone development needs and capacity and occupancy rate;

m/ For land areas for mineral activities, these criteria shall be determined on the basis of land use status quo and changes, land use demand, results of the implementation of land use norms in the previous period's master plans, land use orientations in provincial master plans, mineral strategies and master plans, and plans on mineral protection, exploration, exploration and use;

n/ For land areas for commercial and service purposes and land areas for non-agricultural production establishments, these criteria shall be determined on the basis of land use status quo and changes, land use demand, results of the

implementation of land use norms in the previous period's master plans, land use orientations in provincial master plans, and national technical regulations on construction master plans;

o/ For land areas used for public purposes, these criteria shall be determined on the basis of land use status quo and changes, results of the implementation of land use norms in the previous period's master plans, land use orientations in provincial master plans, national technical regulations on construction master plans, grading of construction works in accordance with specialized laws, and land use quotas in accordance with the land law and relevant specialized laws;

p/ For land areas for religion activities, land areas for belief activities, and land areas for cemeteries, funeral homes and cremation facilities, and land areas for columbaria, these criteria shall be determined on the basis of land use status quo and changes, results of the implementation of land use norms in the previous period's master plans, land use orientations in provincial master plans, and land use quotas in accordance with the land law and relevant specialized laws;

q/ For land areas with special-use water surface and other non-agricultural land areas, these criteria shall be determined on the basis of land use status quo and changes, land use demand, results of the implementation of land use norms in the previous period's master plans, land use orientations in provincial master plans, legal provisions, and sectoral technical regulations and standards applicable to works involving the use of water surface and civil works, ability of land areas to be used for aquaculture purposes or for hydropower plants or hydraulic structures, and national defense and security assurance, disaster preparedness and climate change response requirements.

Article 23. Consultancy on formulation of national land use plans, provincial-level land-use master plans and plans, district-level land-use master plans and district-level annual land use plans

1. Conditions for organizations providing consultancy on formulation of national land use plans, provincial-level land-use master plans and plans, district-level land use master plans and district-level annual land use plans

a/ An organization providing consultancy on formulation of national land use plans must have at least 1 consultant who satisfies one of the conditions specified at Points a, b, c and d, Clause 2 of this Article and at least 5 consultants who satisfy one of the conditions specified at Point dd, e, g and h, Clause 2 of this Article;

b/ An organization providing consultancy on formulation of provincial-level land-use master plans or plan must have at least 1 consultant who satisfies one of

the conditions specified at Points a and b, Clause 3 of this Article and at least 5 consultants who satisfies one of the conditions specified at Points c, d, dd, e and g, Clause 3 of this Article;

c/ An organization providing consultancy on formulation of district-level land-use master plans or district-level annual land use plans must have at least 1 consultant who satisfies the condition specified at Point a, Clause 4 of this Article and at least 5 consultants who satisfies one of the conditions specified at Points b, c, d, dd and e, Clause 4 of this Article.

2. A consultant taking charge of a project on a national land use plan must possess a university or higher degree in a major related to land management, have at least 9 years' working experience in the field of land use master plans and plans and other relevant specialized master plans, and satisfy one of the following conditions:

a/ Having taken charge of formulation of at least 1 national land-use master plan or national land use plan;

b/ Having taken charge of formulation of at least 1 provincial-level land-use master plan;

c/ Having taken charge of formulation of at least 1 provincial-level land use plan;

d/ Having taken charge of at least 3 plans on land allocation and zoning for each district-level administrative unit in a provincial master plan;

dd/ Having directly participated in the formulation of at least 2 national land-use master plans;

e/ Having directly participated in the formulation of at least 2 national land use plans;

g/ Having directly participated in the formulation of at least 5 provincial-level land-use master plans;

h/ Having directly participated in the formulation of at least 5 provincial-level land use plans.

3. A consultant taking charge of the formulation of a provincial-level land-use master plan or plan must possess a university or higher degree in a major related to land management, have at least 6 years' working experience in the field of land-use master plans and plans and other relevant specialized master plans, and satisfy one of the following conditions:

a/ Having taken charge of formulation of at least 3 district-level land-use master plans;

b/ Having taken charge of formulation of at least 3 district-level annual land use plans;

c/ Having directly participated in the formulation of at least 5 provincial-level land-use master plans;

d/ Having directly participated in the formulation of at least 5 provincial-level land use plans;

dd/ Having directly participated in the formulation of at least 5 district-level land-use master plans;

e/ Having directly participated in the formulation of at least 5 district-level annual land use plans;

g/ Satisfying one of the conditions specified in Clause 2 of this Article.

4. A consultant taking charge of the formulation of a district-level land-use master plan or district-level annual land use plan must possess a university or higher degree in a major related to land management, have at least 3 years' working experience in the field of land use master plans and plans and other relevant specialized master plans, and satisfy one of the following conditions:

a/ Having taken charge of formulation of at least 3 district-level annual land use plans;

b/ Having directly participated in the formulation of at least 2 provincial-level land-use master plans;

c/ Having directly participated in the formulation of at least 2 provincial-level land use plans;

d/ Having directly participated in the formulation of at least 5 district-level land-use master plans;

dd/ Having directly participated in the formulation of at least 5 district-level annual land use plans;

e/ Satisfying one of the conditions specified in Clauses 2 and 3 of this Article.

5. The selection of organizations providing consultancy on formulation of national land use plans, provincial-level land-use master plans and plans, district-level land-use master plans and district-level annual land use plans shall be carried out in the form of contractor selection specified in the Bidding Law, or in the form

of task assignment or order placement in accordance with regulations on task assignment and order placement for the provision of public products and services funded by the state budget.

Article 24. Responsibilities of organizations providing consultancy on formulation of national land use plans, provincial-level land-use master plans and plans, district-level land-use master plans, and district-level annual land use plans

1. To take responsibility before law and agencies organizing the formulation of national land use plans, provincial-level land-use master plans and plans, district-level land-use master plans, and district-level annual land use plans for the quantity, implementation period and quality of products.

2. To coordinate with related agencies and organizations in the course of formulation of national land use plans, provincial-level land-use master plans and plans, district-level land-use master plans, and district-level annual land use plans.

3. To study and propose methods and approaches of determining use norms of various types of land and solutions in the formulation of national land use plans, provincial-level land-use master plans and plans, district-level land-use master plans, and district-level annual land use plans.

Chapter IV

LAND RECOVERY AND LAND REQUISITION

Section 1

LAND RECOVERY FOR NATIONAL DEFENSE AND SECURITY PURPOSES; LAND RECOVERY FOR SOCIO-ECONOMIC DEVELOPMENT FOR NATIONAL OR PUBLIC INTERESTS

Article 25. Recovery of land areas for national defense and security purposes for the implementation of socio-economic development projects under Clause 1, Article 84 of the Land Law

1. Provincial-level People's Committees of localities where exist land areas subject to recovery as specified in Clause 1, Article 84 of the Land Law shall send a consultation request to the Minister of National Defense or Minister of Public Security, enclosed with dossiers or extracts of dossiers of investment projects subject to recovery of land for national defense or security purposes for socio-economic development, and projected time of land recovery.

In case land areas are recovered and transferred to localities for the implementation of projects on housing for the people's armed forces, the Ministry

of National Defense or Ministry of Public Security shall assume the prime responsibility for proposing investment policy and ensuring the implementation of housing policies for personnel of the people's armed forces.

2. Within 30 days after receiving the consultation request specified in Clause 1 of this Article, the Minister of National Defense or Minister of Public Security shall give written opinions on land recovery.

3. Based on the consensus of the Minister of National Defense or Minister of Public Security, provincial-level People's Committees shall direct district-level People's Committees in carrying out land recovery in accordance with law.

Article 26. Land recovery for the performance of national defense or security tasks under Clause 2, Article 84 of the Land Law

1. The Minister of National Defense or Minister of Public Security shall send a consultation request to the Ministry of Natural Resources and Environment and the provincial-level People's Committee of the locality where exists a land area subject to recovery to seek the latter's opinions on recovery of land for the performance of national defense or security tasks but such land area is not yet included in a master plan on use of land for national defense or security purpose, enclosed with a dossier or extracts of a dossier of an investment project subject to land recovery for the performance of national defense or security tasks, and projected time of land recovery.

2. Within 30 days after receiving the consultation request specified in Clause 1 of this Article, the Ministry of Natural Resources and Environment and the provincial-level People's Committee of the locality where exists the land area subject to recovery shall give their written opinions on land recovery.

3. After obtaining opinions of the Ministry of Natural Resources and Environment and the provincial-level People's Committee of the locality where exists the land area subject to recovery, the Minister of National Defense or Minister of Public Security shall report them to the Prime Minister for consideration and approval of land recovery.

4. Based on opinions of the Prime Minister, the Ministry of National Defense or Ministry of Public Security shall coordinate with the provincial-level People's Committee of the locality where exists the land area subject to recovery in directing the concerned district-level People's Committee in carrying out land recovery in accordance with the Land Law.

Article 27. Provisions on cases of recovery of land for national defense or security purposes specified in Clause 3, Article 84 of the Land Law

1. The approval of land recovery specified at Point a, Clause 3, Article 84 of the Land Law is as follows:

a/ For a project implemented in a provincial-level administrative unit, the provincial-level People's Committee of the locality where exists the land area subject to recovery shall send a written request, enclosed with the approved investment project, to the Prime Minister for consideration and approval of land recovery;

b/ For a project implemented in two or more provincial-level administrative units, the ministry, sector, agency or unit assigned to act as the project owner shall send a written request, enclosed with the approved investment project, to the Prime Minister for consideration and approval of land recovery.

2. The approval of recovery of land and land-attached assets specified at Point c, Clause 3, Article 84 of the Land Law is as follows:

a/ The provincial-level People's Committee of the locality where exists a land area subject to recovery shall send a consultation request to the Minister of National Defense or Minister of Public Security, enclosed with a dossier or extracts of a dossier of the investment project subject to recovery of land for national defense or security purposes;

b/ Within 30 days after receiving the consultation request specified at Point a of this Clause, the Minister of National Defense or Minister of Public Security shall give written opinions on the recovery of land and land-attached assets;

c/ After obtaining opinions of the Minister of National Defense or Minister of Public Security, the provincial-level People's Committee of the locality where exists the land area subject to recovery shall report them to the Prime Minister for consideration and approval of the recovery of land and land-attached assets;

d/ Based on the Prime Minister's written approval, the provincial-level People's Committee of the locality where exists the land area subject to recovery shall direct the state management agency in charge of investment in proposing the competent authority to make investment decision in accordance with the law on public investment and law on investment in the form of public-private partnership;

dd/ Based on the investment project for which the investment decision has been made under Point d of this Clause, the competent People's Committee shall carry out land recovery under regulations.

Article 28. Order and procedures for compensation, support, resettlement and land recovery for national defense and security purposes; or for socio-economic development for national interests or public interests

1. Within 10 days after receiving a written request enclosed with the project dossier from the project owner, the unit or organization responsible for performing the compensation, support and resettlement task shall assume the prime responsibility for, and coordinate with related agencies in, examining grounds and conditions for land recovery specified in Article 80 of the Land Law for formulation of a land recovery plan; such plan must have the following contents:

a/ Brief information on the project, including: project name, project owner, location, acreage, objectives, implementation schedule, and legal grounds, and other information;

b/ Holding of meetings with land owners in the area subject to recovery to disseminate information on the project and receive opinions;

c/ Notification of land recovery;

d/ Survey, measurement and inventory;

dd/ Formulation, appraisal, approval and publicization of compensation, support and resettlement plans;

e/ Implementation of compensation, support and resettlement plans;

g/ Implementation of the land recovery decision;

h/ Handover of the recovered land area to the investor or assignment of the recovered land area for management;

i/ Other relevant contents;

k/ Projected implementation period; assignment of organizations and units to implement the contents of the land recovery plan.

2. The land recovery for national defense and security purposes or for socio-economic development for national interests or public interests shall be carried out according to the order and procedures specified in Article 87 of the Land Law. Compulsory inventory decisions shall be made according to Form No. 01a; decisions on enforcement of compulsory inventory shall be made according to Form No. 01b; land recovery decisions shall be made according to Form No. 01c; and decisions on enforcement of land recovery shall be made according to Form No. 01dd, provided in the Appendix to this Decree.

Article 29. Detailed provisions on order and procedures for land requisition

1. A land requisition decision and a written certification of land requisition must have the following principal contents:

a/ Full name, position and employer of the land requisition decider;

b/ Name and address of the person whose land is requisitioned or the person who currently manages and uses the land area subject to requisition;

c/ Name and address of the organization, or full name and address of the person, assigned to use the land area subject to requisition;

d/ Land requisition purpose and duration;

dd/ Location, acreage and type of land and assets attached to the land area subject to requisition;

e/ Time limit for handover of the land area subject to requisition.

2. The return of a requisitioned land area to the land user upon the expiration of the land requisition duration must comply with the following provisions:

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

b/ In case the person whose land area is requisitioned voluntarily donates the land area to the State, the procedures for donation of land use rights shall be carried out in accordance with law.

3. The responsibility for determining the level of compensation for damage caused by land requisition is as follows:

a/ Chairpersons of district-level People's Committees of localities where exist land areas subject to requisition shall determine levels of compensation for damage caused by land requisition, except the case specified at Point b of this Clause;

b/ Chairpersons of provincial-level People's Committees of localities where exist land areas subject to requisition shall determine levels of compensation for damage caused by land requisition, for cases in which such a land area is situated within two or more district-level administrative units.

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

a/ Its chairperson being the chairperson or a vice chairperson of the competent People's Committee;

b/ Its members from the agency with land management function, and finance agency, and other related members;

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

d/ Representatives of the district-level people's court and people's procuracy of the locality where exists the land area;

dd/ A representative of the commune-level Vietnam Fatherland Front Committee;

e/ The person whose land is requisitioned or his/her representative.

Section 2

LAND RECOVERY DUE TO VIOLATIONS OF THE LAND LAW

Article 30. Land recovery for land users that fail to fulfill their financial obligations toward the State

Land recovery for land users that fail to fulfill their financial obligations toward the State is as follows:

1. For land users that fail to fulfill their financial obligations toward the State as specified in Clause 6, Article 81 of the Land Law. i.e., failing to perform or inadequately performing their obligations to pay land use levy or land rental and having been coerced by competent state agencies to perform their financial obligations in accordance with the law on tax administration but still failing to do so, tax administration agencies shall make written requests for land recovery.

2. Tax agencies shall send notices of the cases specified in Clause 1 of this Article, enclosed with relevant documents, to agencies with land management function for carrying out procedures for submission to competent authorities for land recovery. The order and procedures for land recovery must comply with Article 32 of this Decree.

Article 31. *Force majeure* cases to be applied in the handling of the cases specified in Clauses 6, 7 and 8, Article 81 of the Land Law

1. *Force majeure* cases to be applied in the handling of the cases specified in Clauses 6, 7 and 8, Article 81 of the Land Law are *force majeure* events and external obstacles specified by the civil law that directly affect land use, including:

a/ Disasters, environmental disasters;

b/ Fires, epidemics;

c/ Wars, state of emergency in terms of national defense and security;

d/ Other cases as specified by the law on state of emergency;

dd/ Cases of application of provisional urgent measures by competent state agencies, or distraint or freezing of land use rights and land-attached assets in accordance with law, and later land users may continue their land use;

e/ Administrative decisions or administrative acts of competent state agencies that constitute external obstacles not caused by the fault of land users, and directly affect land use;

g/ Other cases as decided by the Prime Minister at the proposal of provincial-level People's Committees or line ministers.

2. The time for calculation of land use period extension of no more than 24 months for cases of failure to put land into use or land use delay is as follows:

a/ For an investment project that has failed to put the land into use for 12 consecutive months from the date of land handover in the field, the project owner may have the land use period extended for no more than 24 months counting from the first day of the 13th month after the date of handover;

b/ For an investment project with land use progress that is 24 months behind the land use schedule stated in the investment project document from the date of land handover in the field, the time for calculating the 24-month land use period extension shall be counted from the first day of the 25th month after the date the construction investment must be completed.

In case the project is allocated or leased land according to the schedule, the land use period extension not exceeding 24 months is applicable to each part of such land area. The time for calculating the land use period extension not exceeding 24 months shall be counted from the first day of the 25th month after the date the construction investment on such land area must be completed;

c/ In case by the time of examination or inspection, it is possible to determine that the failure to use land has exceeded 12 consecutive months or the land use delay has exceeded 24 months, the time for calculation of the land use period extension not exceeding 24 months shall be counted from the date the agency competent to allocate or lease land decides on the extension. A decision on land use period extension shall be issued by the competent agency within 30 days after the receipt of an examination result report or inspection conclusion in case the land user makes a written request.

A decision on land use period extension must clearly identify the project's area for which the land has not been put into use, and the land area delayed to be put into use, and shall be forwarded to the tax agency for collection of land use levy or land rental for the extended period;

d/ A land user that has not used the land for more than 12 months or has delayed to put the land into use for more than 24 months and wishes to have the land use period extended shall send a written request to the People's Committee competent to allocate or lease land for consideration of extension decision.

In case the land user fails to make a written request for land use period extension after 15 days from the date the state agency issues a document identifying the violation, the People's Committee competent to allocate or lease land shall decide on land recovery under regulations;

dd/ The determination of land use levy or land rental for the extended land use period specified in Clause 8, Article 81 of the Land Law must comply with the Government's regulations on land use levy and land rental.

3. Provincial-level People's Committees shall review, handle and publicly announce on their portals the investment projects that have failed to put land into use for 12 consecutive months or have their land use progress that is 24 months behind the land use schedule stated in investment project documents; projects with extended land use period; and projects that are behind their land use schedules due to *force majeure* events; and provide information for publicization on the portal of the Ministry of Natural Resources and Environment or the agency with land management function under the Ministry of Natural Resources and Environment.

4. The land use period affected by *force majeure* events is not included in the land non-use period or land use delay period specified in Clause 8, Article 81 of the Land Law.

Chairpersons of provincial-level People's Committees shall base themselves on the provisions on *force majeure* cases and practical implementation of investment projects to determine the land use period affected by *force majeure* events for the projects, for a project implemented within a provincial-level administrative unit. For a project implemented in two or more provincial-level administrative units, based on the proposal of the chairperson of the related provincial-level People's Committee, the Minister of Natural Resources and Environment shall make consideration and decision; in case of necessity, he/she shall consult related ministries and sectors.

Article 32. Order and procedures for land recovery due to violations of the land law

1. Conditions for land recovery due to violations of the land law specified in Article 81 of the Land Law

a/ For a violation subject to administrative sanctioning, within 30 days after receiving a written request for land recovery from an agency or a person competent to sanction administrative violations for the reason that the land user continues to commit the violation, the agency with land management function shall submit such request to the state management agency competent to recover land specified in Article 83 of the Land Law;

b/ For a violation not subject to administrative sanctioning, land recovery shall be carried out after the competent inspection/examination agency makes a conclusion on the case of land recovery.

2. Within 30 days after receiving the request and documents from the competent agency specified in Clause 1 of this Article, the agency with land management function shall make and submit a land recovery dossier to the People's Committee with land recovery competence. Such a dossier must comprise:

a/ A request for land recovery;

b/ A draft decision on land recovery, made according to Form No. 01d provided in the Appendix to this Decree;

c/ Documents forwarded by the competent state agency as specified in Clause 1 of this Article.

3. Within 10 days after receiving a dossier, the competent People's Committee shall send a land recovery notice to the person whose land is recovered, owners of land-attached assets and persons with related interests and obligations (if any). The person whose land is recovered, owners of land-attached assets and persons with related interests and obligations shall handle assets on land within the time limit stated in the land recovery notice after receiving the notice which, however, must not exceed 45 days, except the case specified at Point b, Clause 7 of this Article.

4. Within 15 days from the expiration of the time limit for notification of land recovery specified in Clause 3 of this Article, the competent People's Committee shall issue a land recovery decision and direct the implementation of such decision. In case the land user fails to abide by the land recovery decision, it/he/she shall be enforced to do so.

5. Responsibilities of persons whose land is recovered

a/ To abide by land recovery decisions;

b/ To hand over their land areas and documents on land use rights to competent agencies or persons stated in land recovery decisions.

6. Responsibilities of competent People's Committees

a/ To issue land recovery notices to land users and post them on portals or websites of provincial- and district-level People's Committees;

b/ To direct the handling of the remainder of the value of investment in land or land-attached assets (if any) in accordance with law;

c/ To direct district-level People's Committees in organizing the enforcement of land recovery decisions under Article 39 of this Decree;

d/ To allocate funds for enforcement of land recovery.

7. Handling of assets on land and the remaining asset value of persons whose land is recovered

a/ In case of land recovery under Clause 6, Article 81 of the Land Law, the land use levy amount collected from the auction of land use rights and land-attached assets (if any), after deducting the law-specified expenses for enforcement and auction organization, shall be remitted to the state budget to perform financial obligations of the land user. The remainder shall be refunded to the person whose land is recovered and owners of assets attached to the recovered land;

b/ In case of land recovery under Clause 7, Article 81 of the Land Law, within 12 months from the date of issuance of the land recovery decision under regulations, owners of assets attached to the recovered land may sell their assets in accordance with law. Upon the expiration of the above time limit, if the person whose land is recovered cannot sell land-attached assets, the State will not pay compensation for such assets. Asset owners shall dismantle such assets by themselves and return the ground to the State within the time limit stated in the land recovery decision. In case the asset owners fail to do so, the competent state agency shall enforce land recovery under regulations.

In case an investor buys back land-attached assets from the person whose land is recovered, the State shall allocate or lease land to the investor in accordance with law.

Section 3

LAND RECOVERY DUE TO TERMINATION OF LAND USE UNDER LAW, VOLUNTARY RETURN OF LAND, OR APPEARANCE OF THREATS TO HUMAN LIFE

Article 33. Land recovery in the cases specified in Clauses 1, 2 and 3, Article 82 of the Land Law

1. Within 30 days after receiving the documents specified at Points a, b, d, dd, e and g, Clause 5, Article 82 of the Land Law, an agency with land management function shall submit them to a state agency with land recovery competence. The land recovery in the case specified at Point c, Clause 1, Article 82 of the Land Law shall be carried out under Clause 4, Article 172 of the Land Law.

2. Responsibilities of persons whose land is recovered must comply with Clause 5, Article 32 of this Decree.

3. Responsibilities of competent People's Committees must comply with Clause 6, Article 32 of this Decree.

Article 34. Land recovery under Clause 1, Article 48 of the Land Law

1. The commune-level People's Committee of the locality where exists the land area subject to recovery shall, when detecting that the land user is an ethnic minority person falling into the case subject to land recovery specified in Clause 1, Article 48 of the Land Law, send a request to the agency with land management function.

2. Within 20 days after receiving the request from the commune-level People's Committee, the agency with land management function shall complete a dossier and submit it to the People's Committee with land recovery competence in accordance with law.

3. Within 10 days after obtaining a land recovery decision, the agency with land management function shall propose a competent agency to set up an asset valuation council to determine the value of land-attached assets, and pay compensation to the person whose land is recovered or his/her heir.

4. The determination of the value of land-attached assets for compensation payment specified in Clause 3 of this Article shall be carried out as for the cases of land recovery by the State as specified in Articles 78 and 79 of the Land Law. Money for compensation shall be allocated from state budget funds for the implementation of land policies toward ethnic minority people.

Article 35. Handling of land-attached assets in the cases of land recovery specified at Points a, d and dd, Clause 1, and Clause 2, Article 82 of the Land Law

1. For the case specified at Point a, Clause 1, Article 82 of the Land Law:

a/ Land-attached assets that are public assets of agencies and public non-business units shall be assigned to land fund development organizations for management, exploitation and development under Point c, Clause 1, Article 113 of the Land Law;

b/ Land-attached assets that are assets of enterprises shall be handled in accordance with the dissolution and bankruptcy laws. Organizations and individuals entitled to receive land-attached assets after being handled in accordance with the dissolution and bankruptcy laws will be allocated or leased land by the State for the implementation of projects in accordance with law.

2. For the case of land recovery due to the termination of an investment project specified at Point d, Clause 1, Article 82 of the Land Law :

a/ The project owner may continue to use the land for 24 months from the date of termination of the investment project in accordance with the investment law;

b/ Within 24 months from the date of termination of the investment project, the project owner may transfer land use rights or sell land-attached assets to other organizations or individuals in accordance with law;

c/ After the sale of assets and transfer of land use rights, purchaser(s) of land-attached assets and recipient(s) of land use rights may continue to exercise the rights and perform the obligations of the land user to implement the investment project or may propose the implementation of a new investment project in accordance with law;

d/ Upon the expiration of the time limit specified at Point a of this Clause, if the project owner fails to transfer land use rights or sell land-attached assets to other investors, the State shall recover the land without paying compensation for the land and land-attached assets. In a *force majeure* case specified in Article 31 of this Decree, the time limit specified at Point a of this Clause may be considered for an extension equal to the period during which the *force majeure* event occurs.

Expenses for land recovery and handling of land-attached assets shall be covered by the state budget. Investors selected to continue using the land shall pay these expenses to the state budget before being allocated or leased land by the State.

3. For the case of land recovery specified at Point dd, Clause 1, Article 82 of the Land Law, the handling of land-attached assets being forest products must comply with the forestry law. For assets being construction works attached to land, within 12 months from the date of issuance of the land recovery decision, the asset owners may sell such assets in accordance with law. Upon the expiration of the above time limit, if the recovered land user fails to sell land-attached assets, the State shall recover the land without paying compensation for land-attached assets. Asset owners shall dismantle their assets by themselves and return the ground to the State within the time limit stated in the land recovery decision. In case the asset owners fail to do so, the competent state agency shall enforce land recovery under regulations.

4. In case a land user reduces or no longer has the land use demand and files an application for voluntary return of land under Clause 2, Article 82 of the Land Law, the People's Committee competent to recover land shall only consider

returning the value of land-attached assets if deeming the land recovery necessary and causing no damage to the State's interests and public order and the land user makes a written request for the State to return the value of land-attached assets. The People's Committee competent to recover land shall set up a valuation council to determine the remaining value of assets and return it to the land returner.

Section 4

ENFORCEMENT OF COMPULSORY INVENTORY DECISIONS, LAND RECOVERY DECISIONS, COMPLAINTS ABOUT LAND RECOVERY DECISIONS, ENFORCEMENT DECISIONS

Article 36. Enforcement of compulsory inventory under Clause 4, Article 88 of the Land Law

1. Before carrying out the enforcement, the chairperson of the concerned district-level People's Committee shall decide on establishment of a compulsory inventory enforcement board, which shall be composed of its head being the chairperson or a vice chairperson of the district-level People's Committee; members being representatives of district-level agencies with inspection, justice, land management and construction functions; units and organizations performing the compensation, support and resettlement task; and a representative of the leadership of the commune-level People's Committee of the locality where exists the land area subject to recovery; and other members as decided by the chairperson of the district-level People's Committee.

