

**GOVERNMENT**

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**SOCIALIST REPUBLIC OF VIETNAM**

**Independence - Freedom - Happiness**

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No. 148/2020/ND-CP

*Hanoi, December 18, 2020*

**DECREE**

**AMENDMENTS AND SUPPLEMENTS TO SEVERAL DECREES, PROVIDING DETAILED REGULATIONS ON IMPLEMENTATION OF THE LAW ON LAND**

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

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

*Pursuant to the Law on Procurement dated November 26, 2013;*

*Pursuant to the Law on Planning dated November 24, 2017;*

*Pursuant to the Law on Amendments and Supplements to several Articles of 37 Laws related to planning dated November 20, 2018;*

*Pursuant to the Resolution No. 82/2019/QH14 dated June 14, 2019 of the National Assembly;*

*Pursuant to the Resolution No. 751/2019/UBTVQH14 dated August 16, 2019 of the National Assembly's Standing Committee;*

*Upon the request of the Minister of Natural Resources and Environment,*

*The Government hereby promulgates the Decree on amendments and supplements to several Decrees, providing detailed regulations on the implementation of the Law on Land.*

**Article 1. Amendments and supplements to several Articles of the Decree No.43/2014/ND-CP dated May 15, 2014, elaborating on the implementation of certain Articles of the Law on Land**

1. Amending and supplementing point c of clause 1 of Article 5 as follows:

“c) Operational funding for land registration offices shall comply with the provisions of law applicable to public service units.

When a land registration office provides its services, persons requesting its services shall be liable for costs and expenses incurred from rendering of such services. As for the procedures for

registration and conferment of Certificates of land tenure and ownership of houses and other property attached to land, persons requesting services shall be responsible for paying the fee for assessment of application packages and verification of conditions for registration and issuance of certificates of land tenure and ownership of houses and other land-attached property; paying costs and expenses incurred from the remaining procedures at the prices of public services quoted by provincial People's Committees.”

2. Amending and supplementing clause 3 of Article 5 as follows:

“3. Land services, including:

a) Land investigation and assessment; soil improvement;

b) Land use planning;

c) Cadastral surveying and mapping, compilation of cadastral records, land database construction, application for registration and preparation of application documentation for certificates of land tenure and ownership of houses and other properties associated with land;

d) Land pricing consultancy;

dd) Land auctioning;

e) Compensation, support and resettlement;

g) Provision of information, data about land, and information about land markets and other land information;

h) Handling of submitted documents and notification of the status of processing of land documents meeting service clients' demands concerning time and location;

i) Other services, depending on the service provider's permitted functions and assigned duties.”

3. Amending and supplementing Article 7 as follows:

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

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

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

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

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

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

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

b) District-level departments, authorities and People's Committees shall send reports on their land use demands to provincial-level Natural Resources and Environment Departments within 30 days after receiving the latter's written requests for registration of land use demands;

c) Provincial-level Natural Resources and Environment Departments shall estimate and allocate national land use norms to every district-level administrative unit; summarize and balance the land use demands and plan the allocation of provincial-level land use norms in the descending order to district-level administrative units;

d) Where necessary to change the sizes, locations and number of projects and works of the same land type without changing land use norms and areas according to use functions in approved land use master plans, provincial-level People's Committees shall represent such changes to People's Councils of the same level for approval and update to district-level land use master plans and plans for implementation.

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

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

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

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

District-level Natural Resources and Environment Divisions shall determine provincial-level land use norms and projects within provincial-level land use master plans and plans allocated to

districts for every commune-level administrative unit; summarize and balance the land use demands and plan the allocation of district-level land use norms in the descending order to commune-level administrative units;

b) Land use norms stated in district-level land use master plans involve land use norms by land type and land use norms by functional zones.

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

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

d) Where necessary to change the sizes, locations and number of projects and works or land household or personal demands for land without changing land use norms by land types and land use zones by functions in district-level land use master plans, district-level Natural Resources and Environment Divisions shall summarize land demands of organizations, family households and individuals and send summary reports to Departments of Natural Resources and Environment. Then these Departments shall petition provincial-level People's Committees to carry out reviews, grant decisions on these demands and give updates to district-level annual land use plans.

In case where there are more projects or construction works having land withdrawal needs as provided in clause 3 of Article 62 in the Law on Land, provincial or municipal People's Councils must approve them before provincial People's Committees conduct assessments or reviews, grant their decisions on them and gives updates to district-level annual land use plans.

4. In the course of elaborating plans on use of national defense or security land, the Ministry of National Defense or the Ministry of Public Security shall coordinate with provincial-level People's Committees in determining locations and areas of land types used for national defense and security purposes, and those put under their control.

5. The Ministry of Natural Resources and Environment shall provide technical regulations on elaboration and modification of national, provincial-level and district-level land use plans.”

4. Amending and supplementing Article 8 as follows:

**“Article 8. Collection of public opinions on district-level land use master plans**

1. A document package used for collecting public opinions on district-level land use master plan, including:

a) A summary report on the land use planning, comprising land use norms, locations, measurements of areas subject to proposed withdrawal measures, shift in land purposes within a land use planning period;

b) Land use map.

2. Reports on collection, handling of public opinions and explanations regarding land use planning that are posted on websites of district-level People's Committees."

5. Amending and supplementing Article 9 as follows:

**"Article 9. Processes and procedures for appraisal and approval of provincial-level land use plans; district-level land use master plans and plans; national defence land use plans; security land use plans**

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

a) The provincial-level People's Committee sends the land use plan dossier to the Ministry of Natural Resources and Environment for its appraisal;

b) Within 5 days after receiving the complete and valid dossier of the land use plan, the Ministry of Natural Resources and Environment shall send such dossier to members of the Council for Appraisal of Land Use Plans to consult with them on this. If the dossier is not valid, within 05 days of receipt of the dossier, the Ministry of Natural Resources and Environment must notify the sending entity in writing;

c) Where necessary, within 10 days of receipt of the complete and valid dossier, the Council for Appraisal of Land Use Plans shall conduct the site inspections and surveys in areas in which land use purposes are expected to change, especially rice cultivation land, protection forest or special-use forest land that is expected to alter for other purposes;

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

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

e) Within 15 days of receipt of the appraisal notice, the provincial-level People's Committee shall prepare the complete dossier of the land use plan for submission to the Ministry of Natural Resources and Environment to seek the Prime Minister's approval;

g) Within 10 days receipt of the complete and valid dossier, the Ministry of Natural Resources and Environment shall submit the provincial-level land use plan to the Government to seek his approval. If the dossier is not legitimate, within 05 days of receipt of the dossier, the Ministry of Natural Resources and Environment must notify the provincial-level People's Committee in writing of this.

## 2. Tasks involved in the appraisal of a provincial-level land use plan:

a) Level of relevance of the land use plan to the national land use master plan or plan, and the provincial land use master plan;

b) Level of relevance of land use plans to socio-economic development plans: Assurance of national food security, protection of ecological environment, assurance of national defense and security; ability to meet land use demands to serve the purposes of development of industries and sectors;

c) Results of implementation of land use plans in previous periods; economic, social and environmental efficiency of completed projects and construction works as part of the land use plans in the previous periods;

d) Feasibility of land use plans: Relevance of solutions to practical conditions of respective localities; available resources and capability of raising capital for execution of plans.

## 3. Processes and procedures for appraisal and approval of district-level land use plans:

a) The district-level People's Committee sends the land use plan dossier to the Department of Natural Resources and Environment for its appraisal;

b) Within 5 days of receipt of the complete and valid dossier of the land use plan, the Department of Natural Resources and Environment shall send such dossier to members of the Council for Appraisal of Land Use Plans to consult with them on this. If the dossier is not valid, within 05 days of receipt of the dossier, the Department of Natural Resources and Environment must notify the sending entity in writing;

c) Where necessary, within 10 days of receipt of the complete and valid dossier, the Council for Appraisal of Land Use Plans shall conduct the site inspections and surveys in areas in which land use purposes are expected to change, especially rice cultivation land, protection forest or special-use forest or production natural forest land that is expected to alter for other purposes;

d) Within 15 days of receipt of the valid dossier, members of the Council for Appraisal of Land Use Plans shall send their written opinions to the Department of Natural Resources and Environment;

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

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

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

g) Within 10 days after receiving the complete and valid dossier, the provincial-level Natural Resources and Environment Department shall submit the district-level land use master plan to the provincial-level People's Committee for approval; If the dossier is not legitimate, within 05 days of receipt of the dossier, the receiving authority must notify the sending authority in writing of this.

