

NATIONAL ASSEMBLY

SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

No. 13-2003-QH11

LAW ON LAND

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam as amended by Resolution 51-2001-QH10 dated 25 December 2001 of Legislature X of the National Assembly at its 10th session;

This Law regulates the administration and use of land.

CHAPTER I

General Provisions

Article 1 *Governing scope*

This Law governs the powers and responsibilities of the State as representative of the ownership of land by the entire people for uniform administration of land and the regime for administration and use of land; and the rights and obligations of land users.

Article 2 *Applicable entities*

This Law shall apply to the following entities:

1. State bodies exercising rights and discharging responsibilities as representative of the ownership of land by the entire people and carrying out the task of uniform State administration of land;
2. Land users;
3. Other entities involved in the administration and use of land.

Article 3 *Application of law*

1. The administration and use of land must comply with the provisions of this Law. Where there is no relevant provision in this Law, the provisions of relevant laws shall apply.

2. Where an international treaty which the Socialist Republic of Vietnam has signed or acceded to contains provisions which conflict with the provisions of this Law, the international treaty shall apply.

Article 4 *Definition of terms*

In this Law, the following terms shall be construed as follows:

1. *Land allocation by the State* means the grant of land use rights by the State by way of an administrative decision to an entity which has requirements for land use.
2. *Land lease by the State* means the grant of land use rights by the State on the basis of a contract to an entity which has requirements for land use.
3. *Recognition by the State of land use right for a person currently using land stably* means the initial issuance by the State of a certificate of land use right to such land user.
4. *Receipt of transfer of land use rights* means the creation of land use rights which are transferred by another in accordance with law in the form of exchange, assignment, inheritance, giving as a gift or donation of land use right, or capital contribution by land use right creating a new legal entity.
5. *Land recovery* means the issuance by the State of an administrative decision to recover land use rights or to recover land which has been allocated to an organization or the people's committee of a commune, ward or township for administration in accordance with this Law.
6. *Compensation upon land recovery by the State* means the return by the State of the value of land use right with respect to the recovered land area to the person from which land has been recovered.
7. *Support upon land recovery by the State* means the assistance provided by the State to persons from which land has been recovered by way of training in new occupations, arrangement for new jobs or funding relocation.
8. *Administrative boundary file* is a file servicing State administration of administrative boundaries.
9. *Map of administrative boundaries* is a map which shows markers of administrative boundaries and physical or topographical features relating to administrative boundary markers.
10. *Administrative map* is a map which shows the boundaries between different administrative units together with place names and a number of main natural, economic and social features.

11. *Parcel of land* is a part of land area the boundary of which is determined on site or described in the file.
12. *Cadastral file* is a file servicing State administration of land use.
13. *Cadastral map* is a map which shows parcels of land and related geographical features and which is drawn on the basis of administrative units being communes, wards or townships and certified by a competent State body.
14. *Cadastral register* is a register which is opened for each commune, ward or township for the purpose of recording land users and information on their land use.
15. *Register of land inventory* is a register which is opened for each commune, ward or township for the purpose of recording parcels of land and information on such parcels of land.
16. *Register of land change monitoring* is a register which is opened for the purpose of monitoring changes in land use, comprising changes of size and shape of parcels of land, land users, land use purposes, duration of land use, rights and obligations of land users.
17. *Map of land use status* is a map which shows the distribution of types of land at a defined time and is drawn on the basis of administrative units.
18. *Map of land use zoning* is a map which is drawn at the beginning of the periodic cycle for zoning and shows the distribution of types of land at the end of the periodic cycle for zoning.
19. *Registration of land use right* means the recording of the lawful land use right with respect to a defined parcel of land in the cadastral file aimed at creating the rights and obligations of the land user.
20. *Certificate of land use right* is a certificate which is issued by a competent State body to a land user in order to protect the lawful rights and obligations of such land user.
21. *Land inventory* means the review and evaluation based on cadastral files by the State of the land use status at the time of inventory and of changes to land in between two inventories.
22. *Land stocktaking* means the review and evaluation based on cadastral files and on-site by the State of the land use status at the time of stocktaking and changes to land in between two stocktakings.

23. *Price of land use right* (hereinafter referred to as *land price*) is the amount of money for a land area unit prescribed by the State or formed in a transaction relating to land use rights.
24. *Value of land use right* is the value for money of the land use right with respect to a fixed land area for a fixed duration of land use.
25. *Land use fee* is the amount of money payable by a land user for a fixed land area in the case of allocation of land by the State with collection of land use fees.
26. *Land dispute* is a dispute involving the rights and obligations of land users between two or more parties in a land relationship.
27. *Land destruction* is an act to deform the topography, to decrease land quality or to pollute land, thereby causing loss or reduction of the ability to use land for the determined purposes.
28. *Public service organization* is an organization which is established by a competent State body, political organization or socio-political organization and which provides public services funded by the State Budget.

Article 5 *Ownership of land*

1. Land belongs to the entire people with the State as the representative owner.
2. The State shall exercise the right of disposal with respect to land as follows:
 - (a) Decide land use purposes by passing decisions and by considering and approving land use zoning and land use plans (hereinafter referred to as *land use zoning and planning*);
 - (b) Decide the quotas on allocation of land and on duration of land use;
 - (c) Decide allocation of land, lease of land, land recovery, and permission for conversion of land use purpose;
 - (d) Determine land prices.
3. The State shall exercise the right to regulate sources of income from land through financial policies on land as follows:
 - (a) Collection of land use fees and land rent;
 - (b) Collection of land use taxes and taxes on income from assignment of land use rights;

- (c) Regulation of increased value of land not accruing from investment by the land user.
4. The State shall grant land use rights to land users via the form of allocation of land, lease of land, and recognition of land use rights for persons currently using the land stably; shall regulate the rights and obligations of land users.

Article 6 *State administration of land*

1. The State shall uniformly exercise administration of land.
2. State administration of land shall comprise the following matters:
 - (a) Promulgation of legal instruments on administration and use of land, and organization of their implementation;
 - (b) Fixing of administrative boundaries; formulation and management of administrative boundary files, drawing of administrative maps;
 - (c) Survey, measurement, evaluation and classification of land; drawing of cadastral maps, maps of land use status and land use zoning maps;
 - (d) Administration of land use zoning and planning;
 - (dd) Administration of allocation of land, lease of land, land recovery and conversion of land use purpose;
 - (e) Registration of land use right, formulation and management of cadastral files and issuance of certificates of land use right;
 - (g) Conducting land inventories and stocktakings;
 - (h) Financial administration of land;
 - (i) Administration and development of the land use right market in the real estate market;
 - (k) Administration and supervision of the exercise of rights and performance of obligations of land users;
 - (l) Inspection and examination of compliance with the provisions of the laws on land and dealing with breaches of the laws on land;
 - (m) Resolution of land disputes; resolution of complaints and denunciations about breaches in administration and use of land;
 - (n) Administration of public service operations concerning land.

3. The State shall have a policy of investment in carrying out duties of State administration of land and formulation of a modern system of administration of land with sufficient capacity, ensuring that administration of land is both efficient and effective.

Article 7 *State to carry out uniform State administration of land as representative of ownership of land by the entire people*

1. The National Assembly shall promulgate the laws on land, make decisions on nationwide land use zoning and planning, and exercise the right of supreme supervision of administration and use of land throughout the entire country.
2. The Government shall make decisions on land use zoning and planning of provinces and cities under central authority and land use zoning and planning for objectives of national defence and security; and shall exercise uniform State administration of land throughout the entire country.

The Ministry of Natural Resources and Environment shall be responsible before the Government for State administration of land.

3. People's councils at all levels shall exercise the right to supervise the implementation of the laws on land within their respective localities.
4. People's committees at all levels shall exercise the rights of the representative owner of land and State administration of land within their respective localities in accordance with the authority stipulated in this Law.

Article 8 *Rights and responsibilities of Vietnam Fatherland Front, its member organizations and citizens*

The Vietnam Fatherland Front, its member organizations and the citizens shall have the power and responsibility to supervise the administration and use of land and shall co-ordinate with State bodies to ensure strict compliance with State regulations on administration and use of land.

Article 9 *Land users*

Land users in this Law shall comprise:

1. Domestic organizations, comprising State bodies, political organizations, socio-political organizations, socio-political-professional organizations, social organizations, socio-professional organizations, economic organizations, socio-economic organizations, public service organizations, units of the people's armed forces and other organizations provided by the Government (hereinafter referred to as *organizations*) which are allocated with land by, lease land from, or have land use rights recognized by the State; economic organizations receiving transfer of land use rights;
2. Domestic family households and individuals (hereinafter referred to as *family households and individuals*) being allocated with land by, leasing land from or having land use rights recognized by the State or receiving transfer of land use rights;
3. Communities of citizens, comprising communities of Vietnamese residing in the same hamlet, village, mountainous village or highland village and similar residential areas with the same habits and customs or of the same line, which are allocated with land by or have land use rights recognized by the State;
4. Religious establishments, comprising pagodas, churches, oratories, chancels, abbeys, religious training schools, offices of religious organizations and other religious establishments, which have land use rights recognized or are allocated with land by the State;
5. Foreign organizations with diplomatic functions, comprising diplomatic representative bodies, consulates and other foreign representative offices with diplomatic functions recognized by the Government of Vietnam; representative bodies of United Nations organizations; inter-governmental bodies and organizations, and representative bodies of inter-governmental organizations to which the State of Vietnam leases land;
6. Vietnamese residing overseas who invest in or engage regularly in cultural or scientific activities or who live permanently in Vietnam to whom the State of Vietnam allocates or leases land, or who are permitted to purchase residential houses attached to the right to use residential land;
7. Foreign organizations and individuals investing in Vietnam in accordance with the laws on investment being leased land by the State of Vietnam.

Article 10 *Guarantees to land users*

1. The State shall issue certificates of land use right to land users.
2. The State shall not recognize any claim to land which was allocated in accordance with State regulations to other users during the implementation process of the land policies of the State of the Democratic Republic of Vietnam, the Provisional Revolutionary Government of the Republic of South Vietnam and the Socialist Republic of Vietnam.
3. The State shall promulgate policies to facilitate direct producers in agriculture, forestry, aquaculture and salt production having land for production; and shall also promulgate policies for investment incentives, for occupational training and development and creation of employment for labourers in rural areas in conformity with the process of conversion of the land use structure and conversion of the rural economic structure in the direction of industrialization and modernization.

Article 11 *Principles of land use*

Land use must comply with the following principles:

1. It must be correct in terms of land use zoning and planning and must be for the correct land use purpose.
2. It must be economical, effective and environmentally protective and must not cause loss to the lawful interests of surrounding land users.
3. Land users shall exercise their rights and discharge their obligations during the term of their land use in accordance with the provisions of this Law and other provisions of relevant laws.

Article 12 *Encouragement to invest in land*

The State shall promulgate policies to encourage land users to invest labour, materials and capital in and to apply scientific and technological achievements for the following purposes:

1. Land protection, improvement and fertilization;
2. Land reclamation, rehabilitation, reclamation from the sea; and cultivation of wasteland, bare hills and land with fallow water surface;
3. Development of infrastructure to add value to land.

Article 13 *Classification of land*

Depending on the use purpose, land shall be classified into the following categories:

1. Agricultural land category, comprising the following types of land:
 - (a) Land for planting annual crops, comprising land for rice cultivation, pastoral land for raising livestock and land for planting other annual crops;
 - (b) Land for planting perennial crops;
 - (c) Forest land for production;
 - (d) Protective forest land;
 - (dd) Specialized use forest land;
 - (e) Land for aquaculture;
 - (g) Land for salt production;
 - (h) Other agricultural land as stipulated by the Government.
2. Non-agricultural land category, comprising the following types of land:
 - (a) Residential land, comprising residential land in rural areas and residential land in urban areas;
 - (b) Land for construction of offices of bodies and construction of works of professional institutions;
 - (c) Land used for national defence and security purposes;
 - (d) Non-agricultural land used for production or business purposes, comprising land for construction of industrial zones; land on which production or business facilities are built; land used for mineral operations; land for production of construction materials and ceramics;
 - (dd) Land used for public purposes, comprising land for traffic routes and irrigation works; land for construction of cultural, health care, educational and training facilities servicing public interests; land containing historical-cultural sites and places of scenic beauty; land for construction of other public works as stipulated by the Government;
 - (e) Land used by religious establishments;

- (g) Land on which there are communal houses, temples, shrines, pagodas, worship halls and family shrines;
 - (h) Land used as cemeteries and for graves;
 - (i) Land containing rivers, canals, channels, ditches, streams, and specialized water surfaces;
 - (k) Other non-agricultural land as stipulated by the Government.
3. Unused land category, comprising land for which a use purpose has not yet been determined.

Article 14 *Grounds for determination of types of land on site*

Determination of types of land on site shall be based on the following:

1. Land use status in conformity with the land use zoning which has been approved by a competent State body;
2. Decision of a competent State body on allocation or lease of land or permission for conversion of land use purpose;
3. Registration for conversion of land use purpose in the case where no permission for conversion of land use purpose is required.

Article 15 *Prohibited conduct*

The State prohibits strictly any act of encroaching on or illegally occupying land; failing to use land or using land for incorrect purposes; breaching proclaimed land use zoning or planning; destroying land; failing to comply with the law when exercising the rights of land users; failing to perform or performing inadequately the obligations and responsibilities of land users.

The State prohibits strictly any authorized person from abusing his or her position or power, exceeding his or her power or acting without adequate responsibility with the objective of breaching the provisions on administration of land.

CHAPTER II

**Rights of State With Respect to Land and
State Administration of Land**

SECTION 1

**Formulation and Management of Administrative Boundary Files
and All Types of Land Maps****Article 16** *Administrative boundaries*

1. The Government shall direct the fixing of administrative boundaries and the formulation and management of administrative boundary files at all levels nationwide.

The Ministry of Interior shall regulate the order and procedures for fixing of administrative boundaries and for managing boundary markers and administrative boundary files.

The Ministry of Natural Resources and Environment shall provide regulations on technical issues and economic quotas in the work of staking out administrative boundary markers and formulating administrative boundary files at all levels.

2. People's committees at all levels shall organize the fixing of administrative boundaries on site and the formulation of administrative boundary files within their respective localities.

Article 17 *Administrative boundary files*

1. Administrative boundary files shall comprise:
 - (a) Decision of the competent State body on establishment of the administrative unit or on adjustment of the administrative boundary (if any);
 - (b) Administrative boundary map;
 - (c) Diagram of the position of administrative boundary markers;
 - (d) List of co-ordinates of administrative boundary markers and of special features on the administrative boundary;
 - (dd) Description of general status of administrative boundary;
 - (e) Minutes confirming description of administrative boundary;

- (g) Statistical data slip on geographical factors relevant to the administrative boundary;
 - (h) Minutes on hand-over of administrative boundary markers;
 - (i) Statistical data from lower level administrative units on the administrative boundary.
2. Administrative boundary files shall be retained at the people's committee of the same level as the level which formulate them and at the people's committee at the next higher level, at the Ministry of Interior, and at the Ministry of Natural Resources and Environment.
 3. Administrative boundary files shall be certified by the people's committee at the next higher level and administrative boundary files of provinces and cities under central authority shall be certified by the Ministry of Interior.
 4. People's committees of communes, wards and townships shall be responsible to manage administrative boundary markers on site within their respective localities; and if administrative boundary markers are displaced or damaged, shall report promptly to the people's committee of the district, town or provincial city.

Article 18 *Administrative maps*

1. Administrative maps shall be drawn for any one locality on the basis of the administrative boundary maps of the same locality.
2. Drawing administrative maps shall be provided for as follows:
 - (a) The Ministry of Natural Resources and Environment shall direct the drawing of administrative maps at all levels nationwide and organize the drawing of national administrative maps and administrative maps of provinces and cities under central authority.
 - (b) People's committees of provinces and cities under central authority shall organize the drawing of administrative maps of districts, towns and provincial cities.

Article 19 *Cadastral maps*

1. Cadastral map is a component of the cadastral file to serve uniform State administration of land.
2. The Ministry of Natural Resources and Environment shall direct the survey, measurement, drawing and management of cadastral maps nationwide.

3. People's committees of provinces and cities under central authority shall organize the survey, measurement, drawing and management of cadastral maps in localities.
4. Cadastral maps shall be managed by and retained at the administrative body for land of a province or city under central authority or of a district, town or provincial city and at people's committees of communes, wards or townships.

Article 20 *Maps of land use status and maps of land use zoning*

1. Maps of land use status shall be drawn once every five years in conjunction with the land stocktaking provided for in article 53 of this Law, aimed at servicing administration of land use zoning and planning.
2. Maps of land use zoning shall be drawn once every ten (10) years in conjunction with the periodic cycle for land use zoning provided for in article 24 of this Law.

Maps of land use zoning of communes, wards and townships drawn on the basis of cadastral maps shall be referred to as maps of detailed land use zoning.

3. The Ministry of Natural Resources and Environment shall direct the survey, measurement, drawing and management of maps of land use status and maps of land use zoning in the entire country and shall organize the drawing of maps of land use status and maps of land use zoning nationwide.
4. People's committees which are responsible for conducting land stocktakings within their respective localities shall also organize the drawing of a map of land use status of that locality.

People's committees which are responsible for formulation of land use zoning within their respective localities shall also organize the drawing of a map of land use zoning of that locality.

SECTION 2

Land Use Zoning and Planning

Article 21 *Principles for formulation of land use zoning and planning*

Formulation of land use zoning and planning must ensure the following principles:

1. It must conform with the overall strategy, master planning and plans for socio-economic development and for national defence and security.

2. It must be prepared from overall to detailed planning; land use zoning and planning of any one level must conform with the land use zoning and planning of the higher level; and land use planning must conform with the land use zoning which the competent State body has decided and approved.
3. The land use zoning and planning of a higher level must express the requirements for land use of the lower level.
4. Land use must be economical and effective.
5. Natural resources must be exploited reasonably and the environment must be protected.
6. Historical sites and places of scenic beauty must be protected and maintained.
7. It must be democratic and it must be disclosed publicly.
8. The land use zoning and planning for any one cycle must have been decided and approved in the final year of the previous cycle.

Article 22 *Grounds for formulation of land use zoning and planning*

1. Grounds for formulation of land use zoning shall comprise:
 - (a) Overall strategy and master planning for socio-economic development and for national defence and security nationwide; plans for development of industries and localities;
 - (b) State plan for socio-economic development;
 - (c) Natural, economic and social conditions and market requirements;
 - (d) Status quo of land use and requirements for land use;
 - (dd) Quotas on land use;
 - (e) Scientific and technological progress relating to land use;
 - (g) Results of implementation of zoning of the previous cycle.
2. Grounds for formulation of land use planning shall comprise:
 - (a) Land use zoning which the competent State body has already decided and approved;
 - (b) Five-year and annual State plans for socio-economic development;

- (c) Land use requirements of organizations, family households, individuals and the community of citizens;
- (d) Results of implementation of land use planning of the previous period;
- (dd) Potential investment in and implementation of projects or works involving land use.

Article 23 *Contents of land use zoning and planning*

1. The contents of land use zoning shall comprise:
 - (a) Investigations, research, analysis and compilation of natural conditions, socio-economic conditions and the status quo of land use; and an assessment of the land potential;
 - (b) Determination of the orientation and objectives of land use in the periodic cycle for zoning;
 - (c) Determination of the areas of types of land to be allocated for the requirements of socio-economic development and for national defence and security;
 - (d) Determination of the area of land to be recovered for implementation of works and projects;
 - (dd) Fixing the measures for using, protecting and improving land, and for protection of the environment;
 - (e) Solutions for organizing implementation of land use zoning.
2. The contents of land use planning shall comprise:
 - (a) Analysis and assessment of the results of implementation of land use planning of the previous cycle;
 - (b) Plan for recovery of the areas of types of land for allocation to the requirements of construction of infrastructure; industrial and service development; development of urban areas and rural residential zones; and for national defence and security;
 - (c) Plan for conversion of the surface area for specialized land for wet rice cultivation and for forest land to be converted to other land use objectives; conversion of agricultural land use structure;
 - (d) Planning on use of reclamation of wasteland for the purpose of extending the area of land available for use objectives;

- (dd) Detailing the five-year land use planning into planning for each year;
- (e) Solutions for organizing implementation of land use planning.