2. The compulsory inventory enforcement board shall mobilize, persuade and hold dialogues with the person subject to enforcement of compulsory inventory within 5 working days and record such dialogues in minutes. If the person subject to enforcement abides by the enforcement decision, the compulsory inventory enforcement board shall make a minutes recording the abidance and carry out the inventory under regulations.

In case the person subject to enforcement fails to abide by the enforcement decision, the compulsory inventory enforcement board shall organize the necessary forces and means to open doors and gates to the land plots or parcels in need of inventory without having to obtain permission of the land user and asset owners. The inventory shall be recorded in minutes.

3. The compulsory inventory enforcement board may request the person subject to enforcement and related persons to leave the land plot subject to enforcement if they obstruct the inventory. In case such persons do not leave the

land plot, the compulsory inventory enforcement board may take measures to move the person subject to enforcement and related persons out of the land plot.

4. The compulsory inventory enforcement board shall invite a representative of the district-level Vietnam Fatherland Front Committee to participate in the supervision of the enforcement.

5. The enforcement and inventory must not cause damage to assets of land users and asset owners. If damage is caused, compensation shall be paid in accordance with law.

Article 37. Assurance of order and safety in the course of execution of compulsory inventory enforcement and land recovery enforcement decisions

1. Public security agencies shall ensure order and safety in the course of execution of enforcement decisions of chairpersons of same-level People's Committees or enforcement decisions of other state agencies when requested.

In case of requesting a public security agency to participate in ensuring order and safety in the course of execution of an enforcement decision, the agency in charge of executing the enforcement decision shall send a written request to the same-level public security agency 5 working days before the time of enforcement for the latter to arrange the force.

2. The public security agency shall base itself on the land recovery enforcement plan to work out a plan to protect order and safety in the course of organizing the execution of the land recovery enforcement decision. When participating in the enforcement, the public security agency shall prevent violations of law, and ensure order and safety within the ambit of its functions and tasks.

Article 38. Preservation and liquidation of assets subject to enforcement

1. When carrying out land recovery enforcement, if the person subject to enforcement refuses to receive assets, the land recovery enforcement board shall assign such assets to:

a/ The State Treasury for preservation, for cash, gold, silver, precious metals, gems and foreign currencies;

b/ Specialized state management agencies for management, for industrial explosives, supporting tools, objects of historical and cultural values, national treasures, antiques, and precious and rare forest products;

c/ Local forest protection agencies or agencies with agricultural management function for management, for perennials or forests after being felled or harvested,

ornamental trees of high values, and precious and rare animals in need of protection;

d/ Commune-level People's Committees for preservation, for other assets.

2. The handover of assets for preservation is as follows:

a/ The land recovery enforcement board shall make a minutes, clearly stating the full name of the person in charge of execution of the enforcement decision, the individual subject to enforcement or a representative of the organization subject to enforcement, the person assigned to preserve the assets, and the witness to the handover; quantity and actual conditions (quality) of the assets; rights and obligations of the person assigned to preserve the assets; and time of asset handover for preservation;

b/ The head of the land recovery enforcement board, the person assigned to preserve the assets, the individual subject to enforcement or the representative of the organization subject to enforcement, and the witness shall sign the minutes. If the minutes have multiple sheets, each sheet shall be signed. In case any person is absent or is present but refuses to sign the minutes, such shall be recorded in the minutes with the reason clearly stated.

The minutes shall be handed over to the person assigned to preserve the assets, the individual subject to enforcement or the representative of the organization subject to enforcement, the witness, and the person in charge of distraint, with each of them keeping 1 copy of the minutes;

c/ Expenses for asset preservation (if any) shall be paid by the asset owner and cleared against the compensation, support and resettlement amounts before such amounts are paid to the person whose land is recovered and the asset owner;

d/ The person assigned to preserve the assets who causes damage or loss of, exchanges or destroys, the assets shall pay compensation and shall, depending on the nature and severity of his/her violation, be handled in accordance with law;

dd/ For assets that are susceptible to damage, fire or explosion and of large values and subject to compulsory insurance in accordance with the insurance law, the unit assigned to preserve the assets shall purchase insurance and the asset owner shall pay insurance premiums upon receiving back the assets.

3. After carrying out the asset handover under Clause 2 of this Article, the land recovery enforcement board shall send a notice to the asset owner for receiving back the assets within 60 days.

4. Past 60 days after receiving the notice, if the asset owner does not come to receive back the assets, such assets shall be auctioned in accordance with law.

Proceeds from the auction, after deducting expenses for transportation, safe-keeping, preservation, handling and auction of assets and purchase of insurance for assets, shall be deposited as demand savings at credit institutions and notified to the asset owner for receipt. The land recovery enforcement board shall organize the destruction of damaged and worthless assets in accordance with law and make a minutes of destruction, clearly stating the status of such assets before the destruction.

Article 39. Enforcement of land recovery decisions due to violations of law, land recovery due to termination of land use in accordance with law or appearance of threats to human life

1. The enforcement of land recovery decisions due to violations of law, land recovery due to termination of land use in accordance with law, or appearance of threats to human life must comply with Article 89 of the Land Law, and Articles 37 and 38 of this Decree.

2. In case of enforcement of land recovery decisions due to appearance of threats to human life, provincial-level People's Committees may shorten the time for performance of enforcement procedures.

Article 40. Complaints about land recovery decisions and enforcement decisions

1. Persons whose land is recovered and related organizations and individuals may file complaints about compulsory inventory, enforcement of compulsory inventory, land recovery and enforcement of land recovery in accordance with the law on complaints.

Pending the issuance of complaint settlement decisions, it is still required to continue to execute compulsory inventory decisions, enforcement of compulsory inventory, land recovery decisions or decisions on enforcement of land recovery. In case the state agency competent to settle complaints concludes that the land recovery is illegal, the enforcement shall be stopped if it has not been completed; the issued land recovery decision shall be cancelled and compensation shall be paid for damage (if any) caused by the administrative decision.

2. In case land recovery is related to rights and interests of other organizations and individuals in land use, the competent state agency shall still carry out compulsory inventory, enforcement of compulsory inventory, land recovery or enforcement of the land recovery decision under regulations without having to wait until the complete settlement of rights and obligations related to land use between the person whose land is recovered and such organizations and individuals in accordance with relevant laws.

Chapter V

DEVELOPMENT, MANAGEMENT AND EXPLOITATION OF LAND AREAS

Article 41. Cases in which land areas are developed, managed and exploited by land fund development organizations

1. Management and exploitation of land areas specified in Clause 1, Article 113 of the Land Law.

2. Implementation of infrastructure construction projects to create land areas for auction of land use rights for the implementation of investment projects on construction of urban centers with mixed service functions and synchronization of technical and social infrastructure systems with housing systems in accordance with the construction law.

3. Implementation of infrastructure construction projects to create land areas for auction of land use rights for the implementation of projects on rural residential areas; and arrangement of resettlement; projects on allocation of residential land areas for ethnic minority people for implementation of land-related support policies for ethnic minority people in accordance with the Land Law.

4. Implementation of projects on allocation of production land areas for ethnic minority people in order to implement land-related support policies for ethnic minority people in accordance with the Land Law.

Article 42. Formulation, appraisal and approval of projects on creation of land areas

1. Project on creation of land areas means a project specified in Clause 2 or 3, Article 41 of this Decree and assigned by a competent People's Committee to its attached land fund development organization for implementation.

2. The formulation, appraisal and approval of the projects on creation of land areas specified in Clauses 2 and 3, Article 41 of this Decree shall be carried out as those for investment projects on construction of technical infrastructure facilities funded by state capital other than public investment funds or by public investment funds in accordance with the construction and public investment laws.

3. The formulation, appraisal and approval of projects on allocation of residential and production land areas for ethnic minority people for the implementation of land policies for ethnic minority people must comply with the regulations on investment projects funded by the state budget.

4. Funding sources for the implementation of the projects specified in Article 41 of this Decree are money amounts advanced from land development funds or allocated from the state budget. The projects specified in Clause 3 of this Article may be funded by the economic non-business funding source as support from the central budget for localities.

5. The land recovery, compensation, resettlement support, and management and use of land areas created for the projects specified in Clauses 2 and 3, Article 41 of this Decree must comply with the Land Law and this Decree.

Article 43. Management and short-term exploitation of land areas

1. Land fund development organizations may lease land areas and land-attached assets assigned by the State to them for management (if any) in adherence to the following principles:

a/ Lease contracts shall be made, stating the temporary land lease corresponding to the land use purpose specified in Article 9 of the Land Law and Articles 4, 5 and 6 of this Decree. Land lessees are not required to carry out land registration and will not be granted Certificates;

b/ The lease term must not exceed 5 years. During the contract term when the State implements a land use plan, the contract shall be liquidated and no compensation/support shall be paid/provided for assets invested on the land. At least 60 days before liquidating the contract, the land fund development organization shall notify such in writing to the land lessee.

2. Initial rates of land rent shall be decided by chairpersons of People's Committees competent to lease land.

3. Rental for land and land-attached assets shall be included in turnover and accounted in accordance with the regulations applicable to public non-business units.

4. Land lessees may not construct permanent works and shall commit to voluntarily dismantling their works upon receipt of notices of land fund development organizations of contract termination, and are not entitled to compensation for land, and assets on and expenses invested in the land. Land lessees shall pay deposits for their responsibility for dismantling works.

5. Land fund development organizations shall draw up lists of land plots and land parcels capable of short-term exploitation and announce them on portals or websites of provincial-level People's Committees and district-level People's Committees of localities where exists the land and on their own portals or

websites for selection of organizations and individuals that apply for land rent and offer the highest rent rate within 30 days from the date of announcement.

In case only one organization or individual applies for land rent and offers a land rent rate not lower than the initial rent rate specified in Clause 2 of this Article, the land fund development organization shall sign a land lease contract with such organization or individual.

Upon the expiration of the 30-day time limit, if no organization or individual applies for land rent, the announcement shall be carried out again under this Clause.

6. The short-term land lease specified in this Article is neither subject to auction of land use rights nor subject to bidding for selection of investors to implement land-using projects and is not required to satisfy the requirements on conformity with land-use master plans and plans like land allocation or land lease for the implementation of investment projects.

7. Provincial-level People's Committees shall specify the order and procedures for short-term lease of land areas in their localities.

Chapter VI

LAND ALLOCATION, LAND LEASE AND LAND REPURPOSING

Section 1

DETAILED PROVISIONS ON LAND ALLOCATION, LAND LEASE AND LAND REPURPOSING

Article 44. Provisions on grounds and order and procedures for land allocation, land lease, and grant of permission for land repurposing for cases not subject to investment policy approval or investor approval in accordance with the investment law as specified in Clause 6, Article 116 of the Land Law

1. District-level annual land use plans approved by competent agencies serve as the ground for land allocation, land lease, and grant of permission for land repurposing for cases not subject to investment policy approval or investor approval in accordance with the investment law. District-level land-use master plans or general master plans or zoning master plans approved in accordance with the urban planning law serve as the ground for land repurposing for the individuals specified in Clause 5 of this Article.

2. The order and procedures for land allocation, land lease, and grant of permission for land repurposing specified in Clause 1 of this Article which require

land users to pay land use levy or land rental calculated according to land prices in the land price lists are as follows:

a/ The applicant for land allocation shall make an application for land allocation according to Form No. 02a, the applicant for land lease shall make an application for land lease according to Form No. 02b, while the applicant for grant of permission for land repurposing shall make an application for grant of permission for land repurposing according to Form No. 02c, provided in the Appendix to this Decree, then submit it to the agency responsible for receiving dossiers and notifying administrative procedures settlement results specified at Point a, Clause 1, Article 12 of this Decree;

b/ The agency with land management function shall assign the land registration office to provide information on the land database and make an extract of the cadastral map of the land parcel, in case the dossier is complete and valid; or instruct the applicant to additionally submit the record of cadastral measurement of the land parcel in the location where no cadastral map is available or remake or supplement the dossier before submitting it again to the agency with land management function in case the dossier is incomplete or invalid; and check the dossier; and carry out field inspection;

c/ The agency with land management function shall complete the dossier and submit it to the competent People's Committee for issuance of a decision on land allocation, land lease, or grant of permission for land repurposing. The dossier must comprise the paper specified at Point a of this Clause; an extract of the cadastral map of the land parcel, or the record of cadastral measurement of the land parcel, and a request for land allocation, land lease, or grant of permission for land repurposing, made according to Form No. 03 provided in the Appendix to this Decree, enclosed with a draft decision on land allocation, land lease, or grant of permission for land repurposing made according to Form No. 04a, Form No. 04b or Form No. 04c provided in the Appendix to this Decree, having the contents on land price for calculation of the payable land use levy or land rental amount and the responsibility of the tax agency for guiding the land user to pay land use levy or land rental in accordance with the regulations on land use levy and land rental;

d/ The competent People's Committee shall consider and issue a decision on land allocation, land lease, or grant of permission for land repurposing;

dd/ The agency with land management function shall send the slip of cadastral information on the land parcel, made according to Form No. 04h provided in the Appendix to this Decree, to the tax agency;

e/ The tax agency shall determine the payable land use levy or land rental amount under regulations, and issue and send a notice of payment of land use levy or land rental to the land user;

g/ The land user shall pay land use levy or land rental in accordance with the regulations on land use levy and land rental;

h/ The tax agency shall certify the completion of payment of land use levy or land rental and send a notice thereof to the agency with land management function;

i/ The agency with land management function shall propose the competent authority to sign and issue a Certificate and perform the tasks specified in Clause 4, Article 228 of the Land Law. In case of signing a land lease contract, Form No. 05a provided in the Appendix to this Decree shall be used; a minutes of land handover in the field shall be made according to Form No. 06 provided in the Appendix to this Decree;

k/ The land registration office or branch of land registration office shall update and adjust the land database and cadastral records.

3. The order and procedures for land allocation or grant of permission for land repurposing specified in Clause 1 of this Article in the case of land allocation without land use levy collection are as follows:

a/ The applicant for land allocation shall make an application for land allocation according to Form No. 02a, while the applicant for grant of permission for land repurposing shall make an application for grant of permission for land repurposing according to Form No. 02c, provided in the Appendix to this Decree, and submit it to the agency responsible for receiving dossiers and notifying administrative procedure settlement results specified at Point a, Clause 1, Article 12 of this Decree;

b/ The agency with land management function shall assign the land registration office to provide information on the land database and make an extract of the cadastral map of the land parcel, in case the dossier is complete and valid; or instruct the applicant to additionally submit the record of cadastral measurement of the land plot in the location where no cadastral map is available, or remake or supplement the dossier and submit it again to the agency with land management function in case the dossier is incomplete or invalid; check the dossier; and carry out field inspection;

c/ The agency with land management function shall complete the dossier and submit it to the competent People's Committee for issuance of a decision on land allocation or grant of permission for land repurposing. The dossier must comprise

the paper specified at Point a of this Clause; an extract of the cadastral map of the land parcel or the record of cadastral measurement of the land parcel, and a request for land allocation, land lease, or grant of permission for land repurposing, made according to Form No. 03 provided in the Appendix to this Decree, enclosed with a draft decision on land allocation or grant of permission for land repurposing, made according to Form No. 04a or Form No. 04c provided in the Appendix to this Decree;

d/ To comply with Points d, i and k, Clause 2 of this Article.

4. In case of land allocation, land lease or grant of permission for land repurposing specified in Clause 1 of this Article which requires the land user to pay land use levy or land rental calculated according to a specific land price:

a/ To comply with Points a and b, Clause 2 of this Article;

b/ The agency with land management function shall complete the dossier and submit it to the competent People's Committee for issuance of a decision on land allocation, land lease, or grant of permission for land repurposing. The dossier must comprise the paper specified at Point a of this Clause; an extract of the cadastral map of the land parcel or the record of cadastral measurement of the land parcel, and a request for land allocation, land lease, or grant of permission for land repurposing, made according to Form No. 03 provided in the Appendix to this Decree, enclosed with a draft decision on land allocation, land lease, or grant of permission for land repurposing, made according to Form No. 04a, Form No. 04b or Form No. 04c provided in the Appendix to this Decree;

c/ The competent People's Committee shall consider and issue a decision on land allocation, land lease, or grant of permission for land repurposing, then send it to the agency with land management function for organization of the determination of specific land prices;

d/ The agency with land management function shall organize the determination of specific land prices and submit them to a competent agency for issuance of a decision approving specific land prices in accordance with the regulations on land prices, which must have the content on the tax agency's responsibility to guide the land user to pay land use levy or land rental in accordance with the regulations on land use levy and land rental;

dd/ The competent agency shall consider and issue a decision approving specific land prices;

e/ To comply with Points e, g, h, i and k, Clause 2 of this Article.

5. The order and procedures for land repurposing specified in Clause 5, Article 116 of the Land Law for cases in which households and individuals apply for grant of permission for repurposing of agricultural land in residential areas or agricultural land in the same land parcel with residential land to residential land, or repurposing of non-agricultural land other than residential land to residential land must comply with Clause 2 of this Article.

6. The time limit for performance of procedures for land allocation, land lease, and grant of permission for land repurposing specified in Clauses 2, 3, 4 and 5 of this Article is 20 days.

Agencies involved in the performance of procedures for land allocation, land lease, or grant of permission for land repurposing specified in this Article may neither provide nor perform any additional procedures other than the procedures specified in this Article.

Article 45. Provisions on adjustment of decisions on land allocation, land lease, and grant of permission for land repurposing

1. A decision on land allocation, land lease, or grant of permission for land repurposing shall be adjusted in the following cases:

a/ A competent state agency issues a document containing provisions that change the basis (bases) for issuance of a decision on land allocation, land lease, or grant of permission for land repurposing as specified in Clauses 1, 2, 3, 4, and 5, Article 116 of the Land Law;

b/ There are inconsistencies regarding the boundary, location, area, and use purpose of the land plot in question between the planning map, cadastral map or decision on land allocation, land lease, or grant of permission for land repurposing and data on land handover in the field.

2. The order and procedures for adjustment of a decision on land allocation, land lease, or grant of permission for land repurposing in the case specified at Point a, Clause 1 of this Article are the same as those for land allocation, land lease, or grant of permission for land repurposing; particularly the application for adjustment of decision on land allocation, land lease, or grant of permission for land repurposing shall be made according to Form No. 02d provided in the Appendix to this Decree and the decision on adjustment of decision on land allocation, land lease, or grant of permission for land repurposing shall be made according to Form No. 04d provided in the Appendix to this Decree.

Provincial-level People's Committees shall provide the time periods for performing specific steps of these procedures, adhering to the principle of

reducing at least half of the time required for performing the procedures for land allocation, land lease, and land repurposing.

3. The order and procedures for adjusting a decision on land allocation, land lease, or grant of permission for land repurposing in the case specified at Point b, Clause 1 of this Article are as follows:

a/ The land user shall submit a request for correction of erroneous information in the decision on land allocation, land lease, or grant of permission for land repurposing, made according to Form No. 02d provided in the Appendix to this Decree, to the agency in charge of receiving dossiers and notifying administrative procedure settlement results specified at Point a, Clause 1, Article 12 of this Decree;

b/ In case the errors in the decision on land allocation, land lease, or grant of permission for land repurposing do not lead to a change in the paid land use levy or land rental amount, the agency with land management function shall review and check the dossier and conduct a field inspection.

The agency with land management function shall complete the dossier for submission to the competent People's Committee for the latter to issue a decision on adjustment of the decision on land allocation, land lease, or grant of permission for land repurposing. The dossier must comprise the document specified at Point a of this Clause; a request for land allocation, land lease, or grant of permission for land repurposing, made according to Form No. 03 provided in the Appendix to this Decree, enclosed with a draft decision on adjustment of the decision on land allocation, land lease, or grant of permission for land repurposing, made according to Form No. 04d provided in the Appendix to this Decree.

The competent People's Committee shall consider and issue a decision on adjustment of the decision on land allocation, land lease, or grant of permission for land repurposing.

The agency with land management function shall propose a competent authority to sign and issue a Certificate; in case of adjustment of land lease contracts, Form No. 05b provided in the Appendix to this Decree shall be used.

The land registration office or branch of land registration office shall update and adjust the land database and cadastral records;

c/ In case the errors in the decision on land allocation, land lease, or grant of permission for land repurposing lead to a change in the payable land use levy or land rental amount which has been paid but shall be re-determined based on the land price in the land price list, the agency with land management function shall review and check the dossier and conduct a field inspection.

The agency with land management function shall complete the dossier for submission to the competent People's Committee for the latter to issue a decision on adjustment of the decision on land allocation, land lease, or grant of permission for land repurposing. The dossier must comprise the document specified at Point a of this Clause; a request for land allocation, land lease, or grant of permission for land repurposing, made according to Form No. 03 provided in the Appendix to this Decree, enclosed with a draft decision on adjustment of the decision on land allocation, land lease, or grant of permission for land repurposing, made according to Form No. 04d provided in the Appendix to this Decree, which must state the responsibilities of competent agencies in providing instructions for the land user to pay additional land use levy or land rental or receive a refund of the paid land use levy or land rental amount.

The competent People's Committee shall consider and issue a decision on adjustment of the decision on land allocation, land lease, or grant of permission for land repurposing.

The agency with land management function shall send a slip of cadastral information on the land plot, made according to Form No. 04h provided in the Appendix to this Decree, to the tax agency concerned.

The tax agency shall determine the land use levy or land rental amount to be additionally paid according to regulations and issue a notice of additional payment of land use levy and land rental to the land user. The competent agency shall determine the refundable land use levy or land rental amount according to regulations and notify the land user thereof.

The land user shall pay the additionally payable land use levy or land rental amount or be refunded the paid land use levy or land rental amount in accordance with the law on land use levy and land rental and the law on tax administration.

The tax agency shall send a notice confirming the land user's completion of additional payment of the payable land use levy or land rental amount or the competent agency shall send to the agency with land management function a notice confirming the refund of the land use levy or land rental amount to the land user in accordance with the law on land use levy and land rental and the law on tax administration.

The agency with land management function shall propose the competent authority to sign and issue a Certificate; in case of adjustment of land lease contracts, Form No. 05b provided in the Appendix to this Decree shall be used.

The land registration office or branch of land registration office shall update and adjust the land database and cadastral records;

d/ In case the errors in the decision on land allocation, land lease, or grant of permission for land repurposing lead to a change in the payable land use levy or land rental amount which has been paid but shall be re-determined based on a specific land price, the agency with land management function shall review and check the dossier and conduct a field inspection.

The agency with land management function shall complete the dossier for submission to the competent People's Committee for the latter to issue a decision on adjustment of the decision on land allocation, land lease, or grant of permission for land repurposing. The dossier must comprise the document specified at Point a of this Clause; a request for land allocation, land lease, or grant of permission for land repurposing, made according to Form No. 03 provided in the Appendix to this Decree, enclosed with a draft decision on adjustment of the decision on land allocation, land lease, or grant of permission for land repurposing, made according to Form No. 04d provided in the Appendix to this Decree.

The competent People's Committee shall consider issuing a decision on adjustment of the decision on land allocation, land lease, or grant of permission for land repurposing and send it to the agency with land management function for the latter to organize the determination of specific land prices.

The agency with land management function shall organize the determination of specific land prices and submit it to the competent agency for issuance of a decision approving specific land prices in accordance with the law on land prices, which must state the responsibilities of competent agencies in providing instructions to the land user to additionally pay, or be refunded, land use levy or land rental; and send a slip of cadastral information on the land plot, made according to Form No. 04h provided in the Appendix to this Decree, to the concerned tax agency;

The tax agency shall determine the land use levy or land rental amount to be additionally paid according to regulations and issue a notice of additional payment of land use levy or land rental to the land user. The competent agency shall determine the refundable land use levy or land rental amount in accordance with law and notify thereof to the land user.

The land user shall additionally pay or be refunded the paid land use levy or land rental amount in accordance with the law on land use levy and land rental and the law on tax administration.

The tax agency shall send a notice confirming the land user's completion of additional payment of the payable land use levy or land rental amount or the competent agency shall send a notice on completion of the refund of the paid land

use levy or land rental amount to the agency with land management function in accordance with the law on land use levy and land rental and the law on tax administration.

The agency with land management function shall propose the competent authority to sign and issue a Certificate; in case of adjustment of the land lease contract, Form No. 05b provided in the Appendix to this Decree shall be used.

The land registration office or branch of land registration office shall update and adjust the land database and cadastral records;

dd/ The time limit for performing the procedures for adjusting decisions on land allocation, land lease, or grant of permission for land repurposing specified in this Clause is 20 days.

Agencies involved in the process of performing the procedures for adjusting decisions on land allocation, land lease, and grant of permission for land repurposing specified in this Article may neither provide nor perform any additional procedures other than those specified in this Clause.

Article 46. Criteria and conditions for repurposing paddy land, protection forest land, special-use forest land and production forest land

1. Criteria and conditions for repurposing 2 or more hectares of paddy land, protection forest land, special-use forest land or production forest land:

a/ Having a plan on alternative forest planting or a confirmation of fulfillment of responsibility to pay for alternative forest planting as prescribed by the law on forestry;

b/ Having a plan on use of topsoil layer as prescribed by the law on crop production;

c/ Having a report on preliminary environmental impact assessment or environmental impact assessment as prescribed by the law on environmental protection.

2. Provincial-level People's Committees shall, based on the actual situation of their localities, provide specific criteria and conditions for repurposing paddy land, protection forest land, special-use forest land and production forest land in cases other than those specified in Clause 1 of this Article to ensure economical and effective land use, thus meeting the requirements for assurance of food security and environmental protection in their localities.

Article 47. Allocation and lease of interspersed small land parcels managed by the State

1. Interspersed small land parcels managed by the State that are allocated or leased under this Article must meet the following criteria:

a/ Being land parcels recovered under decisions of competent state agencies, land parcels not yet allocated or leased or land parcels allocated for management as specified at Point d, Clause 1, and Clause 2, Article 7 of the Land Law;

b/ Not meeting the conditions and requirements on minimum area for division of land parcels as prescribed by provincial-level People's Committees;

c/ Being conformable with district-level land-use master plans, general master plans or zoning plans approved under the law on urban planning or detailed master plans on urban construction, master plans on construction of rural residential areas, or master plans on construction on new-style countryside communes approved by competent authorities;

d/ Not being located in areas for implementation of projects and works already included in land-use master plans or plans approved and publicized by competent authorities;

dd/ Not being involved in any dispute, complaint or violation or having been involved in a dispute, complaint or violation which, however, has been resolved under a competent agency's document in accordance with law.