4. The processes and procedures for appraisal, approval and contents of appraisal of modifications of provincial-level land use plans must comply with clause 1 and clause 2 of this Article; the processes and procedures for appraisal and approval of modifications of district-level land use master plans must comply with clause 3 of this Article.

5. Modification of the provincial-level land use plan shall only be made if there is one of the grounds for such modification as provided in clause 1 of Article 6 of the Law on amendments and supplements to a number of articles of 37 laws related to the planning, and must be made according to the following principles:

a) Avoid causing any change in the national land use norms allocated to provinces;

b) Avoid leading to any change in the purposes and structure of land by their functions according to the plans for land allocation and zoning in the approved provincial master plans.

6. Processes and procedures for appraisal and approval of annual district-level land use plans:

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

b) Within 5 days after receiving the complete and valid dossier of annual district-level land use plans, the provincial-level Natural Resources and Environment Department shall send such dossier to members of the Council for Appraisal of Land Use Plans for consulting purposes. If the dossier is not legitimate, within 05 days of receipt of the dossier, the Department of Natural Resources and Environment must notify the district-level People's Committee in writing of this;

c) Within 15 days of receipt of the valid dossier, members of the Council for Appraisal of Land Use Plans shall send their written opinions to the Department of Natural Resources and Environment;

d) Within 05 days after the expiration of the time limit for collection of opinions, the Department of Natural Resources and Environment shall organize a meeting of the Council for Appraisal of

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

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

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

7. Processes and procedures for appraisal and approval of national defense or security land use plans:

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

b) Within 5 days after receiving a complete and valid dossier, the Ministry of Natural Resources and Environment shall send such dossier to members of the Council for Appraisal of Land Use Master Plans and Plans to seek their opinions; If the dossier is not legitimate, within 05 days, the receiving entity shall be responsible for notifying the sending entity in writing of this;

c) Within 15 days of receipt of the valid dossier, members of the Council for Appraisal of Land Use Plans shall send their written opinions to the Ministry of Natural Resources and Environment.

Within 05 days after the expiration of the time limit for collection of opinions, the Ministry of Natural Resources and Environment shall make the consolidated report on these opinions, and send the notice of results of appraisal of land use plans to the Ministry of National Defense or the Ministry of Public Security for completion of documents;

d) Where necessary, the Ministry of Natural Resources and Environment shall organize a meeting of the Council for Appraisal of Land Use Plans and send a notice of results of appraisal of the land use plan to the Ministry of National Defense or the Ministry of Public Security;

e) Within 15 days of receipt of the appraisal notice, the Ministry of National Defense or the Ministry of Public Security shall prepare the complete dossier of the land use plan for submission to the Prime Minister to seek the Prime Minister's approval of the national defence land use plan; the security land use plan.”

6. Adding Article 9a as follows:



**“Article 9a. Responsibilities to organize the formulation of plans for allocation and zoning of land by functional areas and land types in the descending order to district-level administrative units in the provincial master plans**

1. The agencies assigned to formulate provincial master plans shall send the following documents and data to the Departments of Natural Resources and Environment to organize the development of plans for allocation and zoning of land by functional zones and by land types in the descending order to district-level administrative units in the master plans (hereinafter referred to as provincial land allocation and zoning plan(s)):

- a) Approved documentary provincial planning scheme;
- b) Report on the results of collection and processing of documents and data; land use demands of all sectors, industries and district-level authorities;
- c) Results of analysis, evaluation and prediction of specific development elements and conditions of specific localities;
- d) The results of the assessment of the socio-economic development reality, the current state of the urban and rural system;
- dd) Proposal for the province's development goals and views; blueprints for development of important industries throughout the province;
- e) The spatial layout plan for important projects, construction works, conservation sites that have been identified in the national and regional master plan of a province; the draft plan for connection of the provincial infrastructure system to the national and regional infrastructure system; the draft spatial layout plan of socio-economic activities, national defense, security, and environmental protection at the provincial and inter-district level.

2. Departments of Natural Resources and Environment shall be responsible for undertaking the development of provincial land allocation and zoning plans:

- a) Synthesizing, analyzing and evaluating land use needs of all sectors, industries and district-level People's Committees;
- b) Analyzing and assessing the current land use; results of implementation of land use master plans and plans in the previous period and land potentials;
- c) Building the province's land use orientation with 30 years' vision;
- d) Developing provincial land allocation and zoning plans.

Determining land use norms by land types, including land use norms allocated in the national land use master plan and land use norms by provincial land use demands as provided in the

Government's Decree, detailing the implementation of a number of articles of the Law on Planning.

Determining land use norms by functional areas, including agricultural production areas, forestry areas, tourism areas, nature reserves areas and biodiversity areas, industrial development areas, urban areas, commercial – service areas, and rural residential areas.

Determining land use norms allocated in the descending order to district-level administrative units.

Determining areas of land types to be withdrawn for implementation of construction works and projects using land for the purposes specified in Articles 61 and 62 of the Land Law which are carried out over planning periods of time in the descending order to specific administrative units.

Determining areas of land types that need to be altered for other uses in the planning periods specified at points a, b, c, d and e of clause 1 of Article 57 in the Land Law in the descending order to specific administrative units.

Determining unoccupied land areas put to use within planning periods of time in the descending order to district-level administrative units.

Drawing provincial land use planning maps.

3. Funding for Departments of Natural Resources and Environment's organizing the construction of and collection of opinions on the provincial land allocation and zoning plan shall be determined as part of the provincial planning budget.”

7. Adding Article 9b as follows:

**“Article 9b. Collection of opinions contributed to provincial land allocation and zoning plans before being integrated into provincial master plans**

1. Provincial People's Committees shall send dossiers of provincial land allocation and zoning plans to consult with the Ministry of Natural Resources and Environment before the plans are integrated into provincial master plans.

2. Within 30 days of receipt of full and valid documentation, the Ministry of Natural Resources and Environment shall send written documents regarding contribution of their opinions on these plans to provincial People's Committees.

Where necessary, the Ministry of Natural Resources and Environment shall send written requests for opinions contributed by experts, scientists and relevant ministries and central authorities on provincial land allocation and zoning plans.

3. Written documents on contribution of opinions sent by the Ministry of Natural Resources and Environment on provincial land allocation and zoning plans must include:

- a) Legal bases for formulation of provincial land allocation and zoning plans;
- b) Relevance of provincial land allocation and zoning plans to objectives of formulation of approved master plans;
- c) Appropriateness of provincial land allocation and zoning plans to the national socio-economic development strategies, national master plans, regional master plans, and provincial master plans;
- d) Compliance with the national land use norms that have been allocated by the Prime Minister throughout the provinces;
- dd) Capability to meet land demands to serve the purposes of development of sectors and industries throughout the provinces.”

8. Amending and supplementing Article 10 as follows:

**“Article 10. Eligibility conditions of organizations providing consultancy on the elaboration of national land use plans, provincial land use plans, district-level land use master plans or plans**

1. Public service entities and enterprises shall be permitted to provide counsels on development of national land use plans, provincial land use plans and district-level land use master plans or plans if they fully meet the following conditions:

- a) Having the functions of providing consultancy on the elaboration of land use master plans and plans;
- b) Having at least 05 qualified persons meeting the conditions prescribed in clause 2 of this Article.

2. Persons may practice as a consultant on the elaboration of land use master plans and plans in organizations with the functions of providing consultancy when fully meeting the following conditions:

- a) Possessing a university or postgraduate degree in land administration, cadastral or other disciplines related to land use master plans or plans;
- b) Having worked in the field of land use planning and other specialized planning for at least 24 months and have directly been involved in formulating at least 01 land use master plan or plan at the same level or higher level.”