Article 24 *Periodic cycles for land use zoning and planning*

1. The periodic cycle for land use zoning for the entire country, for provinces and cities under central authority, for districts, towns and provincial cities, and for communes, wards and townships shall be ten (10) years.
2. The periodic cycle for land use planning for the entire country, and for provinces and cities under central authority, for districts, towns and provincial cities, and for communes, wards and townships shall be five years.

Article 25 *Formulation of land use zoning and planning*

1. The Government shall organize the formulation of land use zoning and planning for the entire country.
2. People's committees of provinces and cities under central authority shall organize the formulation of land use zoning and planning for their respective localities.
3. The people's committee of a provincial district shall organize the formulation of land use zoning and planning for its locality and land use zoning and planning for the townships under its authority.

The people's committee of a district belonging to a city under central authority and the people's committee of a town or city belonging to a province shall organize the formulation of land use zoning and planning for its locality and land use zoning and planning for the lower level administrative units, except in the cases stipulated in clause 4 of this article.

4. The people's committee of a commune outside the zoning area for urban development in any one periodic cycle for land use zoning shall organize the formulation of the land use zoning and planning for its locality.
5. Land use zoning of communes, wards and townships shall be formulated in detail on the basis of parcels of land (hereinafter referred to as *detailed land use zoning*); during formulation of detailed land use zoning, the body organizing the formulation of detailed land use zoning must solicit the opinions of the citizens.

Land use planning of communes, wards and townships shall be formulated in detail on the basis of parcels of land (hereinafter referred to as *detailed land use planning*).

6. The people's committee which is responsible for organizing the formulation of land use zoning and planning at any one level shall submit same to the people's council at the same level to pass prior to submission to the competent State body for consideration and approval.
7. Land use zoning and planning shall be submitted at the same time as the plan for socio-economic development.

Article 26 *Authority to make decisions on and to approve land use zoning and planning*

1. The National Assembly shall make decisions on land use zoning and planning for the entire country on the submission of the Government.
2. The Government shall approve land use zoning and planning of provinces and cities under central authority.
3. People's committees of provinces and cities under central authority shall approve land use zoning and planning of the immediately lower level administrative units.
4. The people's committee of a district, town or provincial city shall approve land use zoning and planning of the communes prescribed in clause 4 of article 25 of this Law.

Article 27 *Adjustment of land use zoning and planning*

1. Land use zoning may only be adjusted in the following circumstances:
 - (a) When there is an adjustment to the goals of socio-economic development or national defence and security which the competent State body has decided on or approved and such adjustment results in changes to the land use structure;
 - (b) Where the impact of natural calamities or wars changes the objectives, structure, position and areas of land use;
 - (c) When there is an adjustment to the land use zoning of the next higher level which affects the land use zoning of the level;
 - (d) Where there is an adjustment to the administrative boundary of the locality.

2. Land use planning may only be adjusted when there is an adjustment to land use zoning or when there is a change in the ability to implement the land use planning.
3. The contents of adjustments to a land use zoning shall be part of such land use zoning. The contents of adjustments to a land use planning shall be part of such land use planning.
4. The State body which is authorized to decide on or approve land use zoning and planning for any one level shall be authorized to decide on or approve adjustments to land use zoning and planning for that same level.

Article 28 *Proclamation of land use zoning and planning*

Within a time-limit of thirty (30) working days from the date of the decision or approval by the competent State body, land use zoning and planning must be publicly proclaimed in accordance with the following provisions:

1. People's committees of communes, wards and townships shall be responsible to announce publicly detailed land use zoning and detailed land use planning for the locality at the head office of the committee.
2. Administrative bodies for land at all levels shall be responsible to announce publicly their land use zoning and land use planning for the locality at their offices and in the mass media.
3. Land use zoning and planning must be publicly announced at offices of people's committees and administrative bodies for land throughout the entire period of its validity.

Article 29 *Implementation of land use zoning and planning*

1. The Government shall organize and direct implementation of land use zoning and planning nationwide; shall inspect implementation of land use zoning and planning of provinces and cities under central authority.

The people's committee of a province or city under central authority or of a district, town or provincial city shall organize and direct implementation of land use zoning and planning of its locality; and shall inspect implementation of land use zoning and planning by local authorities of the directly lower level.

The people's committee of a commune, ward or township shall organize and direct implementation of land use zoning and planning of its locality; shall identify and prevent land use conduct which is inconsistent with the proclaimed land use zoning and planning.

2. In the case where a land area is to be recovered in accordance with the proclaimed land use zoning and planning but the State has not yet recovered land, paid compensation for it or conducted site clearance, land users may continue to use the land for the objectives which were determined prior to proclamation of the land use zoning or planning; if a land user no longer requires to use, the State shall recover the land and pay compensation or provide assistance in accordance with law.

The State shall prohibit strictly any act of arbitrary construction on or investment in immoveable assets in a land zone which shall be recovered in order to implement land use zoning or planning. If there is a requirement to improve or repair residential or other buildings attached to land to be recovered which will change the scale and level of the current works, the permission of the competent State body shall be required.

3. Where a land area is identified in proclaimed land use planning for recovery for implementation of project works or conversion to other use purposes but the recovery or conversion is not conducted within three years in accordance with the plan, the State body which is authorized to approve the land use planning must adjust or rescind [*the land use planning*] and proclaim [*its decision*].¹

Article 30 *Land use zoning and planning for national defence and security purposes*

1. The Ministry of Defence and the Ministry of Police shall organize the formulation of land use zoning and planning for national defence and security purposes for submission to the Government for approval.
2. The Government shall provide specific regulations on formulation, approval, adjustment and implementation of land use zoning and planning for national defence and security purposes.

SECTION 3

Allocation of Land, Lease of Land and Conversion of Land Use Purpose

Article 31 *Grounds for allocation of land, lease of land, conversion of land use purpose*

The grounds for a decision on allocation of land, lease of land and conversion of land use purpose shall comprise:

1. Land use zoning and planning or urban construction zoning or construction zoning for rural residential zones which has been approved by the competent State body;

¹ *Inserted by Allens Arthur Robinson to aid comprehension.*

2. The requirements for land use as expressed in an investment project or in an application for allocation of land, lease of land or conversion of land use purpose.

Article 32 *Allocation or lease of land with respect to currently used land to another person*

A decision on allocation or lease of land with respect to currently used land to another person shall only be made after there is a decision to recover such land.

Article 33 *Allocation of land without collection of land use fees*

The State shall allocate land without collection of land use fees in the following cases:

1. Family households and individuals directly working in agriculture, forestry, aquaculture or salt production and being allocated agricultural land within the quota prescribed in article 70 of this Law;
2. Organizations using land for purposes of experiment, research and field testing in agriculture, forestry, aquaculture or salt production;
3. Units of the people's armed forces to which the State allocates land for production purposes in agriculture, forestry, aquaculture or salt production, or for production in combination with their duties of national defence and security;
4. Organizations using land to construct housing for resettlement servicing State projects;
5. Agricultural co-operatives using land to construct offices of the co-operative, drying yards or warehouses; or to construct service facilities directly servicing production in agriculture, forestry, aquaculture or salt production;
6. Persons using protective forest land; specialized use forest land; land used for the purpose of construction of offices of bodies or works of professional institutions as provided for in article 88 of this Law; land used for national defence and security purposes; land for traffic routes and irrigation works; land for construction of cultural, health care, educational and training, sport and physical education facilities serving public interest and other public facilities for non-business purposes; land used as cemeteries and for graves;
7. Community of citizens using agricultural land; religious establishments using non-agricultural land as provided for in article 99 of this Law.

Article 34 *Allocation of land with collection of land use fees*

The State shall allocate land with collection of land use fees in the following cases:

1. Family households and individuals being allocated with residential land;
2. Economic organizations to which land is allocated to use for the purpose of construction of residences for sale or lease;
3. Economic organizations to which land is allocated to use for the purpose of investment and construction of infrastructure to assign or to lease;
4. Economic organizations, family households and individuals being allocated with land to use for construction of production or business facilities;
5. Economic organizations, family households and individuals using land to construct community buildings for business purposes;
6. Economic organizations to which land is allocated for production in agriculture, forestry, aquaculture or salt production;
7. Vietnamese residing overseas to whom land is allocated to implement investment projects.

Article 35 *Lease of land*

1. The State shall lease land with payment of annual rent in the following cases:
 - (a) Family households and individuals leasing land for production in agriculture, forestry, aquaculture or salt production;
 - (b) Family households and individuals wishing to continue using agricultural land areas exceeding the quota allocated prior to 1 January 1999 but the land use term has expired in accordance with clause 2 of article 67 of this Law;
 - (c) Family households and individuals using agricultural land areas exceeding the quota allocated from 1 January 1999 to prior to the date of effectiveness of this Law, except for land areas [*which they received*] as assignees of land use rights;
 - (d) Family households and individuals leasing land surfaces for construction of production and business facilities or for mineral activities; production of construction materials and ceramics;

- (dd) Family households and individuals using land to construct community buildings for business purposes;
 - (e) Economic organizations, Vietnamese residing overseas and foreign organizations and individuals leasing land to implement investment projects in production in agriculture, forestry, aquaculture or salt production; to construct business or production facilities; to construct community buildings for business purposes; to construct infrastructure to assign or to lease; for mineral activities; or production of construction materials and ceramics;
 - (g) Foreign organizations with diplomatic functions leasing land to construct office buildings.
2. The State shall lease land with one-off payment of rent for the entire lease term in the following cases:
- (a) Vietnamese residing overseas and foreign organizations and individuals leasing land to implement investment projects in production in agriculture, forestry, aquaculture or salt production; to construct business or production facilities; to construct community buildings for business purposes; to construct infrastructure to assign or to lease; for mineral activities; for production of construction materials and ceramics; and to construct residences for sale or lease;
 - (b) Foreign organizations with diplomatic functions leasing land to construct office buildings.

Article 36 *Conversion of land use purpose*

The conversion of land use purpose between the types of land stipulated in article 13 of this Law shall be carried out as follows:

1. Cases of conversion of land use purpose for which permission of the competent State body is required shall comprise:
- (a) Conversion of specialized land for wet rice cultivation to land for planting perennial crops and forests or to land for aquaculture;
 - (b) Conversion of specialized use forest land or protective forest land to another purpose;
 - (c) Conversion of agricultural land to non-agricultural land;
 - (d) Conversion of non-agricultural land which the State has allocated without collection of land use fees to non-agricultural land which the State allocates with collection of land use fees or which the State leases out;

- (dd) Conversion of non-agricultural land which is not residential land to residential land.
2. In cases of conversion of land use purpose outside the provisions of clause 1 of this article, the land user shall not be required to apply for permission of the competent State body but must register with the office of an organization authorized to register land use rights (hereinafter referred to as *registration office for land use rights*) or people's committee of the commune where the land is situated.
3. Upon conversion of land use purpose in accordance with clauses 1 and 2 of this article, the regime for land use and the rights and obligations of the land user shall be those applicable to the type of land after conversion of land use purpose, and the duration of land use shall be implemented in accordance with the provisions of article 68 of this Law.
4. Upon conversion of land use purpose in accordance with paragraphs (c), (d) and (dd) of clause 1 of this article, the land user must discharge its financial obligations in accordance with the following provisions:
- (a) Payment of land use fees on the basis of the type of land after conversion of land use purpose in cases of conversion of protective forest land, specialized use forest land, non-agricultural land without collection of land use fees to non-agricultural land with collection of land use fees;
- (b) Payment of land use fees on the basis of the type of land after conversion of land use purpose with deduction of the value of land use rights of the type of land prior to conversion of land use purpose which is calculated at the land price provided by the State at the time when the conversion of land use purpose is permitted in cases of conversion of land for planting annual crops, perennial crops or forests, for aquaculture or for salt production to non-agricultural land with collection of land use fees;
- (c) Payment of land use fees on the basis of the type of land after conversion of land use purpose with deduction of land use fees for the type of land prior to conversion of land use purpose in cases of conversion of non-agricultural land which is not residential land to residential land;
- (d) Payment of land rent on the basis of the type of land after conversion of land use purpose in the case where land users select the land lease form;
- (dd) The regulations on exemption from and reduction of land use fees stipulated by the Government shall be applicable to calculation of the value of land use right.

Article 37 *Authority to allocate land, to lease land and to permit conversion of land use purpose*

1. People's committees of provinces and cities under central authority shall make decisions on allocating land, leasing land or permitting conversion of land use purpose with respect to organizations; on allocating land to religious establishments; allocating or leasing land to Vietnamese residing overseas; and leasing land to foreign organizations and individuals.
2. People's committees of districts, towns and provincial cities shall make decisions on allocating land, leasing land or permitting conversion of land use purpose with respect to family households and individuals, and on allocating land to communities of citizens.
3. People's committees of communes, wards and townships shall lease land belonging to the agricultural land fund for use in the public interest of the commune, ward or township.
4. Any body authorized to make decisions on allocating land, leasing land or permitting conversion of land use purpose stipulated in clauses 1, 2 and 3 of this article may not delegate such authority.

SECTION 4

Land Recovery

Article 38 *Cases of land recovery*

The State shall recover land in the following circumstances:

1. The State uses the land for objectives of national defence and security, national interest, public interest, or economic development;
2. The organization to which the State allocated land without collection of land use fees, or to which the State allocated land with collection of land use fees but those fees are paid from the State Budget, or to which the State leased land with payment of annual rent, is dissolved or declared bankrupt, transfers to another place, or its requirements to use land have decreased or no longer exist;
3. Land is used for the incorrect purpose or used inefficiently;
4. A land user intentionally destroys land;
5. Land is allocated to the incorrect subject or not in accordance with authority;

6. Land is encroached on or illegally occupied in the following cases:
 - (a) Unused land is encroached on or illegally occupied;
 - (b) Land the use right of which is not permitted to be transferred in accordance with this Law and which is encroached on or illegally occupied due to the irresponsibility of the land user;
7. An individual using land dies and there is no heir;
8. A land user returns voluntarily land;
9. A land user fails intentionally to discharge its obligations to the State;
10. The State allocates or leases land for a term and, upon expiry of the term, it is not extended;
11. Land for planting annual crops is not used for a period of twelve (12) consecutive months; land for planting perennial crops is not used for a period of eighteen (18) consecutive months; land for planting forests is not used for a period of twenty four (24) consecutive months;
12. The State allocates or leases land in order to implement an investment project and the land is not used for a period of twelve (12) consecutive months or the actual land use schedule is twenty four (24) months behind the schedule recorded in the investment project, as from the date on which the land is handed over on site, without permission from the competent State body which made the decision to allocate or lease the land.

Article 39 *Land recovery for use for objectives of national defence and security, national interest or public interest*

1. The State shall carry out land recovery, pay compensation and carry out site clearance after land use zoning and planning have been proclaimed or when an investment project with land use requirements in conformity with the land use zoning and planning is approved by the competent State body.
2. No later than ninety (90) days with respect to agricultural land and one hundred and eighty (180) days with respect to non-agricultural land prior to recovery of land, the competent State body must notify the person having the land to be recovered of the reason for recovery of the land, the time-limit and plan for removal, and the general plan for compensation, site clearance and resettlement.
3. After a decision on land recovery and a plan for compensation, site clearance and resettlement have been approved by the competent State body, publicly announced and become effective, the person having land to be recovered must comply with the decision on land recovery.

Where a person having land to be recovered fails to comply with the decision on land recovery, the people's committee at the level which is authorized to make the decision on land recovery shall have the right to issue an enforcement decision. Any person subject to a land recovery enforcement decision must comply with it and shall have the right to make a complaint.

Article 40 *Land recovery for use for objectives of economic development*

1. The State shall carry out land recovery for use for objectives of economic development in cases of investment in construction of industrial zones, high-tech zones, economic zones and large investment projects as stipulated by the Government.

Land recovery shall be carried out in accordance with the provisions of article 39 of this Law.

2. With respect to a production or business project which conforms with the approved land use zoning, the investor may be assigned land use rights, lease land use rights or receive capital contribution using land use rights of economic organizations, family households and individuals without being required to perform the procedures for land recovery.

Article 41 *Land recovery and management of recovered land fund*

1. The State shall decide to recover land and allocate the land to a land fund development organization established by the people's committee of a province or city under central authority in order to carry out land recovery, pay compensation, conduct site clearance, and directly manage the land fund after land has been recovered in the case where there is no investment project after proclamation of land use zoning or planning.
2. The State shall recover land, pay compensation, conduct site clearance and allocate land to investors for implementation of projects in the case where such investment projects have been approved by the competent State body.
3. Where the body authorized to recover land carries out land recovery in the cases stipulated in clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of article 38 of this Law, land which has been recovered in rural areas shall be allocated to the people's committee of the commune for management and, in urban areas and areas which have been zoned for urban development, shall be allocated to the land fund development organization for management.

Article 42 *Compensation and resettlement for persons subject to land recovery*

1. A person subject to land recovery by the State and having a certificate of land use right or satisfying all of the conditions for issuance of a certificate of land use right in accordance with the provisions of article 50 of this Law shall be paid compensation, except in the cases stipulated in clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of article 38 and paragraphs (b), (c), (d), (dd) and (g) of clause 1 of article 43 of this Law.
2. A person shall be compensated by way of allocation of new land for the same purpose as the type of land which was recovered or shall be paid compensation equal to the value of land use rights as at the time when the decision on recovery is made where no land is available for compensation.
3. A people's committee of a province or city under central authority shall formulate and implement resettlement projects prior to recovery of land aimed at compensating persons subject to land recovery and relocation of residence by way of residential housing or residential land. A resettlement zone shall be zoned for several projects in the same locality and must have developmental conditions equal to or better than the former place of residence.

Where no settlement zone is available, a person subject to land recovery shall be paid monetary compensation and shall be given priority to purchase or lease State owned housing in the case of urban areas; and shall be compensated by residential land in the case of rural areas. Where the value of the right to use the land which is recovered is greater than that of the residential land used for compensation, the person subject to land recovery shall be paid monetary compensation for such difference.

4. In the case of land recovery of family households or individuals being directly engaged in production but no land is available for compensation aimed at continuing production, in addition to monetary compensation, the persons subject to land recovery shall be entitled to State support for stabilizing their life, training for conversion of occupations and arranging new employment.
5. Where a land user being compensated by the State for land recovery has not discharged its financial obligations in relation to the land in accordance with law, the value of the undischarged financial obligations shall be deducted from the value of the compensation or support.
6. The Government shall provide regulations on compensation and resettlement applicable to persons subject to land recovery and support for carrying out land recovery.