2. Principles of allocation and lease of interspersed small land parcels

a/ To prioritize the use of interspersed small land parcels managed by the State for public purposes. In case it is impossible to use such land parcels for public purposes, such land parcels shall be allocated in the form of land allocation with collection of land use levy or leased to users of adjacent land parcels;

b/ In case users of two or more land parcels adjacent to an interspersed small land parcel have the demand to use such land parcel, the allocation or lease of such land parcel shall be decided by an agency competent to allocate and lease land, based on relevant master plans and actual land use conditions of users of these adjacent land parcels;

c/ The allocation or lease of interspersed small land parcels to users of adjacent land parcels shall be carried out after People's Committees of all levels review, publicize information and solicit opinions from people in the areas where exist these land parcels;

d/ The allocation and lease of interspersed small land parcels shall be based on the applications for land allocation or lease of users of adjacent land parcels and carried out in a public, transparent and democratic manner;

dd/ After allocated or leased land by the State, users of adjacent land parcels shall carry out procedures for merging land parcels according to regulations;

e/ To guarantee the rights to adjacent land parcels as prescribed by the land law and the civil law; to ensure that no land-related disputes or complaints will arise.

3. The land use period for interspersed small land parcels allocated or leased by the State to users of adjacent land parcels shall be determined to be the same as the land use period of the adjacent land parcels of these land users. In case of allocation or lease of interspersed small land parcels combined with repurposing of the land parcels adjacent to interspersed small land parcels, the land use period shall be determined according to Articles 171 and 172 of the Land Law.

4. Provincial-level People's Committees shall specify the review, publicization of information on, and making of lists of, interspersed small land parcels and allocation and lease of interspersed small land parcels in their localities.

Section 2

PROCEDURES FOR LAND ALLOCATION, LAND LEASE AND LAND REPURPOSING

Article 48. Order and procedures for land repurposing in case it is required to seek permission from competent state agencies and land users are subject to investment policy approval or investor approval as prescribed by the investment law

1. The land user shall submit 1 dossier of application for land repurposing to the agency responsible for receiving dossiers and notifying administrative procedure settlement results specified at Point a, Clause 1, Article 12 of this Decree. The dossier must comprise:

a/ An application for permission for land repurposing, made according to Form No. 02c provided in the Appendix to this Decree;

b/ A copy of the document approving the investment project, decision approving investment policy, or decision approving investment policy and investor as prescribed by the law on public investment or the investment law; or of the document approving investor selection result, for investment projects in the form of public-private partnership (if any);

c/ One of the certificates specified in Clause 21, Article 3; and Clause 3, Article 256, of the Land Law or one of the documents specified in Article 137 of the Land Law, or the land allocation decision, land lease decision or decision on

grant of permission for land repurposing issued by a competent state agency in accordance with the land laws over the periods.

2. The order and procedures for processing applications for land repurposing must comply with Clauses 2, 3, 4 and 6, Article 44 of this Decree.

Article 49. Order and procedures for land allocation and land lease without auction of land use rights or without bidding to select investors to implement land-using projects, and cases of land allocation and land lease through bidding to select investors to implement land-using projects

1. Organizations and individuals eligible for land allocation or land lease shall submit 1 dossier to the agency responsible for receiving dossiers and notifying administrative procedure settlement results specified at Point a, Clause 1, Article 12 of this Decree. The dossier must comprise an application for land allocation or an application for land lease, made according to Form No. 02a or Form No. 02b provided in the Appendix to this Decree, respectively, and one of the following documents:

a/ A copy of the document approving the investor selection result, issued by a competent state agency, for the case specified in Clause 2, Article 116 of the Land Law;

b/ A copy of the document approving the investment project, decision approving investment policy, or decision approving investment policy and investor as prescribed by the law on public investment or the investment law; or of the document approving the investor selection result, for investment projects in the form of public-private partnership (if any);

c/ A copy of the document approving investor issued by a competent state agency as prescribed by the investment law, for the case specified in Clause 5, Article 124 of the Land Law;

d/ A copy of the notice of unsuccessful auction of land use rights, made by the unit assigned to organize the land use rights auction as specified at Point b, Clause 6, Article 125 of the Land Law;

dd/ A copy of the document on real estate project acquisition result as prescribed by the law on real estate business, for the case specified in Clause 7, Article 124 of the Land Law;

e/ Copies of documents as prescribed by law for the case subject to land recovery specified at Point i, Clause 1, Article 133 of the Land Law.

2. The allocation of land as compensation or resettlement support upon land recovery by the State as specified in Clause 4, Article 119 and at Point 1, Clause 3,

Article 124 of the Land Law must comply with compensation, support and resettlement plans approved by competent state agencies.

Land allocation or land lease in the case specified at Point m, Clause 3, Article 124 of the Land Law for land users that are subject to recovery of production and business land under Articles 78 and 79 of the Land Law and required to relocate their production and business establishments shall be applied to land plots of all types, provided that at the time of land recovery, the land use period has yet to expire and land users have the demand for land at another location to continue carrying out production and business.

3. The order and procedures for land allocation and land lease without auction of land use rights or without bidding to select investors to implement land-using projects, and land allocation and land lease through bidding to select investors to implement land-using projects must comply with Clauses 2, 3, 4 and 6, Article 44 of this Decree.

4. The determination of cases of exemption from land use levy and land rental for land allocation and land lease must comply with the law on land use levy and land rental.

Article 50. Order and procedures for approving repurposing of paddy land, special-use forest land, protection forest land, and production forest land under Clause 1, Article 122 of the Land Law

1. Agencies with land management function shall synthesize the demand for repurposing of paddy land, special-use forest land, protection forest land, and production forest land to implement investment projects in their localities before the time of formulating district-level annual land use plans, except the cases specified in Clause 4, Article 67 of the Land Law.

2. Agencies with land management function shall make a list of projects requiring repurposing of land areas covering paddy land, special-use forest land, protection forest land, or production forest land according to relevant master plans and submit it to provincial-level People's Committees concurrently with submitting district-level annual land use plans.

3. Before approving district-level annual land use plans, provincial-level People's Committees shall propose provincial-level People's Councils to approve lists of projects requiring repurposing of land areas covering paddy land, special-use forest land, protection forest land, and production forest land specified in Clause 1 of this Article.

Article 51. Order and procedures for change of form of land allocation or land lease specified in Article 30 of the Land Law

1. The land user shall submit 1 dossier of request for change of form of land use to the agency responsible for receiving dossiers and notifying administrative procedure settlement results specified at Point a, Clause 1, Article 12 of this Decree. The dossier must comprise a request for change of form of land allocation or land lease, made according to Form No. 02d provided in the Appendix to this Decree, and one of the following documents:

a/ One of the certificates specified in Clause 21, Article 3 and Clause 3, Article 256 of the Land Law;

b/ One of the papers specified in Article 137 of the Land Law;

c/ Decision on land allocation, decision on land lease, or decision on grant of permission for land repurposing issued by a competent state agency as prescribed by the land law over the periods.

2. The order and procedures for change of form of land allocation or land lease in case the land user is required to pay land use levy or land rental calculated according to the land price specified in the land price list must comply with Points b, c, d, dd, e, g, h, i and k, Clause 2, Article 44 of this Decree; particularly, the decision on change of form of land allocation or land lease shall be made according to Form No. 04d provided in the Appendix to this Decree.

3. The order and procedures for change of form of land allocation or land lease in case the land user is not required to pay land use levy or and land rental must comply with Points b, c and d, Clause 3, Article 44 of this Decree; particularly, the decision on change of form of land allocation or land lease shall be made according to Form No. 04dd provided in the Appendix to this Decree.

4. The order and procedures for change of form of land allocation or land lease in case the land user is required to pay land use levy or land rental calculated according to the specific land price must comply with Points b, c, d, dd and e, Clause 4, Article 44 of this Decree; particularly, the decision on change of form of land allocation or land lease shall be made according to Form No. 04dd provided in the Appendix to this Decree.

5. The time limit for performing the procedures for change of form of land allocation or land lease specified in Clauses 2, 3 and 4 of this Article is 20 days.

Agencies involved in the process of performing the procedures for change of form of land allocation or land lease specified in this Article may neither provide nor perform any additional procedures other than the procedures specified in this Article.

Article 52. Order and procedures for allocation and lease of land used by organizations, people of Vietnamese origin residing abroad, and foreign-invested economic organizations under Article 180 of the Land Law, and land managed and used by agricultural and forestry companies under Article 181 of the Land Law

1. A dossier for land allocation or land lease under Article 180 of the Land Law must comprise:

a/ Documents to be included in the dossier of application for land allocation or land lease without auction of land use rights specified in Clause 1, Article 49 of this Decree;

b/ A copy of the land use plan approved by a competent agency or organization, for economic organizations and public non-business units that have been allocated or leased land by the State before the effective date of the Land Law.

2. A dossier for land allocation and land lease under Article 181 of the Land Law must comprise:

a/ Documents to be included in the dossier of application for land allocation or land lease without auction of land use rights specified in Clause 1, Article 49 of this Decree;

b/ A copy of the land use plan of the concerned agricultural and forestry company approved by a competent agency or organization;

c/ A copy of the land use plan approved by a competent agency or organization, for the land area recovered from the agricultural or forestry company for allocation or lease as specified at Points c, d and dd, Clause 2, Article 181 of the Land Law.

3. Organizations and individuals shall make 1 dossier specified in Clause 1 or 2 of this Article and submit it to the agency responsible for receiving dossiers and notifying administrative procedure settlement results specified at Point a, Clause 1, Article 12 of this Decree to carry out the procedures for land allocation and land lease as the procedures for land allocation and land lease without auction of land use rights as specified in Article 228 of the Land Law and Article 49 of this Decree.

Section 3

CASES OF LAND ALLOCATION AND LAND LEASE WITHOUT AUCTION OF LAND USE RIGHTS OR WITHOUT BIDDING TO SELECT INVESTORS TO IMPLEMENT LAND-USING PROJECTS

Article 53. Order and procedures for land allocation to individuals as specified at Points a, b, c, d and dd, Clause 3, and Clause 6, Article 124 of the Land Law

1. Annually, based on available land areas in its locality that are planned for use as residential land under district-level annual land use plans but have not been allocated in the locality and are to be allocated without auction of land use rights or are subject to auction of residential land use rights for individuals but such auctions fail because there are no participating bidders, the commune-level People's Committee shall send a notice thereof to other individuals who have demand for land for the latter to submit dossiers of application for land allocation.

2. Within 30 days after obtaining the notice, the individuals specified at Points b, c and d, Clause 3, Article 124 of the Land Law who permanently reside or work in the commune-level locality, and the individuals specified at Point a, Clause 3, Article 124 of the Land Law who permanently reside or work in the district-level locality shall submit applications for land allocation, made according to Form No. 02a provided in the Appendix to this Decree, to the commune-level People's Committee of the locality where exists the land.

3. Within 30 days from the deadline for submitting applications for land allocation, the commune-level People's Committee shall establish a Council for reviewing and approving land allocation without auction of land use rights; the Council shall be composed of the commune-level People's Committee chairperson or deputy chairperson as the Council Chairman, a representative of the commune-level Vietnam Fatherland Front Committee, representatives of the Veterans Association, Farmers' Association, Women's Union, and Youth Union, a civil servant engaged in judicial affairs, a civil servant engaged in cadastral work, and head of the residential community at the place of permanent residence of the applicant.

4. The Council shall review individuals' eligibility for land allocation without auction of land use rights according to regulations of the provincial-level People's Committee. The provincial-level People's Committee shall, based on the actual situation of the locality, issue regulations on conditions, and order and procedures for land allocation without auction of land use rights to individuals.

5. Within 10 days after determining individuals eligible for land allocation under Clause 4 of this Article, the commune-level People's Committee shall make a dossier according to the regulations of the provincial-level People's Committee and submit it to the district-level People's Committee of the locality where exists the land.

6. Within 30 days after receiving a complete and valid dossier, the district-level People's Committee shall assign the district-level agency with land management function to assume the prime responsibility for, and coordinate with related agencies and units in, appraising the dossier of application for land allocation for each individual.

7. Within 15 days after receiving a report on dossier appraisal result, the commune-level People's Committee shall complete the dossier and send it to the district-level agency with land management function for submission to the district-level People's Committee for issuance of decisions on land allocation to eligible individuals.

8. For the cases of land lease specified at Point dd, Clause 3, Article 124 of the Land Law, the order and procedures for land lease must comply with compensation, support and resettlement plans approved by competent agencies.

Article 54. Land allocation and land lease in the cases specified at Point p, Clause 3, and Clause 5, Article 124 of the Land Law and cases in which land has been put for auction twice but both auctions fail because there are no participating bidders, for cases subject to formulation of investment projects

1. The Prime Minister shall decide on projects eligible for land allocation or land lease by the State without auction of land use rights or without bidding to select investors to implement land-using projects specified at Point p, Clause 3, Article 124 of the Land Law as reported by the Ministry of Natural Resources and Environment at the proposal of chairpersons of provincial-level People's Committees when one of the following conditions is met:

a/ Such a project uses land for public purposes specified at Point e, Clause 3, Article 9 of the Land Law with business purposes but does not fall into one of the cases specified in Clauses 1, 2 and 5, Article 124 of the Land Law;

b/ Such a project has the investment policy approved or decided by the National Assembly or Prime Minister in accordance with law and falls into the case of land recovery specified in Clause 31, Article 79 of the Land Law, but does not fall into cases requiring investor selection in accordance with the investment law and bidding law, regardless of the source of investment capital;

c/ Such a project falls into the cases other than those specified in Articles 125 and 126 of the Land Law.

2. Investors falling into the cases specified in Clause 5, Article 124 of the Land Law shall be allocated or leased land without auction of land use rights in the following cases:

a/ Having investment projects and having obtained investor approval for such projects in accordance with the investment law, bidding law and specialized laws;

b/ Having investment projects in accordance with the construction law and relevant laws other than those subject to investor approval as specified at Point a of this Clause.

3. In case a land plot has been put for auction of land use rights twice but both auctions fail because there are no participating bidders, the land allocation or land lease shall be carried out according to the following provisions:

a/ The People's Committee competent to allocate land and lease land shall publicize information on the National Land Use Rights Auction Portal integrated into the specialized asset auction website managed by the Ministry of Justice, the portals or websites of the provincial- and district-level People's Committees of the locality where exists the land plot for 30 days; and publicly post the information at the working office of the commune-level People's Committee of the locality where exists the land plot;

b/ Upon expiration of the period specified at Point a of this Clause, if there is an investor proposing an investment project under Clause 2 of this Article, the competent state agency shall carry out the procedures for land allocation or land lease according to regulations;

c/ Upon expiration of the period specified at Point a of this Clause, if there are 2 or more investors proposing investment projects, it is required to organize an auction of land use rights according to regulations.

4. The land price for calculating land use levy or land rental is the reserve price for auction of land use rights and shall be valid for 12 months from the date of auction failure; in case the land plot is not allocated or leased after the 12-month period, the reserve price shall be re-determined and the auction shall be re-organized according to regulations.

5. The order and procedures for land allocation and land lease must comply with Clauses 2, 4 and 6, Article 44 of this Decree.

Section 4

AUCTION OF LAND USE RIGHTS

Article 55. Auction of land use rights when the State allocates land with collection of land use levy or leases land

1. Organizations participating in an auction of land use rights must meet the following conditions:

a/ Meeting the conditions specified in Clause 3, Article 125 of the Land Law;

b/ In case a group of companies that is an economic group or a parent company with subsidiaries as prescribed by the law on enterprises participate in an auction for a land parcel or land plot or a project consisting of one or more land parcel(s), they must reach an agreement to appoint one of them to participate in the auction;

c/ Paying an advanced amount equaling 20% of the total value of the land parcel or land plot calculated based on the reserve price for the auction;

d/ Not falling into cases banned from participating in auctions as prescribed by law;

dd/ Meeting the conditions prescribed by the housing law and the law on real estate business in case of auction of land use rights to implement housing projects and other real estate business projects.

2. Conditions for individuals to participate in auction of land use rights

a/ Meeting the conditions specified in Clause 4, Article 125 of the Land Law;

b/ In case an individual participates in an auction of land use rights to implement an investment project, he/she must commit to establishing an economic organization that meets the conditions specified in Clause 1 of this Article. The establishment of such economic organization must comply with the investment law, law on enterprises, bidding law and other relevant laws.

3. Formulation of plans on land use rights auction

A plan on land use rights auction must have the following main contents:

a/ Location, area, land type, and assets attached to the land parcel or land plot put for auction (if any);

b/ Form of land allocation or land lease, land use period of the land parcel or land plot put for auction;

c/ Expected time for organizing the auction;

d/ Subjects and conditions for participating in the auction;

dd/ Costs for organizing the auction;

e/ Expected reserve price, advanced amount for participation in the auction, and other receivables as prescribed by law;

g/ Other contents as decided by competent authorities in conformity with the provisions of law and the actual local realities.

4. Appraisal and approval of a plan on land use rights auction

a/ For a land use rights auction in case the district-level People's Committee is competent to allocate or lease land, the district-level agency with land management function shall check and complete the dossier and submit it to the district-level People's Committee for approval of the plan on land use rights auction;

b/ For a land use rights auction in case the provincial-level People's Committee is competent to allocate or lease land, the provincial-level agency with land management function shall check and complete the dossier and submit it to the provincial-level People's Committee for approval of the plan on land use rights auction.

5. Determination of the reserve price for a land use rights auction

a/ The unit assigned to organize the land use rights auction shall prepare a dossier of the land parcel or land plot put for auction. A dossier must comprise: information on approved land-use master plans and plans and detailed master plans on construction related to the to-be-auctioned land parcel or land plot; an extract of the cadastral map, or the drawing showing the result of cadastral measurement or the record of cadastral measurement of the land parcel or land plot put for auction, in case cadastral maps are unavailable;

b/ The agency with land management function shall determine the reserve price in accordance with law.

6. Decision on auction of land use rights

a/ The agency assigned to auction land use rights shall make an auction dossier and send it to the agency with land management function. The dossier must comprise: the approved plan on land use rights auction; the document approving the reserve price of the land parcel or land plot put for auction as specified at Point c, Clause 1, Article 229 of the Land Law; the draft report, and decision on land use rights auction;

b/ The agency with land management function shall check and complete the dossier and submit it to the People's Committee competent to approve the plan on land use rights auction specified in Clause 4 of this Article for issuance of a decision on land use rights auction.

7. The selection of units and organizations to conduct land use rights auctions must comply with the bidding law. The procedures for conducting a land use rights auction must comply with Clause 2, Article 229 of the Land Law and the Law on Property Auction.

8. The recognition of land use rights auction results must comply with Clause 3, Article 229 of the Land Law.

9. Payment of land use levy and land rental after issuance of a decision on recognition of land use rights auction-winning result

a/ Within 5 working days after receiving the decision on recognition of auction winning result from the competent People's Committee, the tax agency shall send a notice of payment of land use levy or land rental to the auction winner in accordance with the law on tax administration;

b/ The land use rights auction winner shall pay land use levy or land rental according to the tax agency's notice;

c/ From the time of announcement of the auction winning result, the advanced amount and interest (if any) shall be converted into a deposit to secure the land user's performance of financial obligations.

In case the auction winner fails to pay or fully pay land use levy or land rental as specified at Point b of this Clause, after 120 days from the date the auction winning result is approved, the tax agency shall notify thereof to the agency with land management function for the latter to propose the competent People's Committee to cancel the decision on recognition of auction winning result, and the auction winner shall not be entitled to refund of the deposit. In case the amount paid by the auction winner is larger than the deposit amount, the State shall refund the difference to the auction winner according to regulations;

d/ The tax agency shall notify the auction winner's full payment of land use levy or land rental to the agency with land management function.

10. After receiving the tax agency's notice of the auction winner's full payment of land use levy or land rental, the agency with land management function shall perform the tasks specified in Clause 5, Article 229 of the Land Law.

11. In case an individual participates in an auction of land use rights to implement an investment project, the competent state agency shall allocate or lease land to the economic organization established by the individual who is the winner of land use rights auction in accordance with Point b, Clause 2 of this Article.

Upon expiration of the deadline for payment of land use levy or land rental specified in Clause 9 of this Article, if the individual who is the winner of the land use rights auction to implement an investment project fails to establish an economic organization under Point b, Clause 2 of this Article, the agency with land management function shall propose the competent People's Committee to issue a decision to cancel the decision on recognition of auction winning result. The handling of the auction winner's deposit must comply with Point c, Clause 9 of this Article.

Article 56. Auction of land use rights for cases of using unused agricultural land areas for public purposes

1. Commune-level People's Committees shall formulate plans on land use rights auction and submit them to district-level People's Committees for consideration and decision.

2. The formulation, appraisal and approval of plans on land use rights auction must comply with Clauses 3, 4 and 5, Article 55 of this Decree; particularly, the form of land lease is land lease by the State with annual collection of land rental and the reserve price shall be determined according to the annual land price lists.

3. The hiring of a unit to conduct a land use rights auction must comply with the Law on Property Auction and adhere to the principle that the auction service charge and property auction cost must not exceed 10% of the land use rights value of the land plot to be leased for use for public purposes.

4. In case it is impossible to select an organization to conduct the auction according to Article 56 of the Law on Property Auction, the chairperson of commune-level People's Committee of the locality where exists the land plot shall decide to establish an Asset Auction Council to conduct auction of rights to use public land areas in accordance with the Law on Property Auction.

5. The auction winner shall sign a land lease contract with the commune-level People's Committee and pay land rental according to the signed contract.

Section 5

BIDDING FOR SELECTION OF INVESTORS TO IMPLEMENT LAND-USING INVESTMENT PROJECTS

Article 57. Publicization of lists of land plots put for bidding for selection of investors to implement land-using investment projects decided by provincial-level People's Councils

1. Provincial-level People's Committees shall publicize lists of land plots put for bidding for selection of investors to implement land-using investment projects decided by provincial-level People's Councils according to Clause 1, Article 126 of the Land Law within 7 working days after provincial-level People's Councils issue decisions on such lists for use as a basis for competent state agencies or investors to make dossiers of request for approval of investment policy in accordance with the investment law.

A decision on the list of land plots put for bidding for selection of investors to implement land-using investment projects must state the plans on, progress of, and agencies responsible for, implementation of these projects, and other relevant contents.

2. Lists of land plots put for bidding for selection of investors to implement land-using investment projects shall be posted on provincial portals, the Vietnam National E-Procurement System and published on the Bidding Newspaper. In case it is impossible to post such lists on the Vietnam National E-Procurement System, such lists shall be posted on provincial portals and published on the Bidding Newspaper.

Article 58. Handling of cases of cancellation of the bid winning result specified in Clause 8, Article 126 of the Land Law in which the bid-winning investor has advanced part of expenses for compensation, support and resettlement according to the approved compensation, support and resettlement plan

1. Those who are using land allocated or leased by the State in a land plot planned for implementation of a land-using project for which the bid winning result has been canceled shall return the advanced expenses for compensation, support and resettlement to the bid-winning investor.

2. In case state budget funds are allocated for implementation of the land-using project in the land plot for which the bid-winning result has been canceled, it is allowed to use the project's investment capital to refund the advanced expenses for compensation, support and resettlement to the bid-winning investor.

Section 6

USE OF LAND TO IMPLEMENT SOCIO-ECONOMIC DEVELOPMENT PROJECTS ON THE BASIS OF NEGOTIATING ON ACQUISITION OF LAND USE RIGHTS OR IN CASE OF CURRENTLY HOLDING LAND USE RIGHTS

Article 59. Handling of cases of using land to implement a socio-economic development project on the basis of negotiating on acquisition of land use rights in which the project area embraces the land area managed by a state agency or organization

1. In case the land area managed by a state agency or organization can be separated so as to implement the project as an independent project, the competent People's Committee shall decide on land allocation or land lease to implement the independent project through auction of land use rights or bidding for selection of investors to implement land-using projects in accordance with the Land Law.

2. In case the land area managed by a state agency or organization cannot be separated so as to implement the project as an independent project, including also cases in which the land parcels are not adjacent to one another, Clause 2, Article 127 of the Land Law shall apply.

3. Provincial-level People's Committees shall specify the conditions, criteria, scale, and ratio for separation of land areas to implement projects as independent projects as specified in Clause 1 of this Article.

4. Land recovery, compensation, support and resettlement specified in Clause 2 of this Article must comply with the provisions applicable to cases of land recovery for the purpose of socio-economic development for national and public interests.

Article 60. Order and procedures for economic organizations to acquire or rent land use rights, or receive land use rights as capital contributions to implement investment projects

1. An economic organization that wishes to acquire or rent land use rights, or receive land use rights as capital contributions to implement an investment project must have an extract of the map showing the location of the land plot proposed for implementation of the project and make a request according to Form No. 07 provided in the Appendix to this Decree, and send them to the provincial-level People's Committee of the locality where exists the land plot.

2. Within 3 working days after receiving the request, the provincial-level People's Committee shall assign the provincial-level agency with land

management function to assume the prime responsibility for, and coordinate with related agencies in, appraising the request for submission to the provincial-level People's Committee for consideration and decision.

3. Within 15 days after receiving the directing opinions of the provincial-level People's Committee, the provincial-level agency with land management function shall submit an appraisal document to the provincial-level People's Committee. The appraisal document must have the following contents:

a/ Satisfaction of the conditions on conformity with relevant district-level land-use master plans or general master plans, zoning master plans, construction master plans or rural master plans approved and announced;

b/ Satisfaction of the conditions specified at Point c, Clause 2, Article 122 of the Land Law;

c/ Satisfaction of the conditions specified in Clause 1, Article 127 of the Land Law;

d/ Information in the cadastral record of the land parcel or land plot proposed by the investor for implementation of the project;

dd/ Conclusion on whether or not the economic organization is qualified for acquiring or renting land use rights, or receiving land use rights as capital contributions to implement the investment project; in case of disqualification, the reason therefor must be stated;

e/ Proposal to approve or disapprove the investor's acquisition or rent of land use rights, or receipt of land use rights as capital contributions.

4. Within 5 working days after receiving the appraisal document from the agency with land management function, the provincial-level People's Committee shall consider and issue a document approving or disapproving the economic organization's acquisition or rent of land use rights, or receipt of land use rights as capital contributions to implement the project and send such document to the economic organization. The approval document must clearly state the scale, area, and location of the land plot, deadline for completing the negotiation, and other relevant contents.

5. Based on the approval document of the provincial-level People's Committee, the economic organization shall carry out procedures for acquisition or rent of land use rights, or receipt of land use rights as capital contributions to implement the project according to regulations.

For cases requiring land repurposing to implement investment projects, the order and procedures must comply with Article 48 of this Decree.

Article 61. Settlement of cases in which investors fails to negotiate with land users

1. Upon the expiration of the deadline for completing the negotiation stated in the approval document specified in Clause 4, Article 60 of this Decree, if the investor has yet to complete the negotiation, such deadline shall be extended once for a period not exceeding the time for completing the negotiation stated in the approval document, if the investor so wishes.