9. Amending and supplementing Article 11 as follows:

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

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

2. Provincial-level People's Committees shall provide field directions and inspections for district- and commune-level People's Committees in specifically determining areas and boundaries of rice cultivation land, special-use forest land, protection forest land, land of production forests that are natural ones.

Provincial-level People's Committees must be accountable to the Prime Minister for protecting rice cultivation, special-use forest land and land of protection forests that are natural ones as specified in land use master plans and plans.

3. The Ministry of Natural Resources and Environment shall be responsible for inspecting the realization of land use norms in national and provincial-level land use master plans and plans, and supervising implementation of land use master plans and plans by local authorities, ministries and central authorities.

4. Upon expiry of the land use planning period, in case some land use norms in that period and the land use plan remain unrealized, they may continue to be realized until the land use master plan of the subsequent period is approved.

In case the provincial master plan has not been approved, the district-level land use master plan shall be prepared at the same time as the provincial master plan. The "first come first serve" rules shall be applied to the consideration and approval of district-level land use master plans that are completely formulated and appraised. If the district-level land use master plan is conflicting with the provincial land use master plan, proper adjustments must be made.

In case the provincial land use plan has not been approved, the district-level People's Committee shall refer to the approved district-level land use plan to organize the elaboration of the annual land use plan and submit it to the People's Committee for approval and integration thereof into the provincial land use plan to ensure consistency and conformity.

5. Settlement of matters relating to land use upon termination of a project investment policy in accordance with Point i, Clause 2, Article 2 of the National Assembly's Resolution No. 82/2019/NQ14 dated June 14, 2019 without any decision on land allocation, land lease or permission for land use change:

a) Upon termination of investment policies for projects subject to the State's land withdrawal measures under Article 61 and 62 of the Land Law, if there are written notices of land withdrawal, decisions on land withdrawal or decisions on approval of the plans for compensation, support, and resettlement, and compensation, support and resettlement payments have been made, land development organizations shall be assigned to manage withdrawn land according to regulations. In case a part of the compensation, support or resettlement payment has already been made, the land development organization or the compensation, support and

resettlement council shall be assigned to continue paying the rest according to the approved compensation, support and resettlement plan according to regulations. The State shall refund investors the advance amounts for compensation, support and resettlement (if any) when selecting other investors.

In case the compensation, support or resettlement payment has not already been made after receipt of the land withdrawal decision or the decision on approval of the compensation, support or resettlement plan, the land development organization or the compensation, support and resettlement council shall be assigned to continue carrying out the approved compensation, support and resettlement plan according to regulations.

In case a written notice of land withdrawal is available but a decision on land withdrawal or a decision on approval of the plan of compensation, support and resettlement is not, the written notice of land withdrawal, name of the project specified in the approved district-level land use plan shall expire as of the date of termination of the investment policy;

b) When the investment policy of a project using land is terminated due to the acquisition through transfer of rights to use agricultural land to implement a non-agricultural project but the investor has not acquired land use rights through transfer as prescribed, the written permission for investor's acquisition through transfer of land use rights expires as from the date of termination of the investment policy.

6. Provincial People's Committees shall, based on the current use of land and the current local socio-economic conditions, direct the implementation of approved land use master plans or plans, and checking the use of land at the locations where the written document stating the termination of project investment policy is available as prescribed in Clause 5 of this Article.”

10. Amending and supplementing clause 1 of Article 14 as follows:

“1. Investment projects using land for non-commercial purposes are not subject to the conditions specified in Clause 3, Article 58 of the Land Law.”

11. Adding Article 14a as follows:

**“Article 14a. Allocation and lease of small parcels managed by the State**

1. Small parcels in the State ownership may be allocated or leased out in accordance with this Article if they meet the following criteria:

a) They are withdrawn under decisions of competent state authorities, have not yet been assigned, allocated or leased, are kept in custody as provided in Point d, Clause 1 and Clause 2, Article 8 of the Land Law;

b) Their measurements or dimensions do not meet minimum measurement and dimensional requirements in order to obtain land splitting permission from the provincial-level People's Committees in accordance with regulations;

c) They conform to land use master plans, plans or detailed master plans for urban construction, master plans for construction of rural residential areas, master plans for construction of new rural areas approved by competent regulatory authorities;

d) They do not belong to the land areas for implementation of the projects and construction works stated in the land use master plans and plans approved and publicly announced by competent authorities;

dd) Land expected to be allocated or leased is not in dispute; is not involved in complaints, violations or disputes; is involved in complaints, violations or disputes but obtaining written documents stating how they are settled in accordance with laws.

## 2. Principles of land allocation and lease:

a) Prioritizing small land plots put under the State control for public uses. In case any land plot cannot be used for public purposes, it shall be allocated or assigned to authorized land users of adjacent land plots for a charge or rental;

b) Allocating or leasing land through the auctioning of land use rights in case there are two or more adjacent land users wishing to use small land plots; allocating or leasing land through any approaches other than the auctioning of land use rights in cases where only one person has the need to use land;

c) Allocation and lease of small land parcels to adjacent land users shall be carried out after the People's Committees at all levels have checked with, made public announcement to and collected public opinions from people at localities where land plots are located;

d) Allocation and lease of small land parcels to adjacent land users shall be carried out after receiving applications for land allocation or lease from adjacent land users, and must ensure conformance to public disclosure, transparency and democracy rules;

dd) After being assigned or leased land by the State, adjacent land users must carry out the procedures for merger of their land parcels according to regulations;

e) Limited rights to use adjacent land parcels prescribed by laws on land and civil legislation must be assured; none of disputes or complaints against these land plots may arise.

3. The term of use of small land parcels that the State allocates or leases to adjacent land users must be determined to be in line with that of the adjacent land plots in use. In case of assigning, allocating or leasing small land plots, and changing the purposes of the land parcel adjacent to the small land parcel, the term shall be determined according to the provisions of Articles 125 and 126 of the Land Law.

4. Land prices used for calculating land use levies or land rents with respect to land plots that the State allocates or leases according to any approach other than the auctioning of land use rights; the starting prices for auctions of land use rights performed in case of land allocation or land

lease, shall be the specific land prices decided by the provincial-level People's Committees according to the provisions of Article 114 of the Land Law and written documents elaborating on implementation thereof.

5. The provincial People's Committees shall set out detailed regulations on the review and public announcement of the list of small land plots directly managed by the State, collection of public opinions, and public disclosure of allocation, assignment and lease of small local land plots for public uses or purposes of allocation or lease of land to adjacent land users.”

12. Adding Article 14b as follows:

**“Article 14b. Land assignment, allocation or lease in case of exemption from payment of land use levies and rents**

In case of exemption from the requirement for payment of land use levies or land rents for a number of years, or exemption for such payment during the entire duration of land use for investment projects given investment incentives or located in areas qualified for investment incentives, competent authorities may allocate, assign or lease land by neither the auctioning of land use rights nor the bidding for projects using land, except in the following cases:

1. Exemption from land use levies or land rents may be granted during the project’s capital construction stage.
2. Land is used for commercial and service purposes.
3. Land is used for carrying out commercial housing projects.”

13. Amending and supplementing Article 16 as follows:

**“Article 16. Using land for carrying out investment projects through purchase of land-attached assets, acquisition through transfer or renting of land use rights or acquisition through capital contribution of land use rights**

Using land for carrying out investment projects through purchase of land-attached assets, acquisition through transfer or renting of land use rights or receipt of land use rights contributed as capital must adhere to the following principles:

1. These activities must conform to annual district-level land use plans already approved and announced.
2. There is none of cleared land available for implementation of appropriate investment projects, except for projects in the sectors or areas given investment incentives.
3. In case where economic organizations receive land through transfer, disposition, receive land as contributed capital, or lease agricultural land use rights to implement non-agricultural investment projects, they must send written requests to the Departments of Natural Resources

and Environment by using Form No. 01 annexed hereto. Within 15 days of receipt of these written requests, the Departments of Natural Resources and Environment must report on them to the provincial-level People's Committees. Within 10 days of receipt of reports from the Departments of Natural Resources and Environment, provincial People's Committees must consider issuing written consent or sending responses to these economic organizations regarding acquisition through transfer, disposition or receipt of transferred, contributed or leased land use rights.