Article 43 *Circumstances in which land may be recovered without compensation*

1. The State shall recover land without payment of compensation in the following circumstances:
 - (a) Land recovery in the circumstances prescribed in clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of article 38 of this Law;
 - (b) Protective forest land and specialized use forest land; land used for construction of offices of bodies or works of professional institutions; land used for national defence and security purposes; land containing traffic routes and irrigation works; land used for construction of cultural, health care, educational and training facilities, sports and physical education and other community buildings not for business purposes; land used as cemeteries and for graves;
 - (c) Agricultural land used by a community of citizens;
 - (d) Land which has been allocated by the State with collection of land use fees, or in respect of which use rights are assigned and the land use fees or payment for assignment of land use rights are paid from the State Budget;
 - (dd) Land leased from the State;
 - (e) Cases of failure to satisfy all of the conditions for issuance of a certificate of land use right stipulated in article 50 of this Law;
 - (g) Agricultural land used for community purposes of a commune, ward or township.
2. When the State recovers land, the land user shall not be entitled to compensation for assets attached to the land in the following circumstances:
 - (a) The assets attached to the land were created on the recovered land area after proclamation of land use zoning or planning, urban construction zoning or construction zoning for rural residential zones without permission from the competent State body;
 - (b) The assets attached to the land were created prior to issuance of the decision on land recovery but such assets are inconsistent with the land use purpose fixed in the land use zoning or planning at the time of construction of such works;
 - (c) The land is recovered in the circumstances provided for in clauses 4, 6, 7 and 10 of article 38 of this Law.

3. Land users subject to land recovery as stipulated in clause 1 but not stipulated in clause 2 of this article shall be entitled to compensation for damage to the assets attached to the land which is recovered.
4. The Government shall provide regulations to deal with land use fees, land rent and assets invested on land in the cases of land recovery stipulated in clauses 2, 3, 5, 8, 9, 11 and 12 of article 38 of this Law.

Article 44 *Authority to recover land*

1. People's committees of provinces and cities under central authority shall make decisions to recover land from organizations, religious establishments, Vietnamese residing overseas and foreign organizations and individuals, except in the cases stipulated in clause 2 of this article.
2. People's committees of districts, towns and provincial cities shall make decisions to recover land from family households, individuals, communities of citizens, and Vietnamese residing overseas who are entitled to purchase residential houses attached to residential land use rights in Vietnam.
3. Any State body authorized to recover land as stipulated in clauses 1 and 2 of this article may not delegate such authority.

Article 45 *Requisition of land for definite period*

1. The State may requisition land for a definite period for emergency requirements in times of war, natural disaster or in other emergency circumstances.

Upon expiry of the period of land requisition or upon completion of performance of the objective of the land requisition, the State shall return the land and pay compensation for losses caused by such requisition to the person subject to land requisition.

2. The Government shall provide detailed regulations on requisition of land.

SECTION 5

Registration of Land Use Rights, Formulation and Management of Cadastral Files and Issuance of Certificates of Land Use Rights; Land Inventories and Land Stocktakings**Article 46** *Registration of land use rights*

Registration of land use rights shall be conducted at a registration office for land use rights in the following circumstances:

1. The land user has not yet been issued a certificate of land use right;
2. The land user exercises the right to exchange, assign, inherit, donate, lease or sub-lease land use rights; to mortgage, guarantee or contribute capital using land use rights in accordance with this Law;
3. A person is assigned land use rights;
4. The land user has a certificate of land use right in respect of which the competent State body permits a change of name, conversion of land use purpose or change of duration of land use or of the boundary of the parcel of land;
5. A person is using land pursuant to a judgment or decision of the people's court, pursuant to a decision on judgement enforcement of a body which enforces court judgments, or pursuant to a decision resolving a land dispute by a competent State body which has been enforced.

Article 47 *Formulation and management of cadastral files*

1. Cadastral files shall comprise:
 - (a) Cadastral map;
 - (b) Cadastral register;
 - (c) Register of land inventory;
 - (d) Register of land change monitoring.
2. The contents of a cadastral file shall include the following information on the parcel of land:
 - (a) Number, measurements, configuration, surface area and position;
 - (b) Person using the parcel of land;
 - (c) Land use source, purpose and duration;

- (d) Land price, assets attached to land, discharged and undischarged financial obligations;
 - (dd) Certificate of land use right, rights of the land user and any restrictions on those rights;
 - (e) Changes during the process of land use and other relevant information.
3. The Ministry of Natural Resources and Environment shall provide regulations on cadastral files and guidelines on their formulation, revision and management.

Article 48 *Certificates of land use right*

1. Certificates of land use right shall be issued to land users in a standard form which shall be uniformly used throughout the country for all types of land.

Where there are assets attached to land, such assets shall be acknowledged in the certificate of land use right, and the owner of such assets must register its ownership of assets in accordance with the provisions of the laws on registration of immoveable assets.

2. The Ministry of Natural Resources and Environment shall issue certificates of land use right.
3. Certificates of land use right shall be issued for each parcel of land.

Where the land use right is a mutual asset of a wife and husband, the certificate of land use right must state the full names of both husband and wife.

Where the land user of one parcel of land comprises a number of individuals, family households and organizations, a certificate of land use right shall be issued to each individual, family household and organization being a land co-user.

Where a parcel of land is subject to the mutual land use right of a community of citizens, the certificate of land use right shall be issued to the community of citizens and delivered to the legal representative of such community of citizens.

Where a parcel of land is subject to the mutual land use right of a religious establishment, the certificate of land use right shall be issued to the religious establishment and delivered to the person assuming the highest responsibility of such religious establishment.

The Government shall provide detailed regulations on issuance of certificates of land use right with respect to apartments and residential quarters.

4. A land user which has already been issued with a certificate of land user right or a certificate of residential home ownership and right to use urban residential land shall not be required to change such certificate into a certificate of land use right in accordance with this Law. Upon assignment of the land use right, the assignee of such land use right shall be issued with a certificate of land use right in accordance with this Law.

Article 49 *Circumstances of issuance of certificates of land use right*

The State shall issue certificates of land use right to the following:

1. Persons being allocated land by or leasing land from the State, except for leases of agricultural land to use for community purposes of a commune, ward or township;
2. Persons being allocated land by or leasing land from the State in the period from 15 October 1993 until prior to the date of effectiveness of this Law and not yet having been issued a certificate of land use right;
3. Persons currently using land in accordance with the provisions in articles 50 and 51 of this Law and not yet having been issued a certificate of land use right;
4. Persons being permitted to exchange; being assignees, legatees and donees of a land use right; recipients of a land use right upon realization of a contract of mortgage or guarantee using the land use right for debt recovery; a land-using organization which is a newly created legal entity as a result of parties contributing capital using land use rights;
5. Persons using land pursuant to a judgment or decision of a people's court, pursuant to a judgement enforcement decision of a body which enforces court judgments, or pursuant to a decision resolving a land dispute by a competent State body which has been enforced;
6. Persons winning an auction of a land use right or a tender for a project using land;
7. Land users stipulated in articles 90, 91 and 92 of this Law;
8. Purchasers of residential housing attached to residential land;
9. Purchasers of residential housing attached to residential land pursuant to a State liquidation or disposal sale.

Article 50 *Issuance of certificates of land use right to family households, individuals and communities of citizens using land*

1. Family households or individuals currently using land stably, [*where the land is*] certified by the people's committee of a commune, ward or township as not being the subject of any dispute, and having one of the following documents shall be issued a certificate of land use right and shall not be required to pay land use fees:
 - (a) Document of the right to use land prior to 15 October 1993 issued by a competent body during the implementation process of the land policies of the Democratic Republic State of Vietnam, the Provisional Revolutionary Government of the Republic of South Vietnam, and the Socialist Republic of Vietnam;
 - (b) Provisional certificate of land use right issued by the competent State body, or where [*the land user*] is named in the land and field register or the cadastral register;
 - (c) Legitimate document of inheritance or gift of land use right or assets attached to land; document of allocation of a charity house attached to land;
 - (d) Document of assignment of land use right or purchase of residential housing attached to residential land prior to 15 October 1993, which is now certified by the people's committee of the commune, ward or township as having been used [*since*] before 15 October 1993;
 - (dd) Document of State liquidation or disposal sale of residential housing attached to residential land in accordance with law;
 - (e) Document issued by a competent body under a former regime to a land user.
2. If a family household or individual currently using land has one of the documents prescribed in clause 1 of this article and such document names another person, accompanied by a document on assignment of land use right which is signed by the relevant parties, but the procedures for assignment of land use rights have not been performed in accordance with the law prior to the date of effectiveness of this Law and the people's committee of the commune, ward or township now certifies that the land is not the subject of dispute, [*such family household or individual*] shall be issued a certificate of land use right and shall not be required to pay land use fees.
3. If a family household or individual currently using land has registered permanent residence in the locality and has been a direct producer in agriculture, forestry, aquaculture or salt production in a mountainous or

island area with difficult economic conditions, and if the people's committee of the commune where the land is situated now certifies that such person has used the land stably and that the land is not the subject of dispute, [*such family household or individual*] shall be issued a certificate of land use right and shall not be required to pay land use fees.

4. If a family household or individual currently using land does not have any of the documents prescribed in clause 1 of this article but the land has been used stably since before 15 October 1993, and if the people's committee of the commune, ward or township now certifies that the land is not the subject of dispute, and it is consistent with the approved land use zoning with respect to areas for which land use zoning is available, such family household or individual shall be issued a certificate of land use right and shall not be required to pay land use fees.
5. If a family household or individual uses land pursuant to a judgment or decision of a people's court, pursuant to a judgement enforcement decision of a body which enforces court judgments, or pursuant to a decision resolving a land dispute by a competent State body which has been enforced, such family household or individual shall be issued a certificate of land use right upon discharging financial obligations in accordance with law.
6. If a family household or individual currently using land does not have any of the documents prescribed in clause 1 of this article but the land has been used from 15 October 1993 to prior to the date of effectiveness of this Law, and if the people's committee of the commune, ward or township now certifies that the land is not the subject of dispute, and it is consistent with the approved land use zoning with respect to areas for which land use zoning is available, [*such family household or individual*] shall be issued a certificate of land use right but must pay land use fees in accordance with regulations of the Government.
7. If a family household or individual was allocated land by or leased land from the State from 15 October 1993 to prior to the date of effectiveness of this Law and has not been issued a certificate of land use right, such family household or individual shall be issued a certificate of land use right; where there are undischarged financial obligations, such obligations must be discharged in accordance with law.
8. A community of citizens which currently uses land containing a building being communal house, temple, shrine, pagoda, worship hall or family shrine shall be issued a certificate of land use right upon satisfying the following conditions:
 - (a) An application for issuance of a certificate of land use right is made;

- (b) The people's committee of the commune, ward or township where the land is situated certifies that the land is used for the community and is not the subject of dispute.

Article 51 *Issuance of certificates of land use right to organizations and to religious establishments currently using land*

1. Any organization currently using land shall be issued a certificate of land use right applicable to that part of the land surface area which is being used for the correct purpose and effectively.
2. The part of the land surface area which an organization is currently using, but in respect of which a certificate of land use right shall not be issued, shall be resolved as follows:
 - (a) The State shall recover the part of the land surface area which is not used, or which is used for the incorrect purpose, or which is used inefficiently.
 - (b) The organization must hand over that part of the land surface area which it has used as residential land to the people's committee of the district, town or provincial city to manage; where any State owned enterprise engaged in production in agriculture, forestry, aquaculture or salt production to which the State has allocated land and the enterprise subsequently gave the land to family households and individuals to use as part of the land fund for residential housing, such enterprise must re-arrange the residential land areas into a residential zone and submit it for approval to the people's committee of the province or city under central authority prior to its hand-over to the locality for management.
3. With respect to economic organizations which select the form of land lease, the administrative body for land of the province or city under central authority shall conduct procedures to sign a land lease contract prior to issuance of a certificate of land use right.
4. A religious establishment currently using land shall be issued a certificate of land use right upon satisfying the following conditions:
 - (a) The State permits such religious establishment to operate;
 - (b) The religious organization which has such religious establishment makes a request in writing;
 - (c) The people's committee of the commune, ward or township where the land is situated certifies the land use requirements of such religious establishment.

Article 52 *Authority to issue certificates of land use right*

1. People's committees of provinces and cities under central authority shall issue certificates of land use right to religious organizations and establishments, Vietnamese residing overseas; foreign organizations and individuals, except in the cases stipulated in clause 2 of this article.
2. People's committees of districts, towns and provincial cities shall issue certificates of land use right to family households, individuals, communities of citizens, and Vietnamese residing overseas who purchase residential housing attached to residential land.
3. Any State body authorized to issue certificates of land use right stipulated in clause 1 of this article may delegate such authority to the administrative body for land at the same level.

The Government shall provide conditions for delegation of the authority to issue certificates of land use right.

Article 53 *Land inventories and land stocktakings*

1. Land inventories and land stocktakings shall be conducted in accordance with the following provisions:
 - (a) The unit for conducting land inventories and land stocktakings shall be the commune, ward and township.
 - (b) Land inventories shall be taken once every year.
 - (c) Land stocktakings shall be conducted once every five years.
2. Responsibility for conducting land inventories and land stocktakings shall be provided for as follows:
 - (a) People's committees at all levels shall organize the conduct of land inventories and land stocktakings within their respective localities.
 - (b) People's committees of districts, towns, provincial cities, communes, wards and townships shall report the results of land inventories and land stocktakings to the next higher level people's committee; and people's committees of provinces and cities under central authority shall report the results of land inventories and land stocktakings to the Ministry of Natural Resources and Environment.
 - (c) The Ministry of Natural Resources and Environment shall provide an overall report on the results of annual land inventories and five-year land stocktakings nationwide to the Government.

- (d) The Government shall provide the results of a five-year land stocktaking to the National Assembly at the same time as it provides the five-year land use planning nationwide.
3. The Ministry of Natural Resources and Environment shall promulgate standard forms and guidelines on methods for conducting land inventories and land stocktakings.

SECTION 6

Financial Issues With Respect to Land and Land Values

Article 54 *State budget revenue items from land*

1. State budget revenue items from land shall comprise:
 - (a) Land use fees in the cases of allocation of land with collection of land use fees, conversion of use purpose from land allocated by the State without collection of land use fees to land allocated by the State with collection of land use fees, and conversion of the form of land lease to the form of allocation of land by the State with collection of land use fees;
 - (b) Land rent from land leased by the State;
 - (c) Land use tax;
 - (d) Income tax payable on assignment of land use rights;
 - (dd) Fines collected after dealing with breaches of the laws on land;
 - (e) Compensation paid to the State for loss caused during land administration and land use;
 - (g) Fees and charges payable for land administration and land use.
2. The Government shall provide regulations on the collection of land use fees and land rent, on the collection of fines for breaches of the laws on land, and on compensation payable to the State for loss caused during land administration and land use.

Article 55 *Land prices*

Land prices shall be formed in the following cases:

1. From stipulations made by people's committees of provinces and cities under central authority as provided for in clauses 3 and 4 of article 56 of this Law;

2. From auctions of land use rights and from tendering for projects using land;
3. From agreements reached between land users with other persons concerned when exercising the rights to assign, lease or sub-lease the land use right; or to contribute capital using land use rights.

Article 56 *Land prices stipulated by the State*

1. State valuations of land must comply with the following principles:
 - (a) They must be close to actual market prices for assignment of land use right in normal conditions and, when there is a big difference compared with actual market prices for assignment of land use right, they must be adjusted for conformity.
 - (b) Prices shall be the same for adjoining parcels of land with the same natural, economic, social and infrastructure conditions, the same current use purpose and the same use purpose pursuant to zoning.
 - (c) Prices shall be the same for land in areas bordering provinces and cities under central authority with the same natural, economic, social and infrastructure conditions, the same current use purpose and the same use purpose pursuant to zoning.
2. The Government shall provide regulations on price determination methods and on a price framework for all types of land in each area from time to time; circumstances in which prices must be adjusted and resolution of price differences in areas bordering provinces and cities under central authority.
3. Based on the principles for land valuations prescribed in clause 1 of this article and the price determination methods and price framework for all types of land as regulated by the Government, people's committees of provinces and cities under central authority shall establish specific land prices within their localities and submit them to the people's council at the same level for comments prior to decision-making.
4. The land prices stipulated by people's committees of provinces and cities under central authority shall be publicly proclaimed on 1 January each year and shall be used as the basis for calculating land use taxes and income tax payable on assignment of land use rights; calculating land use fees and land rent for allocation or leasing of land without an auction of land use rights or tendering for projects which will use land; calculating the value of land use rights for allocation of land without collection of land use fees, registration fees, or compensation when the State recovers land; and calculating compensation payable by persons in breach of the laws on land causing damage to the State.

Article 57 *Consultancy on land prices*

1. Organizations which satisfy the conditions, have the capability, and are permitted to provide services regarding land prices may provide consultancy on land prices.
2. Determination of consultative land prices must be made in compliance with the principles of land valuation and land price determination methods provided by the Government.
3. Consultative land prices shall be used as a reference for State administration of finance in relation to land and transactions relating to land use rights.

Article 58 *Auctions of land use rights, tendering for projects using land*

1. The State shall allocate land with collection of land use fees and lease land in the forms of an auction of land use rights or tendering for projects which will use land in the following circumstances:
 - (a) Investment and construction of residential housing for sale or lease;
 - (b) Investment and construction of infrastructure for assignment or lease;
 - (c) Use of land funds to create capital for investment and construction of infrastructure;
 - (d) Use of land for the purpose of construction of production and business facilities;
 - (dd) Lease of land belonging to agricultural land funds which are reserved for community purposes to use for production in agriculture, forestry, aquaculture or salt production;
 - (e) Other circumstances as regulated by the Government.
2. Auctions of land use rights shall be held to enforce judgments and to realize contracts of mortgage or guarantee using land use rights in order to recover debts.
3. The winning bid in an auction of land use rights and the successful tender in tendering for projects which will use land may not be lower than the land price stipulated by the people's committee of the province or city under central authority.

4. Auctions of land use rights and tendering for projects which will use land as provided for in clauses 1 and 2 of this article shall be conducted in accordance with the laws on auctions and the laws on tendering.

Article 59 *Value of land use rights in assets of organizations to which the State allocates land without collection of land use fees and in assets of State owned enterprises*

1. When the State allocates land to an organization without collection of land use fees, the value of the land use right shall be included in the value of the assets allocated to the organization; any organization to which land is allocated shall be responsible to preserve the land fund.
2. When the State allocates land to a State owned enterprise with collection of land use fees, or when a State owned enterprise is assigned land use rights but the land use fees or payment for the assignment are paid from the State Budget, such sum shall be included in the value of the State capital in the enterprise; and the enterprise shall be responsible to preserve the land fund.
3. Upon equitization of a State owned enterprise in the cases provided for in clause 2 of this article and selection by the equitized enterprise of the form of allocation of land with collection of land use fees, the value of the land use right shall be re-calculated close to actual market value for assignment of land use rights.
4. The Government shall provide specific regulations on determination of the value of land use rights applicable in the cases provided for in clauses 1, 2 and 3 of this article.

Article 60 *Exemption from and reduction of land use fees and land rent*

1. Land users to which the State allocates land with collection of land use fees or to which the State leases land shall be entitled to exemption from or reduction of land use fees and land rent in the following circumstances:
 - (a) Land use for the purpose of production and business in sectors or areas entitled to investment incentives;
 - (b) Land use for construction of public works for business purposes;
 - (c) Implementation of the policy on residential housing and residential land applicable to persons having contributed to the revolution, poor family households and ethnic minority compatriots in areas with difficult economic conditions or specially difficult economic conditions;

- (d) Factories and workshops required to re-locate in accordance with zoning;
 - (dd) Land use for the purpose of construction of communal residences for workers in industrial zones, of student hostels and of residences for persons who must relocate as a result of a natural disaster;
 - (e) Other circumstances as regulated by the Government.
2. The Government shall provide specific regulations on exemption from and reduction of land use fees and land rent.

SECTION 7

Land Use Rights in Real Estate Market

Article 61 *Land which may participate in real estate market*

Land which may participate in the real estate market shall comprise:

1. Land where this Law permits the land user to exercise one of the following rights: the right to exchange, assign, lease, sub-lease, bequeath and donate land use rights; to mortgage, guarantee and contribute capital using land use rights;
2. Leased land on which there are assets which the law permits to participate in the real estate market.