2. Upon the expiration of the extended period specified in Clause 1 of this Article but the investor has yet to complete the negation or does not wish for extension of such period:

a/ If the investor requests adjustment of the scope of the project in conformity with the land area for which it/he/she has completed negotiation with the land user and the project is qualified for consideration and approval of investment policy by a competent state agency, the provincial-level People's Committee shall decide to permit the investor to implement the project;

b/ If the land area for which the investor has completed negotiation on receipt of land use rights does not meet the conditions for the implementation of the investment project, the negotiation on receipt of land use rights shall be terminated. The land area for which the investor has completed negotiation on receipt of land use rights shall be handled according to Clause 3 of this Article;

c/ In case the project for which negotiation on receipt of land use rights is conducted falls into the case of land recovery by the State as specified at Point c, Clause 1, Article 127 of the Land Law and the case of land allocation or land lease without auction of land use rights or without bidding to select investors to implement land-using projects, the competent People's Committee shall recover the land area for allocation or lease to the investor.

3. The handling of the land area for which the investor has completed negotiation on receipt of land use rights and which does not meet the conditions for implementation of investment projects is as follows:

a/ In case the project for which negotiation on receipt of land use rights is conducted does not fall into cases of land recovery by the State, the investor may continue to use the land area for the remaining land use period or may transfer land use rights or contribute land use rights as capital;

b/ In case the project for which negotiation on receipt of land use rights is conducted falls into the case of land recovery by the State prescribed at Point c, Clause 1, Article 127 of the Land Law and the case of land allocation or land lease through auction of land use rights or bidding to select investors to implement land-

using projects, the competent People's Committee shall recover the land area to organize auction of land use rights or to allocate or lease land to the investor selected through bidding to implement the land-using project according to regulations. The State shall provide compensation and support for the land area for which the investor has completed negotiation on receipt of land use rights according to regulations;

c/ In case of negotiation on receipt of land use rights in the form of land lease in which the conditions for implementation of investment projects are not met, the land lease contract shall terminate. The settlement of rights and obligations between the investor and the land user must comply with the civil law.

Article 62. Policy to promote negotiation on receipt of land use rights to implement socio-economic development projects

1. In case of conducting negotiation on receipt of land use rights according to Point a, Clause 4, Article 127 of the Land Law, the investor shall make land registration according to regulations or concurrently carry out land registration procedures and procedures for land repurposing to implement the investment project.

2. In case the land user does not have the right to transfer, lease, or contribute land use rights as capital but has land-attached assets and has made investment in the land, the investor may negotiate to purchase land-attached assets and land investment costs. The contract on purchase and sale of land-attached assets and land investment costs must clearly show that the asset seller voluntarily returns land so that the State will recover land for allocation or lease to the asset purchaser. The State shall recover land from the land user for allocation or lease without auction of land use rights or without bidding to select investors to implement land-using projects, and determine the land price according to regulations.

3. In case the land user does not have the right to transfer, lease, or contribute land use rights as capital according to the land law and does not have land-attached assets or has not yet made any investment in the land, the competent People's Committee shall decide to recover land for allocation or lease to the investor to implement the project without auction of land use rights or without bidding to select investors to implement land-using projects.

Article 63. Application of land valuation methods to the cases specified at Point b, Clause 2, Article 257 of the Land Law

1. For cases of land allocation by the State

a/ For cases in which the time of actual land handover is between January 1, 2005, and before February 27, 2006, the land price for calculation of land use levy shall be the land price stated in land price lists issued by provincial-level People's Committees and effective at the time of actual land handover;

b/ For cases in which the time of actual land handover is between February 27, 2006, and before July 1, 2014, and which are subject to determination of the specific land price, the land price for calculation of land use levy shall be the land price stated in the land price lists issued by provincial-level People's Committees and effective at the time of actual land handover multiplied by the land price adjustment coefficient applied at the time of actual land handover;

c/ For cases in which the time of actual land handover is between July 1, 2014, and December 31, 2014, and which are subject to the land price adjustment coefficient method, the land price for calculation of land use levy shall be the land price stated in the land price lists issued by provincial-level People's Committees and effective at the time of actual land handover multiplied by the land price adjustment coefficient applied at the time of actual land handover;

d/ For cases in which the time of actual land handover is between January 1, 2015, and before the effective date of this Decree and which, according to the regulations effective at the time of actual land handover, are subject to the land price adjustment coefficient method when determining the specific land price, the land price for calculation of land use levy shall be the land price stated in the land price lists effective at the time of actual land handover multiplied by the land price adjustment coefficient issued annually by provincial-level People's Committees and effective at the time of actual land handover;

dd/ For cases in which the time of actual land handover is between July 1, 2014, and before the effective date of this Decree and which, according to the regulations effective at the time of actual land handover, are subject to determination of the specific land price but are not subject to the land price adjustment coefficient method, the land price for calculation of land use levy shall be determined by the methods specified at Points a, b and c, Clause 5, and Points a, b and c, Clause 6, Article 158 of the Land Law, which are provided in detail in the Decree on land prices.

2. For cases of land lease by the State

a/ For cases in which the time of actual land handover is between January 1, 2005, and before October 1, 2009, the land price for calculation of land rental shall be the land price stated in land price lists issued by provincial-level People's Committees and effective at the time of actual land handover;

b/ For cases in which the time of actual land handover is between October 1, 2009, and before July 1, 2014, and which are subject to determination of the specific land price, the land price for calculation of land rental shall be the land price stated in the land price lists issued by provincial-level People's Committees and effective at the time of actual land handover multiplied by the land price adjustment coefficient applied at the time of actual land handover;

c/ For cases of land lease with one-off payment of land rental for the entire lease period in which the time of actual land handover is between July 1, 2014, and December 31, 2014, and which, according to regulations effective at the time of actual land handover, are subject to the land price adjustment coefficient method when determining the specific land price, or cases of land lease with annual payment of land rental, the land price for calculation of land rental shall be the land price stated in the land price lists issued by provincial-level People's Committees and effective at the time of actual land handover multiplied by the land price adjustment coefficient applied at the time of actual land handover;

d/ For cases of land lease with one-off payment of land rental for the entire lease period in which the time of actual land handover is between January 1, 2015, and before the effective date of this Decree and which, according to regulations effective at the time of actual land handover, are subject to the land price adjustment coefficient method when determining the specific land price, or cases of land lease with annual payment of land rental, the land price for calculation of land rental shall be the land price stated in the land price lists applied at the time of actual land handover multiplied by the land price adjustment coefficient annually issued by provincial-level People's Committees and effective at the time of actual land handover;

dd/ For cases in which the time of actual land handover is between July 1, 2014, and before the effective date of this Decree and which, according to regulations effective at the time of actual land handover, are subject to determination of the specific land price but are not subject to the land price adjustment coefficient method, the methods specified at Points a, b and c, Clause 5, and Points a, b and c, Clause 6, Article 158 of the Land Law, which are provided in detail in the Decree on land prices, shall apply.

3. The determination of the land price adjustment coefficient at Points b and c, Clause 1, and Points b and, c, Clause 2, of this Article must comply with the Decree on land prices.

4. For subjects eligible for land allocation or land lease by the State through competent agencies' grant of permission for land repurposing and having to pay land use levy or land rental, the time to determine the land price for calculation of

land use levy or land rental is the time the competent state agencies issue the decision on grant of permission for land repurposing. The determination of land price for each specific case must correspond to the cases of land allocation or land lease as specified in Clauses 1, 2 and 3 of this Article.

Chapter VII

LAND USE REGIME

Section 1

LAND USE PERIOD

Article 64. Order and procedures for extension of the land use period upon expiration

1. Within the period specified in Clause 3, Article 172 of the Land Law, a land user wishing to extend the land use period upon expiration shall submit 1 dossier of request for extension of the land use period to the agency responsible for receiving dossiers and notifying administrative procedure settlement results specified in Clause 1, Article 12 of this Decree. Such a dossier must comprise a written request for extension of the land use period, made according to Form No. 08 provided in the Appendix to this Decree, and one of the following papers:

a/ One of the certificates specified in Clause 21, Article 3; and Clause 3, Article 256 of the Land Law;

b/ A competent state agency's decision on land allocation, land lease or grant of permission for land repurposing in accordance with the land law in different periods;

c/ A competent agency's document on extension of the operation duration of the investment project or showing the operation duration of the investment project specified in the investment law, for cases of land use for implementation of investment projects.

2. The order and procedures for extension of the land use period must comply with Clauses 2, 3, 4 and 6, Article 44 of this Decree. Contents of a decision on extension of the land use period are specified in Form No. 04e provided in the Appendix to this Decree. In case the land user does not request a new certificate, the land registration office or its branch shall certify the change of the land use period in the granted certificate and forward it to the agency responsible for receiving dossiers and notifying administrative procedure

settlement results specified at Point a, Clause 1, Article 12 of this Decree for return to the land user.

Article 65. Order and procedures for certifying continued agricultural land use by individuals upon the expiration of the land use period

An agricultural land user specified at Point a, Clause 1, Article 172 and Clause 1, Article 174 of the Land Law wishing to re-certify the land use period in the granted certificate must comply with the following order and procedures:

1. The land user shall submit a written request for re-certification of the land use period, made according to Form No. 09 provided in the Appendix to this Decree, and the granted certificate to the agency responsible for receiving dossiers and notifying administrative procedure settlement results specified in Clause 1, Article 12 of this Decree.

In case the land user submits the dossier to the commune-level People's Committee of the locality where exists the land, the latter shall forward it to the land registration office or its branch.

2. The land registration office or its branch shall check the dossier, certify the period in which the land user may continue the land use based on the land use period specified in Clause 1, Article 172 of the Land Law on the granted certificate or grant a new certificate if the land user so requests; update and adjust the land database and cadastral records; handover the certificate to the land user or forward it to the commune-level People's Committee for return to the land user.

3. The time limit for carrying out the procedures specified in this Article shall be decided by the provincial-level People's Committee but must not exceed 7 working days.

Article 66. Order and procedures for adjustment of the land use period of investment projects

1. For the cases specified in Clause 1, Article 175 of the Land Law, a land user wishing to have the land use period adjusted shall submit 1 dossier of request for adjustment of the land use period to the agency responsible for receiving dossiers and notifying administrative procedure settlement results specified at Point a, Clause 1, Article 12 of this Decree. Such a dossier must comprise a written request for adjustment of the land use period of the investment project, made according to Form No. 10 provided in the Appendix to this Decree, the document issued by a competent agency permitting the change of the operation duration of the investment project in accordance with the investment law, and one of the following papers:

a/ One of the certificates prescribed in Clause 21, Article 3; and Clause 3, Article 256, of the Land Law;

b/ A competent state agency's decision on land allocation, land lease or grant of permission for land repurposing in accordance with the land law in different periods.

2. The adjustment of the land use period of an investment project shall be stated in a separate decision, made according to Form No. 04g provided in the Appendix to this Decree, or made through the adjustment of the decision on land allocation, land lease or grant of permission for land repurposing, made according to Form No. 04d provided in the Appendix to this Decree.

3. The order and procedures for adjustment of the land use period of investment projects must comply with Clauses 2, 3, 4 and 6, Article 44 of this Decree.

Section 2

LAND MANAGED AND USED BY AGRICULTURAL AND FORESTRY COMPANIES

Article 67. Review and determination of boundaries and acreages of land areas used by agricultural and forestry companies

1. Provincial-level People's Committees shall establish steering committees to direct and organize the land management and use of agricultural and forestry companies under Article 181 of the Land Law.

Such a steering committee is composed of the chairperson of the provincial-level People's Committee as its chairperson, and representatives of the provincial-level Vietnam Fatherland Front Committee and related departments and sectors and the chairperson of the district-level People's Committee of the locality where exists land as its members.

2. Provincial-level People's Committees shall organize and direct provincial-level agencies with land management function to assume the prime responsibility for, and coordinate with related departments and sectors, district-level People's Committees and organizations in charge of land management and use in, reviewing and determining boundaries and acreages of land areas in use as follows:

a/ Based on existing dossiers and documents, the land use status quo and approved schemes and plans on arrangement of agricultural and forestry companies, to review and determine locations and boundaries of land areas for management and use; land areas that are currently used for proper purposes, land

areas that are used for improper purposes, unused land areas, land areas that are allocated, contracted, illegally contracted, leased, lent, contributed as capital to joint ventures, affiliates or investment cooperation contracts, encroached, occupied or disputed; to determine land areas retained by agricultural and forestry companies and land areas to be handed over to localities.

For existing documents that fail to meet the requirements for the determination of specific land locations, boundaries and acreages currently managed and used by agricultural and forestry companies, to survey and make dossiers of boundaries of land areas used by agricultural and forestry companies under regulations;

b/ To review and determine locations and boundaries and the process of management and use of land areas by agricultural and forestry companies that have had their land use plans approved and certificates granted but do not directly use land areas and lease, lend, contract or illegally contract them to others for illegal use, for recovery under Point dd, Clause 1, Article 181 of the Land Law.

3. Agricultural and forestry companies shall coordinate with provincial-level agencies with land management function and related departments, divisions and sectors in reviewing the land use status quo, provide dossiers and documents related to land origin, management and use, and formulate land use plans specified in Clause 2, Article 68 of this Decree.

4. District-level People's Committees shall formulate plans on use of land areas specified at Point d, Clause 1, Article 181 of the Land Law after land use plans of agricultural and forestry companies are appraised under Clause 4, Article 68 of this Decree. Contents of such plans must comply with Clause 4, Article 69 of this Decree.

District-level People's Committees shall formulate plans on use of to-be-recovered land areas specified at Point dd, Clause 1, Article 181 of the Land Law after obtaining land recovery decisions of competent state agencies.

5. Provincial-level People's Committees shall allocate funds for the review, survey, planting of boundary markers, making of cadastral maps, formulation of land use plans and organization of implementation of such plans after they are approved.

Article 68. Detailed provisions on formulation, appraisal and approval of land use plans

1. Based on results of the review specified in Clause 2, Article 67 of this Decree, agricultural and forestry companies shall formulate plans on use of all

land areas they are managing and using in order to clearly determine land areas to be retained for continued use and land areas to be handed over to localities.

Land areas retained by agricultural and forestry companies must be included in approved schemes and plans on reorganization of such companies and compatible with their functions and tasks, the land use status quo and local land-use master plans; for land areas retained by agricultural and forestry companies that are allocated, contracted, illegally contracted, leased, lent or contributed as capital to joint ventures, affiliates or investment cooperation contracts, encroached, occupied or disputed, such companies must include schemes on complete handling and clear explanation of such land areas in their land use plans.

2. Contents of a land use plan include:

a/ Grounds for its formulation;

b/ Analysis and evaluation of natural conditions, socio-economic conditions, national defense and security;

c/ Land use orientations and tasks, and specific production and business plans of agricultural and forestry companies;

d/ Evaluation of its socio-economic, environmental, national defense and security assurance impacts, and production and business plans;

dd/ Solutions for implementation for land areas retained by the agricultural and forestry company;

e/ Determination of locations, boundaries, acreages and use status quo of land areas handed over to the locality under Point d, Clause 1, Article 181 of the Land Law;

g/ A commentary report on the land use plan.

3. A dossier of request for appraisal and approval of a land use plan must comprise:

a/ A written request for appraisal and approval of the land use plan, made according to Form No. 11 provided in the Appendix to this Decree;

b/ The land use plan;

c/ A cadastral map showing land use boundaries or dossier of land use boundaries of the agricultural or forestry company; a list of areas of all types of land of the agricultural or forestry company;

d/ Other related documents (if any).

4. Order and procedures for appraisal and approval of a land use plan

a/ An agricultural or forestry company shall send the dossier specified in Clause 3 of this Article to the agency with land management function;

b/ Within 5 working days after receiving a complete dossier of the land use plan of the agricultural or forestry company, the provincial-level agency with land management function shall send a request to related departments, divisions and sectors and the district-level People's Committee of the locality where exists the land for seeking the latter's opinions on the dossier and submit it to the provincial-level People's Committee for the establishment of an appraisal council.

An appraisal council shall be composed of the chairperson or a vice chairperson of the concerned provincial-level People's Committee as its chairperson, the head of the provincial-level agency with land management function as its vice chairperson, and representatives of related departments, divisions and sectors and the district-level People's Committee of the locality where exists the land as its members;

c/ Within 10 days after receiving the request from the provincial-level agency with land management function, the consulted departments, divisions and sectors and district-level People's Committee of the locality where exists the land shall give their written opinions on the dossier;

d/ Within 5 working days after the expiration of the consultation time limit, the provincial-level agency with land management function shall organize a council meeting for appraisal;

dd/ Within 5 working days from the date of appraisal, if the dossier of the land use plan of the agricultural or forestry company requires no modification, the provincial-level agency with land management function shall submit such dossier to the same-level People's Committee for approval.

In case the dossier of the land use plan needs to be modified or supplemented, within 3 working days from the date of appraisal, the provincial-level agency with land management function shall notify thereof to the agricultural or forestry company for dossier completion. Within 5 working days after the agricultural or forestry company completes the dossier and submits it to the provincial-level agency with land management function, if the dossier is complete, the latter shall submit it to the same-level People's Committee for approval;

e/ Within 5 working days after receiving the dossier of the land use plan from the provincial-level agency with land management function, the provincial-level People's Committee shall consider and approve it.

5. The Minister of Natural Resources and Environment shall specify the formulation of dossiers of land use boundaries; and carry out survey and making of cadastral maps.

Article 69. Organization of implementation of land use plans

1. Based on approved land use plans of agricultural and forestry companies, provincial-level agencies with land management function shall:

a/ Submit to provincial-level People's Committees decisions on land allocation or land lease to agricultural and forestry companies for land areas retained by such companies; revoke and modify granted certificates (if any);

b/ Sign land lease contracts for cases of land lease;

c/ Grant Certificates for land areas retained by agricultural and forestry companies after the latter fulfill their financial obligations under regulations;

d/ Revoke and modify granted certificates (if any); determine locations and land areas specified at Point d, Clause 1, Article 181 of the Land Law and organize the handover on the field to district-level People's Committees of localities where exists land to implement the formulated land use plans;

dd/ Submit to provincial-level People's Committees for recovery of the land areas specified at Point dd, Clause 1, Article 181 of the Land Law, and organize the handover of recovered land areas to district-level People's Committees of localities where exists land for formulation of land use plans.

2. Order and procedures for land recovery as specified at Point dd, Clause 1, Article 181 of the Land Law

a/ Based on local land use demands and practical land use by agricultural and forestry companies, provincial-level agencies with land management function shall review and determine locations and acreages of land areas subject to recovery under Point dd, Clause 1, Article 181 of the Land Law; and submit them to provincial-level People's Committees for land recovery under regulations;

b/ Within 10 days after obtaining a land recovery decision, the provincial-level agency with land management function shall submit such decision to the competent agency for the establishment of an asset valuation council to determine the value of land-attached assets and pay compensation to people whose land is recovered (if any);

c/ The determination of the value of land-attached assets specified at Point b of this Clause for compensation payment shall be carried out as for cases of land recovery by the State specified in Articles 78 and 79 of the Land Law.

3. For land areas recovered under Point dd, Clause 1, Article 181 of the Land Law, district-level People's Committees shall:

a/ Review the land use status quo of each specific land user in terms of land location, boundaries, acreage and use origin when the land area is handed over by an agricultural or forestry company to the locality, clearly indicating the land area on which the company organizes the production or is contracted in the form of lease, lending, contribution as capital to a joint venture, an affiliate or an investment cooperation contract, encroachment, occupation or dispute; and land management and use dossiers and documents handed over by agricultural and land companies to localities, dossiers provided by land users and other relevant dossiers and documents; and determine subjects prioritized for land use under Points c, d, and dd, Clause 2, Article 181 of the Land Law;

b/ Formulate land use plans and send them to provincial-level agencies with land management function for appraisal.

Based on practical local conditions, provincial-level People's Committees shall decide on techno-economic norms and unit prices for the formulation of land use plans in accordance with law; district-level People's Committees may hire consultancy units to formulate land use plans for recovered land areas.

4. Contents of a land use plan formulated by a district-level People's Committee include:

a/ Grounds for the plan formulation;

b/ Analysis and evaluation of natural and socio-economic conditions, national defense and security;

c/ Determination of land use locations, areas and forms under Clause 2, Article 181 of the Land Law.

Determination of subjects prioritized for land use under Points c, d and dd, Clause 2, Article 181 of the Land Law, for cases of land recovery specified at Point dd, Clause 1, Article 181 of the Land Law;

d/ Evaluation of the plan's socio-economic, environmental and national defense and security assurance impacts;

dd/ Determination of solutions to organize the plan implementation;

e/ A commentary report on the plan.

5. A dossier for appraisal of a land use plan formulated by a district-level People's Committee must comprise:

a/ A written request for appraisal and approval of the land use plan, made according to Form No. 11 provided in the Appendix to this Decree;

b/ The land use plan formulated by the district-level People's Committee;

c/ Cadastral maps or the drawings showing the result of cadastral measurement of the land parcels; and a list stating the areas of land parcels of all types;

d/ Other relevant documents (if any).

6. Order and procedures for appraisal and approval of a land use plan formulated by a district-level People's Committee

a/ The district-level People's Committee shall send the land use plan's dossier specified in Clause 5 of this Article to the provincial-level agency with land management function;

b/ Within 5 working days after receiving a complete dossier of the land use plan formulated by the district-level People's Committee, the provincial-level agency with land management function shall send such dossier to related departments, divisions and sectors for seeking the latter's opinions and submit it to the provincial-level People's Committee for establishment of an appraisal council.

The appraisal council is composed of the chairperson or a vice chairperson of the concerned provincial-level People's Committee as its chairperson, the head of the provincial-level agency with land management function as its vice chairperson, and representatives of related departments, divisions and sectors and the district-level People's Committee of the locality where exists the land as its members;

c/ Within 10 days after receiving the dossier for consultation, the consulted departments, divisions and sectors shall give their written opinions on the dossier;

d/ Within 5 working days after the expiration of the consultation time limit, the provincial-level agency with land management function shall organize a council meeting for appraisal;

dd/ Within 3 working days from the date of appraisal, the provincial-level agency with land management function shall notify appraisal results to the district-level People's Committee. Within 5 working days after receiving appraisal results, the district-level People's Committee shall complete the dossier and send it to the provincial-level agency with land management function. Within 3 working days, the provincial-level agency with land management function shall submit the dossier to the provincial-level People's Committee for approval;

e/ Within 5 working days after receiving the land use plan's dossier from the provincial-level agency with land management function, the provincial-level People's Committee shall consider and approve it.

Section 3

SEA ENCROACHMENT ACTIVITIES

Article 70. Contents of land-use master plans and plans for sea areas determined for sea encroachment

1. A sea area determined for sea encroachment must have its location, acreage, boundaries and coordinates determined under the survey and mapping law. The determination of sea areas for sea encroachment for inclusion in land-use master plans and plans must adhere to the principles specified at Points a, b, and d, Clause 2, Article 190 of the Land Law.

2. Provincial-level People's Committees shall determine and include sea areas for carrying out sea encroachment activities in plans on land allocation and zoning based on functional areas, land types and district-level administrative units in their provincial master plans, provincial-level land use plans, district-level land-use master plans and plans.

3. In case a sea area determined for sea encroachment is already included in the provincial master plan, construction master plan or urban master plan but not yet in a district-level land use plan, the provincial-level People's Committee shall direct the inclusion of such sea area in district-level land use master plan and annual land use plan.

In case a sea area determined for sea encroachment is not yet included in the provincial master plan, the provincial-level People's Committee shall direct the district-level People's Committee to formulate, adjust and supplement the district-level land-use master plan and annual land use plan.

4. Upon the formulation and approval of detailed construction plans of sea encroachment investment projects or investment projects with sea encroachment components, a land fund shall be allocated and reserved for the construction of public infrastructure facilities, including walkways to the sea, at the request of the provincial-level People's Committee so as to ensure the right of access to the sea of the people and community.

Provincial-level People's Committees shall base themselves on the construction planning law and practical local conditions, to decide on the land fund for the construction of public infrastructure facilities specified in this Clause

suitable to specific sea encroachment investment projects or investment projects with sea encroachment components.

Article 71. Decision on investment policy, approval of investment policy and selection of investors for investment projects with sea encroachment activities

1. The approval of investment policy and decision on investment policy for investment projects with sea encroachment activities must comply with the investment and public investment laws and law on investment in the form of public-private partnership.

2. The selection of investors to implement investment projects with sea encroachment activities using non-state budget funds must comply with the investment, bidding and land law and law on investment in the form of public-private partnership.

3. Sea encroachment activities in investment projects with sea encroachment activities shall be formulated into sea encroachment investment projects or sea encroachment components of investment projects specified in Article 72 of this Decree.

Article 72. Formulation and appraisal of feasibility study reports and approval of projects; formulation, appraisal and approval of construction designs; construction and acceptance testing of construction works of sea encroachment investment projects or sea encroachment components of investment projects

1. A sea encroachment investment project or a sea encroachment component of an investment project with sea encroachment activities is a construction investment project consisting of a collection of solutions and proposals related to the use of funds for leveling, encroachment, and construction of technical infrastructure as specified in the construction law in order to create the land fund for socio-economic development, disaster preparedness and climate change adaptation.

Investment in construction of dikes and disaster preparedness facilities, including dikes and embankments that prevent erosion, break waves and create accretion for planting of mangrove forests; storm shelters for ships and boats; river estuary regulation works other than sea encroachment activities. The formulation, appraisal and approval of disaster preparedness projects other than sea encroachment projects must comply with specialized laws. The management, exploitation and use of land areas formed from accretion after these facilities are built must comply with the land law and other relevant laws.

2. Documents approving the implementation of an investment project with sea encroachment activities include one or all of the following documents:

decision on investment policy, written approval of investment policy, investment license, investment certificate, investment registration certificate or other documents of equivalent validity for sea encroachment investment projects or investment projects with sea encroachment components as specified by the investment and public investment laws and law on investment in the form of public-private partnership.

3. Seaport waters, waters in front of wharves, turning areas, anchorage areas, transshipment areas, storm shelters, pilot embarking/disembarking areas, quarantine areas, maritime navigation channels, and waters for construction of other supporting facilities (specified at Point dd, Clause 3, Article 190 of the Land Law) are areas with maritime transport infrastructure.

4. Contents of a feasibility study report of a sea encroachment investment project or a sea encroachment component of an investment project, which must determine the specific location, acreage, boundaries and coordinates of the sea area, expenses for sea encroachment; progress of constructing part or the whole of sea encroachment works and progress of land use after sea encroachment works are completed, must comply with the construction law and this Decree.

Expenses for sea encroachment include direct expenses for construction of works and construction activities serving sea encroachment activities under 1:500-scale detailed plans approved by competent state agencies and other expenses specified in the construction law.

5. The formulation and appraisal of feasibility study reports and approval of investment projects; formulation, appraisal and approval of construction designs; construction and acceptance testing of construction works of sea encroachment investment projects or sea encroachment components of investment projects must comply with the construction law and this Decree, specifically as follows:

a/ Specialized agencies in charge of construction of provincial-level People's Committees shall appraise feasibility study reports of sea encroachment investment projects or sea encroachment components of investment projects. In addition to appraisal contents specified by the construction law, specialized agencies in charge of construction of provincial-level People's Committees shall appraise contents on the determination of total construction investment amounts of sea encroachment investment projects or sea encroachment components of investment projects;

b/ Specialized agencies in charge of construction of provincial-level People's Committees shall appraise construction designs after basic designs of the works

subject to appraisal by specialized agencies in charge of construction in accordance with the construction law;

c/ The competence to approve projects using public investment funds and their construction designs must comply with the public investment and construction laws. Provincial-level People's Committees shall approve projects using state capital other than public investment funds and projects using other capital sources while project owners shall approve their construction designs in accordance with the construction law;

d/ The organization of construction, acceptance testing of components or construction works of sea encroachment investment projects or sea encroachment components of investment projects must comply with the construction law.