The written consent from the provincial People's Committee specified in this Clause shall be valid for 36 months from the date of signing the written consent.

4. In case the land area used for implementation of an investment project includes the land which the current land user has no right to transfer, lease or provide as contributed capital in accordance with the land law, but that has land-attached property, the investor may reach agreement to purchase land-attached property of the current land user; and the State shall withdraw land, make land use changes for implementation of the investment project, and must determine specific land prices for calculation of land levies and rents as legally required. Contents of the agreement on purchase and sale of land-attached property must clearly state that the property seller voluntarily returns the land so that the state carries out the land withdrawal, allocation and lease out the land to the property purchaser.

5. In case the land area used for implementation of an investment project includes the portion of land over which the State delegates authority as prescribed in Article 8 of the Land Law, or the agricultural land used for public purposes of which the land user has none of rights of transfer, lease, or contribution of its tenure as capital in accordance with the law on land, and on which there is none of associated property, and which is alternated with the land that the land user has already been acquired through transfer or lease or land tenure contribution procedures, actions shall be as follows:

a) In case that land meets prescribed requirements to be split into an independent project, the People's Committee at the relevant level shall issue the land withdrawal decision to allocate, assign or lease it for implementation of that independent project by employing the approach of holding an auction of its tenure according to regulations. An auction must be conducted within the 90-day duration starting from the date on which the State issues the land withdrawal decision;

b) In case that land fails to meet prescribed requirements to be split into independent projects, the provincial-level People's Committee shall take into consideration the current land use status and local socio-economic conditions to check and determine, in a detailed manner, the project size, the investment location and the land withdrawal decision to proceed to allocate, assign or lease land for implementation of the investment project not through the auction of land use rights, not through the bidding for implementation of land-using projects, and must specifically determine land prices based on which land use fees, levies or land rents are calculated according to regulations;



c) Land withdrawal, compensation, support, and resettlement activities specified at Points a and b of this Clause must be subject to regulations as applied to the case in which the land is withdrawn for use for socio-economic development purposes, or in national and public interests;

d) Provincial-level People's Committees shall set out detailed regulations on conditions, criteria, sizes and ratios under which any project must meet to be split into independent projects as provided at Points a and b of this Clause.

6. In case of using land for implementation of an investment project through the purchase of land-attached property, acquisition through transfer, renting of land use rights, receipt of land use rights contributed as capital with different land use terms, the land use term shall be re-determined according to the term of the investment project specified in Clause 3, Article 126 of the Land Law; in case of not being subject to investment procedures in accordance with the law on investment, the land use term shall be decided by the People's Committee having authority to allocate, assign or lease land, but must not exceed 50 years. In case of receiving the transferred right to use land in a stable and permanent manner, the land use term shall be re-defined as the long and fixed term.

7. Using land for carrying out investment projects through the purchase of land-attached assets, acquisition through transfer or renting of land use rights or acquisition through capital contribution of land use rights shall only be permitted for cases prescribed in Article 73 in the Land Law.”

14. Amending and supplementing point a of clause 1 of Article 31 as follows:

“a) Residential house construction permit or definite-term residential house construction permit which is required in cases where application form construction permits is mandatory under the construction laws.

In case any house is built in contravention of the issued construction permit, a written confirmatory opinion from the authority issuing the construction permit that the construction area in breach of the permit has not threatened safety for works and are now consistent with the construction planning scheme approved by the competent authority.

15. Amending and supplementing point a of clause 1 of Article 32 as follows:

“a) Construction permit or definite-term construction permit which is required in cases where application form construction permits is mandatory under the construction laws.

In case any work is built in contravention of the issued construction permit, a written confirmatory opinion from the authority issuing the construction permit that the construction area in breach of the permit has not threatened safety for works and are now consistent with the construction planning scheme approved by the competent authority;”

16. Amending and supplementing clause 4 of Article 35 as follows:

“4. Residential houses or construction works are built after a construction ban is announced; encroach or trespass upon the protection corridors of technical infrastructure facilities or rated historical-cultural relics; are land-attached property which are created after relevant master plans are approved by competent state agencies if they are not appropriate for the master plans approved at the time of grant of certificates of land tenure and ownership of houses and other land-attached assets, except in the cases owners of residential houses or construction works other than residential houses as prescribed in Article 31 and 32 herein obtain definite-term construction permits under construction laws.”

17. Amending and supplementing Article 41 as follows:

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

1. In order to obtain permission for transfer or disposition of land use rights in the form of division of land into lots, sale of these divided lots, investment projects on construction of residential houses for sale or for combined sale and lease must satisfy the following conditions:

- a) Project investors must complete the construction of infrastructure facilities, including service, technical and social infrastructure facilities under the approved 1:500-ratio detailed master plans, ensuring the interconnection to the common infrastructure systems of the areas before transferring land use rights to people to build residential houses at their discretion; and ensuring essential utilities and amenities, such as electricity, water supply, water drainage and waste collection, must be provided;
- b) Project investors shall fulfill all of their financial obligations related to the projects' land, such as land use levies, fees or land rents; land-related taxes, charges and fees (if any);
- c) The projects completed for such transactions must be located in areas or cities where land use rights may be transferred or disposed of in the form of division of land into lots and sale of these divided lots as provided in clause 2 of this Article;
- d) They must meet other conditions prescribed in laws on urban zoning, construction and development, real estate and residential house business activities.

2. Investors of projects on construction of residential houses for sale or for combined sale and lease may transfer land use rights in the form of division of land into lots and sale of these divided lots in the areas outside the special or grade-I centrally-affiliated cities; areas with strict requirements concerning landscape architecture, downtown areas, and proximities of facilities that serve as prominent architectural points of cities; frontages of regional- or higher-level roads and main landscape roads in cities.

3. Provincial People's Committees shall be responsible for publicly announcing the areas where the housing construction and trading projects implemented for sale or for combined sale and lease are permitted for transfer in the form of division of land into lots and sale of these divided lots before allowing investment projects to be executed.

4. Family households and individuals that receive transferred land use rights to build residential houses of their own accord must build residential houses in accordance with the construction permits, and comply with the approved detailed master plans and urban designs.”

18. Amending and supplementing Article 55 as follows:

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

1. Based on approved detailed master plans on airports and airfields, the Ministry of Transport shall assume the prime responsibility for, and coordinate with the Ministry of National Defense in, determining boundaries of land exclusively used for single civil purposes and land commonly used for mixed civil and military purposes under either civil or military administration.

2. For investment projects on construction of new airports and civil airfields carried out in the public-private partnership (PPP) form, competent authorities shall allocate, assign or lease land after obtaining written decisions on approval of investment policies from the Prime Minister.

3. For the land currently in use but not yet granted the certificates of land tenure, airport authorities shall consider, measure, declare and complete the procedures to request the provincial People's Committees to issue these Certificates according to the regulations. If any land is no longer needed, the procedures for handing over such land to the provincial People's Committee shall be carried out according to regulations.

4. If land areas used for civil airports or airfields are handed over by provincial-level People's Committees to airport authorities, airport authorities shall carry out the land assignment, allocation or land lease, and determining land use term according to the following regulations:

a) Land used for the purposes specified at Points a and b, Clause 1, Article 156 of the Land Law shall be assigned and allocated without charge for use in a stable and permanent manner;

b) Land used for the purposes specified at Points c and d, Clause 1, Article 156 of the Land Law shall be leased out for use during the lease terms determined based on investment projects or land lease applications, but not exceeding the terms specified in Clause 3, Article 126 of the Land Law. After expiry of the lease terms, current land users may be given extension of their lease terms if they wish to continue using land.