Article 62 *Conditions for land to participate in real estate market*

Land shall be permitted to participate in the real estate market where the land user satisfies all of the conditions stipulated in clause 1 of article 106 of this Law.

In the case of land allocated or leased by the State in order to implement an investment project, investment must be made in the land correctly in accordance with the project approved by the competent State body.

Article 63 *Administration of land in development of real estate market*

The State shall administer land in the development of the real estate market by taking the following measures:

1. Organization of registration of transactions relating to land use rights;
2. Organization of registration of activities to develop land funds and of investment, construction and business in real estate;

3. Organization of registration of activities to provide supportive services to the real estate market;
4. Protection of the lawful rights and interests of persons trading land use rights in the real estate market;
5. Taking measures to stabilize land prices and to prevent land speculation.

SECTION 8

Organization of Administrative Body for Land

Article 64 *Administrative body for land*

1. A system for organization of administrative bodies for land shall be uniformly established from the central to the grass-roots level.
2. The administrative body for land at the central level shall be the Ministry of Natural Resources and Environment.

Local administrative bodies for land shall be established in provinces and cities under central authority and in districts, towns and provincial cities.

The administrative body for land at any one level shall be a subsidiary of the State administrative body of the same level.

The office for registration of land use rights of a local administrative body for land shall be a public service agency exercising the function of administration of original cadastral files and uniform correction and edition of cadastral files serving land users in exercising their rights and obligations.

Article 65 *Land administration officials of communes, wards and townships*

1. Communes, wards and townships shall have land administration officials.
2. Land administration officials of communes, wards and townships shall be responsible to assist the people's committee of the commune, ward or township in the administration of land within the locality.
3. Land administration officials of communes, wards and townships shall be appointed to or relieved of their posts by the people's committee of the district, town or provincial city.

CHAPTER III

Regime for Use of All Types of Land

SECTION 1

Duration of Land Use

Article 66 *Land used on stable and long term basis*

Land users shall be permitted to use land on a stable and long term basis in the following cases:

1. Protective forest land and specialized use forest land;
2. Agricultural land used by a community of citizens as provided for in clause 4 of article 71 of this Law;
3. Residential land;
4. Land on which production or business facilities of family households and individuals are built, which is currently used stably and in respect of which land use rights are recognized by the State;
5. Land used for the purpose of construction of offices of State bodies and works of professional institutions provided for in article 88 of this Law;
6. Land used for national defence and security purposes;
7. Land used by religious establishments provided for in article 99 of this Law;
8. Land containing buildings being communal houses, temples, shrines, pagodas, worship halls and family shrines;
9. Land for traffic routes and irrigation works; land for construction of cultural, health care, educational and training, sports and physical training facilities serving public interest and other community buildings for non-business purposes; land containing historical-cultural sites and places of scenic beauty;
10. Land used as cemeteries and for graves.

Article 67 *Land used for definite period*

Land users shall be permitted to use land for a definite period in the following cases:

1. The duration of allocation of land for planting annual crops, for aquaculture and for salt production to family households and individuals to use as provided for in clauses 1 and 4 of article 70 of this Law shall be twenty (20) years; the duration of allocation of land for planting perennial crops and forests to family households and individuals to use as provided for in clauses 2, 3 and 4 of article 70 of this Law shall be fifty (50) years.

The duration of lease of land for planting annual crops, for aquaculture and for salt production to family households and individuals to use shall not exceed twenty (20) years; and the duration of lease of land for planting perennial crops and forests to family households and individuals to use shall not exceed fifty (50) years.

The duration of allocation or lease of land shall be calculated from the date of the decision on allocation or lease of land by the competent State body; where the State has allocated or leased land prior to 15 October 1993, the duration of allocation or lease of land shall be calculated from 15 October 1993.

Upon expiry of the duration, the State shall continue to allocate or lease land if the land user wishes to continue using the land and has strictly observed the laws on land during the period of use, and such land use conforms with the approved land use zoning.

2. The duration of use of areas of agricultural land which exceed the quota because the land was allocated prior to 1 January 1999 shall be one half ($\frac{1}{2}$) of the duration stipulated in clause 1 of this article, after which duration it shall be converted to land lease form.
3. The duration of allocation of land or of lease of land to economic organizations to use for purposes of production in agriculture, forestry, aquaculture or salt production; to economic organizations, family households and individuals to use for construction of business or production facilities; to economic organizations to implement investment projects; to Vietnamese residing overseas and foreign organizations and individuals to implement investment projects in Vietnam shall be considered and decided on the basis of the investment project or the application for allocation or lease of land, but shall not exceed fifty (50) years; with respect to investment projects with large capital but a slow capital recovery rate and investment projects in areas with difficult socio-economic conditions or specially difficult socio-economic conditions which require a longer period of land allocation or land lease, such period shall not exceed seventy (70) years.

Upon expiry of the duration, the State shall consider extension of the duration of land use if the land user wishes to continue using the land and has strictly observed the laws on land during the period of use, and such land use conforms with the approved land use zoning.

4. The duration of lease of land for construction of offices of foreign organizations with diplomatic functions as provided for in clause 5 of article 9 of this Law shall not exceed ninety nine (99) years.

Upon expiry of the duration, if the foreign organization with diplomatic functions wishes to use the land, the State shall consider extension of the duration of land use or lease of other land.

5. The duration of land lease of the agricultural land fund for use for community purposes of a commune, ward or township shall not exceed five years; in the case of land lease prior to 1 January 1999, the duration of land lease shall be determined on the basis of the land lease contract.

Article 68 *Duration of land use upon conversion of land use purpose*

1. The duration of land use applicable to family households and individuals upon conversion of land use purpose shall be provided for as follows:
 - (a) In the case of conversion of protective forest land or specialized use forest land to other use purposes, the duration shall be determined on the basis of the duration applicable to the type of land after conversion of land use purpose. The duration of land use shall be calculated from the time of conversion of land use purpose.
 - (b) In the case of conversion of land for planting annual crops or perennial crops, land for planting forests, land for aquaculture or salt production to planting protective forests land or specialized use forests, the family household or individual shall be permitted to use the land on a stable and long term basis.
 - (c) In the case of conversion of use purpose between different types of land, comprising land for planting annual crops or perennial crops, forest land for production, land for aquaculture or salt production, the family household or individual shall be permitted to continue using such land for the duration for which the land is allocated or leased.

Upon expiry of the duration, the State shall continue to allocate land or lease land if the family household or individual wishes to continue using the land and has strictly observed the laws on land during the period of use, and such land use conforms with the approved land use zoning.

- (d) In the case of conversion of agricultural land to use for non-agricultural purposes, the duration of land use shall be determined on the basis of the duration applicable to the type of land after conversion of land use purpose. The duration of land use shall be calculated from the time of conversion of land use purpose.
 - (dd) In the case of conversion of use purpose from non-agricultural land used on a stable and long term basis to non-agricultural land used for a definite duration or from non-agricultural land used for a definite duration to non-agricultural land used on a stable and long term basis, the family household or individual shall be permitted to use the land on a stable and long term basis.
2. The duration of land use applicable to economic organizations, Vietnamese residing overseas and foreign organizations and individuals for implementation of investment projects which are not located in an industrial zone or high-tech zone upon conversion of land use purpose shall be determined on the basis of the investment projects in accordance with clause 3 of article 67 of this Law.
 3. Where an economic organization converts the land use purpose from non-agricultural land used on a stable and long term basis to non-agricultural land used for a definite duration or from non-agricultural land used for a definite duration to non-agricultural land used on a stable and long term basis, such economic organization shall be permitted to use the land on a stable and long term basis.

Article 69 *Duration of land use upon assignment of land use right*

1. The duration of land use upon assignment of land use right applicable to the types of land subject to a stipulated duration shall be the remaining term of the duration of land use prior to the assignment of land use right.
2. A person being assigned land use rights in the case of types of land used on a stable and long term basis shall be permitted to use land on a stable and long term basis.

SECTION 2

Agricultural Land

Article 70 *Quota on allocation of agricultural land*

1. The quota on allocation to each family household or individual of land for planting annual crops, land for aquaculture and land for salt production shall be no more than three hectares of each type of land.

2. The quota on allocation to each family household or individual of land for planting perennial crops shall be no more than ten (10) hectares applicable to communes, wards and townships on plains, and no more than thirty (30) hectares applicable to communes, wards and townships on midlands and in mountain regions.
3. The quota on allocation to each family household or individual of protective forest land and forest land for production shall be no more than thirty (30) hectares of each type of land.
4. In the case where a family household or individual is allocated many types of land, comprising land for planting annual crops, land for aquaculture and land for salt production, the total quota on land allocation shall be no more than five hectares, fixed for each type of land in accordance with the provisions in clauses 1, 2, 3 and 4 of this article.

Where a family household or individual is additionally allocated land for planting perennial crops, the quota on allocation of land for planting perennial crops shall be no more than five hectares applicable to communes, wards and townships on plains, and no more than twenty five (25) hectares applicable to communes, wards and townships on midlands and in mountain regions.

Where a family household or individual is additionally allocated forest land for production, the total quota on allocation of forest land for production shall be no more than twenty five (25) hectares.

5. The quota on allocation of wasteland, bare hills and water surfaces in the category of unused land to a family household or individual to bring into use in accordance with zoning for production in agriculture, forestry, aquaculture and salt production shall not exceed the quota on allocation of land stipulated in clauses 1, 2 and 3 of this article and shall not be included in the quota on agricultural land to be allocated to family households and individuals stipulated in clauses 1, 2 and 3 of this article.
6. The Government shall provide specific quotas on allocation of land applicable to each type of land in each area.

Article 71 *Agricultural land used by family households, individuals and communities of citizens*

1. Agricultural land used by family households and individuals shall comprise agricultural land allocated or leased by the State; the land use rights for which are leased from other organizations, family households or individuals; the land use rights for which are assigned, inherited or donated in accordance with law.

2. Agricultural land which the State allocates to family households and individuals shall be used as follows:
 - (a) Family households and individuals being allocated land by the State prior to the date of effectiveness of this Law shall be entitled to continue to use the land for the remaining term of the allocation.
 - (b) With respect to localities which have not yet allocated land to family households and individuals in accordance with the laws on land, the people's committees of communes, wards and townships where the land is situated shall formulate a plan on land allocation and submit it to the people's committee of the district, town or provincial city to make a decision on allocation of land.
 - (c) With respect to localities where a people's committee at any level has already guided family households and individuals in their negotiations with each other to adjust land during implementation of the land policies prior to 15 October 1993 to date and the land has been used stably, they shall be entitled to continue to use the land.
 - (d) The duration of land use applicable to the cases stipulated in paragraphs (a), (b) and (c) of this clause shall be determined in accordance with the provisions of clause 1 of article 66 and article 67 of this Law.
3. The Government shall submit quotas on land use rights which are assigned to family households and individuals to the Standing Committee of the National Assembly for decision.
4. Agricultural land used by a community of citizens shall be provided for as follows:
 - (a) Land allocated by the State to a community of citizens shall be used to preserve the national identity through the habits and customs of ethnic minority people.
 - (b) A community of citizens to which agricultural land is allocated shall be responsible for protecting the allocated land area and shall be permitted to use land in combination with the objectives of agricultural production and aquaculture, and shall not be permitted to convert to use for other objectives.

Article 72 *Agricultural land used for objectives of public interest*

1. Based on the land fund and the special characteristics and requirements in a locality, each commune, ward and township may establish an agricultural land fund to be used for the objectives of public interest, not to exceed five per cent of the total area of the types of land being land for

planting annual crops, land for planting perennial crops and land for aquaculture, in order to service the public interest requirements of the locality.

Where organizations, family households and individuals return or donate to the State their land use rights in respect of agricultural land, or where wasteland or agricultural land is recovered, such land shall be used to form or supplement the agricultural land fund to be used for the objectives of public interest of the commune, ward or township.

With respect to localities which already have an agricultural land fund to be used for the objectives of public interest exceeding five per cent, the land in excess of five per cent may be used for construction or compensation when other land is used for construction of local public works; or be allocated to family households and individuals being directly engaged in agricultural production or aquaculture in the locality but not yet having been allocated land or not having sufficient land for production.

2. The agricultural land fund to be used for the objectives of public interest of a commune, ward or township may be used for construction or compensation when other land is used for construction of local public works; may be leased to family households and individuals in the locality for agricultural production or aquaculture and may be used for other purposes in accordance with the regulations of the Government.

Revenue from the lease of land of the agricultural land fund to be used for the objectives of public interest shall be paid into the State Budget administered by the people's committee of the commune, ward or township and may only be used for the public interest of the commune, ward or township in accordance with the provisions of law.

3. The agricultural land fund to be used for the objectives of public interest of a commune, ward or township shall be administered by the people's committee of the commune, ward or town where the land is situated.

Article 73 *Agricultural land used by organizations, Vietnamese residing overseas and foreign organizations and individuals*

1. The State shall give consideration to allocating land with collection of land use fees or leasing land with payment of annual rent to economic organizations with a requirement to use land for production in agriculture, forestry, aquaculture or salt production.

The State shall allocate land with collection of land use fees or lease land with one-off payment of rent for the entire term of the lease or payment of annual rent to Vietnamese residing overseas who have an investment project in sectors of agriculture, forestry, aquaculture or salt production

approved by the competent State body for implementation of the investment project.

The State shall lease land with one-off payment of rent for the entire term of the lease or payment of annual rent to foreign organizations and individuals having an investment project in sectors of agriculture, forestry, aquaculture or salt production approved by the competent State body for implementation of the investment project.

2. Where the State has allocated land to a State owned enterprise without collection of land use fees to engage in production in agriculture, forestry, aquaculture or salt production prior to 1 January 1999, this form must be converted to the form of land lease or land allocation with collection of land use fees.
3. If the State allocated land to an organization to engage in production in agriculture, forestry, aquaculture or salt production but in fact the land was not used, was used for the incorrect purpose, or was used inefficiently, the State may recover the land in order to allocate it to the locality to bring into use in accordance with the provisions of this Law.

Article 74 *Specialized land for wet rice cultivation*

1. The State shall have a policy of protection of specialized land for wet rice cultivation and of limiting the amount of such land which is converted to land for non-agricultural use purposes. Where it is necessary to convert some specialized wet rice cultivation areas to other use purposes, the State shall take measures to supplement specialized wet rice cultivation areas or to increase the effectiveness of existing specialized wet rice cultivation areas.

With respect to areas zoned for specialized wet rice cultivation which have a high and good quality and output, the State shall have policies of providing assistance, of investment in construction of infrastructure, and of applying modern science and technology.

2. Land users of specialized land for wet rice cultivation shall be responsible to improve and fertilize the land and not to convert it to use for planting perennial crops or forests, aquaculture and non-agricultural purposes, unless the competent State body provides permission.

Article 75 *Forest land for production*

1. The State shall allocate and lease land being forest land for production to organizations, family households and individuals for use for the purpose of forestry production.

The State shall allocate land being forest land for production with collection of land use fees or lease land being forest land for production with one-off payment of rent for the entire term of the lease or with payment of annual rent to Vietnamese residing overseas for implementation of investment projects in forestry production.

The State shall lease land being forest land for production with one-off payment of rent for the entire term of the lease or with payment of annual rent to foreign organizations and individuals for implementation of investment projects in forestry production.

2. Economic organizations, family households and individuals being allocated land from or leased land by the State being forest land for production may use any areas of land which are currently bare of forest either to plant forest or to plant perennial crops.
3. Economic organizations, Vietnamese residing overseas and foreign organizations and individuals using land being forest land for production shall be permitted to engage in joint landscape and ecological-environmental tourism businesses under the forest canopy.
4. Land being forest land for production which is far from any residential area and therefore not able to be allocated directly to family households and individuals shall be allocated by the State to organizations for forest protection and development in combination with production in agriculture, forestry and aquaculture.

Article 76 *Protective forest land*

1. Protective forest land shall comprise:
 - (a) Upstream protective forest land;
 - (b) Protective forest land for protection against wind and moving sand;
 - (c) Protective forest land for protection against waves and for sea encroachment;
 - (d) Protective forest land for protection of the ecological environment.
2. The State shall allocate upstream protective forest land to organizations in charge of protective forest land for the purpose of forest management, protection and development.
3. Organizations in charge of protective forest land shall contract out parcels of upstream protective forest land to family households and individuals living in such areas for the purpose of forest protection and development. People's committees of districts, towns and provincial cities shall allocate

residential land and land for agricultural production to such family households and individuals to use.

4. Protective forest land in respect of which there is no organization in charge and land which has been zoned for planting protective forests shall be allocated to local organizations, family households and individuals having the requirements and ability to protect and develop forests.
5. People's committees of provinces and cities under central authority shall decide to lease to economic organizations protective forest land in the areas where joint landscape and ecological-environmental tourism businesses under the forest canopy are permitted.
6. The Government shall provide specific regulations on allocation or contracting out of protective forest land; and on the rights, obligations and interests of organizations, family households and individuals being allocated or contracted such protective forest land.

Article 77 *Specialized use forest land*

1. The State shall allocate specialized use forest land to the organizations in charge of specialized use forest land for the purpose of administration and protection in accordance with the land use zoning and planning which has been approved by the competent State body.
2. Organizations in charge of specialized use forest land shall contract out on a short term basis specialized use forest land which is within the category of highly protected land to family households and individuals having not been able to move away for the purpose of protection.
3. Organizations in charge of specialized use forest land shall contract out specialized use forest land which is within the category of ecological restoration land to family households and individuals living stably in such area for the purpose of protection and development of the forest.
4. People's committees which are authorized to allocate or lease land shall make decisions on allocation or leasing of land in buffer zones of specialized use forest land to organizations, family households and individuals for use for the purposes of forestry production or research and field testing in forestry or for use in combination with national defence and security in accordance with the zoning for development of forests in buffer zones.
5. People's committees of provinces or cities under central authority may make decisions on leasing to economic organizations specialized use forest land in areas where joint landscape and ecological-environmental tourism businesses under the forest canopy are permitted.

6. The Government shall provide specific regulations on allocation of specialized use forest land; on the rights, obligations and interests of organizations, family households and individuals being allocated specialized use forest land; on allocation or lease of land in buffer zones of specialized use forest land; and on lease of specialized use forest land in combination with joint landscape and ecological-environmental tourism businesses.

Article 78 *Inland water surfaces*

The use of inland water surfaces for aquaculture or agricultural production shall be provided for as follows:

1. The State shall allocate or lease ponds, lakes and marshes with payment of annual rent to economic organizations, family households and individuals for use for the purposes of aquaculture or agricultural production.

The State shall allocate or lease ponds, lakes and marshes with one-off payment of rent for the entire term of the lease or with payment of annual rent to Vietnamese residing overseas to implement investment projects in aquaculture or agricultural production.

The State shall lease ponds, lakes and marshes with one-off payment of rent for the entire term of the lease or with payment of annual rent to foreign organizations and individuals to implement investment projects in aquaculture or agricultural production.

2. Where a pond, lake or marsh belongs to more than one commune, ward or township, the people's committee of the district, town or provincial city shall make a decision on its use. Where a pond, lake or marsh belongs to more than one district, town or provincial city, the people's committee of the province or city under central authority shall make a decision on its use. Where a pond, lake or marsh belongs to more than one province or city under central authority, the Government shall make a decision on its use.

Article 79 *Coastal water surfaces*

1. The State shall lease land being coastal water surfaces with payment of annual rent to economic organizations, family households and individuals for use for the purposes of production in aquaculture, agriculture, forestry and salt production.

The State shall lease land being coastal water surfaces with payment of annual rent to Vietnamese residing overseas and foreign organizations and individuals to implement investment projects in aquaculture, agricultural production, forestry and salt production.