6. Owners of sea encroachment investment projects or sea encroachment components of investment projects shall request competent state agencies to transmit notices to mariners in accordance with the maritime law.

7. Sea encroachment investment projects or sea encroachment components of investment projects approved by competent state agencies shall serve as a basis for such agencies to decide on the allocation of sea areas for sea encroachment activities together with land allocation or land lease for implementation of investment projects.

Article 73. Land allocation or land lease, allocation of sea areas for sea encroachment activities

1. The order and procedures for land allocation or lease not through auction of land use rights for implementation of sea encroachment investment projects or investment projects with sea encroachment components must comply with Clauses 2, 3, 4, and 6, Article 44 of this Decree.

2. The order and procedures for land allocation or lease through auction of land use rights for implementation of sea encroachment investment projects or investment projects with sea encroachment components must comply with Article 55 of this Decree.

3. Owners of sea encroachment investment projects or investment projects with sea encroachment components shall submit dossiers of request for land allocation or land lease or allocation of sea areas along with sea encroachment investment projects or sea encroachment components of investment projects that have been approved by competent state agencies.

Provincial-level People's Committees shall decide on land allocation or land lease together with allocation of sea areas for sea encroachment activities. Owners

of sea encroachment investment projects or investment projects with sea encroachment components are not required to pay charges for use of sea areas for sea encroachment activities.

4. A written request for land allocation or land lease together with allocation of sea areas for sea encroachment activities shall be made according to Form No. 12; decisions on land allocation together with the allocation of sea areas for sea encroachment activities shall be made according to Form No. 13; and decisions on land lease together with the allocation of sea areas for sea encroachment activities shall be made according to Form No. 14, provided in the Appendix to this Decree.

5. The time when land users must put the land into use shall be calculated from the date of notification of acceptance testing results of the whole or part of the sea areas where sea encroachment activities have been completed according to the implementation progress of sea encroachment investment projects or sea encroachment components of investment projects.

Article 74. Acceptance testing of completed sea encroachment activities

1. The acceptance testing of completed sea encroachment activities shall be carried out for the whole or part of sea areas where sea encroachment activities have been completed according to the implementation progress of the approved sea encroachment investment projects or sea encroachment components of investment projects.

2. Inspection of the acceptance testing of completed sea encroachment activities

a/ Specialized agencies of provincial-level People's Committees shall inspect the acceptance testing of works of sea encroachment investment projects or sea encroachment components of investment projects. The order and procedures for inspection of the acceptance testing of completed sea encroachment activities must comply with the construction law;

b/ Owners of sea encroachment investment projects or investment projects with sea encroachment components shall send written requests to specialized agencies in charge of construction of provincial-level People's Committees for inspection of the acceptance testing of the whole or part of sea areas where sea encroachment activities have been completed according to the implementation progress of the approved sea encroachment investment projects or sea encroachment components of investment projects;

c/ Within 60 days after receiving written requests, specialized agencies in charge of construction of provincial-level People's Committees shall inspect the acceptance testing of completed sea encroachment activities.

3. Based on notices of approval of acceptance testing results of completed sea encroachment activities of sea encroachment investment projects or sea encroachment components of investment projects of specialized agencies in charge of construction of provincial-level People's Committees, provincial-level agencies with land management function shall:

a/ Determine and update the lowest mean sea level over many years in the sea encroachment areas based on the current shoreline and topography at the time of determination and updating; and submit them to provincial-level People's Committees for the latter to report to the Ministry of Natural Resources and Environment for data updating and publicization in accordance with law;

b/ Determine and update the mean high tide level over many years, adjust coast protection corridors in the sea encroachment areas based on the current shoreline and topography at the time of determination and updating; and submit them to provincial-level People's Committees for decision on supplementation and adjustment in accordance with law.

Article 75. Determination of land use levy and land rental

1. The determination of specific land prices for calculation of land use levy or land rental must comply with the land law. In case the surplus method is applied to calculate specific land prices, total estimated costs for the development must include sea encroachment expenses approved by competent state agencies under Article 72 of this Decree. In case total costs for the development are higher than total revenues from the development, the difference shall be included in expenses for sea encroachment investment projects or investment projects with sea encroachment components.

2. Within 180 days after completing sea encroachment activities, owners of sea encroachment investment projects or investment projects with sea encroachment components shall make dossiers of request for final settlement of sea encroachment expenses and submit them to specialized agencies in charge of construction of provincial-level People's Committees for appraisal.

Within 90 days after receiving dossiers of request for final settlement of sea encroachment expenses from owners of sea encroachment investment projects or investment projects with sea encroachment components, specialized agencies in charge of construction of provincial-level People's Committees shall finally settle sea encroachment expenses and submit them to provincial-level People's Committees for approval.

3. When specific land prices are determined by the surplus method, the handling of the difference between the finally settled sea encroachment expenses

and sea encroachment expenses included in total estimated costs for the development (below referred to as the difference) is as follows:

a/ In case the finally settled sea encroachment expenses are lower than sea encroachment expenses included in total costs for the development, the project owner shall pay the difference.

b/ In case the finally settled sea encroachment expenses are higher than sea encroachment expenses included in total costs for the development, the difference shall be accounted as expenses for sea encroachment investment projects or investment projects with sea encroachment components.

4. Land allocation or land lease through auction of land use rights for implementation of sea encroachment investment projects or investment projects with sea encroachment components is not required to comply with Clauses 2 and 3 of this Article.

Article 76. Grant of Certificates of land use rights and ownership of land-attached assets

1. For land areas other than sea encroachment areas, project owners may be granted Certificates after they fulfill their land-related financial obligations.

2. For land areas formed after the completion of sea encroachment activities, owners of sea encroachment investment projects or investment projects with sea encroachment components shall be granted Certificates after fulfilling their land-related financial obligations and obtaining notices of approval of accepting testing results of completed sea encroachment activities specified in Article 74 of this Decree.

Section 4

AGRICULTURAL LAND CONSOLIDATION AND ACCUMULATION

Article 77. Implementation of agricultural land consolidation

1. Economic organizations and individuals implementing agricultural land consolidation shall reach agreement with concerned land users on the following contents:

a/ Consolidation methods as specified in Clause 1, Article 192 of the Land Law for different land users and land areas;

b/ Period of agricultural land consolidation;

c/ Proportion of land areas contributed by land users for construction of roads and intra-field hydraulic structures to facilitate the agricultural production;

d/ Plans on return of land after land consolidation which must ensure stability for consolidated agricultural land use plans;

dd/ Rights and obligations of land users implementing land consolidation by different consolidation methods;

e/ Other law-specified agreements.

2. Economic organizations and individuals implementing agricultural land consolidation shall formulate land use plans. Such a plan must have the following contents:

a/ Scope, scale, location and boundaries of the consolidated agricultural land area;

b/ Land use status quo, indicating area, purpose, form, land use period, and land manager and user;

c/ Method of organizing the agricultural production for the consolidated agricultural land area;

d/ Proposed land use for land areas subject to the state management in the agricultural land consolidation area;

dd/ Projected completion of roads, intra-field hydraulic structures and field boundary embankments; the land area to be repurposed for roads and intra-field hydraulic structures.

3. In case the land use period of the land parcel is shorter than that stated in the land use plan, the land user shall request the competent People's Committee to adjust the land use period to be commensurate with that stated in the land use plan. The land user is not required to carry out procedures for adjusting the land use period for cases specified at Point a, Clause 1, Article 172 of the Land Law.

4. The agency with land management function shall submit to the same-level People's Committee for grant of the Certificate based on the land use plan approved by the competent agency, handover the Certificate to its holder and forward 1 dossier and a copy of the granted Certificate to the land registration office or its branch for formulation and updating of the cadastral dossier and land database.

Article 78. Implementation of agricultural land accumulation

1. Economic organizations shall implement agricultural land accumulation by the following methods:

a/ Acquisition of agricultural land use rights;

- b/ Receipt of land use rights contributed as capital;
- c/ Acquisition of agricultural land use rights and receipt of land use rights contributed as capital.

2. Economic organizations implementing agricultural land accumulation by the methods specified at Points a and c, Clause 1 of this Article shall formulate agricultural land use plans specified in Clause 6, Article 45 of the Land Law and submit them to district-level People's Committees.

Within 25 days after receiving agricultural land use plans of economic organizations, district-level People's Committees shall issue a written approval. In case of refusal, district-level People's Committees shall send a written reply, clearly stating the reason.

3. After agricultural land use plans are approved, economic organizations shall reach agreement with concerned land users to acquire agricultural land use rights or to receive land use rights contributed as capital; carry out land registration in accordance with the Decree concerning basic land surveys; registration and grant of certificates of land use rights and ownership of land-attached assets and land information systems.

4. In case an organization receiving land use rights contributed as capital is dissolved or goes bankrupt, the handling of land use rights contributed as capital must comply with the dissolution and bankruptcy law.

Section 5

REGIME FOR USE OF LAND FOR NATIONAL DEFENSE AND SECURITY PURPOSES

Article 79. Use of land for national defense and security purposes

1. Users of land for national defense and security purposes being units that directly manage and use land for national defense and security purposes include:

- a/ Units of the Ministry of National Defense, public non-business units and state enterprises managed by the Ministry of National Defense, military commands of provinces and centrally run cities, military commands of rural districts, urban districts, towns, provincial and municipal cities, border guard commands of provinces and centrally run cities, border guard stations, border guard commands of ports, border guard flotillas, and commune-level military commands;

- b/ Units and public non-business units of the Ministry of Public Security, public security departments of provinces and centrally run cities, public security

divisions of rural districts, urban districts, towns, provincial and municipal cities, public security stations, public security offices of communes, wards and townships, public security of special administrative-economic units, state enterprises managed by the Ministry of Public Security and other affiliates of the Ministry of Public Security that are established in accordance with the law.

2. Users of land for national defense and security purposes shall use the land for proper purposes defined in approved master plans on use of land for national defense purpose and master plans on use of land for security purpose and combine the use of land for national defense and security purposes with production and economic development activities under Article 201 of the Land Law and this Decree.

3. Land for national defense and security purposes that are managed and used by military units, public security units, public non-business units of the People's Army, People's Public Security, and state enterprises managed by the Ministry of National Defense and Ministry of Public Security but must be recovered or transferred to localities under Article 84 of the Land Law or under master plans on use of land for national defense purpose and master plans on use of land for security purpose shall be handled as follows:

a/ For land areas allocated to officers' households, professional army men, defense civil servants, defense workers and employees, officers, non-commissioned officers, people's public security workers, cipher workers and those working in cipher organizations for use as houses before July 1, 2014, and in conformity with approved land-use master plans and plans, such land users shall be granted Certificates and perform their financial obligations under regulations.

b/ For land areas that are currently used by joint-stock companies managed by the Ministry of National Defense and Ministry of Public Security in accordance with the National Assembly's Resolution No. 132/2020/QH14 of November 17, 2020, on pilot implementation of a number of policies to remove obstacles and backlogs in the management and use of land for national defense and security purposes combined with production and economic activities, and the Government's Decree No. 26/2021/ND-CP of March 25, 2021, detailing a number of articles of the National Assembly's Resolution No. 132/2020/QH14 of November 17, 2020, the contracts signed with the Ministry of National Defense or Ministry of Public Security shall prevail.

In case no contracts have been signed with the Ministry of National Defense or Ministry of Public Security: For joint-stock companies in which the State holds more than 50% of charter capital that are managed by the Ministry of National Defense or Ministry of Public Security, land use plans approved by the Ministry

of National Defense or Ministry of Public Security shall prevail; for joint-stock companies in which the State holds less than 50% of charter capital that are managed by the Ministry of National Defense or Ministry of Public Security, the public asset rearrangement or disposal plans approved by competent authorities shall prevail.

Article 80. State management of land for national defense and security purposes

1. The Ministry of National Defense and Ministry of Public Security shall coordinate with the Ministry of Natural Resources and Environment in advising the Government and Prime Minister on the state management of land nationwide; coordinate with provincial-level People's Committees in performing the land management function within the scope of administrative management of their localities; coordinate with ministries, sectors and localities in formulating master plans on use of land for national defense purpose and master plans on use of land for security purpose to ensure the satisfaction of socio-economic development and national defense and security consolidation requirements; review and determine boundaries of land areas used for national defense and security purposes; determine locations and areas of land for national defense and security purposes that are no longer needed for handover to localities for management and use; update and adjust master plans on use of land for national defense purpose and master plans on use of land for security purpose, for cases specified in Clauses 2 and 3, Article 84 of the Land Law.

2. The Minister of National Defense and Minister of Public Security shall decide on the allocation of land areas for national defense and security purposes between their users; repurpose land areas in the total land area for national defense and security purposes in accordance with master plans on use of land for national defense purpose and master plans on use of land for security purpose approved by competent authorities.

3. The Minister of National Defense and Minister of Public Security shall decide on approval of, or authorize heads of units of the Ministry of National Defense or Ministry of Public Security to approve, plans on use of land for national defense and security purposes combined with production and economic activities.

Article 81. Users of land for national defense and security purposes in combination with production and economic activities

1. Military units, public security units, and public non-business units of the People's Army and People's Public Security forces;

2. State enterprises managed by the Ministry of National Defense or Ministry of Public Security.

3. Organizations and individuals eligible to continue using land for national defense and security purposes in combination with production and economic activities specified in Clause 4, Article 260 of the Land Law.

Article 82. Principles of use of land for national defense and security purposes in combination with production and economic activities

1. When using land for national defense and security purposes in combination with production and economic activities in association with military, national defense and security tasks, units and state enterprises managed by the Ministry of National Defense or Ministry of Public Security shall formulate land use plans and pay land use levy on an annual basis.

Land use levy payment is not required for cases of using land for national defense and security purposes in combination with production and economic activities to serve education, labor, reformation, career orientation and vocational training for prisoners; physical exercise and increased labor activities to improve meal quality for prisoners; and provision of auxiliary logistic-technical services.

2. Annual land use levy shall be determined based on the land area used also for production and economic activities according to the approved plan, land price in the land price list, percentage of the unit price of annual land use levy, and proportion of revenue not generated from military, national defense and security tasks.

3. The revenues specified in this Decree shall fully and promptly be remitted to the state budget with revenue-expenditure estimates made in accordance with the Law on the State Budget, prioritizing expenditures for military, national defense and security tasks, settlement of unsolved problems, and implementation of regimes and policies for beneficiaries when restructuring enterprises managed by the Ministry of National Defense or Ministry of Public Security.

4. When it is necessary to use land for performance of military, national defense and security tasks, the Minister of National Defense or Minister of Public Security shall decide to terminate land use plans at units and enterprises managed by the Ministry of National Defense or Ministry of Public Security. Related organizations and individuals shall hand over the land areas to units and enterprises managed by the Ministry of National Defense or Ministry of Public Security to perform military, national defense and security tasks. The handling of assets and works (if any) must comply with the approved land use plans and relevant regulations.

Article 83. Responsibilities the Minister of National Defense and Minister of Public Security for management and use of land for national defense and security purposes in combination with production and economic activities

1. To submit to competent agencies or persons for promulgation or promulgate according to their competence, and organize the implementation of, legal documents on management and use of land for national defense and security purposes in combination with production and economic activities.

2. To decide on or specify the decentralization of powers to heads of units under the Ministry of National Defense and Ministry of Public Security to approve or terminate plans on use of land for national defense and security purposes in combination with production and economic activities; plans on disposal of the implemented projects, land lease contracts or joint venture/association contracts in accordance with Clause 4, Article 260 of the Land Law.

3. The review of land for national defense and security purposes in combination with production and economic activities in the course of formulating or adjusting master plans on use of land for national defense and security purposes is as follows:

a/ For land areas that are of high economic value and no longer needed for military, national defense and security tasks, to report such to the Prime Minister for consideration and decision on repurposing of such land areas, for coordinating with provincial-level People's Committees in holding auctions of land use rights.

A land area with high economic value specified at this Point is a land area valued at VND 500 billion or more calculated according to the land price in the land price list decided by the provincial-level People's Council based on the use purpose stated in the approved master plan;

b/ Land areas no longer needed for military, national defense and security tasks shall be handed over to provincial-level People's Committees for socio-economic development and management in accordance with law, except the case specified at Point a of this Clause;

c/ Land areas that are needed for military, national defense and security tasks and currently used by enterprises undergoing equitization or divestment shall be handled according to house and land rearrangement and disposal plans approved by competent authorities.

4. To organize the formulation of plans on rearrangement and disposal of houses and land at enterprises undergoing equitization or divestment in accordance with law.

5. To coordinate with provincial-level People's Committees in holding auctions of land use rights and land-attached assets according to approved plans on house and land rearrangement and disposal in accordance with law.

6. To organize the collection and remittance of the following amounts to the state budget:

a/ Annual land use levy amounts for land used for national defense and security purposes in combination with production and economic activities specified in this Decree;

b/ Proceeds from auctions of land use rights and land-attached assets in accordance with law;

c/ Collected amounts from equitization and divestment of state capital in enterprises managed by the Ministry of National Defense and Ministry of Public Security in accordance with law.

7. To use the collected amounts specified in Clause 6 of this Article to organize the estimation of state budget expenditures for military, national defense and security tasks, settlement of unsolved problems, and implementation of regimes and policies for beneficiaries when restructuring enterprises managed by the Ministry of National Defense and Ministry of Public Security according to the order and procedures specified in the law on the state budget.

Article 84. Rights and obligations of units and enterprises managed by the Ministry of National Defense and Ministry of Public Security when using land for national defense and security purposes in combination with production and economic activities

1. When using land for national defense and security purposes in combination with production and economic activities, units and enterprises managed by the Ministry of National Defense and Ministry of Public Security have the rights and obligations specified in Clause 3, Article 201 of the Land Law. When using land for national defense and security purposes in combination with production and economic activities, these units and enterprises shall formulate land use plans and submit them to competent authorities for approval in accordance with this Decree.

2. The lease and mortgage of land-attached assets, and contribution of land-attached assets as capital must comply with plans approved by the Minister of National Defense or Minister of Public Security, ensuring efficiency and strictness, and causing no impacts on the performance of military, national defense and security tasks. The purchase and sale of land-attached assets and handling of mortgaged assets and assets contributed as capital may only be carried out at

banks with shares or contributed capital of the State or banks with contributed capital of state enterprises managed by the Ministry of National Defense or Ministry of Public Security, ensuring confidentiality of military, national defense and security activities.

Article 85. Cases of using land for national defense and security purposes in combination with production and economic activities in which annual land use levy payment is not required

Annual land use levy payment is not required for military units, public security units and public non-business units of the People's Army and People's Public Security forces, except public non-business units that can cover its recurrent expenses and investment expenses by themselves, when they use land for national defense and security purposes in combination with production and economic activities (even when they coordinate with state enterprises managed by the Ministry of National Defense or Ministry of Public Security in doing so), which mainly serve their tasks, and fall into one of the following cases:

1. Using land for national defense and security purposes in combination with production and economic activities to serve promotion of agricultural and forestry production, salt making, aquaculture, and aquatic product processing.

2. Using land for national defense and security purposes in combination with production and economic activities to serve provision of auxiliary logistic-technical services, including:

a/ Libraries, museums; theaters, radio, television and cinema facilities; press, printing and publishing facilities; guesthouses, official residences; medical establishments, pharmacies, nursing homes, convalescence and rehabilitation centers; canteens;

b/ Establishments for research, manufacture, production and repair of military technical equipment and means, support tools; establishments for military uniform manufacturing; experimental production facilities; establishments for military exhibition and trade promotion, military external affairs and security;

c/ Facilities for maintenance and repair of vehicles, machines, ships, boats, aircraft and technical equipment; storages, stations for reserve, supply and distribution of petrol and oil; warehouses and storing yards for means of transport (including also aircraft), technical means; fishing logistics service establishments; places for installation and security and safety assurance for equipment of post, telecommunications, information technology, electricity, and banking services serving military, national defense and security tasks.

3. Using land for national defense and security purposes in combination with production and economic activities to serve labor, education, reformation and physical exercise, including:

a/ Education institutions; facilities for sports competition and training; training institutions, and professional coaching and further training centers;

b/ Labor and job training quarters for prisoners;

c/ Workshops serving labor for reformation of prisoners;

d/ Facilities serving daily-life activities of officers, soldiers, students, and prisoners.

4. The Minister of National Defense and Minister of Public Security shall detail this Article.

Article 86. Cases of using land for national defense and security purposes in combination with production and economic activities in which annual land use levy payment is required

1. Public non-business units of the People's Army and People's Public Security forces that can cover their recurrent expenses and investment expenses, and state enterprises managed by the Ministry of National Defense or Ministry of Public Security and use land for national defense and security purposes in combination with production and economic activities.

2. Cases of using land for national defense and security purposes in combination with production and economic activities other than those specified in Clauses 1, 2 and 3, Article 85 of this Decree.

3. The Minister of National Defense and Minister of Public Security shall detail this Article.

Article 87. Annual land use levy

1. Annual land use levy for use of land for national defense and security purposes in combination with production and economic activities shall be determined according to the following formula:

Annual land use levy = Land area used also for production and economic activities according to the approved plan x Land price in the land price list x Percentage of annual unit price of land use levy x Percentage of annual revenues not generated from military, national defense and security tasks, of which:

a/ The land area used also for production and economic activities is exclusive of the areas for: internal roads, dining rooms, kitchens, houses, working offices, guard houses, garages, greeneries, safety corridors, proving grounds, areas for

training activities, taxiways, aprons, runways, hangars, terminals, land areas serving aerodrome clearance, works serving aerodrome patrol and security, airport control towers, and other essential works serving flight operations, sports areas, traditional houses, cultural houses, community houses, kindergartens, production teams, nurseries, guesthouses, rest houses for officials, civil servants and workers, houses for workers, and other areas that do not generate profits;

b/ The combined use purpose shall be determined based on the land types specified in Article 9 of the Land Law. In case of using land for multiple purposes in which it is impossible to determine the land use boundaries for such purposes, the combined use purpose shall be determined based on the type of the land with the highest price;

c/ The land price in the land price list shall be determined based on the combined use purpose in the year of calculating land use levy in the land price list decided by the provincial-level People's Council;

d/ The percentage of unit price for annual land use levy is the percentage of the unit price for annual land rental of the year of calculating land use levy according to the Government's Decree on land use levy and land rental. In case there is a fluctuation in the percentage of unit price of land use levy in the year of land use, the highest rate shall be applied;

dd/ The percentage of annual revenues not generated from military, national defense and security tasks shall be determined based on the annual financial statement of the concerned unit or enterprise.

2. Time for calculating annual land use levy

a/ The first year shall be counted from the first day of the month following the month having the effective date of the Minister of National Defense's or Minister of Public Security's decision approving the land use plan or handling plan to December 31 of such year.

In case the land use plan or handling plan ends in the first year, the annual land use levy shall be calculated from the first day of the month following the month having the effective date of the Minister of National Defense's or Minister of Public Security's decision approving the land use plan or handling plan to the last day of the month in which the land use plan or handling plan ends.

In the year of using land in combination with production and economic activities, if the land area is used for performance of military, national defense and security tasks without profits generated, the concerned unit or enterprise shall be entitled to exemption from land use levy corresponding to the time of performing military, national defense and security tasks;

b/ The second year onward shall be counted from January 1 to December 31 of each year;

c/ The ending year shall be counted from January 1 to the last day of the month in which the land use plan or handling plan ends.

3. Within 30 days after receiving the notice of financial obligations from the Ministry of National Defense or Ministry of Public Security, the notified units and enterprises shall fully fulfill their financial obligations under regulations.

4. The Minister of National Defense or Minister of Public Security shall assign functional agencies to guide units and state enterprises managed by the Ministry of National Defense or Ministry of Public Security in the collection and remittance of annual land use levy in accordance with this Decree.

Article 88. Formulation, appraisal and approval of plans on use of land for national defense and security purposes in combination with production and economic activities

1. When using land for national defense and security purposes in combination with production and economic activities, military units, public security units, and public non-business units of the People's Army and People's Public Security forces, and state enterprises managed by the Ministry of National Defense or Ministry of Public Security shall review and make a dossier of land use plan. The dossier must comprise:

a/ A land use plan, which must have the following contents: grounds for, necessity of formulation of the plan; status quo of land use and land-attached assets; contents, location, area, purposes, form of use, use period of the land for national defense and security purposes in combination with production and economic activities; evaluation of impacts of land use on the performance of military, national defense and security tasks; evaluation of conformity with the master plan on use of land for national defense and security purposes; plan for handling land-attached assets established upon termination of land use; socio-economic and environmental efficiency; and solutions for implementation of the plan;

b/ A copy of the decision showing the location of barracks or a copy of the decision on allocation of the house and land; a copy of the decision on the size of the detention (if any); a copy of the certificate concerning land use rights or the land allocation decision (if any);

c/ Diagram of location showing the status quo of the land plot;

d/ Copies of relevant documents on use of land for national defense and security purposes in combination with production and economic activities (if any).

2. Military units, public security units, and public non-business units of the People's Army and People's Public Security forces, and state enterprises managed by the Ministry of National Defense or Ministry of Public Security shall submit a report enclosed with the land use plan's dossier specified in Clause 1 of this Article to the agency assigned by the Ministry of National Defense or Ministry of Public Security for appraisal.

3. Military units, public security units, and public non-business units of the People's Army and People's Public Security forces, and state enterprises managed by the Ministry of National Defense or Ministry of Public Security that are under superior management units shall make a land use plan's dossier specified in Clause 1 of this Article and report thereon to such superior management units.

Within 20 days after receiving the land use plan's dossier, a superior management unit under the Ministry of National Defense or Ministry of Public Security shall check the dossier, and make and submit a report on request for approval of the land use plan to the agency assigned by the Ministry of National Defense or Ministry of Public Security for appraisal.

4. In case the dossier is invalid, within 5 working days after receiving it, the agency assigned by the Ministry of National Defense or Ministry of Public Security to appraise the dossier shall return the dossier and clearly state the reason in writing.

5. The procedures for appraisal and approval of plans on land use subject to annual land use levy payment, for land for national defense purpose; or land use plans, for land for security purpose, are as follows:

a/ Within 30 days after receiving a valid dossier of the land use plan, the agency assigned by the Ministry of National Defense or Ministry of Public Security to appraise the dossier shall organize the appraisal;

b/ In case the land use plan's dossier is qualified, the agency assigned by the Ministry of National Defense or Ministry of Public Security to appraise the dossier shall submit it to the Minister of National Defense or Minister of Public Security for consideration and decision;

c/ In case the land use plan's dossier is disqualified, the agency assigned by the Ministry of National Defense or Ministry of Public Security to appraise the dossier shall send an appraisal document to the unit submitting the land use plan for the latter to complete the dossier.