The term of lease of land used for implementation of investment projects on construction of new airports, airfields or facilities at airports and airfields according to the public private partnership (PPP) approach shall be determined according to the investment project contract term, but not exceeding the term specified in Clause 3, Article 126 of the Land Law.

With respect to the land on which there are existing works that are being exploited and used stably in accordance with the airport or airfield master plans approved by competent state authorities, airport authorities shall lease the land according to the applications for land lease during the period not exceeding the term specified in Clause 3, Article 126 of the Land Law.

With respect to the land on which there are existing works that are being exploited and used stably, but not in line with the airport or airfield master plans approved by competent state authorities, airport authorities shall lease the land according to the applications for land lease for the period expired every single year until the State withdraws the land under laws.

c) For the land associated with existing works built before airport authorities are assigned that land or obtain the recognition of rights to use that land, airport authorities may allocate and lease the land after obtaining the Certificate. The start date on which land rents are charged is the time of airport authorities' grant of land lease decisions.

Land users shall be responsible for paying the arrears of land rents equivalent to the annual land rents calculated from the time of commencement of land use to the time when airport authorities decide to lease the land in accordance with the laws. The Ministry of Finance shall assume the prime responsibility for, and coordinate with the Ministry of Transport in, guiding the retrospective collection of land rent amounts payable specified at this Point.

The Ministry of Transport shall cooperate with the provincial-level People's Committees in determining the start date of land use as a basis to determine financial obligations in accordance with law.

d) As for the land used for construction of new facilities or expansion of existing ones, the start date on which land rents are charged is the time of airport authorities' grant of land lease decisions.

5. Provincial-level People's Committees shall decide on unit land rents at airports and airfields in accordance with the law on land.

6. Airport authorities shall have the following responsibilities for land plots assigned or allocated by the provincial-level People's Committees:

a) Operating and managing them to serve predetermined purposes and ensure efficiency;

b) Inspecting land use and fulfillment of land-related financial obligations of organizations and individuals that are assigned or rent the land by airport authorities;

c) Issuing land withdrawal decisions in cases where airport authorities allocate land plots in the cases specified at Points a, b, e, g and i, Clause 1, Article 64 and Points a, b, c and d, Clause 1 Article 65 of the Land Law. Issuing decisions to terminate land leases in case of violation of these land leases of airport authorities.

7. Examination and settlement of complaints, denunciations or disputes arising from land within the boundaries of airports or airfields shall be subject to laws on complaints, denunciations and laws on land."

19. Amending and supplementing Article 60 as follows:

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

1. Agencies receiving dossiers and notifying results of settlement of procedures for land allocation, land lease and change of land use shall be assigned tasks as follows:

- a) Departments of Natural Resources and Environment shall receive dossiers and notify results of processing of dossiers for the cases specified in Clause 1, Article 59 of the Land Law;
- b) Sub-departments of Natural Resources and Environment shall receive dossiers and notify results of processing of dossiers for the cases specified in Clause 2, Article 59 of the Land Law;

2. Authorities receiving dossiers and notifying results of processing of registration application documentation for land and other land-attached property; granting, renewing or reissuing, land registration Certificates are land registration offices and branches of land registration offices.

Based on specific local conditions, provincial-level People's Committees shall promulgate regulations on receipt, circulation of dossiers, settlement and notification of results of settlement of registration documentation for land and other land-attached property; issue, renew, and reissue Certificates within the time limits prescribed in laws, publicly announce administrative procedures and selection of locations for submission of dossiers at the land registration offices or one of the branches of land registration offices within the territories of provinces, or locations requested by land users or owners of land-attached property.

If land registration offices and branches of land registration offices receive dossiers and notify results of settlement of registration procedures for land and other land-attached property; grant, renew and re-grant Certificates as requested by land users or owners of land-attached property, the time and places of dossier receipt and notification of administrative settlement results shall be agreed upon between requesting persons and land registration offices or branches of land registration offices on condition that such time does not exceed the time of implementation of administrative procedures regulated by the provincial People's Committees.

At places where land registration offices have not been established yet, provincial-level land use right registration offices shall receive dossiers from organizations, religious establishments, overseas Vietnamese implementing investment projects, foreign organizations, foreigners or foreign-invested enterprises; district-level land use right registration offices may receive dossiers from households, individuals, communities, overseas Vietnamese that are entitled to own houses associated with residential land use rights in Vietnam.

If households, individuals or residential communities wish to submit applications to the commune-level People's Committees, the People's Committees of the communes where the land plots are located shall receive these applications and notify the results of processing of these applications. In case of registration of changes in land and land-attached property; renewal or re-issuance of Certificates, within 03 days of receipt of full and complete dossiers, the commune-level People's Committee must transfer the dossiers to the land registration offices or the branches of the land registration offices.

3. If localities have organized single-window departments to receive dossiers and notify results of administrative procedures settlement according to the Government's regulations, the entities specified in Clauses 1 and 2 of this Article shall perform the tasks of receiving dossiers and notifying results through these single-window departments according to the Decisions of the provincial People's Committee, except in the cases of receiving dossiers and notifying results of processing of dossiers of registration of land and other land-attached property; issuing, renewing, and re-issuing Certificates at locations outside land registration offices, branches of the land registration offices as requested by land users, owners of land-attached property.

4. Management Boards of hi-tech zones and economic zones; Airport authorities, shall serve as the hubs for receiving dossiers and notifying results of implementation of land-related administrative procedures at hi-tech parks, economic zones, civil airports and airfields.

5. Notification of results of implementation of administrative procedures shall be regulated as follows:

a) Results of implementation of administrative procedures must be informed to land users or owners of land-attached property within 03 days from the deadline for issue of these results, except for the cases specified at Point b of this Clause;

b) In case of having to fulfill financial obligations related to administrative procedures, certificates of land use rights and ownership of houses and other land-attached property may be granted after land users, owners of land-attached property submit documents evidencing fulfillment of their financial obligations according to regulations; in case of renting land with annual charges, the results of implementation of administrative procedures shall be informed after land users have signed land leases; In case of exemption from financial obligations related to administrative procedures, these results shall be notified after receiving written documents from competent authorities stating such exemption from financial obligations;

c) In case where the dossiers fail to meet processing conditions, the dossier-receiving agencies shall return the dossiers and clearly notifying the reasons for this.

6. Based on specific conditions relating to land information technology infrastructure and land databases put under their management, the agencies receiving dossiers and notifying results of implementation of land-related administrative procedures specified in this Article shall be responsible for receiving documentation or dossiers and notifying the results of implementation of administrative procedures online according to the Government's regulations.”

20. Amending and supplementing point b of clause 1 of Article 68 as follows:

“b) Within 15 days of receipt of the legitimate dossiers, natural resources and environment authorities shall send written evaluation reports to investors in order for them to prepare application packages for land assignment, allocation, lease or land use change.

The time limits specified at this Point shall not include the time for completing the administrative procedures to permit the change of the use of rice cultivation land, protection forest land or

special-use forest land for implementation of the investment projects specified in Clause 2 of this Article;”

21. Amending and supplementing point d of clause 5 of Article 68 as follows:

“d) After auction winners have fulfilled their financial obligations, natural resources and environment agencies shall petition competent authorities to grant certificates or sign land leases in case of land lease; organize the on-the-spot handover of land and confer the Certificates; undertake any update and revision of land databases and cadastral records.

In case where auction winners fail to make payments or make full payments according to the land use right auction plans, People's Committees at the relevant levels shall cancel the decisions on recognition of the auctioning winning results for land use rights according to regulations of laws.