2. The use of land being coastal water surfaces for production in aquaculture, agriculture, forestry and salt production shall comply with the following provisions:
 - (a) It must be correct in terms of the land use zoning and planning which has been approved;
 - (b) It must protect the land and increase accretion of coastal land;
 - (c) It must protect the ecosystem and environment and protect the landscape;
 - (d) It must not interfere with national security defence or maritime traffic.

Article 80 *Riverside and coastal accretions*

1. Riverside and coastal accretions shall include river accretions, riverside islands, coastal accretions and coastal islands.
2. Any riverside and coastal accretions belonging to a commune, ward or township shall be administered by the people's committee of such commune, ward or township.

The people's committee of the district, town or provincial city shall administer and protect any riverside and coastal accretion which is regularly accreted or regularly eroded in accordance with regulations of the Government.

3. The State shall lease riverside and coastal accretion with payment of annual rent to economic organizations, family households and individuals for use for the purposes of production in agriculture, forestry, aquaculture and salt production.

The State shall allocate unused riverside and coastal accretion to local family households and individuals not yet having been allocated land or not having sufficient land for production for use for the purposes of production in agriculture, forestry, aquaculture and salt production.

The State shall lease riverside and coastal accretion with payment of annual rent to Vietnamese residing overseas and foreign organizations and individuals to implement investment projects in agricultural production, forestry, aquaculture and salt production.

4. Where the State has already allocated a riverside or coastal accretion to a family household or individual, such land user may continue to use it for the remainder of the term of the land allocation.

5. The State shall encourage economic organizations, family households and individuals to invest in bringing riverside and coastal accretions into use.

Article 81 *Land for salt production*

1. The State shall allocate or lease land for salt production with payment of annual rent to economic organizations, family households and individuals for salt production.

The State shall allocate or lease land for salt production with one-off payment of rent for the entire term of the lease or with payment of annual rent to Vietnamese residing overseas to implement investment projects in salt production.

The State shall lease land for salt production with one-off payment of rent for the entire term of the lease or with payment of annual rent to foreign organizations and individuals to implement investment projects in salt production.

2. Salt production areas which have a high and good quality output shall be protected and prioritized for salt production.
3. The State shall encourage the use of areas which are capable of producing salt in order that salt production shall supply the domestic and industrial demand.

Article 82 *Land used for farm businesses*

1. The State encourages the form of farm businesses of family households and individuals in order to exploit effectively land for development of production and to expand the scale and enhance the effectiveness of land use in production in agriculture, forestry, aquaculture and salt production attached to services, processing and sale of agricultural products.
2. Land used for farm businesses shall comprise land which the State allocates without collection of land use fees and within the allocation quotas to family households and individuals being directly engaged in forestry, aquaculture, agricultural and salt production as provided for in article 70 of this Law; land which the State leases; land leased, assigned, inherited or donated; land contracted from organizations; and land contributed by family households and individuals.
3. Family households and individuals using land for farm businesses may convert on their own initiative the use purposes of types of land in accordance with the business or production plan approved by the people's committee of the district, town or provincial city.

4. Family households and individuals currently using land to conduct farm businesses in conformity with approved land use zoning and planning shall be permitted to continue to use the land in accordance with the following provisions where the people's committee of the commune, ward or township certifies that the land is not the subject of dispute:
 - (a) In the case of land which has been allocated without collection of land use fees and within the allocation quota to family households and individuals being directly engaged in forestry, aquaculture, agricultural and salt production, such land users may continue to use it for the remainder of the term.
 - (b) In the case of land which has been allocated without collection of land use fees to family households and individuals being not directly engaged in forestry, aquaculture, agricultural and salt production, this form must be converted to the land lease form.
 - (c) In the case of use of land which the State leases or which is assigned, inherited or contracted from organization, or which is contributed as capital by family households and individuals, such land users may continue to use in accordance with the provisions of this Law.
5. It is strictly prohibited to abuse the form of farm businesses in order to occupy or amass land other than for production purposes.

SECTION 3

Non-Agricultural Land

Article 83 *Residential land in rural areas*

1. Residential land of family households and individuals in rural areas shall comprise land for the construction of residential housing and construction works servicing their lives, gardens and ponds located in the same parcel of land in rural residential zones in conformity with the zoning for construction of rural residential zones approved by the competent State body.
2. Based on the local land fund and the zoning for rural development approved by the competent State body, people's committees of provinces and cities under central authority shall make decisions on the quota on land to be allocated to each family household and individual for residential housing in such rural area, consistent with local conditions and customs.
3. Residential land distribution in rural areas in land use zoning and planning must be consistent with zoning for public works and works of professional institutions in order to facilitate both production and the lives of the

citizens and to ensure a hygienic environment towards modernization of rural areas.

4. The State shall have a policy of facilitating the housing of persons living in rural areas by using to the utmost the land in existing residential zones and limiting the extension of residential areas onto agricultural land; it is strictly prohibited to construct residential housing along transportation routes contrary to the zoning for residential areas which has been approved by the competent State body.

Article 84 *Residential land in urban areas*

1. Residential land in urban areas shall comprise land for the construction of residential housing and works servicing daily life located in the same parcel of land in urban residential areas in conformity with the urban construction zoning which has been approved by the competent State body.
2. Residential land in urban areas must be arranged in an integrated manner with land used for the purpose of construction of public works and works of professional institutions in order to ensure a hygienic environment and modern urban landscape.
3. The State shall provide land use zoning for the construction of residential housing in urban areas and shall have a policy of facilitating the housing of persons living in urban areas.
4. People's committees of provinces and cities under central authority shall allocate or lease residential land in urban areas in the following cases:
 - (a) Allocating residential land to economic organizations and Vietnamese residing overseas for implementation of projects of investment in and construction of residential housing for sale or for lease;
 - (b) Leasing residential land with payment of annual rent to Vietnamese residing overseas and foreign organization and individuals for implementation of projects of investment in and construction of residential housing for lease;
 - (c) Leasing residential land with one-off payment of rent for the entire term to Vietnamese residing overseas and foreign organization and individuals for implementation of projects of investment in and construction of residential housing for sale or for lease in accordance with regulations of the Government.
5. People's committees of provinces and cities under central authority shall, by relying on the local land fund and the zoning for urban construction,

make decisions on the quota on residential land to be allocated to each family household and individual to build their own housing where it is not yet possible to allocate land under projects for investment in and construction of residential housing.

6. The conversion of residential land to a land area for construction of production or business facilities must comply with the zoning for urban construction and the regulations on urban order, safety and environmental protection.

Article 85 *Land for construction of apartment blocks*

1. Land for construction of apartment blocks shall comprise land for construction of apartment blocks and land for construction of works servicing directly the lives of households in apartment blocks in accordance with the construction zoning which has been approved by the competent State body.
2. Land zoning for construction of apartment blocks must be consistent with the zoning for public works and environmental protection.
3. The Government shall provide specific regulations on the regime of land use with respect to apartment blocks.

Article 86 *Land used for embellishment and development of urban areas and rural residential zones*

1. Land used for urban embellishment and development shall comprise existing inner city areas of land used for urban embellishment and development, as well as land zoned for urban spread and for development of new urban areas.

Land use for embellishment and development of rural residential zones shall comprise areas of land for embellishment in existing residential areas and land of agricultural land funds to be used for public purposes.

2. Land use for embellishment and development of urban areas or rural residential zones must be consistent with the approved detailed land use zoning, detailed land use planning, urban construction zoning and construction zoning for rural residential zones which have been approved, and with construction standards and regulations as promulgated by the competent State body.
3. People's committees of provinces and cities under central authority shall organize the preparation of, and shall assign economic organizations, Vietnamese residing overseas and foreign organizations and individuals to implement, projects for urban embellishment or construction of new urban areas or new rural residential zones in accordance with the laws on

investment. Land for such projects must be distributed consistently with the land use zoning and planning for the entire area, comprising land used for construction of infrastructure, residential land, land for construction of public works and works of professional institutions and land on which business or production facilities are built. Land used for projects for urban embellishment or construction of new urban areas or new rural residential zones shall include land for expansion and construction of roads and land on both sides of roads in conformity with the requirements for modern urban landscape.

4. Where a community of citizens constructs or embellishes works servicing the community interests with capital contributed by the people or with support from the State, the voluntary contribution of land use rights, compensation or support shall be agreed between the community of citizens and the land users concerned.

Article 87 *Determination of areas of residential land containing gardens and ponds*

1. Land containing gardens and ponds determined as residential land must be located in the same parcel of land with residential housing in a residential area.
2. Where a parcel of residential land contains a garden or pond which was formed prior to 18 December 1980 and the current land user has one of the documents of land use rights stipulated in clauses 1, 2 and 5 of article 50 of this Law, such land containing the garden or pond shall be determined as residential land.
3. Where a parcel of land contains a garden or pond which has been formed or will be formed after 18 December 1980 and prior to the date of effectiveness of this Law and the land user has one of the documents of land use rights stipulated in clauses 1, 2 and 5 of article 50 of this Law and the area of residential land is specified in such document, the area of land containing the garden or pond shall be determined on the basis of such document.
4. Where a parcel of land contains a garden or pond which has been formed or will be formed after 18 December 1980 and prior to the date of effectiveness of this Law and the land user has one of the documents of land use rights stipulated in clauses 1, 2 and 5 of article 50 of this Law and the area of residential land is not specified in such document, the area of land containing the garden or pond shall be determined as follows:
 - (a) People's committees of provinces and cities under central authority shall, on the basis of local conditions and customs, provide a quota on residential land to be recognized on the basis of the number of members of a family household.

- (b) Where the area of the parcel of land is greater than the quota on land to be recognized in the locality, the area of residential land shall be determined as being equal to the quota on land to be recognized in the locality.
 - (c) Where the area of the parcel of land is less than the quota on land to be recognized in the locality, the area of residential land shall be determined as the entire area of the parcel of land.
5. Where there is no document of land use rights as stipulated in clauses 1, 2 and 5 of article 50 of this Law, the area of residential land containing the garden or pond shall be determined on the basis of the quota on land to be allocated to each family household or individual as stipulated in clause 2 of article 83 and clause 5 of article 84 of this Law.

Article 88 *Land used for purpose of construction of offices of bodies, construction of works of professional institutions*

1. Land used for the purpose of construction of offices of bodies and construction of works of professional institutions shall comprise:
 - (a) Land used for construction of offices of State bodies, political organizations, socio-political organizations and public service organizations;
 - (b) Land used for construction of offices of other organizations as provided by the Government, except in the cases stipulated in paragraph (a) of this clause;
 - (c) Land used for construction of works of professional institutions of State bodies, political organizations, socio-political organizations and public service organizations in economic, cultural, social, scientific and technological, and foreign branches and sectors.
2. Land use for the purposes prescribed in clause 1 of this article must be consistent with the land use zoning and planning, urban construction zoning and construction zoning for rural residential zones which have been approved by the competent State body.
3. The head of a body or organization to which land is allocated shall be responsible for preserving the allocated area of land and for using land for correct purposes.

It is strictly prohibited to use the land which is allocated for construction of offices of bodies or construction of works of professional institutions for other purposes.

Article 89 *Land used for purposes of national defence and security*

1. Land used for purposes of national defence and security shall comprise:
 - (a) Land for billeting military units;
 - (b) Land used for military bases;
 - (c) Land used for national defence works, battlegrounds and special works for national defence and security purposes;
 - (d) Land used for military stations and ports;
 - (dd) Land with industrial works and scientific and technological works directly servicing national defence and security;
 - (e) Land with warehouses of units of the people's armed forces;
 - (g) Land with gun ranges, military training grounds and weapons testing or destruction areas;
 - (h) Land for construction of schools, hospitals and convalescent homes of the people's armed forces;
 - (i) Land with official buildings of the people's armed forces;
 - (k) Land with detention centres and educational establishments administered by the Ministry of Defence and the Ministry of Police;
 - (l) Land for construction of other works for national defence and security as provided by the Government.

2. People's committees of provinces and cities under central authority shall exercise State administration of land used for the purpose of national defence and security within their respective localities.

The Ministry of Defence and the Ministry of Police shall co-ordinate with people's committees of provinces and cities under central authority in formulating land use zoning and planning for national defence and security purposes in conformity with the requirements for socio-economic development and bolstering national defence and security.

3. Persons currently using land which lies within the zoning for national defence and security purposes but which does not yet have a specific use purpose shall be entitled to continue to use the land until there is a decision on recovery by the competent State body, but such persons may not change the natural terrain of the land.

Article 90 *Industrial zone land*

1. Industrial zone land shall comprise land for the construction of industrial complexes, industrial zones, export processing zones and other concentrated production and business zones subject to the same regime on land use.
2. Land use for the purpose of construction of industrial zones must be consistent with the approved detailed land use zoning, detailed land use planning, and detailed construction zoning for industrial zones which have been considered and approved by the State authorized body. Detailed construction zoning for industrial zones should be formulated at the same time as for apartment blocks, cultural and social buildings and must be formulated in synchronization with planning for housing and public works servicing the lives of employees working in the industrial zone.
3. The State shall allocate land with collection of land use fees or lease land with payment of annual rent to economic organizations and Vietnamese residing overseas; and lease land with one-off payment of rent for the entire term of the lease or with payment of annual rent to Vietnamese residing overseas and foreign organizations and individuals to invest, construct and operate infrastructure in industrial zones.

Investors shall not be required to pay any land use fees or land rent for the land area used for the construction of common infrastructure in industrial zones.

4. Economic organizations, family households and individuals investing in business or production in industrial zones shall be entitled to select from the forms of allocation of land with collection of land use fees or lease of land from the State; assignment, lease or sub-lease of land attached to infrastructure from other economic organizations or Vietnamese residing overseas investing in, constructing and operating infrastructure in industrial zones; sub-lease of land attached to infrastructure from foreign organizations and individuals investing in, constructing and operating infrastructure in industrial zones.

Vietnamese residing overseas investing in business or production in industrial zones shall be entitled to select from the forms of allocation of land with collection of land use fees, lease of land from the State with one-off payment of rent for the entire term of the lease or with payment of annual rent; lease or sub-lease of land attached to infrastructure from other economic organizations or Vietnamese residing overseas investing in, constructing and operating infrastructure in industrial zones; sub-lease of land attached to infrastructure from foreign organizations and individuals investing in, constructing and operating infrastructure in industrial zones.

Foreign organizations and individuals investing in business or production in industrial zones shall be entitled to select from the forms of lease of land from the State with one-off payment of rent for the entire term of the lease or with payment of annual rent; lease or sub-lease of land attached to infrastructure from economic organizations or Vietnamese residing overseas investing in, constructing and operating infrastructure in the industrial zones; sub-lease of land attached to infrastructure from other foreign organizations and individuals investing in, constructing and operating infrastructure in industrial zones.

5. Users of land in industrial zones must use land for the determined purpose, shall be issued with a certificate of land use right and shall have the rights and obligations stipulated in this Law.

In the case of assignment of land use rights within the industrial zone, the assignee must continue to use the land for the determined purpose.

6. With respect to entities which sub-leased land in an industrial zone prior to the date of effectiveness of this Law and which paid rent for the entire term of the sub-lease or for a number of years and the remaining period for which rent has been paid is at least five years, if the entity is an economic organization, it shall have the rights stipulated in article 110 of this Law and, if the entity is a family household or individual, it shall have the rights stipulated in article 113 of this Law.

Article 91 *Land used for high-tech zones*

1. Land used for high-tech zones in accordance with establishment decisions of the Prime Minister of the Government shall comprise types of land with different land use regimes which service production and trading of high-tech products; high-tech research, development and application; and high-tech manpower training.
2. Where a people's committee of a province or city under central authority has made a land allocation on one occasion for an entire high-tech zone to the management committee of the zone, the management committee may re-allocate or lease the land with payment of annual rent to organizations and individuals; re-allocate or lease the land with one-off payment of rent for the entire term of the lease or payment of annual rent to Vietnamese residing overseas; lease the land with one-off payment of rent for the entire term of the lease or with payment of annual rent to foreign organizations and individuals using land in the high-tech zone.

Land users to which the management committee of a high-tech zone re-allocates land in the high-tech zone shall have the rights and obligations as if they are allocated with land by the State in accordance with this Law; land users to which the management committee of a high-tech zone leases

land in the high-tech zone shall have the rights and obligations as if they lease land from the State in accordance with this Law.

3. Detailed land use zoning and detailed land use planning shall be formulated in common for the entire high-tech zone.
4. The State encourages organizations, Vietnamese residing overseas and foreign organizations and individuals to invest in, construct and operate infrastructure in high-tech zones and encourages organizations and individuals, Vietnamese residing overseas and foreign organizations and individuals to use land for the development of science and technology.
5. Users of land in high-tech zones must use the land for the determined purpose, shall be issued certificates of land use rights, and shall have the rights and obligations stipulated in this Law.

In the case of assignment of land use right within a high-tech zone, the assignee must continue to use the land for the determined purpose.

6. The Government shall provide specific regulations on administration and use of land within high-tech zones.

Article 92 *Land used for economic zones*

1. Land used for economic zones shall comprise land for the construction of open economic zones, of bordergate economic zones and of other economic zones established in accordance with decisions of the Prime Minister of the Government. Land used for economic zones shall comprise all types of land with different land use regimes in discrete regions, aimed at special encouragement for investment and export activities.
2. The people's committee of a province or city under central authority shall allocate to the management committee of the economic zone the area which has been recovered in accordance with the zoning for development of the economic zone which has been approved by the competent State body.

The management committee of the economic zone shall be entitled to re-allocate or lease land with payment of annual rent to organizations, family households and individuals; to re-allocate or lease land with one-off payment of rent for the entire term of the lease or with payment of annual rent to Vietnamese residing overseas; to lease land with one-off payment of rent for the entire term of the lease or with payment of annual rent to foreign organizations and individuals using land in the economic zone.

Land users to which the management committee of an economic zone re-allocates land in the economic zone shall have the rights and obligations as

if they are allocated with land by the State in accordance with this Law; land users to which the management committee of an economic zone leases land in the economic zone shall have the rights and obligations as if they lease land from the State in accordance with this Law.

3. Detailed land use zoning and detailed land use planning shall be formulated in common for the entire economic zone.
4. The State encourages investment in and construction and operation of infrastructure in economic zones and encourages the use of land for economic development.
5. Land use regimes, rights and obligations of land users in economic zones shall be applicable to each type of land in accordance with this Law.
6. The Government shall provide specific regulations on administration and use of land within economic zones.

Article 93 *Land on which production and business facilities are built*

1. Land on which production and business facilities are built shall comprise land for the construction of industrial, small industrial or handicraft facilities and for the construction of commercial business or service facilities and other buildings servicing production and business.
2. The use of land on which production and business facilities are built must be consistent with the approved detailed land use zoning, detailed land use planning, urban construction zoning and construction zoning for rural residential zones and must comply with the provisions on environmental protection.
3. Economic organizations, family households and individuals using land for construction of business or production facilities shall be entitled to select from the forms of allocation of land with collection of land use fees or lease of land from the State; assignment of land use rights, lease or sub-lease of land or capital contribution using land use rights from other economic organizations, family households, individuals and Vietnamese residing overseas; sub-lease of land attached to infrastructure from foreign organizations and individuals.

Vietnamese residing overseas who use land for construction of business or production facilities shall be entitled to select from the forms of allocation of land with collection of land use fees or lease of land from the State with one-off payment of rent for the entire term of the lease or with payment of annual rent; lease or sub-lease of land from other economic organizations, family households, individuals and Vietnamese residing overseas; and sub-lease of land attached to infrastructure from foreign organizations and individuals. Vietnamese residing overseas referred to in clause 1 of article

121 of this Law may also inherit or be given the right to use land for construction of business or production facilities.