Within 20 days after receiving the appraisal document, the unit under the Ministry of National Defense or Ministry of Public Security shall direct the unit or enterprise to study and make replies to the appraisal opinions for completing the land use plan's dossier for submission to the Minister of National Defense or Minister of Public Security for consideration and approval;

d/ Within 7 working days after receiving the land use plan's dossier, the Minister of National Defense or Minister of Public Security shall decide to approve the plan on use of land for national defense and security purposes in combination with production and economic activities.

6. Contents of appraisal of a land use plan:

a/ Necessity of use of land for national defense and security purposes in combination with production and economic activities and assurance of the performance of military, national defense and security tasks;

b/ Status quo of land use and land-attached assets; contents, location, area, purposes, form of use and use period of land for national defense and security purposes in combination with production and economic activities;

c/ Evaluation of impacts of land use on the performance of military, national defense and security tasks;

d/ Conformity with the master plan on use of land for national defense and security purposes;

dd/ Plan for handling land-attached assets established upon termination of land use;

e/ Socio-economic and environmental efficiency;

g/ Solutions for implementation of the plan.

7. The Minister of National Defense or Minister of Public Security shall assign functional agencies, units and enterprises to organize the implementation and guide the formulation of plans and forms for implementing this Article.

Article 89. Revenues from and expenditures for use of land for national defense and security purposes in combination with production and economic activities

1. The Minister of National Defense and Minister of Public Security shall direct the collection and remittance of annual land use levy amounts of units and enterprises to the state budget and make revenue-expenditure estimates in accordance with the Law on the State Budget.

2. Expenditures

a/ Expenditure for compensation and support for relocation and ground clearance work when recovering land for national defense and security purposes with land areas repeatedly stated in certificates concerning land use rights or when the State recovers land for allocation to the Ministry of National Defense or Ministry of Public Security for management and use but no investment project is implemented; expenditure as support for the relocation of households and individuals from the premises of houses and land areas for national defense and security purposes when such land areas are ineligible for transfer to localities for management and handling; expenditure as support for the relocation of households and individuals from land areas for national defense and security purposes that are encroached upon or occupied for illegal cultivation or residence; construction of works for preventing land encroachment; and management and protection of land for national defense and security purposes;

b/ Expenditure for payment of compensation for the residual value in the accounting books of assets on the land areas for national defense and security purposes of enterprises undergoing restructuring, equitization or divestment according to approved plans;

c/ Expenditure for payment of compensation for the residual value of land-attached assets in case projects or joint-venture/association contracts are eligible to continue to be implemented but the State recovers the land before the expiration of the signed projects or contracts for the purpose of socio-economic development for national and public interests;

d/ Expenditure for implementation of regimes and policies for employees; payment of amounts left unpaid upon restructuring or equitization in case enterprises have no funds for payment of such amounts as a result of the performance of political, military and national defense tasks;

dd/ Expenditure for implementation of investment projects to build national defense and security works; construction of infrastructure, workshops, procurement of equipment for activities serving reformation and vocational training for prisoners;

e/ Expenditure for addition to the insufficient contribution of the charter capital according to decisions approved by competent authorities; investment in improvement of national defense and security production capacity of state enterprises managed by the Ministry of National Defense or Ministry of Public Security; and development of national defense and security non-business activities;

g/ Expenditure for implementation of policies for military and public security forces; gratitude activities; and national defense and security external affairs;

h/ Expenditure as support for the construction of infrastructure and workshops, and procurement of equipment to carry out revenue-generating activities on land for national defense purpose;

i/ Expenditure for performance of other national defense and security tasks as approved by competent agencies or persons in accordance with law.

Article 90. Management of the amounts collected from use of land for national defense and security purposes in combination with production and economic activities

1. Units and state enterprises managed by the Ministry of National Defense or Ministry of Public Security shall fully and promptly pay the levy for use of land for national defense and security purposes in combination with production and economic activities into the suspense account opened at the State Treasury with the Department of Finance under the Ministry of National Defense or the Department of Planning and Finance under the Ministry of Public Security acting as the account holder.

2. The Ministry of National Defense and Ministry of Public Security shall remit the whole amounts collected from use of land for national defense and security purposes in combination with production and economic activities into the state budget under regulations.

3. Annually, based on the amounts collected from use of land for national defense and security purposes in combination with production and economic activities that have been remitted to the state budget, the Ministry of National Defense and Ministry of Public Security shall make state budget expenditure estimates and send them to the Ministry of Finance for summarization in accordance with the Law on the State Budget.

Section 6

LAND USE REGIME

Article 91. Land for concentrated zones for farming, growing, production and processing of agricultural, forestry and aquatic products

1. For large-scale projects on concentrated zones for farming, growing, production and processing of agricultural, forestry and aquatic products, each with an area of 100 hectares or more, the State shall recover land under Clause 23, Article 79 of the Land Law for lease to investors.

2. For projects on concentrated zones for farming, growing, production and processing of agricultural, forestry and aquatic products other than those specified in Clause 1 of this Article, investors shall negotiate with land users under Article 127 of the Land Law to implement projects.

3. Planning for concentrated zones for farming, growing, production and processing of agricultural, forestry and aquatic products must satisfy the following requirements:

a/ Promoting the development of agriculture, forestry and aquaculture in many districts, provinces or economic regions of the country;

b/ Ensuring complete infrastructure for shared use from the stage of production to the stage of processing;

c/ Ensuring economical and efficient land use, disaster preparedness and environmental protection.

4. Investors carrying out commercial operation of infrastructure of concentrated zones for farming, growing, production and processing of agricultural, forestry and aquatic products shall perform the responsibilities specified in Article 93 of this Decree.

Article 92. Land for construction of condominium complexes

1. Land for construction of condominium complexes includes residential land for construction of condominiums, or condominiums for residential purpose and for use as offices and trade and service establishments (below collectively referred to as condominiums), and for construction of facilities directly serving the daily life of residents living in the condominium complexes, and land for construction of facilities serving communities under construction master plans approved by competent agencies.

2. Owners of projects on construction of condominium complexes or condominiums will be allocated or leased land, and issued Certificates for the land areas under the projects according to the following provisions:

a/ For the land areas for construction of condominiums and land areas for construction of infrastructure facilities used by project owners for commercial purposes under the projects and detailed master plans on construction approved by competent state agencies, the project owners will be allocated or leased such land areas by the State and fulfill their financial obligations; they shall also be issued Certificates in accordance with law. For a mixed-use condominium, with part of its floor area used as offices and trade and service establishments, the main use

purpose of the land area on which the condominium is built shall be regarded as residential purpose;

b/ For the land areas used for construction of roads and other infrastructure facilities serving people living inside and outside condominium complexes or condominiums which are not used by the project owners for service activities under the investment projects, the project owners will be allocated or leased such land areas by the State for management and construction of facilities and are not required to pay land use levy or land rental; will not be issued Certificates; and shall hand over such land areas to localities for management after completing the construction under the investment projects, detailed master plans on construction, and land allocation or land lease decisions of competent state agencies.

3. Land use rights and the issuance of Certificates under projects on construction of condominium complexes and condominiums for sale or for combined sale and lease must comply with the following provisions:

a/ For the shared-use land areas of owners of apartments, offices and trade and service establishments in the condominiums (below collectively referred to as apartments), covering the land areas for construction of condominiums, land areas for use as yards and for planting flowers and trees around the condominiums, and land areas for construction of infrastructure facilities outside the condominiums which directly serve the condominiums, project owners shall hand over such land areas to apartment owners for management and use under the investment projects. Project owners shall clearly determine the locations, boundaries and land areas under shared use in investment projects, detailed master plans on construction and designs for submission to competent agencies for approval; and in house purchase and sale contracts and as-built drawings for carrying out the procedures for issuance of Certificates to the purchasers;

b/ Land use rights specified at Point a of this Clause are shared-use rights; the use and disposition of such land use rights shall be decided by the persons sharing land use rights on the majority rule but must serve the common interests of the community and comply with law;

c/ Apartment owners may be issued Certificates for the areas of apartments and the shared-use land areas specified at Point a of this Clause with a long and stable land use period;

d/ Upon issuance of Certificates to apartment purchasers, the certificates already issued to project owners specified in Clause 2 of this Article shall be adjusted for the land areas specified at Point a of this Clause for shifting to the form of shared use of land.

The land areas under projects on construction of condominium complexes or condominiums other than the areas specified at Point b, Clause 2, and Point a, this Clause, will come under the use rights of the project owners.

Article 93. Land for industrial parks and cottage industry zones

1. Public non-business units that are leased land by the State to invest in the construction and commercial operation of infrastructure of industrial parks and cottage industry zones specified in Clause 2, Article 202 of the Land Law may sublease such land together with infrastructure thereon. In case public non-business units are allocated land by the State for implementation of investment projects on construction and commercial operation of infrastructure of industrial parks and cottage industry zones, competent People's Committees shall allocate or lease land in industrial parks and cottage industry zones in accordance with the Land Law.

2. Responsibilities of owners of investment projects on construction and commercial operation of infrastructure of industrial parks and cottage industry zones

a/ When signing land lease or sublease contracts land, project owners shall specifically determine the land use schedule according to the project implementation schedule; and inspect, monitor and urge lessees or sub-lessees to put the land into use according to the schedule stated in contracts;

b/ Annually, project owners shall report to provincial-level People's Committees and publicize information the land areas not yet leased or subleased in industrial parks and cottage industry zones on their websites and portals of provincial-level People's Committees of localities where exist such land areas.

3. In case the lessee or sub-lessee fails to put the land into use or delays putting the land into use as compared with the schedule stated in the land lease or sublease contract, except *force majeure* events, the project owner shall:

a/ Request the lessee or sub-lessee to take measures to put the land into use;

b/ Report to the provincial-level People's Committee on cases of failure to put land into use or delay of the putting of land into use and publicize information on such cases on the portal of the provincial-level People's Committee.

4. In case the owner of an investment project on construction and commercial operation of infrastructure of industrial parks and cottage industry zones has taken the measures specified in Clause 3 of this Article but the lessee or sub-lessee still fails to put the land into use or delays putting the land into use as specified in Clause 8, Article 81 of the Land Law, the project owner may unilaterally

terminate the land lease or sublease contract and shall propose the competent People's Committee to recover the lessee's or sub-lessee's land area in violation for handover to the project owner.

The handling of related rights and obligations between the owner of the investment project on construction and commercial operation of infrastructure of industrial parks and cottage industry zones and the land lessee or sub-lessee must comply with the civil law.

5. In case of land lease or sublease from the owner of an investment project on construction and commercial operation of infrastructure of industrial parks and cottage industry zones before the effective date of this Decree, except *force majeure* events, the competent People's Committee shall recover the land for those falling into the following cases:

a/ Failing to put the land into use or delaying the putting of the land into use for more than 24 months behind the schedule stated in the approved investment project or the land use schedule stated in the land lease or sublease contract;

b/ Failing to put the land into use or delaying the putting of the land into use for more than 24 months from the date of issuance of the certificate concerning land use rights in case the land lease or sublease contract does not mention the schedule of putting land into use.

6. The order and procedures for land recovery in the cases specified in Clauses 4 and 5 of this Article must comply with Article 32 of this Decree.

7. The land areas for construction of shared-use infrastructure in industrial parks and cottage industry zones which are not subject to land rental specified in Clause 3, Article 202 of the Land Law include land areas for traffic works, electricity supply, water supply and drainage, and telecommunications systems, land areas for greeneries, water surface for shared use in the entire parks/zones, and wastewater treatment facilities in industrial parks and cottage industry zones.

8. Provincial- and district-level People's Committees shall organize the examination and inspection according to their competence and handle those leased or subleased land in industrial parks and cottage industry zones but failing to put the land into use or delaying the putting of the land into use.

Article 94. Land for economic zones

1. People's Committees at all levels have the competence to manage land for functional areas of economic zones in accordance with the land law.

2. The recovery of land, negotiation on receipt of land use rights or cases in which land use rights are currently held, for implementation of investment projects in functional areas of economic zones are as follows:

a/ For projects subject to land recovery specified in Article 79 of the Land Law, land recovery must comply with the order and procedures specified in Article 87 of the Land Law;

b/ For projects falling into the case of negotiation on receipt of land use rights specified in Article 127 of the Land Law, the order and procedures must comply with Article 60 of this Decree;

c/ For projects falling into the case in which land use rights are currently held as specified in Article 127 of the Land Law, the order and procedures for land repurposing for implementation of investment projects must comply with Clauses 2, 3, 4 and 6, Article 44 of this Decree.

3. The allocation or lease of land in economic zones is as follows:

a/ In case of land allocation or land lease without auction of land use rights to implement investment projects, the order and procedures must comply with Clauses 2, 3, 4 and 6, Article 44 of this Decree;

b/ In case of land allocation or land lease through auction of land use rights to implement investment projects, the order and procedures must comply with Article 55 of this Decree.

4. Provincial- and district- level People's Committees shall organize the examination and inspection according to their competence and handle violations for those allocated or leased land in functional areas of economic zones by the State.

Article 95. Land for hi-tech parks

1. Land for hi-tech parks is land serving hi-tech activities. The establishment of, and implementation of the regime for management and use of land for, hi-tech parks must comply with the law on high technology, land law and relevant laws.

2. For hi-tech parks with technical infrastructure systems wholly funded by the state budget, provincial-level People's Committees shall allocate or lease land in such hi-tech parks to land users.

3. For hi-tech parks with technical infrastructure systems funded partly by the state budget and partly by owners of investment projects on infrastructure construction and commercial operation, provincial-level People's Committees

shall allocate or lease land in such hi-tech parks according to the following provisions:

a/ To lease the land areas for construction of technical infrastructure systems and land areas for public purposes to investors conducting infrastructure construction and commercial operation under the relevant zoning master plans on construction within the premises of the projects. Such investors may lease the infrastructure they invested in after completing the construction according to the phases of approved investment projects;

b/ For the land areas serving investment projects on production and business, excluding the land areas specified at Point a of this Clause, provincial-level People's Committees shall allocate or lease land in the hi-tech parks to land users.

4. For hi-tech parks with technical infrastructure systems not funded by the state budget:

a/ Provincial-level People's Committees shall lease land with annual collection of land rental or one-off collection of land rental for the entire lease period to investors conducting infrastructure construction and commercial operation so as to implement projects on infrastructure construction and commercial operation. Such investors may sublease land with technical infrastructure systems thereon according to the phases of approved investment projects;

b/ Investors conducting infrastructure construction and commercial operation may sublease the leased land areas with annual payment of land rental in the form of annual payment of land rental; or may sublease the leased land areas with one-off payment of land rental for the entire lease period either in the form of one-off payment of land rental for the entire lease period or in the form of annual payment of land rental.

c/ Investors conducting infrastructure construction and commercial operation that are leased land by the State to invest in construction and commercial operation of infrastructure of hi-tech parks with annual payment of land rental may shift to the form of land lease with one-off payment of land rental for the entire lease period for the whole or part of the leased land areas.

5. For the land areas for construction of shared-use infrastructure in hi-tech parks, including traffic works, electricity supply, water supply and drainage and telecommunications systems, greeneries, water surface for shared use in the whole parks, and wastewater treatment facilities according to construction master plans approved by competent agencies, investors conducting infrastructure construction and commercial operation are not required to pay land rental.

6. Investors conducting construction and commercial operation of infrastructure in hi-tech parks and land users in hi-tech parks shall comply with the land law and law on hi-tech parks.

Investors conducting infrastructure construction and commercial operation mentioned in Clause 3 of this Article shall perform the responsibilities like those for investors conducting construction and commercial operation of infrastructure in industrial parks and cottage industry zones specified in Clauses 2, 3, 4, 5 and 6, Article 93 of this Decree.

Article 96. Land for civil airports and aerodromes

1. Based on approved master plans on airports and aerodromes, provincial-level People's Committees shall assume the prime responsibility for, and coordinate with the Ministry of Transport and Ministry of National Defense in, determining boundaries of land areas exclusively used for civil activities and land areas for shared use for civil and military activities that are managed by military or civil forces.

2. Provincial-level People's Committees shall allocate or lease land for civil airports and aerodromes according to the following provisions:

a/ Allocating land without land use levy for construction of working offices of state agencies, units of people's armed forces, and State-owned aerodrome infrastructure facilities and auxiliary facilities and areas therein according to the order and procedures specified in Clauses 3 and 6, Article 44 of this Decree;

b/ Leasing land for construction of items of airport infrastructure and aviation and non-aviation service facilities other than those specified at Point a of this Clause through auction of land use rights according to the order and procedures specified in Article 229 of the Land Law and Article 55 of this Decree.

Land lease in cases not subject to investment policy approval or investor approval under the investment law must comply with the order and procedures specified in Clauses 2, 4 and 6, Article 44 of this Decree.

Land lease in cases subject to investment policy approval or investor approval under the investment law, land lease without auction of land use rights or without bidding to select investors to implement land-using projects, and land lease through bidding to select investors to implement land-using projects must comply with the order and procedures specified in Article 49 of this Decree;

c/ The land areas assigned to airport authorities for management as specified at Point c, Clause 2, Article 208 of the Land Law are the land areas which have been recovered by the State and for which the State has performed compensation,

support and resettlement work for implementation of master plans on civil airports and aerodromes but which have yet to be allocated or leased;

d/ When there is a demand for investment in construction of new works or upgrading or expansion of existing works according to the approved airport master plans within the land areas managed by airport authorities, provincial-level People's Committees shall recover such land areas for allocation or lease under regulations.

3. Within 90 days from the effective date of this Decree, airport authorities shall review and report to provincial-level People's Committees on the land areas already allocated or leased and the land areas not yet allocated or leased in the total land areas allocated to them by the State.

4. For the land areas on which the existing works are under exploitation and stable use but no longer conform with the approved master plans on airports and aerodromes, provincial-level People's Committees shall lease such land areas based on applications for land lease and land lease period for each year until the State recovers the land areas in accordance with law.

5. Airport authorities shall take measures to manage the land areas assigned by provincial-level People's Committees to them for management as specified at Point c, Clause 2 of this Article to ensure security and safety for aviation activities; and coordinate with People's Committees at all levels in managing land at civil airports and aerodromes.

Article 97. Land for construction of works and areas with safety corridors

1. The management and use of land currently used within the safety corridors of works and areas are as follows:

a/ Land users may be issued Certificates if they fully satisfy the law-specified conditions for issuance of Certificates;

b/ In case the State recovers land for protection of safety for such works and areas, land users will be entitled to compensation, support and resettlement under regulations if the land and land-attached assets are used before the announcement of the safety corridors of works and areas;

c/ In case the operation of works directly affects the life or health of land users, agencies having the function of performing the state management of such works shall consider the actual conditions or request specialized agencies to appraise the level of impacts and, if finding that land recovery is needed, request competent People's Committees to decide to recover the land. Persons whose land

is recovered will be entitled to compensation, support and resettlement under regulations.

2. Agencies and organizations directly managing works and areas with safety corridors shall assume the prime responsibility for, and coordinate with commune-level People's Committees and district-level agencies with land management function of the localities where exist such works or areas in, reviewing the status quo of land use within safety corridors of the works and areas in order to propose competent state agencies to handle cases of using the land within safety corridors of works and areas.

3. The handling of cases of encroaching upon or occupying land of works and areas with safety corridors must comply with the law on handling of administrative violations.

4. The temporary use of land for construction of works and areas with safety corridors shall be agreed upon by construction units and land users in accordance with the civil law.

Article 98. Land for construction of underground works

1. The use of land for construction of underground works shall be carried out under investment projects or investment projects' components approved by competent state agencies in accordance with the investment law, construction law, law on urban planning, and law on architecture.

2. In case of using land areas for construction of above-ground works serving the operation, exploitation and use of underground works in conformity with land-use master plans and plans, the State shall recover such land areas under Clause 30, Article 79 of the Land Law for allocation or lease to investors constructing underground works.

3. The allocation and lease of land for construction of above-ground works serving the operation, exploitation and use of underground works must comply with the order and procedures specified in Article 49 of this Decree.

4. The use period of land for construction of underground works shall be determined under Articles 171 and 172 of the Land Law.

5. The competence to allocate and lease land for construction of underground works must comply with Article 123 of the Land Law.

6. The types of land for construction of underground works shall be determined based on land use purposes specified in Article 9 of the Land Law and Article 5 of this Decree, regardless of types of land already determined on the ground surface.

7. For underground spaces:

a/ Investors shall organize the construction of underground works in accordance with the construction law;

b/ Competent People's Committees shall direct specialized agencies in charge of construction to organize the acceptance testing of underground works in accordance with the construction law and carry out measurement and draw maps of underground works in accordance with the law on survey and mapping;

c/ The agencies competent to issue Certificates specified in Article 136 of the Land Law shall issue Certificates to project owners for the land areas for construction of above-ground works serving the operation, exploitation and use of underground works; and certify ownership of underground works if requested by project owners.

Article 99. Use of land for multiple purposes

1. Use of land for multiple purposes means the use of part of the land area with the main use purpose for another purpose(s) as specified in Article 218 of the Land Law. The main land use purpose is the use purpose of the land parcel that is allocated or leased, or has land use rights recognized, by the State, and that is currently under stable use and eligible for issuance of the Certificate.

2. Scope and conditions for use of land for multiple purposes

a/ Land used for multiple purposes does not fall into the cases of land repurposing specified in Article 121 of the Land Law;

b/ The land area used for multiple purposes must not exceed 50% of the land area used for the main purpose, except the residential land area used for multiple purposes;

c/ Works built on agricultural land for use for multiple purposes must have an appropriate scale and nature and are easy to be dismantled. The land area for construction of works for use for multiple purposes on paddy land and forestry land must comply with the Decree providing detailed regulations on paddy land and the forestry law. Land with water surface may not be filled to change flows, areas of water surface and aquifer depth;

d/ The construction or renovation of works for use for multiple purposes must comply with the construction law and other relevant laws;

dd/ The use period of land for combined purposes must not exceed the remaining use period of land for the main purpose.

3. A plan on use of land for combined commercial and service purposes must have the following contents:

a/ Information on land users;

b/ Information on the land parcel or land plot currently used for the main purpose, including: location, area, use purpose, form of land use (land allocated by the State without land use levy payment; land allocated by the State with land use levy payment; land allocated or leased by the State with grant of land use levy or land rental exemption; land leased by the State with one-off payment of land rental for the entire lease period; land leased by the State with annual payment of land rental; or land acquired through the transfer of lawful land use rights from other organizations and individuals); land use period (long-term period, or the remaining land use period for cases of land use with a defined period);

c/ Information on the land area to be used for multiple purposes, including: location, area, use purpose, and use period;

d/ A plan on construction or renovation of works, for cases of land use for multiple purposes with construction works, including newly built works and works renovated from existing works;

dd/ A plan to dismantle works and restore them to be qualified for use of land for the main purpose when the use period for multiple purposes expires;

e/ Commitments and measures in accordance with relevant laws so as to cause no impacts on national defense and security; restrict impacts on conservation of natural ecosystems, biodiversity and environmental landscapes; and cause no impacts on the use of adjacent land parcels;

g/ Plans and maps related to the land parcel of land plot to be used for multiple purposes.

4. Dossier, order and procedures for approving a plan on use of land for multiple purposes

a/ A dossier must comprise: a written request for use of land for multiple purposes, made according to Form No. 15 provided in Appendix to this Decree; a plan on use of land for multiple purposes; the issued certificate or one of the documents specified in Article 137 of the Land Law;

b/ An individual who wishes to use land for multiple purposes shall submit 1 dossier for registration of use of land for multiple purposes to the district-level agency with land management function. The district-level agency with land management function shall assume the prime responsibility for, and coordinate with related divisions in, appraising the plan on use of land for multiple purposes,

and submit it to the district-level People's Committee. The district-level People's Committee shall consider and approve the plan on use of land for multiple purposes. The time limit for appraising and approving the plan on use of land for multiple purposes is 15 days from the date of receipt of a complete and valid dossier. In case of disapproval of the plan, the district-level People's Committee shall issue a written reply, clearly stating the reason;

c/ An organization that wishes to use land for multiple purposes shall submit 1 dossier for registration of use of land for multiple purposes to the provincial-level agency with land management function. The provincial-level agency with land management function shall assume the prime responsibility for, and coordinate with related departments and sectors in, appraising the plan on use of land for multiple purposes, and submit it to the provincial-level People's Committee. The provincial-level People's Committee shall consider and approve the plan on use of land for multiple purposes. The time limit for appraising and approving the plan on use of land for multiple purposes is 15 days from the date of receipt of a complete and valid dossier. In case of disapproval of the plan, the provincial-level People's Committee shall issue a written reply, clearly stating the reason.

5. Annual land rental payment is required for the land areas used for multiple purposes such as commercial and service activities; non-agricultural production facilities; mineral activities; construction of post, telecommunications, and information technology infrastructure; outdoor advertising; and solar power facilities.

The land price for calculating land rental is the land price in the land price list decided by the provincial-level People's Council.

In case the land use levy or land rental amount has been paid for the land area used for the main purpose, it is only required to pay the difference between the land use levy or land rental amount payable for the land area used for the main purpose and that payable for the land area used for combined purposes.

The procedures for calculation, collection and payment of land use levy or land rental for the land area used for multiple purposes must comply with the Decree on land use levy and land rental.

6. The extension of a plan on use of land for multiple purposes is as follows:

a/ Thirty days before the expiration of the period of use of land for multiple purposes, land users that wish to have the plan on use of land for multiple purposes extended shall submit a written request for extension of the plan on use

of land for multiple purposes to a competent agency specified in Clause 4 of this Article;

b/ Within 7 working days after receiving the request, the competent People's Committee shall consider and extend the plan on use of land for multiple purposes;

c/ The consideration and extension of the plan on use of land for multiple purposes shall be based on the requirements specified in Clause 2, Article 218 of the Land Law.

7. In the course of using a land area for multiple purposes, if no longer using the land area according to the approved plan, the land user shall send a report thereon to a competent People's Committee specified in Clause 4 of this Article, and shall restore the status of such land area for it to be qualified for continuing to be used for the main purpose.

When the period of use of land for multiple purposes expires but is not eligible for extension, the land user shall restore the status of the land area in question for it to be qualified for being used for the main purpose according to the approved plan.

8. In case a public non-business unit uses houses and constructions attached to land that is allocated by the State, invested, or procured, to perform the State-assigned tasks but has yet to fully utilize the land's capacity for commercial operation or lease, or for performance of joint venture or association activities in accordance with the law on management and use of public assets, it is not required to shift to the form of land lease but shall comply with the law on management and use of public assets.