22. Amending and supplementing Article 72 as follows:

**“Article 72. Processes and procedures for registration and grant of certificates of land use rights and ownership of houses and other land-attached property to acquirers of land use rights and buyers of residential houses and construction facilities belonging to housing development projects**

1. After completing projects, housing development project investors shall be responsible for submitting the following documents to the Departments of Natural Resources and Environment:

a) Certificate or decision on land allocation or lease of a competent authority; documents proving the housing development project investor’s fulfillment of financial obligations. If there is any change in financial obligations, the document evidencing fulfillment of financial obligations arising from such change will be required (except in the cases of entitlement to exemption or late submission permission prescribed by laws);

b) Layout plan of the house and land, which is an as-built drawing or a floor plan containing information about sizes of edges of each sold apartment in conformity with the current construction status and the signed contract; the construction permit (if any); the notice of a specialized construction authority of permission for investor’s commissioning or acceptance testing or approval of results of such commissioning or acceptance testing under laws on construction; the list of apartments and construction facilities (including information on the apartment numbers, land area, construction area and area of commonly used section and individually used portion of each apartment); as for a condominium, the plan must show the coverage (size and area) of the land commonly used by apartment owners, the construction floor area of the entire condominium and construction areas of specific floors and apartments;

c) Reports on project implementation results.

2. Within 30 days after receipt of the valid dossiers, Departments of Natural Resources and Environment shall conduct inspection of the current status of land and residential houses and

other construction facilities already built and conditions for transfer of land use rights and sale of residential houses and facilities of project investors.

After completing the inspections, the Departments of Natural Resources and Environment shall be responsible for notifying the project investors of the inspection results; sending notifications, enclosing the inspected house and land layout plans, to land registration offices in order to proceed house and land registration on behalf of the purchasers in case all of the legally prescribed conditions are met; publishing the inspection results on the websites of the provincial People's Committees and the Departments of Natural Resources and Environment at the places where the land plots are located.

3. Each housing project investor shall submit 1 set of application documentation for the registration and the certificate of land use rights and ownership of houses and other land-attached property on behalf of the transferees of land use rights and the buyers of houses and construction facilities, or provide necessary documentation for buyers so that they can make registration on their own. The application documentation must comprise:

a) Written request form for the registration of land and land-attached property and the certificate of land use rights and ownership of houses and other land-attached property;

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

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

4. Land registration offices shall be responsible for performing the following tasks:

a) Checking legal documents enclosed in the application documentation; certifying that applicants are eligible or ineligible for the certificates of land use rights and ownership of houses and other land-attached property in the written requests for registration;

b) Sending cadastral data and figures to tax agencies for determination of financial obligations (if any);

c) Providing latest updates to the cadastral records and land database (if any);

d) Preparing the application documentation for submission to competent authorities for certificates of land use rights and ownership of houses and other land-attached property under Article 37 of this Decree;

dd) Requesting the project investors to submit the certificates of land use rights and ownership of houses and other land-attached property that they have been granted for adjustments to the cadastral records and land database;

e) Conferring certificates of land use rights and ownership of houses and other land-attached property to applicants for these certificates.



5. Land registration offices shall receive application documentation, proceed to carry out registration procedures and grant certificates to transferees of land use rights, purchaser of houses and construction works belonging to housing development projects if they have already submitted legally required documents as prescribed in Clause 3 of this Article.”

23. Adding Article 75a as follows:

**“Article 75a. Regulations on conditions for land splitting, merger and minimum areas of split lots**

Provincial People’s Committees shall consult land use master plans, plans and detailed construction planning schemes as well as specific conditions of localities to set out detailed regulations on conditions for land splitting, merger, depending on specific land types and minimum areas of split land lots, depending on land types.”

24. Amending and supplementing point c of clause 1 of Article 76 as follows:

“c) Such activities are performed after areas and dimensional sizes of land plots are resurveyed;”

25. Amending and supplementing clause 5 and clause 6 of Article 78 as follows:

“5. Households and individuals using land submit application dossiers for Certificates.

6. Land registration offices shall be responsible for performing the following tasks:

a) Checking the application dossiers and certifying the changes in the written request forms for Certificates;

b) Making dossiers and submit them to Sub-departments of Natural Resources and Environment before they present them to district-level People’s Committees to seek their approval of grant of certificates to persons completing the implementation of the approved consolidation and swap of land parcels;

c) Making or updating and adjusting the cadastral records and land database; taking charge of handing over certificates of land use rights and ownership of houses and other land-attached property to land users at communes, wards or townships where the land lots are located.

In case a land user is mortgaging their land use rights or land-attached property at a credit institution, they are required to submit a copy of the mortgage of land use rights and land-attached property instead of the issued certificate for the purposes of carrying out procedures for grant of the new one. Land registration offices shall notify the list of cases in which the procedures for issuance of Certificates must be carried out to the credit institutions getting mortgaged land use rights or land-attached property; certify the mortgage registration on the Certificates after obtaining approval from authorities having jurisdiction to issue such registration. The granting of the Certificates is carried out simultaneously between three parties, including the Land Registration Office, the land user and the credit institution; The land user

shall sign and receive the new certificates of land use rights and ownership of houses and other land-attached property from the land registration offices and then to hand them over to the credit institutions where the mortgages are being accepted; Credit institutions shall have to hand over the old certificates which are being mortgaged to the land registration offices for their management purposes.”

26. Amending and supplementing clause 4 and clause 5 of Article 87 as follows:

“4. The revocation of the Certificate issued in contravention of the land law as stated at Point d, Clause 2, Article 106 of the Land Law shall be subject to the following regulations:

a) In case the People's Court having jurisdiction to settle land-related disputes has an effective judgment or decision, including the conclusion regarding revocation of the issued Certificate, the revocation of that Certificate must adhere to that judgment or decision;

b) In case the investigation or inspection agency makes a written conclusion that the certificate has been granted in violation of the land law, the competent state agency shall consider whether such conclusion is correct and, if it is correct, shall decide to withdraw the granted certificate; in case of determining that the certificate has been granted lawfully, must notifying this to the inspection agency;

c) In case the state agency competent to grant certificates of land use rights and ownership of houses and other land-attached property under the provisions of Article 105 of the Law on Land and Article 37 of this Decree finds that the certificate has been granted in violation of the land law, they must carry out re-examination and notify land users of clear reasons for this and decide to revoke the unlawful Certificate;

d) If the land user or owner of land-attached property discovers that the Certificate has been issued in violation of regulations of the laws on land, they can file the written petition to the state agency having authority to issue that Certificate. The state agency competent to grant certificates of land use rights and ownership of houses and other land-attached property shall be responsible for checking, considering and deciding the revocation of the Certificate issued in breach of land laws;

dd) The agency having authority to revoke Certificates prescribed in point a, b, c and d of this clause is the agency having authority to issue Certificates that exists at the time of revocation of Certificates;

e) Land registration offices shall enforce the revocation and take control of certificates revoked under the decisions on revocation of Certificates obtained from competent state authorities;

g) If the land user or the owner of land-attached property disagrees with the settlement by the competent state agency as prescribed at Points b, c and d of this clause, they may lodge their complaint in accordance with the law on complaints.

5. The State shall not revoke certificates which have been granted in violation of laws in the cases prescribed at Point d, Clause 2, Article 106 of the Land Law if the holders of such certificates have completely carried out the procedures for transmutation, transfer, inheritance, grant, donation or capital contribution of land use rights and ownership interest in land-attached property and have their cases handled in accordance with law.

The handling of damage caused by the act of granting certificates in violation of laws must be subject to decisions or judgments of people's courts. Those who commit violations leading to the grant of unlawful certificates shall be subject to Articles 206 and 207 of the Land Law."

27. Amending and supplementing point b of clause 1 of Article 88 as follows:

"b) Establish the conciliation committee to settle land disputes. This committee shall be composed of the chairperson or the deputy chairperson of the People's Committee as the committee's head; the representative of the Fatherland Front Committee of commune, ward or township; the head of residential quarter in urban areas; the head of village or hamlet in rural areas; the prestigious figure in a kinship, at a residential community or workplace; the person having expertise in laws and social knowledge; the village patriarch/matriarch, the religion dignitary or the person thoroughly grasping the case or matter; the representative of households living for a long time at communes, wards, townships that know well about the origin and process of use of the land plot; the cadastral officer or judicial officer at commune, ward or township. In specific situations, representatives of the Farmers' Association, Women's Union, Veterans' Association and Ho Chi Minh Communist Youth Union may be invited;"

28. Adding clause 5 to Article 88 as follows:

"5. The Ministry of Finance shall elaborate on financial support for conciliation of land disputes stipulated in this Article."