Foreign organizations and individuals using land for construction of business or production facilities shall be entitled to select from the forms of lease of land from the State with one-off payment of rent for the entire term of the lease or with payment of annual rent; lease or sub-lease of land from economic organizations and Vietnamese residing overseas; and sub-lease of land attached to infrastructure from other foreign organizations and individuals.

Article 94 *Land used for mineral activities*

1. Land used for mineral activities shall comprise land for mineral exploration, exploitation or processing.
2. The State shall lease land for mineral exploration and exploitation with payment of annual rent to organizations, individuals, Vietnamese residing overseas and foreign organizations and individuals being permitted to implement mineral exploration and exploitation projects.

Land on which mineral processing is conducted shall be land for non-agricultural production and business and shall be subject to the land use regime for land on which production or business facilities are built as stipulated in article 93 of this Law.

3. Land use for mineral activities must comply with the following provisions:
 - (a) A licence for mineral activities and a decision on lease of land for mineral exploration or exploitation or a decision on land allocation or lease of land on which mineral processing shall be conducted of the competent State body shall be required.
 - (b) Measures must be taken to protect the environment and to treat waste and other measures must be taken in order not to cause loss to other users of the area or to surrounding land users.
 - (c) The land must be used according to the schedule for mineral exploration and exploitation and, upon completion of the mineral exploration or exploitation, the land user shall be responsible for returning the land in the condition stipulated in the land lease contract.
 - (d) If mineral exploration and exploitation is conducted without using the land surface or affecting the land surface, it shall not be necessary to lease land.

Article 95 *Land for production of construction materials or ceramics*

1. Land for production of construction materials or ceramics shall comprise land for exploitation of raw materials and land on which processing or production of construction materials or ceramics is conducted.
2. The State shall lease land for exploitation of raw materials with payment of annual rent to organizations, family households and individuals being permitted to exploit raw materials for production of construction materials or ceramics; and to Vietnamese residing overseas and foreign organizations and individuals being permitted to implement investment projects in exploitation of raw materials for production of construction materials or ceramics.

Land on which production of construction materials or ceramics is conducted shall be land for non-agricultural production and business and shall be subject to the land use regime for land on which production or business facilities are built as stipulated in article 93 of this Law.

3. Land use for production of construction materials or ceramics must comply with the following provisions:
 - (a) A decision on lease of land for exploitation of raw materials or a decision on land allocation or lease of land for processing or production of construction materials or ceramics of the competent State body shall be required.
 - (b) Necessary measures must be taken not to cause loss and damage to production or to lives and not to affect adversely the environment.
 - (c) Upon completion of the exploitation of raw materials, the land user shall be responsible for returning the land in the condition stipulated in the land lease contract.

Article 96 *Land used for public purposes*

1. Land use for public purposes must be consistent with the detailed land use zoning, detailed land use planning, urban construction zoning and construction zoning for rural residential zones which have been approved by the competent State body.
2. The State encourages the use of land for development of culture, health care, education and training, and sports and physical education.
3. Land on which public works for business purposes are built shall be subject to the land use regime for land on which production or business facilities are built as stipulated in article 93 of this Law.

Article 97 *Land for construction of public works with safety corridors*

1. Land for construction of public works with safety corridors shall comprise land used for construction of traffic systems, irrigation works, dyke embankments, water supply, water discharge, and waste treatment systems, systems for supply of power, petrol and gas, communications systems, and land within the safety corridors of all these works.
2. Land use for the construction of public works with safety corridors must ensure co-ordination of use of ground space and air space and a co-ordinated arrangement of different types of works on the same land area in order that the land is used economically and in compliance with the relevant specialized laws on safety of construction works.
3. Persons currently using land which is recognized by the law and which is located in safety corridors surrounding public works shall be entitled to continue to use the land for the defined purpose, and they must not hinder protection of the safety of the works.

Where the land use affects the protection of safety of construction works, the owner of such works and the land user must take remedies; if no remedy is taken, the State shall recover the land and compensation shall be made in accordance with law.

4. Bodies and organizations directly managing works with safety corridors shall be responsible to proclaim publicly the markers of safety corridors surrounding public works and shall bear the major responsibility for protecting the safety of the works; and if there is any encroachment on or illegal occupation of the safety corridors or if they are illegally used, shall notify promptly the people's committee of the commune, ward or township where the safety corridor is encroached on, illegally occupied or illegally used for it to deal with the matter.
5. People's committees at all levels where there are works with safety corridors shall be responsible to co-ordinate with the bodies and organizations directly managing such works to disseminate and popularize the laws on protection of the safety of the works; to proclaim the boundaries limiting land use in such safety corridors; and to deal promptly with any encroachment on or illegal occupation of the safety corridors or any illegal use of them.

Article 98 *Land being historical sites and places of scenic beauty*

1. Land being historical sites and places of scenic beauty which have been classified or in respect of which a people's committee of a province or city under central authority has made a protection decision must be strictly managed.

2. In special cases where it is necessary to use land being historical sites and places of scenic beauty for other purposes, the permission of the competent State body shall be required.

Article 99 *Land used by religious establishments*

1. Land used by religious establishments shall comprise land belonging to pagodas, churches, oratories, chancels, abbeys, religious schools, offices of religious organizations and other religious establishments the operations of which are permitted by the State.
2. Based on the State policy on religion and the land fund in any one locality, the people's committee of a province or city under central authority shall make a decision on the land area to be allocated to religious establishments.

Article 100 *Land on which communal houses, temples, shrines, pagodas, worship halls and family shrines are situated*

1. The use of land on which communal houses, temples, shrines, pagodas, worship halls and family shrines are situated must be for the correct purpose and be consistent with the detailed land use zoning, detailed land use planning, urban construction zoning and construction zoning for rural residential zones which have been approved by the competent State body.
2. The construction or expansion of community works must be permitted by the competent State body.

Article 101 *Land used as cemeteries and for graves*

1. Land used as cemeteries and for graves must be zoned in concentrated areas far from residential zones and must be convenient for burials and convenient for persons paying their respects, in conformity with hygiene requirements, and must represent an economical use of land.
2. People's committees of provinces and cities under central authority shall make decisions on the amount of land and regimes for management of construction of tombs, statues and memorials on graves and in cemeteries.

Article 102 *Land containing rivers, rivulets, canals, ditches and streams, and specialized water surfaces*

1. Based on the basic use purpose which has been determined, land containing rivers, rivulets, canals, ditches and streams and specialized water surfaces shall be managed and used in accordance with the following provisions:
 - (a) The State shall allocate land containing specialized water surfaces to organizations for management in association with use and exploitation for non-agricultural purposes or for non-agricultural purposes in association with aquaculture and exploitation of aquatic products.
 - (b) The State shall lease land containing rivers, rivulets, canals, ditches and streams with payment of annual rent to economic organizations, family households and individuals for aquaculture.
 - (c) The State shall lease land containing rivers, rivulets, canals, ditches and streams with payment of annual rent to Vietnamese residing overseas and foreign organizations and individuals for implementation of investment projects in aquaculture.
2. The exploitation and use of land containing rivers, rivulets, canals, ditches and streams, and specialized water surfaces must ensure it does not affect the basic use purpose which has been determined for the land, must comply with the technical regulations of the branches and sectors concerned and with the regulations on protection of the landscape and ecological environment, and must not interfere with the natural current or impede waterway traffic.

SECTION 4

Unused Land

Article 103 *Management of unused land*

1. People's committees of communes, wards and townships shall be responsible to manage and protect unused land within their respective localities and to register same in cadastral files.
2. People's committees of provinces and cities under central authority shall manage unused land on uninhabited islands.

Article 104 *Bringing unused land into use*

1. Based on the approved land use zoning and planning, people's committees at all levels shall formulate plans to invest in, reclaim, rehabilitate and improve land aimed at bringing unused land into use.

2. The State encourages organizations, family households and individuals to receive and invest in bringing unused land into use.
3. Local family households and individuals being directly engaged in forestry, aquaculture, agricultural and salt production and not yet having been allocated land or not having sufficient land for production shall be given priority in allocation of land areas which are zoned for use for agricultural purposes.

CHAPTER IV

Rights and Obligations of Land Users

SECTION 1

General Provisions on Rights and Obligations of Land Users

Article 105 *General rights of land users*

Land users shall have the following general rights:

1. To be issued certificates of land use rights;
2. To enjoy the results of their labour and the results of investment in the land;
3. To enjoy the benefits arising from State works for protection and improvement of agricultural land;
4. To receive guidance and assistance from the State in improvement and fortification of agricultural land;
5. To be protected by the State when other persons infringe their lawful land use rights;
6. To lodge complaints and denunciations and to institute proceedings about conduct in breach of their lawful land use rights and other conduct in breach of the laws on land.

Article 106 *Right to exchange, assign, lease, sub-lease, bequeath and donate land use rights; right to mortgage, guarantee and contribute capital using land use rights; and right to be paid compensation when the State recovers land*

1. Land users may exercise the right to exchange, assign, lease, sub-lease, bequeath and donate land use rights; to mortgage, guarantee and contribute capital using land use rights in accordance with the provisions in clause 2

of article 110; clauses 2 and 3 of article 112; clauses 2, 3, 4, 5, 6, 7 and 8 of article 113; clause 2 of article 115; paragraph (b) of clause 1 and paragraphs (b), (c), (d), (dd) and (e) of clause 3 of article 119; paragraph (b) of clause 1 and paragraphs (b) and (c) of clause 2 of article 120 of this Law when they satisfy the following conditions:

- (a) Have a certificate of land use rights;
 - (b) The land is not the subject of a dispute;
 - (c) The land use right has not been attached in order to guarantee execution of a judgment;
 - (d) The land use term is still current.
2. Land users shall be paid compensation when the State recovers land in accordance with the provisions of Section 4 of Chapter II of this Law.

Article 107 *General obligations of land users*

Land users shall have the following general obligations:

1. To use land for the correct objectives, within the proper land boundaries of the parcel of land, and in compliance with the regulations on land use to a certain depth and to a certain height in space; to protect underground public works, and to comply with other provisions of the law;
2. To register the land use right, to carry out all procedures upon exchange, assignment, lease, sub-lease, bequest or donation of land use right and upon mortgage, guarantee or capital contribution using land use rights in accordance with law;
3. To discharge financial obligations in accordance with law;
4. To take measures to protect the land;
5. To comply with the provisions on environmental protection and not to cause loss to the lawful interests of the land users concerned;
6. To comply with the provisions of the law upon discovery of objects in the ground;
7. To hand over the land when the State issues a decision on land recovery or upon expiry of the land use term.

Article 108 *Right to select from forms of land allocation or lease of land*

1. Economic organizations, family households and individuals using land for the purpose of construction of production or business facilities or using land for the purpose of construction of public works for business purpose; economic organizations using land for investment in construction of infrastructure for assignment or lease or using land for production in agriculture, forestry, aquaculture or salt production shall be entitled to select from the forms of land allocation with collection of land use fees or land lease.
2. Vietnamese residing overseas who implement investment projects in Vietnam shall be entitled to select from the forms of land allocation with collection of land use fees or land lease with payment of annual rent or with one-off payment of rent for the entire term of the lease.
3. Foreign organizations and individuals implementing investment projects in Vietnam and foreign organizations with diplomatic functions shall be entitled to select from the forms of land lease with payment of annual rent or land lease with one-off payment of rent for the entire term of the lease.
4. Economic organizations, family households, individuals and Vietnamese residing overseas having leased land from the State for the purpose of construction of production or business facilities, construction of public works for business purpose, or construction of infrastructure for assignment or lease shall be entitled to convert to the form of land allocation with collection of land use fees if they so wish and must discharge financial obligations in accordance with law.

SECTION 2

Rights and Obligations of Organizations Using Land**Article 109** *Rights and obligations of organizations to which the State allocates land without collection of land use fees*

1. Organizations to which the State allocates land without collection of land use fees shall have the rights and obligations stipulated in articles 105 and 107 of this Law.
2. Organizations to which the State allocates land without collection of land use fees shall not have the right to exchange, assign, donate or lease the land use right; to mortgage, guarantee or contribute capital using the land use right.
3. Economic organizations to which the State allocates land without collection of land use fees in order to construct works but not with State Budget funds shall have the right to sell assets owned by them attached to

the land; and to mortgage, guarantee or contribute capital using the assets owned by them attached to the land. The State shall continue to allocate the land without collection of land use fees for the purpose which has been determined to purchasers of such assets.

Article 110 *Rights and obligations of economic organizations to which the State allocates land with collection of land use fees*

1. Economic organizations to which the State allocates land with collection of land use fees shall have the rights and obligations stipulated in articles 105 and 107 of this Law.
2. Economic organizations to which the State allocates land with collection of land use fees but the fees paid are not sourced from the State Budget shall have the following rights and obligations:
 - (a) To assign the land use right and architectural buildings and constructed infrastructure attached to the land;
 - (b) To lease the land use right and architectural buildings and constructed infrastructure attached to the land;
 - (c) To donate the land use right to the State, to donate the land use right to a community of citizens for construction of works servicing common interests of the community, or to donate charity houses attached to the land in accordance with law;
 - (d) To mortgage or guarantee using the land use right and assets owned by them attached to the land with credit institutions authorized to operate in Vietnam in order to borrow in accordance with the provisions of law;
 - (dd) To contribute capital using the land use right and the assets owned by them attached to the land in order to engage in business or production co-operation with organizations and individuals, Vietnamese residing overseas, and foreign organizations and individuals in accordance with the provisions of law.
3. Economic organizations to which the State allocates land with collection of land use fees and the fees paid are sourced from the State Budget shall have the rights and obligations stipulated in clauses 2 and 3 of article 109 of this Law.

Article 111 *Rights and obligations of economic organizations using leased land*

1. Economic organizations to which the State leases land shall have the following rights and obligations:
 - (a) The rights and obligations stipulated in clauses 105 and 107 of this Law;
 - (b) To mortgage or guarantee using the assets owned by them attached to the leased land with credit institutions authorized to operate in Vietnam in order to borrow for production or business in accordance with the provisions of law;
 - (c) To sell assets or to contribute capital using the assets owned by them attached to the leased land; the State shall continue to lease the land for the purpose which has been determined to purchasers of such assets;
 - (d) To sub-lease land on which infrastructure has been completed in the case where they are permitted to invest in, construct and operate infrastructure in an industrial zone, high-tech zone or economic zone;
 - (dd) With respect to economic organizations to which the State leased land prior to the date of effectiveness of this Law and which paid rent for the entire term or paid in advance for a number of years and the remaining period for which rent has been paid is at least five years, they shall have the rights and obligations stipulated in article 110 of this Law for the remainder of the term for which rent has been paid; and if they wish to convert to the form of land allocation with collection of land use fees, they must pay land use fees but after deduction of the rent they have paid, and shall have the rights and obligations stipulated in article 110 of this Law.
2. Economic organizations sub-leasing land in industrial zones shall have the rights and obligations stipulated in clause 1 of this article.
3. Economic organizations using land leased from organizations, family households and individuals outside the categories prescribed in clause 2 of this article shall have the rights and obligations stipulated by the civil laws.

Article 112 *Rights and obligations of economic organizations receiving transfer of land use rights and upon conversion of land use purpose*

1. Economic organizations which receive transfer of land use rights or which convert land use purpose shall have the rights and obligations stipulated in articles 105 and 107 of this Law.

2. Economic organizations which receive transfer of land use rights where the fees they paid for the assignment are not funded by the State Budget shall have the rights and obligations stipulated in clause 2 of article 110 of this Law.

Economic organizations which receive transfer of land use rights where the fees paid for the assignment are funded by the State Budget shall have the rights and obligations stipulated in clauses 2 and 3 of article 109 of this Law.

3. The rights and obligations of economic organizations which are permitted to convert land use purpose from land without collection of land use fees to land with collection of land use fees shall be provided for as follows:
 - (a) Where the land use fees paid for such conversion of land use purpose are not funded by the State Budget and the economic organization using the land selects the form of land allocation with collection of land use fees, it shall have the rights and obligations stipulated in clause 2 of article 110 of this Law.
 - (b) Where the land use fees paid for such conversion of land use purpose are not funded by the State Budget and the economic organization using the land selects the form of land lease, it shall have the rights and obligations stipulated in paragraphs (b), (c) and (d) of clause 1 of article 111 of this Law.
 - (c) Where the land use fees paid for such conversion of land use purpose are funded by the State Budget, the rights and obligations shall be as stipulated in clauses 2 and 3 of article 109 of this Law.

SECTION 3

Rights and Obligations of Family Households, Individuals and Communities of Citizens using Land

Article 113 *Rights and obligations of family households and individuals using land which is not leased land*

Family households and individuals using land which is not leased land shall have the following rights and obligations:

1. The rights and obligations stipulated in articles 105 and 107 of this Law;
2. To exchange agricultural land use right with another family household or individual in the same commune, ward or township;
3. To assign the land use right, except where regulations of the Government stipulate conditions for an assignment;

4. To lease the land use right to organizations, family households and individuals or to Vietnamese residing overseas investing in Vietnam;
5. To bequeath the land use right by way of will or pursuant to the provisions of law;

Where the State allocates land to a family household and a member of the family dies, the land use right of such member may be bequeathed by a way of will or pursuant to the provisions of law;

A legatee who is a Vietnamese residing overseas in one of the categories prescribed in clause 1 of article 121 of this Law shall be entitled to inherit the land use right; and a Vietnamese residing overseas who is not in one of the categories prescribed in clause 1 of article 121 of this Law shall be entitled to the value of the legacy;

6. To donate the land use right in accordance with the provisions of paragraph (c) of clause 2 of article 110 of this Law; to donate the land use right to a family household, individual or Vietnamese residing overseas in one of the categories prescribed in clause 1 of article 121 of this Law;
7. To mortgage or guarantee using the land use right with credit institutions authorized to operate in Vietnam or with a domestic economic organization or individual in order to borrow for production or business;
8. To contribute capital using the land use right with an organization, family household or individual or with a Vietnamese residing overseas in order to engage in business or production co-operation.

Article 114 *Rights and obligations of family households and individuals using leased land*

1. Family households and individuals being leased land by the State shall have the following rights and obligations:
 - (a) The rights and obligations stipulated in article 105 and 107 of this Law;
 - (b) To sell assets, bequeath or donate assets owned by them attached to the leased land; the State shall continue to lease the land for the purpose which has been determined to purchasers, legatees or donees of such assets;
 - (c) To mortgage or guarantee assets owned by them attached to the leased land with credit institutions authorized to operate in Vietnam or with an economic organization or individual in order to borrow for production or business;

- (d) To contribute capital using assets owned by them attached to the leased land for the term of the lease with an organization, family household or individual or with a Vietnamese residing overseas in order to engage in business or production co-operation.
2. With respect to family households and individuals being leased land by the State prior to the date of effectiveness of this Law and having paid rent for the entire term or paid in advance for a number of years and the remaining period for which rent has been paid is at least five years, they shall have the rights and obligations stipulated in clauses 1, 3, 4, 5, 6, 7 and 8 of article 113 of this Law for the remainder of the term for which rent has been paid; and if they wish to convert to the form of land allocation with collection of land use fees, they must pay land use fees but after deduction of the rent they have paid, and shall have the rights stipulated in article 113 of this Law.
3. Family households and individuals sub-leasing land in industrial zones shall have the rights and obligations stipulated in clause 1 of this article.
4. Family households and individuals using land leased from organizations, family households and individuals outside the categories prescribed in clause 3 of this article shall have the rights and obligations stipulated by the civil laws.