Article 100. Contribution of land use rights and land readjustment for implementation of investment projects

1. Conditions on land used for contribution of land use rights

a/ Land areas used as contribution of land use rights under Clause 3, Article 219 of the Land Law must have a land use rights certificate or fully satisfy the conditions for grant of the Certificate;

b/ The land area managed by a state agency or organization as specified in Clause 5, Article 219 of the Land Law must neither exceed 30% of the total land area of the project on contribution of land use rights nor meet the conditions for division into an independent project as specified in Clause 2, Article 127 of the Land Law.

2. For the case of contribution of land use rights under Point c, Clause 2, Article 219 of the Land Law, after carrying out land readjustment, land use rights contributors shall be entitled to land use rights or house or construction work ownership according to the approved land use rights contribution or land readjustment plan.

In this case, a project shall be formulated to implement the land use rights contribution or land readjustment plan as specified in Clause 6, Article 219 of the Land Law. The selection of the project owner must comply with the investment law.

3. The contribution of land use rights and land readjustment is as follows:

a/ Land users in the area subject to land use rights contribution or land readjustment shall discuss, reach consensus and sign a cooperation contract; and select a representative to act as the owner of the project on implementation of the land use rights contribution or land readjustment plan or set up a joint venture or an affiliate with another project owner with legal status;

b/ The project owner shall prepare a land use rights contribution or land readjustment plan according to the contents specified in Clause 4, Article 219 of the Land Law and submit it to the competent People's Committee specified at Point b, Clause 3, Article 219 of the Land Law.

In case it is required to formulate a land use rights contribution or land readjustment project, the project owner must comply with the investment law;

c/ The competent People's Committee specified at Point b, Clause 3, Article 219 of the Land Law shall approve the land use rights contribution or land readjustment plan.

In case of consolidating agricultural land for production as specified at Point a, Clause 2, Article 219 of the Land Law, the district-level People's Committee shall approve the land use rights contribution or land readjustment plan, if land use rights contributors are individuals, and provincial-level People's Committee shall approve the land use rights contribution or land readjustment plan, if there are land use rights contributors being organizations.

Within 30 days after receiving the land use rights contribution or land readjustment plan, the competent People's Committee shall issue a written approval; in case of refusal, it shall reply in writing, clearly stating the reason.

The procedures for formulation and approval of land use rights contribution or land readjustment projects must comply with the investment law;

d/ The competent People's Committee shall organize a land use rights auction for the land area specified at Point b, Clause 5, Article 219 of the Land Law. The land use rights auction must comply with Section 4, Chapter VI of this Decree. The proceeds from the land use rights auction shall be used for project implementation;

dd/ The competent People's Committee shall direct the receipt of technical infrastructure, social infrastructure, and environmental and public service facilities for management in service of the community.

4. The agency with land management function shall propose the same-level People's Committee to sign for issuance a Certificate based on the land use rights contribution or land readjustment plan approved by a competent agency; grant the Certificate to the applicant; and send 1 dossier enclosed with 1 copy of the granted Certificate to the land registration office or its branch for the latter to formulate and update the cadastral dossier and land database.

Chapter VIII

MONITORING AND EVALUATION OF LAND MANAGEMENT AND USE; SPECIALIZED LAND INSPECTION

Article 101. Monitoring and evaluation of land management and use

1. The monitoring and evaluation of state management agencies in charge of land cover the following contents:

a/ Public communication about, and dissemination of, the land law;

b/ Organization of the implementation of the Land Law and its guiding documents;

c/ Measurement, making of cadastral maps and specialized land-related maps; registration and making of cadastral dossiers, building of land databases; grant of Certificates; and making of land statistics and inventories;

d/ Formulation, adjustment and implementation of land-use master plans and plans;

dd/ Land recovery and compensation, support and resettlement upon land recovery by the State; development of land funds;

e/ Land allocation, land lease and land repurposing;

g/ Formulation, adjustment, amendment and supplementation of land price brackets and determination of specific land prices;

h/ Performance of land-related administrative procedures and provision of land-related public services;

i/ Settlement of disputes, and complaints and denunciations related to land management and use;

k/ Inspection, examination, and handling of violations of the land law.

2. The monitoring and evaluation of land users' compliance with the land law cover the following contents:

a/ Performance of land users' obligations, including making land registration; using land for proper purposes within boundaries of land parcels; performing land-related financial obligations; and abiding by regulations when exercising land users' rights;

b/ Violations of the land law in localities, including encroaching, occupying or destroying land; using land for improper purposes; failing to put land into use or delaying the progress of land use, for investment projects.

3. Practical examination and supervision of land management and use shall be carried out as follows: Annually, based on the registration declarations and reports of land users and agencies with land management function at all levels and the situation of land management and use in the their localities, the Ministry of Natural Resources and Environment and People's Committees at all levels shall formulate and organize implementation of plans on inspection of the state management of land and land use of land users.

4. Subject to the monitoring and evaluation by the Ministry of Natural Resources and Environment as specified at Point a, Clause 4, Article 232 of the Land Law are:

a/ Investment projects using land with an area of 30 hectares or more in urban areas and 50 hectares or more in rural areas; investment projects on construction and commercial operation of golf courses; projects on cottage industry zones; airport and seaport projects, and land encroachment projects;

b/ Organizations using land areas of 50 hectares or more in urban areas and 100 hectares or more in rural areas.

5. Land users shall make land registration and report on land management and use as follows:

a/ Land users shall carry out land registration under Articles 132 and 133 of the Land Law;

b/ Domestic organizations and foreign-invested economic organizations shall make annual reports on land management and use.

Such a report must state name of the land-using organization; address of the land area or land parcel (clearly stating the land area being used for proper purposes; land area being used for improper purposes; land area not yet put into use; land area being unlawfully encroached or occupied; involved in dispute; contributed to joint ventures or affiliates; or leased or lent in contravention of regulations); documents on land use rights; performance of land-related financial obligations; and proposals or recommendations (if any).

6. Reporting time

a/ Organizations using land to implement the projects specified at Point a, Clause 4, Article 232 of the Land Law and Clause 4 of this Article shall report to the Ministry of Natural Resources and Environment and People's Committees at all levels before December 31 every year.

Other land-using organizations shall report to People's Committees at all levels before December 31 every year;

b/ Commune-level People's Committees shall report to district-level People's Committees before January 10 of the following year;

c/ District-level People's Committees shall report to provincial-level People's Committees before January 20 of the following year;

d/ Provincial-level People's Committees shall report to the Ministry of Natural Resources and Environment before January 30 of the following year;

dd/ The Ministry of Natural Resources and Environment shall summarize reports of provincial-level People's Committees for reporting to the Prime Minister before March 1 of the following year.

7. Reporting form

The reporting on land use by land users shall be carried out on the land management and use monitoring and evaluation system specified in Article 233 of the Land Law.

Pending the availability of the land management and use monitoring and evaluation system, land users shall hand-deliver, send via public postal services or submit via the national or provincial service portals written reports as guided by the Ministry of Natural Resources and Environment to the agencies specified in Clause 6 of this Article.

8. Reports on land management and use monitoring and evaluation of the Ministry of Natural Resources and Environment and People's Committees at all levels must have the following contents:

a/ Evaluation of the organization and implementation of land management work in localities; results of the performance of land management jobs specified in Clause 1 of this Article according to their competence.

b/ Evaluation of the observation of the land law and the efficiency of land use by land users in localities as specified in Clause 2 of this Article;

c/ Evaluation of the economic, social and environmental impacts of land-related policies and laws in localities;

d/ Evaluation and ranking of the land management work of agencies performing the state management of land based on the contents specified in Clauses 1 and 2 of this Article and the criteria issued by the Ministry of Natural Resources and Environment;

dd/ Proposals and recommendations for effective land management and use.

Article 102. Provision and reporting of information on land management and use

The provision and reporting of information on land management and use shall be carried out as follows:

1. Agencies with land management function and commune-level civil servants engaged in cadastral work shall report and provide in a complete, accurate, timely and objective manner information on land management and use; results of the implementation of schemes and projects on land management to the same-level People's Committees and superior-level agencies with land management function for updating to the land management and use monitoring and evaluation system.

2. Ministries, sectors and related agencies shall report and provide in a complete, accurate, timely and objective manner information on land management and use within the ambit of their management tasks.

3. Organizations and individuals shall fully, accurately, promptly and objectively report information on land management and use to agencies with land management function and People's Committees at all levels for updating to the land management and use monitoring and evaluation system.

Article 103. Grounds, competence, responsibilities, contents and forms of specialized land inspection

1. Inspection grounds

a/ Annual inspection plans;

b/ Directions of competent agencies and persons in charge of state management of land;

c/ Reports and recommendations of organizations, individuals or information on the mass media about law violations related to land management and use;

d/ Violations in land management committed by cadres, civil servants and public employees while on duty.

2. Competence to issue inspection plans, inspection decisions and implementation responsibility

a/ The Minister of Natural Resources and Environment and the head of the agency with land management function under the Ministry of Natural Resources and Environment shall issue inspection plans and inspection decisions in the field of land nationwide.

People's Committees at all levels and heads of agencies with land management function under People's Committees at all levels shall issue inspection plans and inspection decisions in the field of land in their localities;

b/ The Ministry of Natural Resources and Environment and land management function agency under the Ministry of Natural Resources and Environment; provincial- and district-level agencies with land management function ; and cadres, civil servants and public employees engaged in land management shall carry out specialized land inspection;

c/ Heads of inspection delegations, heads of inspection teams, and persons assigned to perform inspection tasks shall announce inspection decisions or documents on inspector appointment; carry out inspection in conformity with inspection decisions; assign specific tasks to members of inspection delegations or inspection teams; be held responsible before persons who issue inspection decisions or documents on inspector appointment and law for inspection activities; and comply with regulations on competence of heads of inspection delegations, heads of inspection teams, and civil servants and public employees while on duty in accordance with law.

Members of inspection delegations and inspection teams shall perform inspection tasks as assigned and administered by heads of inspection delegations and inspection teams under inspection decisions; and propose necessary measures to heads of inspection delegations or inspection teams to ensure effective and lawful inspection activities.

3. Forms and methods of inspection

a/ Specialized land inspection shall be carried out under annual plans or in an unscheduled basis; and in the form of establishing inspection delegations or issuing documents on appointment of inspection teams or persons assigned to perform inspection tasks;

b/ For periodical inspection, inspection plans shall be issued before December 31 of the previous year; decisions and documents on unscheduled inspections shall be issued when there appear the grounds specified in Clause 1 of this Article. Annual inspection plans must ensure that their contents, subjects and scopes do not overlap with land investigation plans;

c/ The inspection shall be organized in many forms, including organizing the inspection at inspection locations, sending documents to the inspection agencies, or organizing video conferences on the inspection contents or other forms (if any).

4. The contents of inspection of land-related issues specified at Point a, Clause 4, Article 234 of the Land Law includes:

a/ Observation of the land law of People's Committees at all levels; agencies with land management function; civil servants and public employees of agencies with land management function at all levels, and commune-level civil servants engaged in cadastral work;

b/ Allocation of resources and other conditions to ensure the enforcement of the land law; the performance of the statistical work, reporting regime, archive, and formulation and management of land databases.

5. Specialized land inspection activities must neither overlap investigation activities nor affect normal operations of agencies, organizations and individuals, and shall be carried out in coordination with relevant agencies.

6. Responsibilities for reporting inspection results and competence to issue notices of inspection conclusions

a/ Heads of inspection delegations, heads of inspection teams, and persons assigned to perform inspection tasks shall report on inspection results;

b/ Persons competent to decide on inspection specified at Point a, Clause 2 of this Article shall issue or authorize heads of inspection delegations to issue notices of inspection conclusions.

7. Funds for inspection activities shall be allocated from the state budget. The formulation, management, use and account-finalization of inspection funds must comply with the law on the state budget.

8. The competent persons specified in Clause 2 of this Article shall direct the formulation of plans on, and organize the implementation of, specialized inspection of land-related issues according to their units' functions, tasks and competence.

Article 104. Order and procedures for conducting specialized inspection of land-related issues

1. Deciding on the inspection and establishing an inspection delegation or assigning an inspection team, or assigning a person to perform inspection tasks

a/ Based on the annual inspection plan and direction of the agency or person competent to perform the state management of land-related issues and depending on purposes, requirements and nature of the inspection, the competent person specified at Point a, Clause 2, Article 103 of this Decree shall decide to establish an inspection delegation or assign an inspection team or a person to perform inspection tasks;

b/ The inspection delegation shall be composed of a head, a deputy head (if any) and members; the inspection team shall be composed of a head and members; for uncomplicated cases that do not require fast-track reports, it is possible to assign a person to perform inspection tasks;

c/ The establishment of an inspection delegation, assignment of an inspection team or assignment of a person to perform inspection tasks must be carried out in the form of issuing a decision or another administrative document;

d/ The period of inspection is 30 days. During the inspection, the head of the inspection delegation may extend the inspection period once for at most 7 working days.

2. Formulation of an inspection plan and outlining of a request for reporting:

a/ The head of the inspection delegation or inspection team shall direct the formulation of an inspection plan and outlining of a request for reporting and send them to the inspected subject. In case a person is assigned to perform inspection tasks, such person shall agree on the inspection plan with the inspected subject without having to formulate an inspection plan.

In case of unscheduled inspection, it is not required to formulate an inspection plan and the inspected subject is not requested to report before the inspection is conducted;

b/ The inspected subject shall make a report according to the outline or as requested by the inspection delegation, inspection team or person performing

inspection tasks before the inspection decision is announced and the field inspection is conducted.

3. The inspection delegation, inspection team or person performing inspection tasks shall conduct the inspection as follows:

a/ To announce the inspection decision, inspection document, document assigning person to perform inspection tasks and conduct the inspection right after announcing such document;

b/ To collect dossiers, conduct documentary research, work with related organizations and individuals, and carry out field inspection; when necessary, to request related organizations and individuals to provide additional dossiers and documents and give explanations about unclear contents; to make records to acknowledge results of working sessions;

c/ To prepare a report on inspection results and draft announcement of inspection conclusions for submission to the person competent to decide on the inspection specified at Point a, Clause 2, Article 103 of this Decree within 15 days after the end of the inspection period stated in the inspection decision or document, or document assigning person to conduct inspection.

The report on inspection results and draft announcement of inspection conclusions must have the following contents: inspection results, assessment of issues that are conformable with or contrary to law; and recommendations or proposals on handling measures.

4. Within 10 days after receiving the report on inspection results and draft announcement of inspection conclusions, the person competent to decide on the inspection specified at Point a, Clause 2, Article 103 of this Decree shall sign the announcement of inspection conclusions or issue a document on handling of recommendations of the inspection delegation, inspection team or person performing inspection tasks.

The announcement of inspection conclusions or document on handling of inspection results must clearly state the implementation time and results, and be sent to the inspected subject and publicized for implementation.

5. Organization of implementation of the announcement of inspection conclusions and documents on handling of inspection results

a/ After receiving the announcement of inspection conclusions or document on handling of inspection results, the inspected subject, and related agencies, organizations and individuals shall implement such announcement or document and report the implementation results as requested therein;

b/ The person issuing the inspection decision, inspection delegation, inspection team, or person performing inspection tasks shall monitor and urge the implementation of the announcement of inspection conclusions or document on handling of inspection results;

c/ Inspection of the implementation of the announcement of inspection conclusions or document on handling of inspection results.

Past the time limit for the announcement of inspection conclusions or document on handling of inspection results, the person competent to decide on the inspection specified in Point a, Clause 2, Article 103 of this Decree shall consider issuing a decision or document on inspection of the announcement of inspection conclusions or document on handling of inspection results.

The maximum inspection period is 5 working days from the date of starting the inspection. For complicated cases covering a wide scope of inspection, the maximum inspection period is 15 days from the date of starting the inspection. Within 3 working days from the date of completion of the inspection, the person assigned to conduct the inspection shall report inspection results to the person competent to issue the inspection decision.

Chapter IX

SETTLEMENT OF LAND-RELATED DISPUTES AND HANDLING OF VIOLATIONS OF THE LAND LAW WHILE PERFORMING OFFICIAL DUTIES IN THE FIELD OF LAND

Article 105. Procedures for conciliation of land-related disputes

1. Upon receiving a request for conciliation of land-related disputes, the commune-level People's Committee shall perform the following tasks:

a/ Within 3 working days after receiving the request, to notify such in writing to parties to the land-related dispute and the land registration office or its branch of the locality where exists the disputed land of the acceptance of the request for conciliation of the land-related dispute. In case of refusal, the commune-level People's Committee shall issue a reply, clearly stating the reason.

b/ To verify and identify the causes of the dispute, collect relevant papers and documents on the origin of the land, the land use process and the land use status quo from the parties;

c/ To establish a land-related dispute conciliation council to conduct the conciliation as specified at Point b, Clause 2, Article 235 of the Land Law. Depending on each specific case, it is permitted to invite a representative of the residential community specified in Clause 3, Article 6 of the Land Law; prestigious persons at the disputing parties' residential places or workplaces; a person possessing legal qualifications and social knowledge; village elders, religious dignitaries, persons who know the case clearly, commune-level civil servants in charge of judicial affairs and civil status; representatives of the commune-level Farmers' Union, Women's Union, Veterans Association or Ho Chi Minh Communist Youth Union; or other related individuals and organizations to participate in the land-related dispute conciliation council;

d/ To organize a conciliation meeting with the participation of the disputing parties, members of the land-related dispute conciliation council and persons with related rights and obligations.

Conciliation shall only be conducted when all disputing parties are present. If one of the disputing parties is absent twice, the conciliation shall be considered unsuccessful.

2. Results of land-related dispute conciliation must be recorded in a minutes that has the following contents: time and place of conciliation; participants in the conciliation; summary of contents of the dispute, clearly showing the origin and time of use of the disputed land, causes of the dispute according to the identification results; opinions of the land-related dispute conciliation council; contents agreed upon and not agreed upon by the disputing parties.

The conciliation minutes must be signed by the chairperson of the council and the disputing parties. In case the minutes consists of many pages, each of its pages must be signed and affixed with the seal of the commune-level People's Committee; and its copies shall be immediately sent to the disputing parties and kept at the commune-level People's Committee.

3. Within 10 days after making a successful conciliation minutes, if the disputing parties have written opinions different from the contents already agreed in the successful conciliation minutes, the chairperson of the commune-level People's Committee shall organize once again a meeting of the land-related dispute conciliation council to consider and settle such additional opinions and make a successful or unsuccessful conciliation minutes.

4. In case of unsuccessful conciliation, the commune-level People's Committee shall guide the disputing parties to file a petition to the superior-level competent agency for dispute settlement.

5. Funds for land-related dispute conciliation specified in this Article must comply with the law on the state budget.

Article 106. Procedures for settling land-related disputes falling under the competence of chairpersons of district- and provincial-level People's Committees

1. A person that requests settlement of a land-related dispute shall file its/his/her request to the competent-level People's Committee.

2. The chairperson of the competent People's Committee has the following responsibilities:

a/ Within 5 working days after receiving the request, to send a notice of acceptance of the request for land-related dispute settlement to the parties to the land-related dispute and the land registration office or its branch, the commune-level People's Committee of the locality where exists the disputed land. In case of refusal, he/she shall notify in writing, clearly stating the reason;

b/ To assign an agency to act as an advisory agency in the dispute settlement.

3. The advisory agency shall verify the case, organize conciliation between the disputing parties, organize a meeting of related departments and sectors to seek their opinions settlement of the land-related dispute (when necessary) and complete the dossier for submission to the chairperson of the People's Committee of the same level for issuance of a decision on land-related dispute settlement. The dossier for land-related dispute settlement must comprise:

a/ The request for land-related dispute settlement;

b/ A minutes of conciliation at the commune-level People's Committee; minutes of working sessions with the disputing parties and related persons; a minutes of inspection of the status quo of the disputed land; a minutes of the meeting with departments and sectors to seek their opinions on land-related dispute settlement in case of unsuccessful conciliation (if any); and a minutes of conciliation during the dispute settlement process;

c/ Extracts of maps, cadastral records, remote sensing data over periods related to the disputed land area (if any) and documents used as evidence and proofs during the dispute conciliation process;

d/ A report proposing, and a draft decision on, dispute settlement or draft decision on recognition of successful conciliation.

4. The chairperson of the competent People's Committee shall issue a decision on dispute settlement or a decision on recognition of successful

conciliation and send it to the disputing parties, organizations and individuals with related rights and obligations.

5. Period of performance of land-related dispute settlement procedures

a/ The maximum period for performance of the procedures for settlement of a land-related dispute falling under the competence of chairpersons of district-level People's Committees is 45 days from the date of receipt of a request for land-related dispute settlement;

b/ The maximum period for performance of the procedures for settlement of a land-related dispute falling under the competence of chairpersons of provincial-level People's Committees must not exceed 60 days from the date of acceptance of a request for land-related dispute settlement;

c/ For mountainous and border communes; islands; areas with difficult socio-economic conditions; and areas with particularly difficult socio-economic conditions, the period specified at Points a and b of this Clause may be increased by 10 days.

Article 107. Procedures for settlement of land-related disputes falling under the competence of the Minister of Natural Resources and Environment

1. A person that requests land-related dispute settlement shall send its/his/her request to the Minister of Natural Resources and Environment.

2. After receiving the request, the Minister of Natural Resources and Environment shall:

a/ Within 5 working days after receiving the request, send a notice of acceptance of the request for land-related dispute settlement to the parties to the land-related dispute and the land registration office or its branch, the commune-level People's Committee of the locality where exists the disputed land. In case of not accepting the request, the Minister of Natural Resources and Environment shall notify in writing, clearly stating the reason;

b/ Assign an advisory unit to settle the land-related dispute. The unit assigned to settle the land-related dispute shall collect dossier, conduct documentary research; organize conciliation between the disputing parties; when necessary, propose the Minister of Natural Resources and Environment to decide to establish a working delegation for verifying the case in the locality; and complete the dossier for submission to the Minister of Natural Resources and Environment for issuance of a decision on land-related dispute settlement.

3. The dossier of request for land-related dispute settlement must comprise:

a/ The request for land-related dispute settlement;

b/ A minutes of working with the disputing parties and related organization and individuals; a minutes of inspection of the status quo of the disputed land; and a minutes of conciliation during the dispute settlement process;

c/ Extracts of maps, cadastral records, remote sensing data over periods related to the disputed land area (if any) and documents used as evidence and proofs during the dispute conciliation process in the locality;

d/ A report proposing, and a draft decision on, dispute settlement or draft decision on recognition of successful conciliation.

4. The Minister of Natural Resources and Environment shall issue a decision on land-related dispute settlement or decision on recognition of successful conciliation and send it to the disputing parties, organizations and individuals with related rights and obligations.

5. The period of performance of the procedures for settlement of land-related disputes falling under the competence of the Minister of Natural resources and Environment must not exceed 90 days from the date of acceptance of the request for land-related dispute settlement.

Article 108. Grounds for settlement of land-related disputes in case disputing parties have no land use right certificates, enforcement of decisions on land-related dispute settlement

1. In case disputing parties have no land use right certificates or one of the documents specified in Article 137 of the Land Law, the land-related dispute shall be settled based on the following grounds:

a/ Evidence of the land origin and land use process provided by the disputing parties;

b/ The actual land areas that the disputing parties are using in addition to the disputed land area and the average land area per capita in the locality;

c/ The conformity of the use status quo of the disputed land parcel with the land-use master plan and plan approved by the competent state agency;

d/ Policies on preferential treatment for people with meritorious services to the Revolution and their relatives;

dd/ Regulations on land allocation, land lease, and recognition of land use rights.

2. Submission of a request for enforcement of land-related dispute settlement decision

After 30 days after a decision on land-related dispute settlement becomes valid, if the disputing parties or one of the disputing parties fail(s) to comply with such decision, the enforcement creditor shall submit a request for enforcement of the decision to the district-level People's Committee of the locality where exists the disputed land parcel.

3. Issuance of a decision on enforcement of a land-related dispute settlement decision

a/ Within 15 days after receiving a request for enforcement of a decision on land-related dispute settlement, the chairperson of the district-level People's Committee of the locality where exists the disputed land parcel shall issue a decision on enforcement of the decision;

b/ The enforcement decision must be implemented within 10 days after the enforcement debtor receives such decision or after the commune-level People's Committee makes a minutes on the enforcement debtor's absence or refusal to receive the enforcement decision, unless the enforcement decision states a longer period.

4. Principles of enforcement of decisions on land-related dispute settlement

a/ The enforcement must be conducted in a public, democratic and objective manner, ensuring order, safety and compliance with law;

b/ The time of starting the enforcement must be within office hours. Enforcement must not be conducted between 22:00 hrs and 6:00 hrs, or on weekends, specified holidays and traditional holidays of ethnic minorities; and during the period of 15 days preceding to and following the Lunar New Year holiday and other special cases that seriously affect public security, political situation, social order and safety, customs and practices of the locality.

5. Enforcement of a decision on land-related dispute settlement shall be carried out when the following conditions are fully met:

a/ The decision has become valid but the disputing parties or one of the disputing parties fail(s) to comply with such decision although such party(ies) has(ve) been mobilized or persuaded by the commune-level People's Committee or Vietnam Fatherland Front Committee of the locality where exists the disputed land parcel;

b/ The decision on enforcement of the land-related dispute settlement decision has been publicly posted at the office of the commune-level People's Committee or the community venue of the locality where exists the disputed land parcel;

c/ The decision on enforcement of the land-related dispute settlement decision has become effective;

d/ The enforcement debtor has received the enforcement decision.

In case the enforcement debtor refuses to receive the enforcement decision or is absent when the enforcement decision is delivered, the commune-level People's Committee shall make a minutes thereof.

6. Order and procedures for implementation of decisions on enforcement of land-related dispute settlement decisions

a/ Before carrying out the enforcement, the chairperson of the district-level People's Committee shall decide on the establishment of a decision enforcement board;

b/ The decision enforcement board shall formulate an enforcement plan for submission to the district-level People's Committee for approval. The enforcement plan must include the following basic contents: purposes and requirements of the enforcement; time, place and progress of the enforcement; means and tools to serve and support the enforcement; entities and forces participating in the enforcement; coordinating entities; funds for enforcement; plan on preservation of assets moved out of the place of enforcement (if any); implementation responsibilities;

c/ The decision enforcement board shall mobilize, persuade and hold dialogue with the enforcement debtor.

In case the enforcement debtor abides by the land-related dispute settlement decision, the decision enforcement board shall make a minutes thereof; the decision must be implemented immediately after the minutes is made under the supervision of the board;

d/ The decision enforcement board has the right to enforce the enforcement debtor and related persons to leave the place of enforcement and move by themselves their assets out of such place; in case they fail to do so, the decision enforcement board shall enforce such persons together with their assets to move out of the land area subject to the enforcement.

In case the enforcement debtor refuses to receive its/his/her assets, the decision enforcement board shall make a minutes thereof, organize the preservation of the assets in accordance with law and notify the asset owner to receive its/his/her assets back.