29. Adding Section 5 to Chapter VII as follows:

#### **"Section 5**

### **PROCESSES AND PROCEDURES FOR LAND WITHDRAWAL, LAND ALLOCATION, LAND LEASE, EXTENSION OF THE TERM OF USE OF LAND AT CIVIL AIRPORTS AND AIRFIELDS**

#### **Article 91a. Processes and procedures for land withdrawal due to the legal termination of land use, and the voluntary return of land at civil airports and airfields**

1. Airport authorities shall implement procedures for land withdrawal due to the legal termination of land use, and the voluntary return of land in the following cases:

a) They receive written documents on land return from organizations and individuals that are assigned or allocated land by them without having to pay land use fees or land rents, and are now moving to other places, reducing or no longer having demands for the land;

b) They receive decisions on dissolution or bankruptcy from competent authorities against organizations whom they assign or lease land without collecting land use levies or fees or rents;

c) They receive the death certificate or the decision to declare a person dead as prescribed by law and the written certification that there is no heir from competent authorities to individuals whom they leased land.

2. Within 05 days of receipt of those documents specified in clause 1 of this Article, airport authorities shall be responsible for field investigation and verification; issue of decisions on land withdrawal using the Form No. 07 in the Appendix to this Decree.

3. Within 05 days after the decision on land withdrawal is issued, airport authorities shall send the decision on land withdrawal, make an exact copy of the cadastral map and surveying data of the withdrawn land to land registration offices in order for them to update and revise cadastral records and land database.

#### **Article 91b. Processes and procedures for withdrawal of land due to violations against laws at civil airports and airfields**

1. In case of any violation is committed to the extent that land withdrawal is required, after expiry of the limitation period for imposition of an administrative sanction in accordance with the law on handling of administrative violations, the person accorded authority to sanction violations shall be responsible for making a record of that administrative violation as a basis to issue the land withdrawal decision.

In case of any land-related violation is not subject to administrative sanctions prescribed in laws on handling of administrative violations relating to land, the agency accorded authority to conduct inspections or examinations must make a record of the violation as a basis to issue land withdrawal decisions.

2. Within 07 days after the date of making a written record of the violation, the agency having authority to conduct inspections or examinations shall send such record to the airport authority.

3. Within 05 days of receipt of the record of the violation, the airport authority shall be responsible for conducting field investigations and verifications; issuing decisions on land withdrawal using the Form No. 08 given in the Appendix to this Decree.

4. Within 05 days after the decision on land withdrawal is issued, the airport authority shall send the decision on land withdrawal, make an exact copy of the cadastral map and surveying data of the withdrawn land to the land registration office in order for them to update and revise cadastral records and land database.

#### **Article 91c. Processes and procedures for allocation or assignment and lease of land at civil airports and airfields**

1. Regulatory bases for airport authorities' refusal to allocate, assign and lease land:

- a) Certificate issued by the provincial People's Committee to the airport authority;
- b) Classification and form of allocation or lease of land as prescribed in clause 1 and 3 of Article 156 in the Land Law;
- c) Airport or airfield master plan approved by the competent authority;
- d) Investor in construction of the airport or airfield or facilities at airports or airfields that is determined in accordance with law;
- dd) Demands for land, land use term shown in the approved investment project or application for land allocation or land lease;
- e) Application package for land allocation or lease that is legally required.

2. Organizations or persons having demands for land must send 01 set of application documents for land allocation or lease directly or by post or by other appropriate means to the airport authority. Application package for land allocation or lease, including:

- a) Written request form for allocation or assignment of land using the Form No. 02 given in the Appendix hereto;
- b) Project interpretation statement;
- c) Extract of the cadastral map or cadastral surveying data of the land plot which is legally certified by the competent authority;
- d) Copy of the original book or the copy collated with the provided original, or the certified copy (in case of applying directly or by post), of the written approval of investment policy or certificate of investment registration (if any) or written consent to or approval of the investment project, or the written document certifying the results of bidding on the investment project issued by the competent authority in accordance with law.

3. Within 10 days of receipt of the valid application package, the airport authority shall notify in writing the reasons for refusal to assign, allocate or lease the land to the requesting organization, or issuing its decision on land allocation by using the Form No. 03 in the Appendix hereto; organize the on-site handover of the land and make a handover record using the Form No. 06 provided in the Appendix hereto.

In cases of land lease, within 10 days of receipt of all required valid documents, the airport authority shall issue the land lease decision using the Form No. 04 in the Appendix to this Decree. Within 30 days of receipt of the written request from the airport authority, enclosing the land lease decision and request documentation for land lease, as provided in clause 2 of this Article, the persons having authority according to regulations shall be responsible for issuing the unit price list for land lease. Land lessees shall pay land rents based on the tax collection agency's notice.

Within 03 days of receipt of that unit price list, the airport authority shall sign a land lease using the Form No. 05, conduct the on-site handover of the land and making the handover record using the Form No. 06 given in the Appendix hereto.

4. Within 03 days after the on-site handover date, the airport authority shall send the land allocation and land lease decision, making an exact copy of the cadastral map and surveying data of the allocated or leased land to the land registration office in order for them to update and revise cadastral records and land database.

5. For existing facilities that are being operated and used stably but are not supported by one of the documents specified at Points b, c and d, Clause 2 of this Article, owners thereof shall be responsible for working with the airport authority to undertake the certification of the current land use status and cadastral surveying and mapping of the current land use status in order to prepare the complete application documentation for land allocation and land lease, and shall be exempted from the requirement for submission of documents prescribed at Points b, c and d, Clause 2 of this Article.

#### **Article 91d. Extension of the term of lease of land at civil airports and airfields**

1. The extension of the land lease term shall be granted on the basis of airport or airfield master plans approved by competent authorities and land demands of organizations and individuals using land.

2. At least 06 months to the expiry of the land lease, organizations or persons using land can send 01 set of application documents for extension of the land lease term directly or by post or by other appropriate means to the airport authority. A set of application documents must include:

a) Application form for extension of the lease term;

b) The copy of the original book or the copy collated with the original or the certified copy (in case of applying directly or by mail) of the land lease decision and the land lease; documents proving fulfillment of their financial obligations relating to land in accordance with the laws in the most recent years;

c) The written document of the competent authority regarding the modification of the PPP agreement for implementation of the investment project (if any);

d) The written document of the competent authority regarding the extension of the investment project duration (if any).

3. Within 07 days of receipt of all required valid documents, the airport authority shall issue the extension decision using the Form No. 07 in the Appendix to this Decree. Within 30 days of receipt of the written request from the airport authority, enclosing the extension decision and the request documentation for extension of the land lease term, as provided in clause 2 of this Article, the persons having authority according to regulations shall be responsible for issuing the

unit price list for land lease. Land lessees shall pay land rents based on the tax collection agency's notice.

4. Within 03 days of receipt of that unit price list, the airport authority shall sign a land lease using the Form No. 05 given in the Appendix hereto.

**Article 2. Amendments and supplements to the Government's Decree No. 47/2014/ND-CP dated May 15, 2014, regulating compensation, support and resettlement upon the State's land withdrawal**

1. Amending and supplementing clause 3, 4, 5, 6 and 7 of Article 19 as follows:

“3. Support given with the aim of life stabilization for those specified at Points a, b, c, d, dd and e, Clause 1 of this Article (supplemented in Clause 5, Article 4 of Decree No. 01/2017/ND-CP January 6, 2017) shall be subject to the following regulations:

a) If the withdrawal rate of their agricultural land currently in use is between 30% and 70%, they will be supported for 6 months in case of not having to move, and for 12 months in case of having to move; In case of having to move to geographical areas with difficult socio-economic conditions or extremely difficult socio-economic conditions, the maximum support period shall be 24 months.