Article 115 *Rights and obligations of family households and individuals upon conversion of land use purpose from land without collection of land use fees to land with collection of land use fees or land lease*

1. A family household or individual converting the land use purpose from land without collection of land use fees to land with collection of land use fee or land lease shall have the rights and obligations stipulated in articles 105 and 107 of this Law.
2. The rights and obligations of family households and individuals being permitted by the competent State body to convert land use purpose from land without collection of land use fees to land with collection of land use fees or land lease shall be provided for as follows:
 - (a) Where the form of land allocation with collection of land use fees is selected, the rights and obligations shall be as stipulated in clauses 2 to 8 of article 113 of this Law.
 - (b) Where the form of land lease is selected, the rights and obligations shall be as stipulated in paragraphs (b), (c) and (d) of clause 1 of article 114 of this Law.

Article 116 *Resolution of cases where the State has borrowed land from family households and individuals*

1. Where family households and individuals previously lent their land to the State but now have a requirement to use it, they shall forward a file to the people's committee of the province or city under central authority where the lent land is situated. The file shall comprise:
 - (a) One of the types of documents of land use right stipulated in clauses 1, 2 and 5 of article 50 of this Law;
 - (b) Documents on the lending of the land signed by the parties at the time when the land was lent;
 - (c) An application for return of the land use right.
2. The people's committee of the province or city under central authority shall be responsible for consideration and resolution. If the application file is valid, the application shall be resolved in the following ways:
 - (a) The land use right which was borrowed shall be returned if it has not been allocated to another person to use.
 - (b) If the land has been allocated to another person to use, the applicant shall be paid monetary compensation or shall be allocated different land or a new residence.
3. The Government shall provide specific regulations on resolution of cases where the State borrowed land from family households and individuals.

Article 117 *Rights and obligations of religious establishments and communities of citizens using land*

1. Religious establishments and communities of citizens using land shall have the rights and obligations stipulated in articles 105 and 107 of this Law.
2. Religious establishments and communities of citizens using land shall not be entitled to exchange, assign, lease or donate the land use right; or to mortgage, guarantee or contribute capital using the land use right.

SECTION 4

Rights and Obligations of Vietnamese Residing Overseas and Foreign Organizations and Individuals Using Land**Article 118** *Rights and obligations of foreign organizations with diplomatic functions*

Foreign organizations with diplomatic functions using land in Vietnam shall have the following rights and obligations:

1. The rights and obligations stipulated in articles 105 and 107 of this Law;
2. To construct works on land in accordance with a permit issued by the competent body of the State of Vietnam;
3. To own the works they construct on leased land during the term of the lease;
4. In addition to the rights stipulated in clauses 1, 2 and 3 of this article, they shall also enjoy any rights provided for in international treaties signed or acceded to by the Socialist Republic of Vietnam; and other rights stipulated in a land lease contract.

Article 119 *Rights and obligations of Vietnamese residing overseas and foreign organizations and individuals using land for implementation of investment projects in Vietnam*

1. Vietnamese residing overseas who return to make an investment in Vietnam and to whom the State of Vietnam allocates land with collection of land use fees shall have the following rights and obligations:
 - (a) The rights and obligations stipulated in articles 105 and 107 of this Law;
 - (b) The rights and obligations stipulated in clause 2 of article 110 of this Law.
2. Vietnamese residing overseas and foreign organizations and individuals investing in Vietnam and being leased land by the State of Vietnam with payment of annual rent shall have the following rights and obligations:
 - (a) The rights and obligations stipulated in articles 105 and 107 of this Law;
 - (b) To mortgage or guarantee or to make capital contribution using assets owned by them attached to leased land with credit institutions authorized to operate in Vietnam;

- (c) To sell assets owned by them attached to leased land; and where the purchaser of the assets is an organization or individual, the State shall allocate or lease the land with payment of annual rent; and where a foreign organization or individual, the State shall lease the land with one-off payment of rent for the entire term of the lease or with payment of annual rent. The person being allocated or leased land shall continue to use it for the correct fixed purpose during the remainder of the term;
 - (d) If licensed to invest in and construct or engage in the business of residential housing, the right to lease the residential housing.
3. Vietnamese residing overseas and foreign organizations and individuals investing in Vietnam and being leased land by the State of Vietnam with one-off payment of rent for the entire term of the lease shall have the following rights and obligations:
- (a) The rights and obligations stipulated in articles 105 and 107 of this Law;
 - (b) To assign the right to use the leased land and the assets owned by them attached to the land during the term of the land lease;
 - (c) To sub-lease the land use right and the assets owned by them attached to the land during the term of the land lease;
 - (d) To mortgage or guarantee using the land use right and the assets owned by them attached to the land with credit institutions authorized to operate in Vietnam during the term of the land lease;
 - (dd) To make capital contribution using the land use right and the assets owned by them attached to the land in order to engage in business or production co-operation during the term of the land lease;
 - (e) If licensed to invest in and construct or engage in the business of residential housing, the right to sell or lease the residential housing in accordance with the regulations of the Government; and the purchasers of residential housing shall be issued certificates of land use right in accordance with the provisions of this Law.

Article 120 *Rights and obligations of Vietnamese residing overseas and foreign organizations and individuals using land in industrial zones, high-tech zones and economic zones*

1. Vietnamese residing overseas who are assigned land use rights in an industrial zone, high-tech zone or economic zone shall have the following rights and obligations:
- (a) The rights and obligations stipulated in articles 105 and 107 of this Law;

- (b) The rights and obligations stipulated in clause 2 of article 110 of this Law.
2. Vietnamese residing overseas and foreign organizations and individuals being given a lease or sub-lease of land in an industrial zone, high-tech zone or economic zone shall have the following rights and obligations:
- (a) The rights and obligations stipulated in articles 105 and 107 of this Law;
 - (b) To sell, mortgage, guarantee or make capital contribution using assets owned by them attached to the leased or sub-leased land in cases where they pay annual rent;
 - (c) To assign the right to use the leased or sub-leased land and the assets owned by them attached to the land; to mortgage or guarantee using the right to use the leased or sub-leased land and the assets owned by them attached to the land with credit institutions authorized to operate in Vietnam; to make capital contribution using the right to use the leased or sub-leased land and the assets owned by them attached to the land in order to engage in business or production co-operation with an organization or individual, with a Vietnamese residing overseas, or with a foreign organization or individual during the term of the land lease or sub-lease in the case of one-off payment of rent for the entire lease or sub-lease term.

Article 121 *Rights and obligations of Vietnamese residing overseas to purchase residential housing attached to right to use residential land in Vietnam*

1. Vietnamese residing overseas who fall into the following categories shall be entitled to purchase residential housing attached to the right to use residential land in Vietnam:
- (a) Persons who return home to make a long-term investment and who have a requirement for a house during the period of their investment in Vietnam;
 - (b) Persons whose work has contributed to the country;
 - (c) Cultural activists and scientists with a requirement to return to Vietnam for regular activity as part of their professional work in building the country;
 - (d) Persons with a requirement to return and settle in Vietnam;

- (dd) Other persons pursuant to regulations of the Standing Committee of the National Assembly.
2. Vietnamese residing overseas who purchase residential housing attached to the right to use residential land in Vietnam shall have the following rights and obligations:
- (a) The rights and obligations stipulated in articles 105 and 107 of this Law;
 - (b) To sell residential housing attached to residential land to domestic organizations, family households and individuals, and to Vietnamese residing overseas who fall into one of the categories prescribed in clause 1 of this article;
 - (c) To mortgage residential housing attached to residential land with credit institutions authorized to operate in Vietnam;
 - (d) To bequeath residential housing attached to residential land to family households and individuals, and to Vietnamese residing overseas who fall into one of the categories prescribed in clause 1 of this article in accordance with the civil law; if the legatee is a Vietnamese residing overseas but outside the categories prescribed in clause 1 of this article or a foreign individual, the legatee shall be entitled to the value of such legacy;
 - (dd) To donate residential housing attached to residential land to the State or a community of citizens, to donate charity housing pursuant to the provisions of paragraph (c) of clause 2 of article 110 of this Law; to donate residential housing attached to the right to use residential land to family households and individuals, or Vietnamese residing overseas who fall into one of the categories prescribed in clause 1 of this article.

CHAPTER V

Administrative Procedures for Administration and Use of Land

Article 122 *Order and procedures for land allocation, lease of land and issuance of certificates of land use right to persons being allocated or leased land*

1. Application files for land allocation or lease of land shall be submitted in accordance with the following provisions:
- (a) Organizations, Vietnamese residing overseas and foreign organizations and individuals shall submit the application file for land allocation or lease of land in two sets with the administrative

body for land of the province or city under central authority where the land is situated.

Family households and individuals shall submit the application file for land allocation or lease of land in two sets with the administrative body for land of the district, town or provincial city where the land is situated.

- (b) An application file for land allocation or lease of land shall comprise an application for land allocation or lease of land; an investment project of an organization pursuant to the laws on investment; where [*the applicant is*] a Vietnamese residing overseas or foreign organization or individual, an investment project and a photocopy of the investment licence as stipulated by the laws on investment certified by the State Notary Public shall be required.
2. The allocation or lease of land for which site clearance has been conducted shall be provided for as follows:
 - (a) Within a time-limit of ten (10) working days from the date of receipt of a complete and valid file, the body receiving the file shall be responsible for making an extract of the cadastral map or of the cadastral measurements of the area of land to be allocated or leased; determining the rate of land use fees or land rent; performing procedures for land allocation or lease of land, issuing a certificate of land use right in accordance with the applicable regulations and delivering a decision on land allocation or lease of land to the person being allocated or leased land.
 - (b) Within a time-limit of ten (10) working days from the date on which the person being allocated or leased land completely discharges its financial obligations in accordance with law, the administrative body for land shall sign a land lease contract in the case of land lease, hand over the land on site and deliver a certificate of land use right to the person being allocated or leased land.
 3. The allocation or lease of land for which site clearance has not yet been conducted shall be provided for as follows:
 - (a) Within a time-limit of thirty (30) working days from the date of receipt of a complete and valid file, the body receiving the file shall be responsible for completing the introduction of the location [*of the land*]; making an extract of the cadastral map or of the cadastral measurements of the area of land to be allocated or leased; determining the rate of land use fees or land rent; performing procedures for land allocation or lease of land, issuing a certificate of land use right in accordance with the applicable regulations and

delivering a decision on land allocation or lease of land to the person being allocated or leased land.

- (b) Based on the decision on land allocation or lease of land of the competent State body, the people's committee of the district, town or provincial city shall arrange compensation and site clearance.
- (c) Within a time-limit of ten (10) working days from the date on which the site clearance is completed and the person being allocated or leased land completely discharges its financial obligations in accordance with the law, the administrative body for land shall sign a land lease contract in the case of land lease, hand over the land on site and deliver a certificate of land use right to the person being allocated or leased land.

Article 123 *Order and procedures for issuance of certificates of land use right to current land users*

1. Application files for issuance of a certificate of land use right shall be submitted in accordance with the following provisions:
 - (a) An applicant for issuance of a certificate of land use right shall submit an application file with the registration office for land use rights; an applicant being a family household or individual in a rural area shall submit the application file to the people's committee of the commune where the land is situated for on-forwarding to the registration office for land use rights.
 - (b) An application file for issuance of a certificate of land use right shall comprise an application for issuance of a certificate of land use right, a document of land use rights as provided for in clauses 1, 2 and 5 of article 50 of this Law (if any), and the power of attorney (if any) to make the application for issuance of a certificate of land use rights.
2. Within a time-limit of fifty (50) working days from the date of receipt of a complete and valid file, the registration office for land use rights shall be responsible for forwarding the file to the administration body for land under the people's committee authorized to issue certificates of land use right in order to perform the procedures for issuance of a certificate of land use right; where [*the applicant*] is required to discharge financial obligations which are determined on the basis of the land data, the registration office for land use rights shall forward the land data to the tax authority to determine the financial obligations in accordance with law and notify the person issued with the certificate of land use right for discharge of financial obligations; where the conditions [*for issuance of a certificate of land use right*] are not satisfied, the file shall be returned and the

reasons therefor shall be notified to the applicant for issuance of a certificate of land use right.

3. Within a time-limit of five working days from the date on which the financial obligations are completely discharged, the applicant for issuance of a certificate of land use right shall receive a certificate of land use right at the place where the file was submitted.

Article 124 *Order and procedures for registration of conversion of land use purpose where permission is not required*

1. A person wishing to convert the land use purpose shall submit a declaration form for registration of conversion of the land use purpose and the certificate of land use right with the registration office for land use rights; or with the people's committee of the commune where the land is situated in order to forward to the registration office for land use rights in the case of family households and individuals in rural areas.
2. Within a time-limit of seven working days from the date of receipt of the documents stipulated in clause 1 of this article, the registration office for land use rights shall be responsible to verify the declaration form for registration and forward the certificate of land use right to the administration body for land under the people's committee authorized to issue certificates of land use right for amendment and deliver the amended certificate of land use right to the body which received the file for delivery to the person registering the conversion of the land use purpose.

Article 125 *Order and procedures for registration of conversion of land use purpose where permission is required*

1. An application file for conversion of land use purpose where permission is required shall be submitted in accordance with the following provisions:
 - (a) Organizations, Vietnamese residing overseas and foreign organizations and individuals shall submit application files for conversion of land use purpose with the administration body for land of the province or city under central authority where the land is situated.

Family households and individuals shall submit application files for conversion of land use purpose with the administrative body for land of the district, town or provincial city where the land is situated.

- (b) An application file for conversion of land use purpose shall comprise an application for conversion of land use purpose; the certificate of land use right, and the investment project of the organization pursuant to the laws on investment.

2. Within a time-limit of twenty (20) working days from the date of receipt of a complete and valid file, the body receiving the file shall be responsible for performing the administrative procedures for permitting the conversion of the land use purpose; determining the rate of land use fees in where payment of land use fees is required; providing notification to the applicant being permitted to convert the land use purpose for discharge of its financial obligations in accordance with law; and where the conditions [*for conversion of land use purpose*] are not satisfied, the file shall be returned to and the reasons shall be notified to the applicant for conversion of the land use purpose.
3. Within a time-limit of five working days from the date on which a person being permitted to convert the land use purpose completely discharges its financial obligations in accordance with law, the body receiving the file shall deliver the amended certificate of land use right to the person being permitted to convert the land use purpose.

Article 126 *Order and procedures for exchange of land use right by family households and individuals*

1. A file for exchange of land use right shall be submitted in accordance with the following provisions:
 - (a) The file for exchange of land use right shall be submitted to the people's committee of the commune, ward or township where the land is situated in order to be forwarded to the registration office for land use rights.
 - (b) The file for exchange of land use right shall comprise the contract on exchange of land use right and the certificate of land use right.

The contract on exchange of land use right of family households and individuals must be certified by the people's committee of the commune, ward or township where the land is situated or by the State notary public.
2. Within a time-limit of ten (10) working days from the date of receipt of a complete and valid file, the registration office for land use rights shall be responsible for forwarding the file to the administration body for land of the district, town or provincial city for performance of the procedures for issuance of a certificate of land use right.

Where the parties to an exchange are required to discharge their financial obligations which are determined on the basis of land data, the registration office for land use rights shall forward the land data to the tax authority to determine the financial obligations in accordance with law; and the

registration office for land use rights shall notify the parties to the exchange for discharge of their financial obligations.

Within a time-limit of five working days from the date on which the financial obligations are completely discharged, the parties to the exchange shall receive certificates of land use right at the place where the file was submitted.

Article 127 *Order and procedures for assignment of land use right*

1. A file for assignment of land use right shall be submitted in accordance with the following provisions:

- (a) A file for assignment of land use right shall be submitted to the registration office for land use rights; or to the people's committee of the commune where the land is situated in the case of family households and individuals using land in rural areas in order to be forwarded to the registration office for land use rights.
- (b) A file for assignment of land use right shall comprise the contract on assignment of land use right and the certificate of land use right.

The contract on assignment of land use right must be certified by the State notary public; in the case of contracts on assignment of land use right of family households and individuals, certification may be effected by either the State notary public or the people's committee of the commune, ward or township where the land is situated.

2. Within a time-limit of fifteen (15) working days from the date of receipt of a complete and valid file, the registration office for land use rights shall be responsible to verify the file and forward it to the administrative body for land under the people's committee authorized to issue certificates of land use right for performance of the procedures for issuance of a certificate of land use right.

Where the parties to an assignment are required to discharge their financial obligations which are determined on the basis of land data, the registration office for land use rights shall forward the land data to the tax authority to determine the financial obligations in accordance with law; and the registration office for land use rights shall notify the parties to the assignment for discharge of their financial obligations.

Within a time-limit of five working days from the date on which the financial obligations are completely discharged, the parties to the assignment shall receive certificates of land use right at the place where the file was submitted.

Article 128 *Order and procedures for registration of lease or sub-lease of land use right*

1. Files for lease or sub-lease of land use right (hereinafter referred to as *lease of land use right*) shall be submitted in accordance with the following provisions:

- (a) A file for lease of land use right shall be submitted to the registration office for land use rights or with the people's committee of the commune where the land is situated in the case of family households and individuals using land in rural areas in order to be forwarded to the registration office for land use rights.
- (b) A file for lease of land use right shall comprise a contract of lease of land use right and the certificate of land use right.

The contract of lease of land use right must be notarized by the State notary public; in the case of contracts of lease of land use right of family households and individuals, certification may be effected by either the State notary public or the people's committee of the commune, ward or township where the land is situated.

2. Within a time-limit of five working days from the date of receipt of a complete and valid file, the registration office for land use rights shall perform the procedures for registration of the lease of land use right in the cadastral file and the certificate of land use right; and return the contract of lease of land use right and the certificate of land use right to the lessor at the place where the file was submitted.

Article 129 *Order and procedures for registration of inheritance or donation of land use rights*

1. Files to inherit or donate a land use right shall be submitted in accordance with the following provisions:

- (a) Files to inherit or donate a land use right shall be submitted to the registration office for land use rights or with the people's committee of the commune where the land is situated in the case of family households and individuals using land in rural areas in order to be forwarded to the registration office for land use rights.
- (b) A file to inherit a land use right shall comprise the will, or minutes on division of the estate, or a judgment or decision resolving the dispute about the inheritance of the land use right from a people's court which has taken legal effect, together with the certificate of land use right; where there is only one legatee, the file to inherit a land use right shall comprise an application and the certificate of land use right.

A file to donate a land use right shall comprise a written undertaking to donate, or a contract regarding the donation, or a decision from an organization making the donation, together with the certificate of land use right.

The written undertaking to donate or the contract regarding the donation of land use right by a family household, individual or Vietnamese residing overseas must be certified by the people's committee of the commune, ward or township where the land is situated or notarized by the State notary public.

2. Within a time-limit of ten (10) working days from the date of receipt of a complete and valid file, the registration office for land use rights shall be responsible to verify the file and forward it to the administrative body for land under the people's committee authorized to issue certificates of land use right for performance of the procedures for issuance of a certificate of land use right.

Where the recipient of the land use right is required to discharge its financial obligations which are determined on the basis of land data, the registration office for land use rights shall forward the land data to the tax authority to determine the financial obligations in accordance with law; and the registration office for land use rights shall notify the recipient of the land use right for discharge of its financial obligations.

Within a time-limit of five working days from the date on which the financial obligations are completely discharged, the recipient of the land use right shall receive the certificate of land use right at the place where the file was submitted.

Article 130 *Order and procedures for registration or cancellation of registration of mortgage or guarantee using land use right and realization of mortgaged or guaranteed land use right for debt recovery*

1. Registration of a mortgage or guarantee using land use right shall be conducted in accordance with the following provisions:
 - (a) A file for registration of a mortgage or guarantee using land use right shall comprise the contract of mortgage or guarantee using land use right and the certificate of land use right. The file shall be submitted to the registration office for land use rights or to the people's committee of the commune where the land is situated in the case where the mortgagor or the principal of the guarantee is a family household or individual in a rural area in order to be forwarded to the registration office for land use rights.