7. The decision enforcement board shall be composed of:

a/ The chairperson or deputy chairperson of the district-level People's Committee as its head;

b/ Representatives of district-level agencies, including agency with land management function, construction agency, inspection agency and justice agency; representatives of the chairperson of the commune-level People's Committee of the locality where exists the disputed land parcel and other members as decided by the chairperson of the district-level People's Committee.

8. Provincial-level People's Committees shall allocate funds for enforcement of land-related dispute settlement decisions.

9. The time limit for performance of the procedures for enforcement of a land-related dispute settlement decisions as specified in Clauses 3, 6 and 8 of this Article must not exceed 45 days from the effective date of the decisions on enforcement of such decisions.

Article 109. Violations of the land law when performing official duties in the field of land

1. Acts of violation of regulations on dossiers of boundaries and boundary landmarks of administrative units include:

a/ Falsifying location maps, coordinate tables, and minutes of handover of administrative unit boundary landmarks;

b/ Planting administrative unit boundary landmarks at inaccurate locations.

2. Acts of violation in the formulation, adjustment, approval and management of land-use master plans and plans include:

a/ Failing to promptly organize the formulation and adjustment of land-use master plans and plans under regulations;

b/ Formulating or approving land-use master plans and plans with improper contents;

c/ Failing to comply with regulations on organization of consultations during the formulation of land-use master plans and plans;

d/ Deciding and approving land-use master plans and plans *ultra vires*;

dd/ Reviewing and adjusting land-use master plans and plans without adhering to, or complying with, the law-specified principles or grounds;

e/ Failing to announce or improperly announcing land-use master plans and plans; failing to consider and evaluate and publicize, the adjustment and cancellation of land recovery or land repurposing, with regard to land areas

identified in annual district-level land-use plans which are left unused after 2 consecutive years; failing to report on the implementation of land-use master plans and plans.

3. Acts of violation of regulations on land recovery, compensation, support and resettlement include:

a/ Recovering land in cases other than those specified in Articles 78, 79, 81 and 82 of the Land Law;

b/ Recovering land for national defense and security purposes; for socio-economic development purposes for national and public interests without sufficient grounds or conditions;

c/ Failing to notify in advance persons whose land is recovered according to regulations; failing to properly perform the procedures for land recovery, compensation, support and resettlement as specified in the Land Law;

d/ Recovering land *ultra vires* or from the wrong subjects;

dd/ Carrying out compensation, support, and resettlement work in contravention of regulations on eligible subjects and land areas and compensation, support and resettlement levels; falsifying dossiers of land recovery; incorrectly determining the location and area of land parcels subject to recovery in field;

e/ Enforcing compulsory inventory decisions or enforcing land recovery decisions in contravention of principles or without sufficient conditions; issuing enforcement decisions *ultra vires*; performing the order and procedures for implementing enforcement decisions in contravention with regulations and failing to properly discharge responsibilities in implementing land recovery enforcement decisions.

4. Violations of regulations on land requisition include the following acts:

a/ Paying compensations to persons whose land is requisitioned at variance with regulations on eligible subjects, land areas, compensation levels and compensation payment time limits;

b/ Requisitioning land at variance with the cases specified in Article 90 of the Land Law.

5. Violations of regulations on land allocation, land lease or land repurposing include the following acts:

a/ Allocating, leasing or repurposing land based on incorrect grounds and without sufficient conditions as specified by law;

b/ Allocating or leasing currently managed and used land when competent state agencies have yet to issue land recovery decisions or compensation, support and resettlement work has not been completed in accordance with law, except cases in which transfer of real estate projects is permitted in accordance with the law on real estate business;

c/ Allocating or leasing land at incorrect positions and with incorrect areas in the field;

d/ Allocating or leasing land or permitting land repurposing *ultra vires* to/for improper subjects;

dd/ Allocating or leasing land in contravention of Articles 124, 125 and 126 of the Land Law;

e/ Permitting land use for implementation of socio-economic development projects through negotiation on receipt of land use rights or in case of holding land use rights in contravention of Article 127 of the Land Law.

6. Violations of regulations on registration and issuance of certificates concerning land use rights include the following acts:

a/ Failing to make complete cadastral dossiers according to regulations; failing to fully and promptly revise and update cadastral dossiers when land users carry out land-related administrative procedures or at the request of competent state agencies;

b/ Certifying the origin of land upon registration and issuance of certificates concerning land use rights at variance with law;

c/ Issuing certificates concerning land use rights when land users are ineligible subjects, area or location of the land parcels in question is incorrect, conditions for issuance of such certificates are not fully met, or land use purposes or land use period are/is improper;

d/ Correcting, revoking or cancelling certificates concerning land use rights that are issued *ultra vires* or issued to improper subjects;

dd/ Issuing certificates concerning land use rights and certifying changes for cases of registering changes *ultra vires* or without sufficient conditions as specified by law.

7. Violations of land-related financial regulations include the following acts:

a/ Calculating land use levy and land rental based on improper grounds or at improper time as specified by law; offering exemption or reduction of land use levy and land rental to improper subjects;

b/ Using grounds for land valuation and using input information for determination of land prices in contravention of law;

c/ Determining specific land prices at variance with regulations on the law-prescribed time limit, principles, conditions and methods;

d/ Failing to promptly issue annual land price lists;

dd/ Applying specific land prices and land price lists to improper subjects as specified by law;

e/ Deciding land prices *ultra vires* as specified by law.

8. Violations of regulations on management of land allocated by the State for management include the following acts:

a/ Letting persons, who are allowed by law to temporarily use land, use land for improper purposes;

b/ Using land for improper purposes;

c/ Letting land be encroached upon or occupied without taking deterrent solutions;

d/ Leasing, lending or transferring land in contravention of law;

dd/ Failing to either register land into cadastral dossiers or report to superior-level People's Committees on the management and exploitation of unused land areas.

9. Violations of regulations on performance of land-related administrative procedures include the following acts:

a/ Failing to receive dossiers which are complete and valid; receiving dossiers without recording in the monitoring register;

b/ Imposing additional administrative procedures out of regulations;

c/ Settling administrative procedures not according to the law-prescribed order, delaying the delivery of papers already signed by competent agencies to persons requesting performance of administrative procedures;

d/ Settling administrative procedures beyond the law-specified time limits;

dd/ Refusing or failing to perform administrative procedures which, under the land law, have all conditions to perform;

e/ Performing administrative procedures *ultra vires*;

g/ Making decisions or writing opinions or confirmations on dossiers in contravention of law, thus causing, or creating conditions for persons requesting

performance of administrative procedures to cause, damage to the State, organizations or citizens;

h/ Causing loss of or damage to, or falsifying, dossiers.

10. Violations of regulations on land recovery for the cases Article 81 of the Land Law include the following acts:

a/ Failing to send notices in cases of land recovery specified in Clause 6, Article 81 of the Land Law to agencies with land management function for the latter to propose competent authorities to recover land in accordance with law;

b/ Failing to submit land recovery decisions or failing to issue land recovery decisions for the case specified in Clause 6, Article 81 of the Land Law after receiving tax agencies' notices;

c/ Failing to submit land recovery decisions or failing to issue land recovery decisions within 30 days after receiving notices of land users' further commission of violations from agencies assigned to supervise the implementation of decisions on sanctioning of administrative violations, for cases of land recovery specified in Clauses 1, 2 and 7, Article 81 of the Land Law;

d/ Failing to submit land recovery decisions or failing to issue land recovery decisions according to competent agencies' conclusions, for cases of land recovery specified in Clauses 3, 4, 5 and 8, Article 81 of the Land Law.

11. Other acts of violation:

a/ Failing to prevent and handle violations of the land law, leading to serious consequences;

b/ Failing to properly perform responsibilities in detecting, preventing and handling violations of the land law;

c/ Committing gender discrimination in land management and use;

d/ Obstructing or causing difficulties in land use and exercise of land users' rights as specified by law;

dd/ Failing to provide land information or providing inaccurate land information;

e/ Failing to report or untimely reporting in land management as specified by law;

g/ Using the land development fund for improper purposes;

h/ Violating land-related support policies for ethnic minority people.

12. The handling of persons who commit violations of regulations on land management while on duty must comply with the law on cadres and civil servants, law on public employees and other relevant laws.

Chapter X

IMPLEMENTATION PROVISIONS

Article 110. To amend and supplement a number of articles the Government's Decree No. 37/2019/ND-CP of May 7, 2019, detailing a number of articles of the Planning Law

1. To amend and supplement Article 22 as follows:

“Article 22. Contents of a national land-use master plan

1. Analysis and evaluation of natural factors and conditions, resources and the context directly impacting, and the current status of, land use by sectors and fields:

a/ Analysis and evaluation of natural conditions, natural resources and environment;

b/ Analysis and evaluation of the status quo of socio-economic development related to land use, and urban and rural development;

c/ Analysis and evaluation of land use status quo, changes in land use, results of implementation of the national land-use master plan in the previous period for each type of land specified in Clause 6 of this Article.

2. Summarization and analysis of results of evaluation of land quality, land potential, land pollution and land degradation around the country and in socio-economic regions.

3. Forecasts of trends for changes in land use in the planning period, including changes in use of agricultural land and non-agricultural land; capacity of putting unused land into use.

4. Determination of viewpoints and objectives on use of agricultural land, non-agricultural land and unused land during the planning period in line with socio-economic development strategies and national overall master plans; satisfaction of requirements for socio-economic development, national defense and security, environmental protection, disaster preparedness and climate change adaptation.

5. Orientations for land use in the 10-year planning period, with a vision of 30-50 years associated with land-use space and land-use zoning on the basis of land potential, meeting land use demand for socio-economic development; national defense and security assurance; and environmental protection, disaster preparedness and climate change adaptation.

6. Determination of land use norms for agricultural land and non-agricultural land, specifying the following land types:

a/ Paddy land;

b/ Protection forest land;

c/ Special-use forest land;

d/ Land under production forests which are natural forests;

dd/ Land for national defense purpose;

e/ Land for public security purpose;

7. Evaluation of the impacts of plans on spatial allocation and organization for land use on the economy, society, environment, and national defense and security assurance.

8. Solutions and resources needed for implementing the master plan:

a/ Solutions for land protection and improvement, environmental protection and climate change adaptation;

b/ Determination of resources needed for implementing the master plan;

c/ Solutions for organizing and supervising the implementation of the master plan.

9. Making of land use planning reports.

10. Formulation of a system of diagrams and maps of the master plan, including land-use status quo maps; land-use planning maps; specialized maps; in which scales of digital maps and printed maps are 1/1,000,000 - 1/100,000.

11. Building and updating of database on the dossier of the master plan into the national planning information system and database, and the national land information system and database.

12. The Ministry of Natural Resources and Environment shall specify the formulation and adjustment of national land-use master plans.”.

2. To amend Clause 7, Article 28 as follows:

“7. Land-use orientations for each district-level administrative unit:

a/ Setting orientations for land use according to space and land use functions based on the land-use criteria allocated by the national land-use master plan and the identified land-use demand of sectors and fields; ensuring that the land-use demand of sectors and fields are in line with local land potential; maximizing the efficiency of land resources to achieve socio-economic development goals; ensuring national defense and security; carrying out environmental protection, disaster preparedness, and climate change adaptation; meeting requirements for development of a comprehensive infrastructure system, ensuring connectivity in inter-sectoral and inter-regional development spaces, economic corridors, and development momentum areas; land areas meeting the needs of education, healthcare, social, cultural, physical training, sports, and social housing development;

b/ Comprehensive zoning orientation map on land use;”.

3. To amend and supplement Section VII of Appendix III as follows:

“VII. CONTENTS OF FORMULATION OF, AND ADJUSTMENT TO, MASTER PLANS ON USE OF LAND FOR NATIONAL DEFENSE AND SECURITY PURPOSES

1. Analysis and evaluation of the factors affecting the use of land for national defense and security purposes

a/ Impacts of the Party’s line and guidelines, and the State’s policies and laws;

b/ Socio-economic development orientations and master plans; schemes affecting the use of land for national defense and security purposes;

c/ Impacts of science and technology, and influences of disasters and climate change.

2. Analysis and evaluation of the impacts of the use of land for national defense and security purposes

a/ Impacts on socio-economic development;

b/ Impacts on the environment and biodiversity;

c/ Impacts on disaster preparedness and climate change adaptation.

3. Analysis of the status quo of the use of land for national defense and security purposes in the previous planning period.

4. Forecasts of scientific and technological advances and socio-economic development that impact the use of land for national defense and security purposes; determining the demand for use of land for national defense and

security purposes, requirements for land use norms, and forecasts of trends for changes in use of land for national defense and security purposes.

5. Determination of the viewpoints and objectives of the use of land for national defense and security purposes during the planning period in line with the national strategy on socio-economic development and national defense and security, national overall master plan, and national land-use master plan.

6. Orientations for spatial distribution and criteria for the use of land for national defense and security purposes

a/ Orientation for the use of land for national defense and security purposes;

b/ Determination of the location, area of land for national defense and security purposes for each region and provincial-level administrative unit;

c/ Determination of criteria and norms for the use of land for national defense and security purposes;

d/ Summarization of the location and status-quo area of land used for national defense and security purposes;

dd/ Determination of the location and area of land newly allocated for use for national defense and security purposes;

e/ Determination of the location and area of land for national defense and security purposes transferred to local authorities for economic-social development.

7. Phasing of the master plans on use of land for national defense and security purposes for each 5-year period.

8. Solutions and resources for implementation of master plans

a/ Solutions on mechanisms and policies for management of land for national defense and security purposes;

b/ Solutions on finance and investment;

c/ Solutions on organization and supervision of implementation of master plans.

9. Formulation of land-use planning reports, maps, diagrams, and databases on the master plans on the use of land for national defense and security purposes; in which, land-use status quo maps for land for national defense and security purposes; land-use planning maps for land for national defense and security purposes; maps for land for national defense security purposes handed over to local administrations for management and use for economic-social development shall be made at the 1:100,000 scale; land-use status quo maps for land for

national defense and security purposes in key areas; orientation diagrams for the use of land for national defense and security purposes in key areas, made at the 1:50,000 scale.

10. The Ministry of Natural Resources and Environment shall provide technical regulations on formulation and adjustment of master plans on the use of land for national defense and security purposes.

4. To annul the regulations on master plans on use of land for security purpose specified in Section VIII of Appendix III.”

Article 111. Effect

1. This Decree takes effect on August 1, 2024.

2. From the effective date of this Decree, the following decrees cease to be effective:

a/ The Government’s Decree No. 119-CP of September 16, 1994, promulgating regulations on management and use of cadastral dossiers, boundary maps and administrative boundary markers at all levels;

b/ The Government’s Decree No. 43/2014/ND-CP of May 15, 2014, detailing a number of articles of the Land Law;

c/ The Government’s Decree No. 01/2017/ND-CP of January 6, 2017, amending and supplementing a number of the decrees detailing the Land Law;

d/ The Government’s Decree No. 148/2020/ND-CP of December 18, 2020, amending and supplementing a number of the decrees detailing the Land Law;

dd/ The Government’s Decree No. 10/2023/ND-CP of April 3, 2023, amending and supplementing a number of the decrees detailing the Land Law;

e/ The Government’s Decree No. 42/2024/ND-CP of April 16, 2024, on sea encroachment.

3. To annul:

a/ Article 1 of the Government’s Decree No. 136/2018/ND-CP of October 5, 2018, amending a number of articles of the decrees relating to business investment conditions in the natural resources and environment sector;

b/ The paragraph “the classification of urban center projects as specified in Appendix IX of this Decree shall not apply to determine projects on construction of new urban centers subject to land recovery as specified in Article 62 of Land Law No. 45/2013/QH13; contents related to the land law and bidding law for urban centers and new urban centers must comply with the land law and bidding

law.” in Clause 1b, Article 110 of Decree No. 15/2021/ND-CP, which is amended and supplemented under the Government’s Decree No. 35/2023/ND-CP of June 20, 2023, amending and supplementing a number of articles of the decrees under the Ministry of Construction’s state management;

c/ The Note section specified in Appendix IX to Decree No. 15/2021/ND-CP which is amended and supplemented under the Government’s Decree No. 35/2023/ND-CP of June 20, 2023, amending and supplementing a number of articles of the decrees in the fields under the Ministry of Construction’s state management;

d/ Article 11 of the Government’s Decree No. 104/2022/ND-CP of December 21, 2022, amending and supplementing a number of articles of the decrees concerning the submission and presentation of household registration books and temporary residence books in paper form upon performance of administrative procedures and provision of public services.

Article 112. Transitional provisions

1. Transitional provisions for land allocation, land lease, or grant of permission for land repurposing

a/ For paddy land, protection forest land and special-use forest land areas, in case a project has obtained the Prime Minister’s written approval before August 1, 2024, or obtained the provincial-level People’s Council’s resolution approving use of land for another purpose but has yet to possess a decision on land recovery, land allocation, land lease or grant of permission for land repurposing for implementation, the implementation of the project may commence in at most 3 subsequent years and the project owner shall not be required to carry out procedures for seeking approval from the provincial-level People’s Council as specified in Clause 1, Article 122 of the Land Law if wishing to continue to implement the project;

b/ For a project which has obtained the Prime Minister’s written approval or the provincial-level People’s Council’s resolution approving the repurposing of paddy land, protection forest land and special-use forest land before the effective date of this Decree, the criteria and conditions specified in this Decree shall not apply;

c/ For a project undergoing procedures for appraisal or being submitted to the Prime Minister for approval or to the provincial-level People’s Council for approval of repurposing of paddy land, protection forest land and special-use forest land before the effective date of this Decree, Clause 1, Article 122 of the Land Law and this Decree shall apply;

d/ For a project which has obtained a decision adjusting the decision on land allocation, land lease or grant of permission for land repurposing due to adjustment of the investment project or adjustment of the detailed construction plan of the investment project according to legal provisions effective before the effective date of this Decree, land-related procedures shall be further carried out according to legal provisions effective at the time of issuance of the decision adjusting the decision on land allocation, land lease or grant of permission for land repurposing without having to comply with this Decree;

dd/ In case economic organizations, households and individuals have carried out procedures for land repurposing under Clause 30, Article 2 of the Government's Decree No. 01/2017/ND-CP of January 6, 2017, amending and supplementing a number of the decrees detailing the implementation of the Land Law, they may continue to use land in the form specified in Clause 30, Article 2 of Decree No. 01/2017/ND-CP;

e/ Land users that are eligible for land levy or land rental exemption under Clause 12, Article 1 of the Government's Decree No. 148/2020/ND-CP of December 18, 2020, amending and supplementing a number of the decrees detailing the implementation of the Land Law, and have been allocated or leased land by a competent state agency without auction of land use rights, may continue to use land;

g/ For small and narrow land parcels managed by the State for which decisions on land allocation or land lease have been issued under Clause 11, Article 1 of the Government's Decree No. 148/2020/ND-CP of December 18, 2020, amending and supplementing a number of the decrees detailing the Land Law, the land allocation or land lease shall be further carried out according to the land regulations effective before August 1, 2024, without having to comply with this Decree;

h/ For projects which have obtained investor approval under Clause 3, Article 29 of the 2020 Investment Law but, by the effective date of this Decree, the procedures for land allocation, land lease or grant of permission for land repurposing have yet to be completed under Clause 10, Article 1 of the Government's Decree No. 10/2023/ND-CP of April 3, 2023, amending and supplementing a number of articles of the decrees detailing the Land Law, the order and procedures for land allocation, land lease or grant of permission for land repurposing must comply with Article 228 of the Land Law and Article 49 of this Decree. Competent agencies shall carry out procedures for approval of investors when the investors satisfy the conditions specified in relevant laws.

Agencies and persons competent to settle procedures for land allocation, land lease or grant of permission for land repurposing shall not bear responsibility for contents related to approval of investment policy and investor selection in accordance with the investment law, housing law and other relevant laws;

i/ Land users that are eligible for land use levy or land rental exemption under Clause 1, Article 3 of Decree No. 10/2023/ND-CP of April 3, 2023, amending and supplementing a number of the decrees detailing the implementation of the Land Law, and have been allocated or leased land by competent state agencies without auction of land use rights may continue to use land;

k/ In case competent agencies have received dossiers for auction of land use rights before the effective date of the Government's Decree No. 10/2023/ND-CP of April 3, 2023, amending and supplementing a number of articles of the Land Law, but by the effective date of this Decree, procedures for land allocation or land lease have not been completed, such procedures shall be furthered implemented according to legal provisions effective at the time of receipt of dossiers;

l/ The land allocation or land lease specified in Clause 10, Article 255 of the Land Law, which was amended and supplemented under Law No. 31/2024/ND-CP Amending and Supplementing a Number of Articles of the Land Law, Housing Law No. 27/2023/QH15, Law No. 29/2023/QH15 on Real Estate and Law No. 32/2024/QH15 on Credit Institutions, must comply with the order and procedures for land allocation or land lease without auction of land use rights specified in this Decree.

2. For a project which has obtained a decision on land allocation or land lease without auction of land use rights or without bidding for selection of investors to implement land-using projects in accordance with the land law before the effective date of this Decree, land-related procedures shall be furthered carried out according to legal provisions effective at the time of issuance of the decision on land allocation or land lease without having to comply with this Decree.

3. For cases of receiving land use rights to implement socio-economic development projects through negotiation but the land area in question does not meet conditions for transfer of land use rights or contribution of land use rights as capital or sale of land-attached assets and falls into a case in which the State recovers land for lease to investors according legal provisions effective before August 1, 2024, but land allocation or land lease decisions have yet to be issued, this Decree shall apply.

For cases of receiving land use rights to implement socio-economic development projects through negotiation according to legal provisions effective before August 1, 2024, but the negotiation has yet to be completed, investors may request provincial-level People's Committees to grant permission to continue negotiation with land users according to this Decree.

4. For households and individuals that started using agricultural land before the effective date of the 2024 Land Law but have yet to be issued a certificate concerning land use rights, the land use period shall be 50 years, counting from the date of issuance of the Certificate.

5. In case the land use period has expired but, by the effective date of this Decree, competent state agencies have yet to recover land, land users may carry out procedures for extension of land use period within 6 months from the effective date of this Decree. Past this time limit, if land users fail to carry out extension procedures, the State shall recover land, except in *force majeure* cases.

6. Cases in which dossiers for extension of land use period have been received before the effective date of this Decree must further comply with Land Law No. 45/2013/QH13 and guiding documents. In case land users request application of this Decree, competent agencies shall settle the cases according to this Decree.

7. For investment projects with sea encroachment activities which have obtained written approvals for implementation of investment projects with sea encroachment activities issued by competent state agencies and of which the project owners have submitted dossiers of request for assignment of sea areas before April 1, 2024, but not yet had their dossiers settled, the project owners may select to carry out procedures under either the Government's Decree No. 11/2021/ND-CP of February 10, 2021, providing the assignment of certain sea areas to organizations and individuals for marine resource exploitation and utilization, or this Decree.

8. For investment projects with sea encroachment activities which have obtained written approvals for implementation of investment projects with sea encroachment activities issued by competent state agencies and of which the project owners have been assigned certain sea areas to carry out sea encroachment activities according to legal provisions effective before April 1, 2024, but have yet to be allocated or leased land, the project owners may continue to carry out sea encroachment activities under decisions on assignment of sea areas, and shall not be required to pay levy for use of the sea areas for the remaining time; may request provincial-level People's Committees to allocate or lease land without

auction of land use rights and implement sea encroachment investment projects or sea encroachment project items under this Decree.

9. Investment projects with sea encroachment activities specified in Clauses 7 and 8 of this Article which have zoning master plans or detailed plans approved by competent state agencies before the effective date of this Decree, may be furthered implemented according to the approved master plans but must have plans to ensure the right to access sea areas of people and communities in the course of carrying out the sea encroachment investment projects or sea encroachment project components as requested by provincial-level People's Committees.

10. In case project owners have been allocated or leased land for implementation of investment projects but coastal erosion is likely to directly influence the land area of the investment projects and the project owners have received competent state agencies' written permission for use of their own investment funds (from non-state sources) to build facilities to prevent and take solutions to control sea coastal erosion in accordance with legal provisions on disaster preparedness effective before the effective date of this Decree and consequently a new land area is formed due to accretion after these facilities are built, provided such land area is adjacent to that currently used by the project owners (including the land areas formed before and after the effective date of this Decree), the State shall allocate or lease such land areas to the project owners without auction of land user rights or without bidding for investor selection for implementation of land-using investment projects under master plans approved by competent state agencies. The project owners shall fulfill financial obligations in accordance with law.

11. For state budget-funded industrial parks that have been assigned by competent state agencies to organizations or public non-businesses unit for management before August 1, 2024, competent People's Committees shall lease land with infrastructure thereon to organizations and individuals.

12. For hi-tech parks of which technical infrastructure systems are wholly or partly funded by the state budget, if provincial-level People Committees have allocated land to their management boards for management but the construction master plans approved by competent authorities before July 1, 2014, outline the construction of houses and public facilities serving experts and employees working in hi-tech parks within the boundaries of hi-tech parts, such facilities may continue to be built according to the approved construction master plans.

13. Transitional provisions for a number of cases of land used for civil airports and aerodromes

a/ For civil airports or aerodromes for which the Ministry of Transport, in coordination with the Ministry of National Defense, is determining boundaries of the land areas exclusively used for civil activities and the land areas used for both civil and military activities or under military or civil management as specified in Land Law No. 45/2013/QH13 and guiding documents, it is allowed to continue to carry out and complete the determination of land boundaries, and notify and forward results of implementation to provincial-level People's Committees for management under the Land Law;

b/ In case organizations and individual use land or own facilities within civil airports or aerodromes before the effective date of Land Law but have yet to be issued the Certificate, the issuance of the Certificate must comply with the Land Law and Decree on basic land surveys, registration and issuance of certificates concerning land use rights and ownership of land-related assets, and land information system;

c/ In case airport authorities have obtained land lease decisions in accordance with the land law before the effective date of this Decree, they shall continue to carry out land-related procedures in accordance with legal provisions effective at the time of issuance of land lease decisions without having to comply with this Decree.

14. For cases of land recovery according to the order and procedures specified in Articles 61 and 62 of Land Law No. 45/2013/QH13 but land lease decisions have yet to be issued, the Land Law and guiding documents shall apply.

15. The establishment of land fund development centers under this Decree must be completed within 12 months after the effective date of this Decree. Pending the establishment of land fund development centers under this Decree, existing land fund development centers must continue to comply with current laws and Clauses 2, 3, 4 and 5, Article 14 of this Decree.

Article 113. Implementation responsibility

1. Ministries and provincial-level People's Committees shall guide the implementation of articles and clauses assigned in this Decree, and review promulgated documents for amendment, supplementation or replacement in conformity with this Decree.

2. Ministers, heads of ministerial-level agencies, heads of government-attached agencies, chairpersons of People's Committees at all levels, and related organizations and individuals shall implement this Decree.-

On behalf of the Government
For the Prime Minister
Deputy Prime Minister
TRAN HONG HA

** The Appendix to this Decree is not translated.*