If the withdrawal rate of their agricultural land currently in use is greater than 70%, they will be supported for 12 months in case of not having to move, and for 24 months in case of having to move; In case of having to move to geographical areas with difficult socio-economic conditions or extremely difficult socio-economic conditions, the maximum support period shall be 36 months;

b) The withdrawal rates specified at Point a of this Clause shall be determined based on respective land withdrawal decisions issued by the People's Committee having relevant authority;

c) The support rate per capita specified at Points a and b of this Clause which is calculated in cash is equivalent to 30 kg of rice per month at the average price effective as at the time of grant of support by each locality.

4. Support aimed at stabilizing production activities shall be subject to the following regulations:

a) Households and individuals obtaining agricultural land in compensation shall be entitled to the support measures with the aim of production stabilization, including: plant varieties and animal breeds for agricultural production, agricultural, forestry production promotion services, plant protection services, veterinary healthcare services, crop cultivation, animal husbandry techniques and other professional techniques relating to production and business of industrial and commercial services;

b) Economic organizations, households, production and business individuals, and foreign-invested enterprises covered by Point g, Clause 1 of this Article shall be entitled to the financial support with the aim of production stabilization equal to 30% of one year's after-tax income at maximum based on the three preceding years' average income.

After-tax income shall be determined under laws on personal income tax and laws on corporate income tax.

5. Households and individuals that are using land under full-package contracts to use land for the purposes, such as agriculture, forestry, aquaculture or salt production, that are covered by Points d, dd and e, Clause 1 of this Article, shall be entitled to financial support with the aim of life and production stabilization.

6. Workers and employees entering into labor contracts with economic organizations, households, business individuals, or foreign-invested enterprises that are covered by Point g, Clause 1 of this Article shall be entitled to the severance package in accordance with the labor law, but the support period does not exceed 6 months.

7. Provincial-level People's Committees shall decide the amount of support, the support period, and periodic support payment schedule to adapt to local practical conditions.

2. Adding Article 19a as follows:

**“Article 19a. Support given in a form of lease of land with the aim of continued production and business in case the State withdraws the land for national defense and security; socio-economic development in public and national interests of which users are not entitled to land-related compensations**

1. If the State withdraws the land of non-agricultural production establishments from the current land users who are leased land by the State with annual rental payments, the land users may be entitled to support by renting land to continue their production and business activities.

2. Support approaches:

a) Support shall be given in the form of renting the land at industrial zones, export processing zones, industrial complexes and trade villages within provinces and centrally-affiliated cities;

b) The People's Committee having authority shall consider leasing land with annual rental payments not through the auctioning of land use rights if the locality has the available number of cleared land sites.

3. Conditions for entitlement to support given in the form of lease of land for production and business purposes

a) Persons whose land plots are withdrawn wish to continue to rent the land for production and business purposes;



b) The land use term left to the date of issuance of the land withdrawal decision of the competent regulatory authority is at least equal to 1/3 of the land lease term stated in the land lease;

c) Such land withdrawal affects the lives and jobs of many workers directly engaged in production activities in non-agricultural production establishments;

d) At the date of issuance of the land withdrawal notice from the competent state authority, production establishments controlling land users who are leased land by the State are operating in a stable manner;

d) Persons leased land by the State meet conditions prescribed in clause 3 of Article 58 in the Land Law.

4. Processes and procedures for allocation or lease of land shall be subject to regulations laid down in Clause 3 Article 68 of the Decree No. 43/2014/ND-CP.

5. Land prices used for calculation of land rents are specific land prices prescribed in point c of clause 4 of Article 114 in the Land Law.

6. On an annual basis, the provincial People's Committees shall compile the list of projects with the land plots leased by the State in the form of annual rental payment without through the auction of land use rights as prescribed in this Article, and submit the list to the Prime Minister to seek his approval within his remit.”

**Article 3. Amendments and supplements to the Government's Decree No. 01/2017/ND-CP dated January 6, 2017 on amendments and supplements to a number of Decrees elaborating on implementation of the Law on Land**

1. Amending and supplementing clause 14 of Article 2 (supplementing clause 3 of Article 15b) as follows:

“3. In case where, as prescribed in Clauses 1 and 2 of this Article, land users do not have the rights to transfer the land use rights and has no land-attached property, the State shall withdraw the land.”

2. Amending and supplementing clause 36 of Article 2 (supplementing clause 10 of Article 51 in the Decree No. 43/2014/ND-CP) as follows:

“10. If financially independent public service providers are assigned by competent agencies to act as investors in technical infrastructure construction and business projects at industrial parks, export processing zones and industrial complexes in respective localities facing difficult socio-economic conditions in accordance with the law on investment, they shall be leased land by the State to implement projects, may sublease the land after investing in infrastructure, and must implement and comply with the provisions of this Article.”

3. Amending and supplementing clause 49 of Article 2 as follows:

“49. Amending and supplementing point a of clause 3 of Article 75 as follows:

a) Conduct cadastral surveying for splitting of land parcels and making an extract of the newly split land parcels according to the results of cadastral surveying data which is transferred to land users in order for them to sign contracts, transactional documents relating to the rights to use a part of the newly split parcel;”

#### **Article 4. Transitional provisions**

1. In case where a land plot used for production and business purposes as specified in Article 16 of the Decree No. 43/2014/ND-CP includes the land area allocated by the State for management purposes, agricultural land used for public purposes, and is possibly split into an independent project, but the State has issued a decision to withdraw and allocate or lease the land plot to an investor before the effective date of this Decree, the investor may continue to use the land till the expiration of the land allocation or lease term. In cases where the land withdrawal decision has been issued but the land allocation or lease decision is not yet available, the provisions of this Decree shall apply.

For cases where the provincial People's Committees have approved the receipt of transferred land use rights, receipt of capital contributions, or lease of agricultural land use rights for the implementation of non-agricultural investment projects before the effective date of the Decree, if the investor has not made the agreement with the land user, and the use of the land for implementation of the project conforms to the approved land use master plan or plan, after 36 months from the date of signature of the written approval, the investor shall have to repeat the procedures for petitioning the provincial People's Committee to grant approval under the provisions of this Decree.

2. In case the state agency competent to grant certificates of land use rights and ownership of houses and other land-attached property finds that the certificate has been granted unlawfully, and notify the land user of clear reasons for revocation of the certificate before the effective date of this Decree, but the land withdrawal decision has not yet been issued, the certificate must be revoked under the provisions of this Decree.

3. Financially independent public providers that have been leased land by the State to invest in the construction and commercial operation of technical infrastructure of industrial parks, export processing zones and industrial complexes before the effective date of this Decree may continue using the land for the remaining period, and may sublease the land after their investments in infrastructure according to regulations.

4. For investment projects on construction and business of residential houses for sale or for combined sale and lease purposes at wards of centrally-run grade-I cities, which have obtained lawful written consent by provincial-level People's Committees to transfer of land use rights in the form of splitting of land parcels and sale of land plots before the effective date of this Decree, they may be continued.

5. For cases where competent agencies have allocated or leased land plots not through the auction of land use rights, for cases of land use levy or fee exemption under Point b, Clause 2, Article 118 of the Land Law Land before the effective date of this Decree, land use may be continued.

#### **Article 5. Implementation provisions**

1. This Decree shall take effect as of February 8, 2021.
2. This Decree shall abolish clause 4 of Article 41 in the Decree No. 43/2014/ND-CP; clauses 8, 10, 15, 31, 46 and 56 of Article 2 in the Decree No. 01/2017/ND-CP.
3. The phrase “consolidation and swap of land parcels” shown at clause 4 of Article 76 in the Decree No. 43/2014/ND-CP shall be removed.

#### **Article 6. Implementation responsibilities**

1. Ministries and provincial People’s Committees shall be responsible for providing instructions on implementation of articles and clauses of this Decree and reviewing instruments already issued to decide on any necessary amendment, supplement or replacement to fit into this Decree.
2. Ministers, Heads of Ministry-level agencies, Heads of Governmental bodies, Chairpersons of People’s Committees at all levels, other organizations and individuals involved shall be responsible for implementing this Decree./.

**PP. GOVERNMENT  
PRIME MINISTER**

**Nguyen Xuan Phuc**

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