The contract of mortgage or guarantee using land use right must be notarized by the State notary public; in the case of contracts of mortgage or guarantee using land use right of family households and individuals, certification may be effected by either the State notary public or the people's committee of the commune, ward or township where the land is situated.

- (b) Within a time-limit of five working days from the date of signing of the credit contract, the mortgagor or the principal of the guarantee shall submit a file for registration of a mortgage or guarantee in accordance with the provisions of paragraph (a) of this clause.
 - (c) Within a time-limit of five working days from the date of receipt of a complete and valid file, the registration office for land use rights shall register the mortgage or guarantee in the cadastral file and the certificate of land use right; and return the certificate of land use right to the mortgagee or the beneficiary.
2. Cancellation of registration of a mortgage or guarantee using land use right shall be conducted in accordance with the following provisions:
 - (a) Upon discharge of the debt repayment obligation, the mortgagor or the principal of the guarantee using land use right shall submit an application for cancellation of registration of a mortgage or guarantee with the body which has registered the mortgage or guarantee.
 - (b) Within a time-limit of five working days from the date of receipt of an application for cancellation of registration of a mortgage or guarantee, the registration office for land use rights shall check the discharge of the debt repayment obligation by the applicant for cancellation of registration of the mortgage or guarantee and shall cancel the registration of the mortgage or guarantee in the cadastral file and the certificate of land use right; where it is necessary to withdraw or issue a certificate of land use right upon realization of the mortgaged or guaranteed land use right for debt recovery, the registration office for land use rights shall forward the file to the administrative body for land under the competent people's committee for performance of the procedures for withdrawal or issuance of a certificate of land use right.
3. The realization of mortgaged or guaranteed land use right for debt recovery shall be conducted in accordance with the following provisions:
 - (a) If a mortgagor or a principal of a guarantee using land use right fails to discharge or discharge correctly the obligation to pay stipulated in the credit contract, such mortgaged or guaranteed land use right shall be realized in accordance with the agreement in the

contract of mortgage or guarantee; and if the land use right is not able to be realized in accordance with the agreement in the contract, the mortgagee or the beneficiary shall have the right to assign the mortgaged or guaranteed land use right to another to recover the debt or to request the competent State body to hold an auction of the land use right or to institute proceedings in accordance with law.

- (b) The recipient of a land use right pursuant to the provisions of paragraph (a) of this clause shall be issued a certificate of land use right, shall be entitled to use the land for the purpose which has been determined, and shall have the rights and obligations in accordance with the provisions of this Law for the remaining duration of the land use term; in the case of residential land, the use shall be on a stable and long term basis.

Article 131 *Order and procedures for registration or cancellation of registration of capital contribution and realization of land use right upon termination of capital contribution*

- 1. Registration of capital contribution using land use right shall be conducted in accordance with the following provisions:

- (a) A file for registration of capital contribution using land use right shall comprise the contract of capital contribution using land use right and the certificate of land use right. The file shall be submitted to the registration office for land use rights or to the people's committee of the commune where the land is situated in the case where the party making capital contribution is a family household or individual in a rural area in order to be forwarded to the registration office for land use rights.

The contract of capital contribution using land use right must be notarized by the State notary public; in the case of contracts of capital contribution using land use right of family households and individuals, certification may be effected by either the State notary public or the people's committee of the commune, ward or township where the land is situated.

- (b) Within a time-limit of ten (10) working days from the date of receipt of a complete and valid file, the registration office for land use rights shall be responsible to verify the file and register the capital contribution in the cadastral file and the certificate of land use right in cases where all conditions for capital contribution are satisfied; where the capital contribution gives rise to creation of a new legal entity, *[the registration office for land use rights shall]* send the file for registration of capital contribution to the administrative body for land under the people's committee

authorized to issue certificates of land use right in order to issue a certificate of land use right to that new legal entity.

2. Capital contribution using land use right shall be terminated in the following circumstances:
 - (a) Upon expiry of the term of capital contribution using land use right;
 - (b) Upon the proposal of one or more parties pursuant to the agreement in the contract on capital contribution. In the case of a joint venture with a Vietnamese residing overseas or with a foreign organization or individual, approval from the people's committee of the province or city under central authority shall be required;
 - (c) Upon land recovery pursuant to article 38 of this Law;
 - (d) If the capital contributing party to a business co-operation contract or to a joint venture is declared bankrupt or is dissolved;
 - (dd) If a party to the contract being an individual dies, is declared missing, loses capacity for civil acts or such capacity is restricted, or is prohibited from engaging in business in the business co-operation sector in cases where the capital contribution contract must be implemented by such individual;
 - (e) Upon termination of operation of a party to the contract being a legal entity.
3. Cancellation of the registration of capital contribution using land use right shall be conducted in accordance with the following provisions:
 - (a) A land user which terminates capital contribution using land use right pursuant to clause 2 of this article shall submit an application for cancellation of the registration of capital contribution to the body which registered the capital contribution.
 - (b) Within a time-limit of five working days from the date of receipt of the application for cancellation of the registration of capital contribution, the registration office for land use rights shall cancel the registration of capital contribution in the cadastral file and the certificate of land use right; where it is necessary to withdraw or issue a certificate of land use right upon termination of capital contribution, the registration office for land use rights shall forward the file to the administrative body for land under the people's committee authorized to issue certificates of land use right for performance of the procedures for withdrawal or issuance of a certificate of land use right.

4. Upon termination of capital contribution, the land use right shall be dealt with in accordance with the following provisions:

- (a) Upon expiry of the term of capital contribution using land use right, or upon agreement of the parties to terminate the capital contribution, the party which made the capital contribution shall be entitled to continue to use the land for the remainder of the term.

If the land use term has expired or if the party which made the capital contribution does not have a requirement to continue to use the land, the State shall permit the joint venture enterprise to continue to lease the land; if the joint venture enterprise terminates its operation, the State shall recover the land.

- (b) In the case of termination of capital contribution pursuant to a decision of a competent State body due to a breach of the laws on land, the State shall recover the land.
- (c) If the joint venture enterprise or the party which made the capital contribution is bankrupt, the land use right contributed as capital shall be dealt with in accordance with the decision on bankruptcy declaration of the people's court.

The recipient of a land use right and assets attached to land pursuant to a judgment of a people's court being an organization, individual or Vietnamese residing overseas shall be entitled to continue to use the land for the correct determined purpose for the residual term of land use.

The recipient of a land use right and assets attached to land pursuant to a judgment of a people's court being a foreign organization or individual shall be entitled to lease land from the State must use the land for the correct determined purpose for the residual term of land use.

If there is no recipient of the land use right and assets attached to land, the State shall recover such land and assets.

- (d) Where an individual who is a party to a contract of capital contribution dies, the land use right used to make the capital contribution may be bequeathed pursuant to the laws on inheritance.
- (dd) Where an individual who is a party to a contract of capital contribution is declared missing, loses capacity for civil acts or his or her capacity for civil acts is restricted, the land use right shall be dealt with in accordance with civil law.
- (e) Where a joint venture enterprise or a party to a contract of capital contribution using land use right being an organization is dissolved,

the land use right shall be dealt with in accordance with the agreement between the parties consistent with the provisions of this Law and of other relevant laws.

CHAPTER VI

Land Inspectorate, Resolution of Disputes, Complaints and Denunciations about Land and Dealing with Breaches of Laws on Land

SECTION 1

Land Inspectorate

Article 132 *Land Inspectorate*

1. The Land Inspectorate shall be the specialist inspectorate for land.

The Ministry of Natural Resources and Environment shall be responsible to direct and organize inspections of land nationwide.

Local administrative bodies for land shall be responsible to direct and organize inspections of land within their respective localities.
2. The contents of inspections of land shall comprise:
 - (a) Inspections of State administration of land by people's committees at all levels;
 - (b) Inspections of compliance with the laws on land by land users and by other organizations and individuals.
3. The Land Inspectorate shall have the following duties:
 - (a) To inspect compliance with the laws on land by State bodies and land users with respect to the administration and use of land;
 - (b) To detect and prevent breaches of the laws on land; and to deal with such breaches in accordance with its authority or recommend that the competent State body do so.
4. The Government shall provide regulations on the organization and operation of the specialist inspectorate for land.

Article 133 *Powers and responsibilities of land inspection groups and inspectors*

1. When land inspection groups and inspectors conduct inspections of land, they shall have the following powers:
 - (a) To require State bodies, land users and other entities concerned to provide necessary data and explanations of issues for the inspection;
 - (b) To make decisions on temporary suspension of the use of any part of land when such use is illegal, to bear responsibility for such decisions and to report immediately to the competent State body for the latter to make a decision dealing with the breach;
 - (c) To deal with breaches of the laws on land in accordance with their authority, or to recommend that the competent State body do so;
 - (d) Other rights as stipulated by the laws on inspection.
2. When land inspection groups and inspectors conduct inspections of land, they shall have the following responsibilities:
 - (a) To present the inspection decision and their inspector cards to the entities being inspected;
 - (b) To exercise their respective functions and duties and to carry out the order and procedures for an inspection in accordance with law;
 - (c) To be responsible before the law for their conclusions and decisions;
 - (d) To undertake other responsibilities in accordance with the laws on inspection.

Article 134 *Rights and obligations of entities subject to inspection*

1. Entities subject to inspection shall have the following rights:
 - (a) To request inspection groups and inspectors who are exercising their official duties to explain the requirements of the inspections;
 - (b) To provide explanations during the inspection and to participate by offering their opinion on the conclusion of the inspection; and if they disagree with the conclusion of the inspection or a decision dealing with a breach of law made by the Land Inspectorate, to lodge a complaint with the competent State body in accordance with the laws on complaints and denunciations;

- (c) To lodge a denunciation with the competent State body if an inspection group or an inspector infringes the lawful interests of the entity subject to inspection or the lawful interests of the State or lawful rights and interests of organizations and individuals;
 - (d) Other rights as stipulated by the laws on inspection.
2. Entities subject to inspection shall have the following obligations:
- (a) Not to hinder or cause difficulties for an inspection group or an inspector who is carrying out its, his or her duties;
 - (b) To provide documents and explanations of issues relevant to the content of a land inspection; to comply with decisions of an inspection group or inspector in the course of an inspection and with the decision of any competent State body at the end of an inspection;
 - (d) Other obligations as stipulated by the laws on inspection.

SECTION 2

Resolution of Disputes, Complaints and Denunciations about Land

Article 135 *Conciliation of land disputes*

1. The State encourages parties to a land dispute to conciliate by themselves or to resolve the land dispute by conciliation at the grass-roots level.
2. Land disputes which the parties are not able to resolve by conciliation shall be referred to the people's committee of the commune, ward or township where the land is situated.

People's committees of communes, wards and townships shall be responsible to co-ordinate with the Vietnam Fatherland Front, its member organizations and other social organizations in order to conciliate land disputes.

The time-limit for conciliation shall be thirty (30) working days from the date of receipt of an application by a people's committee of a commune, ward or township.

The result of a conciliation of a land dispute must be minuted and the minutes shall be signed by the parties to the dispute and verified by the people's committee of the commune, ward or township where the land is situated. If the result of the conciliation is different from the current land use status, the people's committee of the commune, ward or township shall forward the result of the conciliation to the competent State body for the latter to resolve it in accordance with the laws on administration of land.

Article 136 *Authority to resolve land disputes*

Where one or more parties concerned disagree with the conciliation of a land dispute at a people's committee of the commune, ward or township, the matter shall be resolved as follows:

1. With respect to a dispute over a land use right where a party concerned has a certificate of land use right or one of the types of documents stipulated in clauses 1, 2 and 5 of article 50 of this Law and the dispute is about assets attached to the land, it shall be resolved by a people's court.
2. With respect to a dispute about a land use right where the parties concerned do not have a certificate of land use right or one of the types of documents stipulated in clauses 1, 2 and 5 of article 50 of this Law, the dispute shall be resolved as follows:
 - (a) If one or more of the parties concerned disagree with the decision on resolution in the case of initial resolution by the chairman of the people's committee of a district, town or provincial city, they shall have the right to lodge a complaint with the chairman of the people's committee of the province or city under central authority for resolution; the decision of the chairman of the people's committee of the province or city under central authority shall be final.
 - (b) If one or more of the parties concerned disagree with the decision on resolution in the case of initial resolution by the chairman of the people's committee of a province or city under central authority, they shall have the right to lodge a complaint with the Minister of Natural Resources and Environment for resolution; the decision of the Minister of Natural Resources and Environment shall be final.

Article 137 *Resolution of land disputes involving administrative boundaries*

1. Land disputes involving administrative boundaries between administrative units shall be resolved by co-ordination between the people's committees responsible for such administrative units. If agreement is not able to be reached or if resolution of a dispute changes an administrative boundary, the jurisdiction shall be provided for as follows:
 - (a) The National Assembly shall resolve disputes involving boundaries of administrative units of provinces and cities under central authority.
 - (b) The Government shall resolve disputes involving boundaries of administrative units of districts, towns and provincial cities, and of communes, wards and townships.

2. The Ministry of Natural Resources and Environment; and the administrative bodies for land of provinces and cities under central authority, of districts, towns and provincial cities, and of communes, wards and townships shall be responsible to provide the necessary documents and to co-operate with the competent State body with jurisdiction to resolve land disputes involving administrative boundaries.

Article 138 *Resolution of complaints about land*

1. Land users shall have the right to lodge complaints about an administrative decision or about administrative acts during administration of land.
2. Complaints shall be resolved as follows:
 - (a) Where a complainant disagrees with the decision on resolution in the case of initial resolution of a complaint against an administrative decision or act involving land administration by the chairman of the people's committee of a district, town or provincial city, it shall have the right to institute proceedings with a people's court or to continue to complain to the chairman of the people's committee of the province or city under central authority. Where a complaint is lodged with the chairman of the people's committee of a province or city under central authority, the decision of the chairman of the people's committee of the province or city under central authority shall be final.
 - (b) Where a complainant disagrees with the decision on resolution in the case of initial resolution of a complaint against an administrative decision or act involving land administration by the chairman of the people's committee of a province or city under central authority, it shall have the right to institute proceedings with a people's court.
 - (c) The limitation period for lodging a complaint about an administrative or act involving land administration shall be thirty (30) days from the date of receipt of such administrative decision or the date of becoming aware of such administrative act. Where a complainant disagrees with the initial decision on resolution of the complaint, it shall have the right to complain to the competent State body or institute proceedings at a people's court within forty five (45) days from the date of receipt of such decision.
3. Complaints involving land which are resolved in accordance with the provisions of clause 2 of this article shall not include complaints about decisions on resolution of land disputes provided for in clause 2 of article 136 of this Law.

Article 139 *Resolution of denunciations involving land*

1. An individual shall have the right to denounce any breach of the laws on administration and use of land.
2. Resolution of denunciations about any breach of the laws on administration and use of land shall be implemented in accordance with the laws on complaints and denunciations.

SECTION 3

Dealing with Breaches**Article 140** *Dealing with persons in breach of laws on land*

Any person who encroaches on or illegally occupies land, fails to use land or uses land for an incorrect purpose, conducts an unauthorized conversion of land use purpose, destroys land, fails to perform or performs inadequately financial obligations, administrative procedures or decisions of the State involving land administration, assigns illegally land use right or commits other breaches of the laws on land shall, depending on the nature and seriousness of the breach, be subject to administrative penalty or criminal prosecution in accordance with law.

Any organization to which the State allocates land without collection of land use fees or which currently uses land with its land use right recognized by the State and is not required to convert to the form of land lease or pay land use fees, but which lets its land be encroached on, illegally occupied or lost² shall pay compensation for the value of the land use right of the area which is encroached on, illegally occupied or lost, and shall be dealt with in accordance with law.

The Government shall provide specific provisions on breaches of the laws on land and measures for administrative resolution.

Article 141 *Dealing with administrators who breach the laws on land*

Any person who abuses his or her position or power to breach the provisions of the laws with respect to allocation of land, lease of land, land recovery, conversion of land use purpose, transfer of land use rights, implementation of land use zoning or planning, determination of financial obligations regarding land, management of cadastral files, issuance of administrative decisions relating to land administration; or who does not exercise adequate responsibility during administration leading to a breach of the laws on land or conducts other acts causing damage to land resources or rights and obligations of land users shall, depending on the nature and seriousness of the breach, be subject to disciplinary action or criminal prosecution in accordance with law.

2 *Allens Arthur Robinson Note: This is the literal translation.*

Article 142 *Dealing with breaches of laws on land causing loss to the State and other persons*

Any person who acts in breach of the laws on land and causes loss to the State or to others shall, in addition to being dealt with pursuant to articles 140 and 141 of this Law, be required to pay compensation for the amount of actual loss suffered by the State or others.

Article 143 *Responsibilities of chairmen of people's committees at all levels with respect to detection and prevention of and dealing with breaches of laws on land administration and land use*

1. Chairmen of people's committees at all levels shall be responsible to detect, prevent and deal with breaches of the laws on land administration and land use within their respective localities in a timely manner.
2. Chairmen of people's committees of communes, wards and townships shall be responsible to detect and prevent any illegal transfers of land use rights or any illegal conversion of land use purpose within their respective localities in a timely manner; and to detect and take measures to prevent the construction of buildings on land which has been encroached on or illegally occupied or land which is used for the incorrect purpose within their respective localities in a timely manner, and to compel the wrongdoer to restore the land to its original state prior to the breach.

Article 144 *Dealing with responsibilities of heads, State employees and officials of administrative bodies for land at all levels and land administration officers of communes, wards and townships in breach of orders for carrying out administrative procedures*

1. Any organization or individual discovering that a State employee or officer of any level administrative body for land or a land administration officer of a commune, ward or township is in breach of the provisions on order, procedures or time-limits for land allocation, lease or recovery, for permission for conversion of land use purpose, for exercise of rights of land users, or for issuance of certificates of land use right shall have the right to lodge a recommendation to the authorized person as follows:
 - (a) A recommendation regarding a land administration officer of a commune, ward or township shall be made to the chairman of the people's committee of the commune, ward or township.
 - (b) A recommendation regarding a State employee or officer of any one administrative body for land at any level shall be made to the head of that same administrative body for land.

- (c) A recommendation regarding the head of an administrative body for land shall be made to the chairman of the same level people's committee.
2. Within a time-limit of fifteen (15) working days from the date of receipt of a recommendation, the chairman of the people's committee or the head of the administrative body for land stipulated in clause 1 of this article shall be responsible to consider the recommendation and to resolve it, and to notify the person making the recommendation.

CHAPTER VII

Implementing Provisions

Article 145 *Effectiveness*

This Law shall be of full force and effect as of 1 July 2004.

This Law shall replace the 1993 *Law on Land*; the 1998 *Law on Amendment of and Addition to a Number of Articles of the Law on Land*; and the 2001 *Law on Amendment of and Addition to a Number of Articles of the Law on Land*.

The 1994 *Ordinance on Rights and Obligations of Foreign Organizations and Individuals Leasing Land in Vietnam* shall be repealed.

Article 146 *Implementing guidelines*

1. The Government shall provide regulations on the time-limit for completing issuance of certificates of land use right to current land users nationwide. Within such time-limit, the land users which have one of the types of documents of land use right stipulated in clauses 1, 2 and 5 of article 50 of this Law but which have not yet been issued a certificate of land use right shall also be entitled to exercise all of the rights of a land user as stipulated in this Law.
2. The Government shall provide detailed regulations and guidelines for implementation of this Law.

This Law was passed by Legislature XI of the National Assembly of the Socialist Republic of Vietnam at its 4th session on 26 November 2003.

The Chairman of the National Assembly

NGUYEN VAN AN